

MUSEUMS VICTORIA STANDARD OPERATING PROCEDURE

Complaints Management Procedure

Date of Approval: Feb 2022

Due for Review Feb 2024

RESPONSIBLE OFFICERS

Head of Finance

Arbitrates on financial aspects of the procedure.

UNDERLYING POLICIES

Museums Victoria: Procurement Policy

Museums Victoria: Financial Staff Management and Operating Delegations

Museums Victoria: Financial Management Policy (Code of Practice)

Museums Victoria: Employee Code of Conduct

Museums Victoria: Privacy Policy

Museums Victoria Social Procurement Plan

RELATED PROCEDURES

Museums Victoria: Standard Operating Procedure - Procurement Probity

Museums Victoria: Probity Procedure

Museums Victoria: Procurement Procedures

1. Purpose

Museums Victoria (MV) is bound by the Victorian Government Procurement Board Governance Policy. Complaints Management is part of Section 3 of the Victorian Government Purchasing Board's (VGPB) Governance Policy.

Effective handling of complaints demonstrates that MV places a high level of importance on how we conduct procurement and how we interact with the market.

A complaints management system gives a supplier involved in a procurement activity, or an agent acting in the supplier's interests, mechanisms to raise concerns about how MV manages a procurement activity.

Complaints will be handled in a consistent, fair and transparent manner to maintain high standards of probity. Complaints will ideally be resolved to the satisfaction of both parties within MV. Escalating complaints to outside parties can result in added costs and delays in delivering procurement activities and a resolution for all parties involved.

Note: The complaint must relate to a procurement process issue. Matters of improper conduct, corruption or fraud etc., are to be dealt with under other channels.

2. Complaints management system

This complaints management system sets out the process and procedures to be followed by MV when addressing a complaint.

An effective complaints management system will:

- incorporate complaints management into MV's governance framework;
- allocate responsibility to parties in MV for managing complaints;
- provide publicly accessible information on how MV assesses complaints and the process for lodging complaints (format, extent of information required, where to lodge, contact details, the range of outcomes available to the organisation, etc.);
- ensure fair and transparent investigation;
- keep the complainant informed about the timeframes for managing the complaint (Figure 1);
- provide the complainant with a response outlining MV's findings and grounds for further action if required;
- provide grounds and avenues for escalating the matter for further review, and refer to other government bodies that may be able to assist (for example, DJPR <https://djpr.vic.gov.au/about-us/overview/tenders-quotes-contracts/procurement-complaint-management-procedure>).

When investigating a complaint, the person managing the complaint needs appropriate knowledge of procurement policies and relevant processes to demonstrate impartiality. They must not be directly involved in the subject matter of the complaint.

1.1 Where the complainant has an issue regarding MV's due process in the quotation or tender process:

- (i) Complainant complains in writing (via email or letter) to the MV contact person identified in the quotation or tender document.
- (ii) The MV contact person will acknowledge the complaint within 5 (five) working days, indicating:
 - Contact person
 - The process to be undertaken by MV in investigating the matter
 - Anticipated timeline to address the matter.

1.2 Where the complainant has an issue regarding improper conduct, corruption or fraud.

Any complaint about the Invitation Process must be submitted in writing to the Project Manager/contact person identified in the RFQ/RFT by the means set out in the RFQ or RFT documentation immediately upon the cause of the complaint arising or becoming known to the Invitee. The written complaint must set out:

- (a) *the basis for the complaint (specifying the issues involved);*
- (b) *how the subject of the complaint (and the specific issues) affects the person or organisation making the complaint;*
- (c) *any relevant background information; and*
- (d) *the outcome desired by the person or organisation making the complaint.*

Any complaint submitted to the Project Manager that relates to the conduct or performance of the Project Manager or how the Project Manager has handled the Invitation Process must also be copied to the Alternate Contact listed in the invitation documentation. If no alternate contact is identified in the invitation document, the complaint may be copied to the Senior Purchasing Officer purchasing@museum.vic.gov.au

Complaints Process

The responsibility for managing the complaint lies with the MV officer who is seeking the Tender or Quotation (Project Manager)

1. Written complaint received by Project Manager
2. Project Manager acknowledges receipt of the complaint to the complainant - Within five working days.
3. Project Manager calls an urgent meeting of the selection panel, probity officer (Tender only) or Senior Procurement Officer (Quotations) within three working days. The session can be concurrent with step 2. [Where the complaint may need legal advice, the Project Manager should seek advice from MV Legal]. The Panel will assess the nature of the complaint and, if necessary, requests further information from the complainant or advice from other sources.
4. On receipt of any further information, the Panel will discuss, decide, and recommend resolution – within five working days.
5. The Project manager will seek approval of the panel recommendation from the relevant Director in writing – within two working days.
6. The Director will seek any clarification required and make their decision – within two working days.
7. The Project manager will advise the complainant in writing of the Panel decision and any recommended actions – within two working days and give the complainant five working days to advise their agreement or re-issue their complaint and reasons for not accepting the decision.
8. If the complainant agrees with the decision, the Project Manager will file all correspondence and documentation in MV Records and advise the Panel members of the decision.

9. If the complainant disagrees with the decision, the Project Manager will escalate to the MV Chief Procurement Officer (Chief Operating Officer).
10. The Chief Operating Officer will investigate and advise the Project Manager of their decision and any recommended action in writing within three working days.
11. The Project Manager will advise the complainant of the decision within two working days and give the complainant five working days to advise their agreement.
12. Should the complainant disagree with the decision, they may re-issue their complaint and reasons for not accepting the decision to the Victorian Government Purchasing Board.
13. Within five working days, MV informs the VGPB of any complaint that could not be resolved to the satisfaction of both parties. This simply provides advance notice to the VGPB that a complaint may be referred to it by the supplier involved.

Referring a complaint to the VGPB for review

A complainant can refer a complaint to the VGPB for review if not satisfied with the findings and actions of MV. The complaint could be related to the management of the complaint or the application of supply policies.

Complaints submitted to the VGPB must be lodged by letter or email within ten working days of the receipt of the findings by the organisation to:

The Chair
Victorian Government Purchasing Board
Department of Treasury and Finance
GPO Box 4379
MELBOURNE VIC 3001

Or emailed to vgpb@dtf.vic.gov.au .

The complainant must provide the following material:

- evidence that the organisation did not correctly apply supply policies in relation to a procurement activity
- evidence that the organisation's complaints management procedures were not applied correctly
- a copy of all relevant correspondence between the complainant and MV in relation to the nature of the complaint
- any additional material requested by the VGPB to assist it in its findings

The VGPB:

- will inform MV and complainant of its findings and any further action it intends to take concerning the matter
- can require the accountable officer to audit its application of supply policies concerning the procurement activity
- can inform the Minister of its review of a complaint and advise the Minister of further action that could be taken
- note the outcome of a review concerning any complaint in its annual report to Parliament.

Figure 1: Schedule of process and timelines for managing complaints:

