

Health Education England Wessex Guidelines on Appeals and Complaints

Appeals Guidance – please note that in respect of ARCP Appeals and Complaints, this document has been superseded by the ARCP Appeals & Complaints Guidance, dated March 2016 and the current Gold Guide 7th Edition. Guidance still stands in respect of all other appeals and complaints.

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Replaces: 2011 Wessex Deanery Recruitment Complaints Process

Groups consulted: Postgraduate Dean and Deputy, Business Manager, Recruitment Manager, Programme Managers

Equality Impact Assessment: reviewed with no changes 3/9/14

Approval by: Postgraduate Dean and Executive Team September 2014

Reviewed: January 2018

Next review: January 2021

1.1 Introduction

1.1 This document defines the principles governing the management of any appeals or complaints relating to educational processes for which HEE Wessex is directly responsible.

1.2 The processes governed by the following principles can include:-

- Recruitment
- Assessment of Training Progress
- Less Than Full Time Training
- Out of Programme Experience

1.3 Up to date national guidance e.g. Gold Guide (for specialty) or UK Foundation Programme Reference Guide (for Foundation Programme) on the process to be used will be implemented by HEE Wessex and is not affected by the following processes.

1.4 Where detailed national guidance is absent the principles in this document will guide any HEE Wessex appeal or complaint.

2.0 SCOPE

2.1 Appeals and Complaints, where specific local or national guidance does not exist, when an HEE Wessex process or outcome is questioned or challenged will be covered by the process outlined in section 3.0 below.

2.2 Responsibility for Appeals or Complaints about Employment Terms and Conditions rest with the employing body and are outside the scope of any HEE Wessex process.

2.3 HEE Wessex aims to resolve any complaint as quickly as possible minimising impact on any party involved.

2.4 Whenever possible the aim is to resolve any issue informally, but if a mutually satisfactory outcome cannot be achieved a formal process is available.

3.0 PROCESS

3.1 HEE Wessex appeals and complaints process is divided as follows:

- Informal process
- Formal process

3.2 HEE Wessex has the discretion to proceed directly to a formal stage 2 process.

3.3 Informal Process

3.3.1 An informal complaint or appeal against an HEE Wessex process or outcome should be raised in writing with the relevant Programme Manager within 10 working days of receipt of any decision about which the trainee is dissatisfied. The request for review must include any additional relevant evidence the trainee wishes to be considered.

3.3.2 A review of any challenged decision will occur facilitated by the relevant Programme Manager. This review will be carried out by the group who originally made the decision to reconsider whether it was appropriate. The outcome of this review will normally be communicated in writing to the complainant within 15 working days of receipt of the informal complaint.

3.4 Formal Process

3.4.1 A complainant can proceed directly to a formal complaint without pursuing the informal option or can subsequently lodge a formal complaint if not satisfied with the outcome of an informal process.

3.4.2 A formal complaint letter must be received by the relevant Programme Manager or Postgraduate Dean within 28 working days of a contested decision or written conclusion of an informal complaint process. The request for appeal should include any additional relevant material to support the case for appeal.

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3.4.3 All formal complaint letters will be acknowledged in writing within 3 working days and passed to the Postgraduate Dean (or deputy) and the HEE Wessex Business Manager.

3.4.4 There are 2 stages to the HEE Wessex formal complaints / appeals process. Those involved in an appeal process will not have played a part in the original decision or review.

STAGE ONE:

- The HEE Wessex Business Manager will ensure that the appropriate member of the HEE Wessex Business Team investigates the complaint and a written response is received by the complainant within 15 working days of receipt.

STAGE TWO:

- If complainants / appellants are not satisfied with the written response they may pursue stage 2 of the process.
- To initiate this, a further formal written request must be received by HEE Wessex within 7 working days of the response to the initial formal complaint.
- HEE Wessex will arrange a panel to consider the second stage complaint / appeal. The panel will consist of the following:-
 - Lay Advisor (Chair)
 - Postgraduate Dean or nominated deputy
 - Educator not involved in training of complainant / appellant
 - Trainee Representative
- A note-taker will be provided to keep an accurate record of the proceedings.
- Both parties statement of case must be available to be given to the other party at least 5 working days before the hearing.
- The trainee has the right to be represented by a friend, colleague or representative from a professional body. Any representatives need to be aware that the appeal is not a formal legal process and the panel govern the procedure.

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- An agenda will be produced prior to the meeting to allow appropriate time for presentation of the case by the trainee and HEE Wessex.
- An opportunity for questioning on issues of fact, via the Chair, will be included in the agenda and adjournment requests can be made.
- The decision of the panel will be confirmed in writing within 5 working days of the hearing.
- The decision of the panel is final.

4.0 MONITORING

- 4.1 All formal complaints will be recorded on a central log and a summary reviewed annually by the HEE Wessex Senior Team to identify any lessons learned.