

External Complaints

Category:	Procurement	Policy Number:	PRO400.4
Reviewer:	Chief Procurement Officer and General Counsel	Revision:	005
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1. Purpose

- 1.1 Complaints and compliments provide unique information about the quality of an organisation's service to its customers and those with whom it transacts with on a day-to-day basis.
- 1.2 Management of a complaint provides the opportunity for complainants to have their issues resolved effectively and ensures that any identified risks associated with the complaint are managed appropriately with action taken to minimise or eliminate those risks. The purpose of this procedure is to ensure that:
 - a. all complaints are addressed effectively and in a consistent and just manner; and
 - b. the information gathered through complaints is used to continually improve HSV's policies and procedures.
- 1.3 This Procedure applies to all complaints regarding HealthShare Victoria (HSV) except:
 - a. Public Interest Disclosures under the Public Interest Disclosures Act 2012 (Vic) (refer to PRO140.2 Public Interest Disclosure Procedure);
 - b. Reports or allegations of suspected fraud or corruption (refer to PRO110.3 Fraud and Corruption Control Procedure); and
 - c. Internal grievances and complaints of discrimination, harassment, bullying, vilification or victimisation (refer to PRO200.7 Complaint Resolution Procedure).

2. Principles

- 2.1 This Procedure is underpinned by the following guiding principles:
 - a. Participants in HSV's processes are encouraged and enabled to provide feedback about those processes, including complaints;
 - b. Fairness and equity are imparted to both a Complainant and to any HSV personnel to which the complaint relates;
 - c. All complaints are acknowledged and responded to promptly and sensitively;
 - d. Complaints are assessed and, where appropriate, investigated appropriately;
 - e. Complaints are dealt with in a manner that is effective, complete, fair to all parties and directed toward providing just outcomes;
 - f. Complaints are reported to the HSV Board and Finance Audit and Risk Management Committee (FARMC) as appropriate, while taking care to protect privacy and confidentiality; and
 - g. Complaints are recorded to enable review of individual cases, to identify trends and inform risk.

3. Definitions

Complaint	<p>For the purpose of this Procedure, a 'complaint' is defined as any expression of dissatisfaction received from an interested party in HSV official processes, either initially made verbally, but in any event confirmed in writing, about any action related to HSV's procedures and decisions in the course of performing its statutory functions, where the Complainant is seeking a specific resolution that requires action to be taken by HSV to address the complaint.</p> <p>A 'complaint' under this procedure excludes any expressions of dissatisfaction, concerns or complaints received which should be referred to the responsible managing party (as these are not within the control of HSV) in respect to:</p> <ul style="list-style-type: none"> • Government policies and/or legislation outside the control of and not the responsibility of HSV; • A complaint covered by or relating to other formal Procedures of HSV, including but not limited to Public Interest Disclosures, Privacy (Management of Personal Information) Freedom of Information, Human Resources Complaint Resolution, Performance Management, Equal Opportunity or other Public Service Human Resource Management Standards.
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	<ul style="list-style-type: none"> An HSV contract by the contract counterparty, which are to be resolved in accordance with the dispute resolution provisions of the contract. A concern in relation to conduct by an entity other than HSV.
Complainant	means any Entity, who makes a complaint to HSV as specified in this Procedure.
Complaints Delegate	means the HSV officer delegated with the authority by the Chief Executive to review and manage complaints and determine the appropriate outcome.
Entity	means a natural person, corporation, statutory corporation, Government authority or any other organisation and includes health services and suppliers of goods and/or services (whether a HSV contract counterparty or not).
HSV	means HealthShare Victoria, also known as Health Purchasing Victoria, established pursuant to section 129 of the <i>Health Services Act 1988 (Vic)</i> .
HSV Purchasing Policy	means any policy mandated by HSV pursuant to section 134 of the <i>Health Services Act 1988 (Vic)</i> and which has been published in the Victorian Government Gazette.
Mandated Health Services Provider	means all public hospitals and health services listed in Schedule 1 and 5 of the <i>Health Services Act 1988 (Vic)</i> .

4. Accountability, role & responsibilities

- 4.1 The HSV Board delegates responsibility for managing complaints to the Chief Executive.
- 4.2 The Chief Executive may delegate the management of complaints to the Complaints Delegate, who may utilise external resources for investigation of a complaint.
- 4.3 HSV Executives must ensure that this Procedure is implemented within their respective areas of responsibility and authority.
- 4.4 If the complaint relates to the Complaints Delegate's Directorate, the Chief Executive will delegate the management (including investigation and decision making) of the complaint to an alternate.

5. Complaints Register

- 5.1 The Complaints Delegate is responsible for ensuring that a register of complaints is maintained. A Complaints Report shall be presented to the Board at least twice a year. The Complaints report will provide information to the Board about each complaint, the investigations, the outcomes and corrective actions.

6. Complaint Management Process

6.1 Complaints will be managed generally in accordance with the following process:



6.2 Receipt and Recording of Complaints

- a. In the first instance when a complaint is received, Complainants should be encouraged to resolve their complaint through the relevant HSV officer immediately responsible for the management of the issue about which the complaint is made.
- b. Some complaints originate as a telephone call and these can sometimes be resolved easily and informally, with more information being provided to improve the complainant's understanding of processes. In such cases, direct contact is the most effective and appropriate response.
- c. Where immediate and informal resolution does not occur, complainants are to be advised to submit a written complaint to complaints@healthsharevic.org.au. Assistance with information regarding relevant contact details should be offered.
- d. All written complaints received by HSV are to be directed to the General Counsel for recording on the Complaints Register and ensuring that the Complaints Delegate receives a copy of the complaint and any additional information provided by the complainant.

6.3 Assessing Complaints

- a. The Complaints Delegate will acknowledge the complaint within 5 (five) business days and will proceed to analyse the information provided in order to classify the complaint, determine an appropriate course of action and explore whether resolution at this initial assessment phase is possible.
- b. During this phase, the Complaints Delegate may:
 - i. initially refer the complaint to the relevant HSV Team to attempt to resolve the matter directly with the Complainant;
 - ii. determine that further investigation is required;
 - iii. refer the matter to an external agency; or
 - iv. dismiss the complaint where it lacks prima facie substance, is otherwise vexatious or is misplaced (for instance where the complaint relates entirely to an Entity other than HSV or its officers and ought to have been lodged with another Entity). The Complainant is to be formally advised of this decision.

6.4 Investigating Complaints

- a. The Complaints Delegate will review the circumstances surrounding the complaint and, where necessary or appropriate in light of the complexity or risk presented by the complaint, will cause the complaint to be investigated. The investigation may be performed by an internal or external resource.

- b. The Complaints Delegate or investigator may require additional information to determine the facts and any issues in dispute in order to complete the review or investigation. The investigator will request any additional information or evidence from the Complainant.
- c. Where the Complainant is unable or unwilling to provide this information or evidence, the Complaints Delegate may not be able to complete the review or make a determination and may be required to dismiss the complaint or make a finding that the complaint has not been substantiated.

6.5 Determining Complaint Outcomes

- a. In determining the outcome of the complaint, the Complaints Delegate will:
 - i. act fairly and reasonably;
 - ii. maintain confidentiality as far as practical and restrict disclosure of information surrounding the complaint, however investigation and resolution of complaints may at times require or involve the disclosure of certain information;
 - iii. seek to obtain and consider any relevant information and evidence in the decision-making process; and
 - iv. act in a timely manner and without undue delay.
- b. The Complaints Delegate will aim to resolve the complaint within 20 business days from the date of acknowledgement of complaint. However, additional time may be required where the matter is complex and/or further investigation is required, and the Complainant will be advised of the timing involved within the 20 business day period if required.

6.6 Communicating Complaint Outcomes

- a. The Complaints Delegate will notify the Complainant and any HSV stakeholders of the outcome and where applicable, any further steps that HSV will take in response to the Complaint.
- b. Where the Complaint is not upheld or found to lack substantiation, the Complaints Delegate will provide the Complainant with reasons for the decision and advised of any available review options.
- c. If a Complainant is not satisfied with the outcome of a complaint investigation or determination undertaken by the Complaints Delegate, they may submit a written request to the CEO for a review of the decision.
- d. Where applicable, a Complainant will be advised of external reporting avenues such as to the Victorian Police, the Independent Broad-based Anti-corruption Commission (IBAC).

6.7 Corrective Actions

- a. The Complaints Delegate or investigator may recommend corrective actions to:
 - i. eliminate or mitigate current risks; and
 - ii. reduce the likelihood of future similar incidents the subject of the complaint.
- b. Corrective actions are to be implemented within a particular time and monitored at a particular frequency rate depending on the severity of the risk that the corrective action aims to address.

6.8 Reporting Complaints

- a. The Complaints Delegate shall provide reports on the status of Complaints to the Chief Executive on a quarterly basis. The Chief Executive shall advise the Board Chair about material Complaints.
- b. Material Complaint statistics shall be published in the HSV annual report. Complaints published in the annual report shall be de-identified.

7. Complaints Regarding Health Services

- 7.1 Where the Complaint relates to the procurement functions of a Mandated Health Service Provider and does not relate to conduct by HSV or its personnel, the Complaint should be lodged with a Mandated Health Service Provider's Chief Procurement Officer and managed in accordance with HSV Purchasing Policy 1 – Governance.
- 7.2 If a Complainant is not satisfied with the management of the complaint by the Mandated Health Service Provider or its application of the HSV Purchasing Policies, they may refer the complaint to HSV for review, including the following additional information:
 - a. any evidence that the Mandated Health Service Provider did not appropriately manage the complaint or correctly apply HSV Purchasing Policies in relation to a procurement activity;
 - b. a copy of all relevant correspondence between the Complainant and the Mandated Health Service Provider in relation to the nature of the complaint; and
 - c. any additional material requested by HSV to assist it in its review.
- 7.3 Following HSV's review of the complaint, HSV:

- a. will notify the Mandated Health Service Provider and Complainant of its findings and any further action it intends to take in relation to the matter;
- b. may require an audit of the Mandated Health Service Provider's application of HSV Purchasing Policies in relation to the procurement activity;
- c. may inform the Minister of Health of its review of the complaint and recommend appropriate further action; and
- d. may note the outcome of a review in relation to any complaint in the annual report to Parliament.

8. Anonymous Complaints

- 8.1 Complaints may be made to HSV on an anonymous basis and HSV will take reasonable measures to assess and investigate such complaints. However proper assessment and investigation may not be practical where the anonymity of the complaint prevents the gathering of information or evidence essential to the determination of the issues in dispute.

9. Lodging Complaints

- 9.1 Complaints may be submitted as follows:
- a. Electronically to: complaints@healthsharevic.org.au
 - b. By post or by hand to:
Chief Executive
HealthShare Victoria
Level 11, 50 Lonsdale Street
Melbourne, Victoria, 3000

10. Related Documents

- 10.1 POL100 Delegations of Authority Instrument
- 10.2 POL400 Procurement Policy
- 10.3 POL501 HealthShare Victoria Purchasing Policy 1 – Governance
- 10.4 PRO110.3 Fraud and Corruption Control Procedure
- 10.5 PRO140.2 Public Interest Disclosure Procedure
- 10.6 PRO200.7 Complaint Resolution Procedure

11. References

- 11.1 *Health Services Act 1988 (Vic)*

Appendix A Complaint Management Process

