

# Recruitment to Medical and Dental Specialty Training Complaints Policy and Procedures 2020

## 1. Our Policy

The recruitment and selection process to medical and dental training aims to have methods that are fair, transparent and free from discrimination. We publish our standards and requirements for postgraduate medical and dental training on our website, strive to comply with best practice and are regulated in this regard by the GMC.

In light of the Covid-19 pandemic, it has been necessary to make adaptations to the way that specialty recruitment is delivered. Decisions on how to deliver this have been approved by all four participating nations. Where *published processes or procedures* are mentioned, this refers to the processes that are being used to appoint applicants, even when it has been necessary to change these part way through the recruitment round.

Final decisions regarding complaints received will be made in accordance with the relevant MDRS and national policies, employment legislation and any other statutory requirements. The processes are delivered on our behalf by a number of local offices of Health Education England and the national offices of Wales, Scotland and Northern Ireland, as well as some colleges.

However hard we try to respond to the wishes and aspirations of the healthcare professionals accessing our recruitment services, we do recognise that, on occasion, our service may fall short of expectations. If you believe this has happened to you, you can use this complaints procedure, which tells you how to make a complaint and how it will be handled.

Your complaint, and all accompanying statements and records, will be kept confidential as far as is possible in facilitating a fair and thorough investigation. Whilst your privacy and confidentiality will be respected, this needs to be balanced with:

- The need for an open and fair investigation
- Appropriate remedial action to be taken
- The outcome of the investigation to be reported appropriately
- Action to be taken to improve our processes and quality of service.

Your complaint may therefore need to be shared with others who have been involved with the recruitment process and responsible for their design and delivery.

## 2. Scope of the policy

You can complain about how any of the offices have managed your recruitment application if you have evidence that:

- (a) published processes or procedures pertaining to the recruitment episode have not been followed correctly. Where published processes have changed partway through the recruitment round due to the Covid-19 pandemic, the revised process is the published process; or
- (b) the objectivity of decision making is called into question, which has a significant adverse effect for you/your application; or
- (c) you provided the correct requested documentation in order to meet a required published deadline, but the recruiting officer rejected your application at any stage because it stated that you did not meet that deadline; or

- (d) you submitted a Data Subject Access Request under the Data Protection Act that was not processed within the 40 day statutory limit.

### 3. Limits of the policy

MDRS excludes the following issues from its complaints process:

- (a) if you disagree with the principle or content of the recruitment process (including revised selection processes due to the Covid-19 pandemic), or its outcomes;
- (b) if you allege unfairness of practice and process but do not supply evidence to substantiate your allegation;
- (c) if you were judged not to have performed well enough to merit appointment to a training post purely on the basis of your score or rank in shortlisting, interview or other assessment and ranking methods used;
- (d) if you wish to appeal against any decisions the recruiting officer is obliged to take to remain within the appropriate legislative framework;
- (e) subject to Section 2, paragraph (c), if you have not followed national, local and MDRS guidance regarding timelines, provision of documentation, demonstrating eligibility criteria and accepting offers;
- (f) if you wish to complain about an operational issue that occurred on the day of your interview or assessment centre;

N.B If an issue happens on the day of your interview or assessment centre, you should speak to the Lay Chair or the senior manager on duty. These individuals can be identified either by the presentation displayed in the waiting area or by approaching any member of staff.

As a general rule, if a complaint or an appeal is upheld, then the results of the relevant assessment cannot be altered – though the outcome may be amended (e.g. someone with a low shortlisting score might be given an interview if a mistake in process can be demonstrated).

### 4. How do I make a complaint?

#### National Recruitment

Please write to the lead national recruitment office that you are applying to. A full list of lead organisations and specialties can be found on the Oriel portal ([www.oriel.nhs.uk](http://www.oriel.nhs.uk)). The lead recruiter will “own” your complaint and be a single point of contact. The leader recruitment will liaise with other recruiting organisations as required to manage your complaint.

#### Local Recruitment

For local recruitment please contact the HEE local office/Deanery managing the query. Contact details should be on each individual HEE local office/Deanery website.

You must:

- Start any letter with a subject line, or enter into the subject line of any email:
  - Complaint re: Recruitment to [specialty, post type and grade]
- Provide details of the stage of the recruitment cycle that the complaint relates. This will allow the lead recruiter to identify who they need to contact regards to the complaint.
  - Application
  - Long listing
  - Shortlisting
  - Interview/Assessment process
  - Offer

- Provide up to date contact details of your name, address and day time telephone contact number
- Provide full evidence to substantiate your complaint either within your letter / email or as an attachment.
- Evidence regarding an IT or electronic failure that prevented your application being submitted on time if your complaint is about a late application or submission of documentation,

The sooner you make your complaint, the easier it is to investigate, and the sooner we can put right any issues if we need to provide a remedy to you. For these reasons complaints must be submitted within thirty calendar days of the incident complained of. Please note that any complaint submitted after this deadline will not be reviewed by the recruiting officer unless there are highly extenuating circumstances.

**Please be aware that the complaints policy is not necessarily the appropriate pathway for candidates to raise urgent issues or queries regarding on-going operational issues that relate to a current recruitment episode. Candidates should raise such issues through recruiting office in the first instance.**

## **5. How we will manage your complaint**

### **Stage 1**

We will acknowledge your complaint within two working days of its receipt and give you a unique reference number which you need to quote in any subsequent correspondence.

### **Stage 2**

Within five working days of receipt of your complaint we will confirm whether your complaint falls within the scope of this policy. If there are particular requirements which you should have followed, but have not, or your evidence is based on the exemptions in stage 3, we will advise you that the subject matter of your complaint falls outside the scope of this complaints procedure.

We recognise that complaints vary in complexity, and in investigating them we may need information from people who are not employed by the recruiting office, or who work in distant offices. We aim to answer less complex complaints within twenty working days from receipt and will update you at this point as to the expected completion date for your complaint. For complex complaints that run beyond the twenty day resolution period, we will update you every ten working days as to the status of your complaint and an estimated completion date.

### **Stage 3**

A Senior Recruitment Officer, or equivalent, or a member of their team, will investigate your complaint and gather the facts relevant to the complaint, ensuring that the information gathered is accurate and complete. Their response will contain reasons for either upholding or rejecting your complaint. Where the recruiting office has upheld your complaint and proposes a remedy, a senior manager will contact you regarding this remedy. In addition, if the complaint is upheld, the action taken and the lessons learned or to be learned will be logged for future purposes.

## **6. Reviews**

If you are unhappy about the decision regarding your complaint, you can request a review of the decision within thirty calendar days of receiving our response to your complaint. You need to provide sufficient new evidence to the lead recruiter for the review. We cannot review a decision which you disagree with, when there is no new evidence to consider.

### **Stage 1**

We will acknowledge your request for a review within two working days of its receipt and give you a unique reference number which you need to quote in any subsequent correspondence.

## **Stage 2**

Within five working days we will confirm whether you have provided sufficient further evidence in order for it to be considered as part of a review.

If your review request can be considered, we will then prepare a case statement for review by a senior manager who was unconnected with the handling of the matter at the earlier stage. We aim to complete this review and provide you with a decision within twenty working days from receipt of your request.

Where your request for a review is complex and requires further consideration, we will advise you of this and a likely timescale for completion of the review. For complex reviews that run beyond the twenty day resolution period we will update you every ten working days as to the status of your review and an estimated completion date.

## **Stage 3**

A senior manager who is unconnected to the complaint will consider your request for a review, and the case statement which has been prepared for them, and respond to you with reasons for either upholding or rejecting your review. Where they have upheld your complaint and proposes a remedy, you will be contacted regarding this remedy.

## **7. Final Appeal**

If you are unhappy with the outcome of your review and you have further new evidence to submit, this should be forwarded to the national recruitment team by email ([hee.mdrs@nhs.net](mailto:hee.mdrs@nhs.net)), quoting the unique reference numbers from the initial complaint and the review.

The national recruitment team, on receipt of the new information, will assign a Clinical Adviser to review the evidence provided and make a final decision on whether or not to uphold the complaint.

The appeal stage is final. Applicants unhappy with the outcome have no further recourse.

## **8. Withdrawal of complaints**

You can withdraw your complaint at any time, by writing to the officer dealing with your complaint and quoting your reference number. Your complaint will then be closed permanently and therefore will not be re-opened.

## **9. Data retention**

In line with the recruiting offices data management policies for specialty recruitment related paperwork, all materials relating to complaints will be deleted twelve months after the date of a final decision being made regarding your complaint.