

Supplier Complaints Management Procedure

1. Scope

This procedures document sets out how the Centre receives and handles complaints made by suppliers about the process and probity applied by the Centre when carrying out procurement activity.

2. Complaints Management

The Centre's Internal Procurement Unit ('IPU') is responsible for the Centre's complaints management. Specifically, the IPU ensures that the Centre's complaints management process demonstrates due process and integrity.

The Flow Chart at Attachment A provides a high-level summary of the Centre's complaints management process and the timeframes for each step.

The Centre aims to resolve complaints to the satisfaction of all parties involved under the complaints management process.

3. Complaints Handling

i. Receiving complaints

The Centre receives complaints from potential suppliers and contracted suppliers if they have a complaint(s) concerning any of the following:

- the procurement process followed by the Centre; and/or
- the probity practice adopted by the Centre during its procurement activity.

Complainants wishing to complain about improper conduct, corrupt conduct or fraudulent activity must be made under other disclosure regimes. For example, the *Protected Disclosure Act 2012*.

All complaints can be submitted to the Centre's IPU by using the following contact details:

Internal Procurement Unit

Geelong Performing Arts Centre Trust (C/- Director Corporate Services)

81 Ryrie Street

Geelong VIC 3220

By email: ProcurementFeedback@geelongartscentre.org.au

The Centre requires all complaints to be formally submitted in writing prior to the commencement of any investigation. At a minimum, a complainant must provide the following information:

- their name and contact details;
- the procurement process or probity practice the complaint relates to;
- any supporting documentation that is relevant to the complaint;
- the outcome the complainant is seeking to achieve; and
- whether the complainant is contacting the Centre on behalf of another party.

The form at Attachment B may be used by complainants to assist them to lodge their complaint.

The IPU is responsible for recording the details of written complaints received by the Centre in a complaints register.

All information and documents received by the Centre from complainants will be handled in accordance with the *Public Records Act 1973* and the *Information Privacy Act 2000*.

The IPU will acknowledge receipt of a complaint within 5 business days of receiving that complaint. At this stage, the IPU will also notify the complainant whether they are required to supply more information to enable the Centre to properly investigate their complaint.

ii. **Appointment of investigation manager**

The Accountable Officer or IPU may appoint a suitably qualified investigation manager to investigate a complaint the Centre receives. The role of the investigation manager is to investigate a complaint and determine the most suitable outcome to resolve the complaint.

At a minimum, the investigation manager must:

- have appropriate knowledge of the Centre and VGPB procurement policy and process;
- not have been directly or indirectly involved in the subject matter of the complaint; and
- not have an actual or perceived conflict of interest in the subject matter of the complaint or with the person(s)/company making the complaint.

4. **Timely Resolution of Complaints**

The Centre aims to resolve complaints in a fair, transparent and timely manner. Within 20 business days, the Centre aims to investigate, determine an outcome, and provide its response to a complainant.

If the Centre requests further information from the complainant, the number of working days between the request for, and receipt of, additional information will be added to the number of business days the Centre has to resolve a complaint. In addition, the Centre may be required to engage external parties to assist in the investigation of a complaint. Any working days needed to engage an external party will be added to the number of business days the Centre will take to complete an investigation.

The IPU will notify a complainant if the Centre intends to extend the 20-business day investigation time frame and the length of that extension.

All investigation outcomes determined by the investigation manager must be approved by the IPU prior to the outcome being communicated to the complainant.

i. **Outcome options**

The investigation manager has the discretion to:

1. Decline a complaint in its entirety on the basis that:
 - a) a complainant fails to provide sufficient evidence to support their complaint; and
 - b) the Centre's findings do not reveal any failings in its procurement process or probity practice relevant to the complaint.
2. Decline a complaint in part on the basis that:
 - a) a complainant fails to provide sufficient evidence to support a part of their complaint; and
 - b) the Centre's findings reveal a partial failing in its procurement process or probity practice relevant to the complaint.
3. Accept the complaint in its entirety on the basis that:
 - a) a complainant provided sufficient evidence to support their complaint; and

- b) the Centre's findings reveal a total failing in its procurement process or probity practice relevant to the complaint.

The Centre will communicate its findings to the complaint and how it intends to resolve the complaint.

5. Referral of Complaints to the Victorian Government Purchasing Board

A complainant has the option to accept or reject the Centre's findings following the completion of a complaints investigation.

If a complainant accepts the Centre's findings and response, the matter will be closed.

If a complainant is not satisfied with the Centre's findings and/or its response, the complainant may refer the matter to the VGPB.

The IPU is responsible for recording the outcomes of all complaint investigations.

The IPU is responsible for informing the VGPB if any complaint could not be resolved to the satisfaction of all parties.

i. Referral of complaints to the VGPB

If a complainant wishes to refer their matter to the VGPB, it must do so within 10 business days of the complainant receiving the Centre's findings to:

The Chair

Victorian Government Purchasing Board

Department of Treasury and Finance

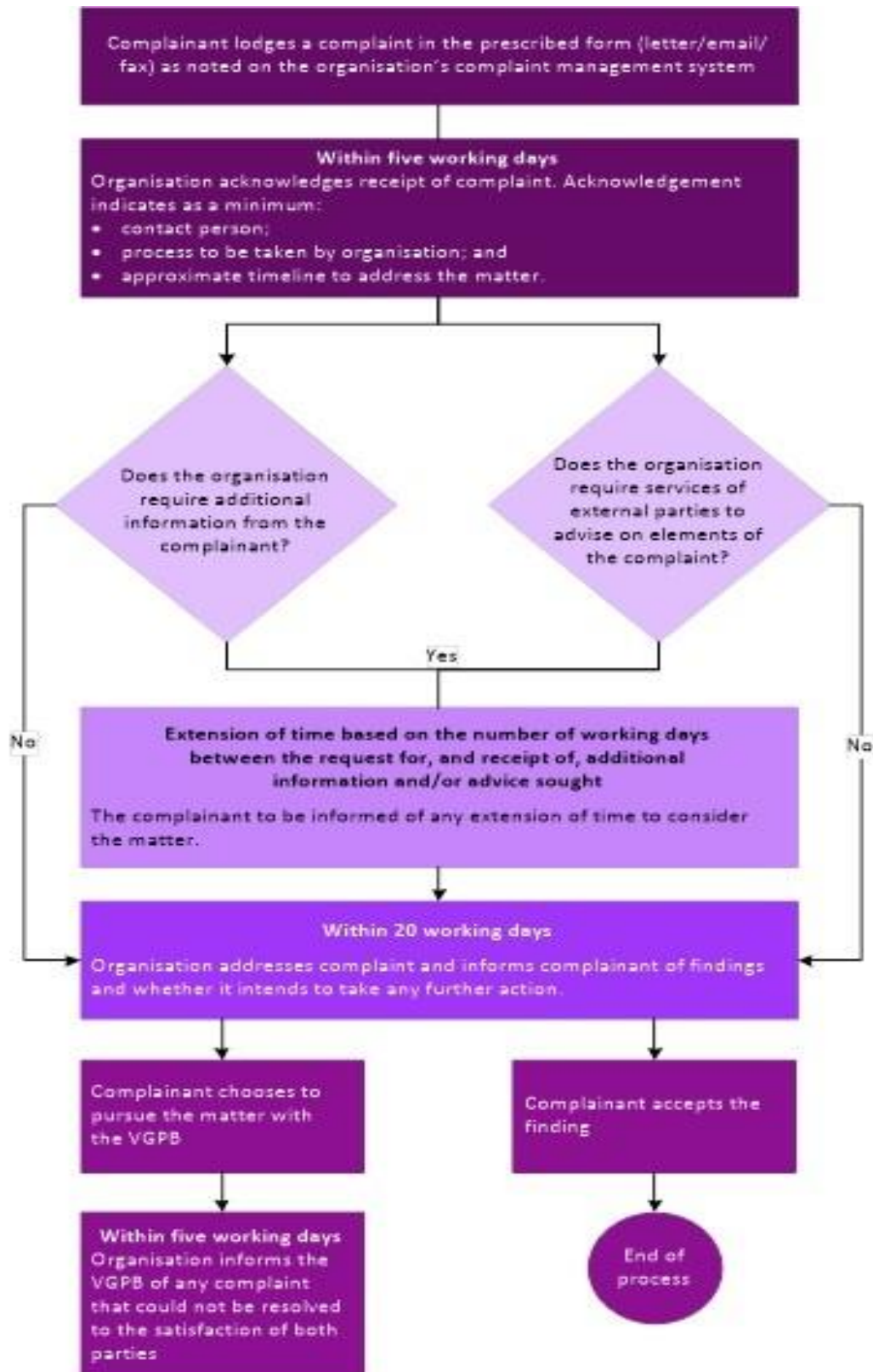
GPO Box 4379

MELBOURNE VIC 3001

The complainant must also provide the following material:

- Evidence that the Centre did not correctly apply supply policies in relation to a procurement activity;
- Evidence that the Centre's complaints management procedures were not applied correctly;
- A copy of all relevant correspondence between the complainant and the Centre in relation to the nature of the complaint; and
- Any additional material requested by the VGPB to assist in its findings.

Attachment 1: The Centre's Complaints Management System



Attachment B: Complaints Form

PROCUREMENT PROCESS COMPLAINT FORM

This form is to assist you in making a complaint about the procurement process or probity issue adopted by the Geelong Performing Arts Centre Trust (**'the Centre'**).

For the protection of everyone's privacy we can accept only complaints made by the person or company involved – or an authorised representative. Therefore, if you want to complain on behalf of another person or company, please provide a proof of your authority to do so.

To assist our staff, it is important that all the required information is legible. If more space is needed, please attach additional pages. Use of this form, however, is optional.

Collection Notice

We will use the information you provide on this form only to investigate and conciliate your complaint against the Centre. We will usually disclose the information you give us to those areas within the Centre that may have information relevant to your complaint. In the event of a challenge to a decision by this Centre, we may need to disclose this information to a review body or a court.

About You

Your details

Name: Mr/Mrs/Miss/Ms.....

Address:.....

.....Post code:.....

Telephone numbers: Home:.....Business:.....

Mobile..... Fax.....

Email address:.....

Please advise our office as soon as possible if any of your contact details change

Fill out this box if you are complaining on behalf of someone else

Name of that person.....

What is your relationship to that person?

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Please provide proof of your authorisation – i.e. a written authorisation by the individual wishing to make the complaint. Please submit it with this form.

What / who are you complaining about?

Please provide all the information that you think is relevant to your complaint.

I am complaining about the procurement concerning:

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What involvement did you have throughout the procurement process?

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If there are more Agencies/ individuals you are complaining about, please provide details on a separate page.

Your complaint

How do you believe that the Centre’s procurement process or probity practice affected you?

Please describe briefly how, in your view, the procurement process or probity practice is of concern to you.

What happened, **where** did it happen, **when** did it happen and **who** did it?

Please give us as many details as you can recall.

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What impact has this had on you?

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What outcome would you like to see from this complaint?

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Documents

Please give us copies (not the originals) of any documents that may help us to investigate your complaint (for example, any correspondence or records of conversations you have had with the area involved). Please submit these with the form.

Please sign and date this form.

Signature.....Date.....

Please send this completed form to:

Internal Procurement Unit

Geelong Performing Arts Centre Trust

81 Ryrie Street

Geelong VIC 3220

Email: ProcurementFeedback@geelongartscentre.org.au