Recruitment to Medical and Dental Foundation and Specialty training posts

Complaints (Appeals) Procedure

Approved by the Deanery Executive: May 2010

To be reviewed: May 2011
Introduction

1. The Deanery recruitment and selection process to Training posts aims to be legal, fair, transparent and free from discrimination. Final decisions will be made in accordance with relevant Deanery and national policies, employment legislation and statutory procedures.

2. Your privacy and confidentiality will be respected, balanced with the need for an open and fair investigation and for the outcome of the investigation to be reported appropriately. Your complaint will need to be shared with others who have been involved with the recruitment and selection process, e.g. Deanery staff and interview panel members. The intention is both to protect your privacy and to protect those involved with the complaints.

3. Responsibility for employment rests with employing bodies, usually NHS Trusts/dental practices or other health organisations. Whilst employers are involved in the selection process and have agreed to its use for appointing trainees who will become employees in their health organisations, they are not responsible or accountable for the selection process itself. Consequently, if an applicant is selected and offered a placement on a training programme, the employing body ultimately has the right not to offer employment but must be able to offer robust reasons for failing to do so.

4. It is inevitable that some applicants will be disappointed by the outcome of the recruitment and selection process, as it is a highly competitive one. Nevertheless we recognise that during such a process with tight deadlines and high volume, that sometimes errors or failings can occur in process or procedure or in the way decisions are made. This complaints procedure provides a mechanism through which complaints can be investigated, responded to and, where necessary, provided with a remedy.

5. We recognise that an effective complaints process needs to encompass provision for a timely remedy, where errors or failings have occurred. For this reason we need you to:

   a) Provide full details and appropriate evidence when making your complaint;
   b) Make your complaint in a timely manner.

What can I complain about?

6. There are two grounds for complaint:

   a) You have evidence that you complied with the requirements of the recruitment and selection process in submitting or attempting to submit your application or other documents and you consequently dispute the Deanery’s view that you failed to meet the deadlines or comply with other published requirements;

   OR

   b) You have evidence that processes or procedures have not been followed fairly, or the objectivity of decisions is called into question resulting in a major adverse effect.

Your responsibilities

7. You must follow the Deanery rules about recruitment. We cannot register and investigate a complaint if you have not followed the rules which have been communicated at various stages throughout the recruitment process:

   a) Provide a reliable email address;
   b) Submit your fully completed application form before the deadline. Late applications cannot be accepted;
c) Fulfil eligibility criteria as outlined in the person specification;
d) Provide promptly appropriate documentation for any eligibility checks;
e) Provide promptly any requested documentation, such as allocation preferences within Deanery deadlines.
f) What is excluded from the complaints process?

8. Recruitment is highly competitive and operates within tight time constraints. Therefore you cannot register a complaint because you:

   a) Have not followed the rules in paragraph 7;
   b) Disagree with the principle of the process, judgements or outcomes that have been made by the long listing or interview panels;
   c) Allege unfairness of practice and process but do not supply evidence to substantiate your allegation;
   d) Were judged insufficiently strong to merit competitive appointment to a training post: making a direct inference of bias on the basis of your ranking in interview;
   e) Wish to appeal against any decisions the Deanery is obliged to take to remain within appropriate employment law and procedures.

Complaints procedure

9. The Deanery aims to resolve issues at the lowest possible level. Therefore you should raise issues as early as possible.

10. If you have a complaint about the recruitment and selection process after being longlisted, but before your interview, you should try to communicate your complaint as soon as possible after the event.

11. If you have a complaint about issues which arise on the day of your interview for e.g. if you are concerned that your interview was not conducted fairly:

   a) You should raise this issue with the senior manager who is on duty at the interview venue and explain the evidence for your allegation. You should note his or her name at the time.
   b) The senior manager will note your issues and you will receive a response within 5 working days of the event.

12. With the exception of the circumstances described in paragraphs 10 & 11, where you are advised to communicate ideally within 5 working days of the event, you should submit your complaint to the relevant Dean (Medical, GP or Dental) within three weeks (15 working days) of the event about which you wish to complain. Delaying submission of your complaint is likely to compromise a thorough investigation and the possibility of a timely remedy.

   - Medical Dean for Medical Foundation and Specialty posts
   - GP Dean for GP training posts
   - Dental Dean for Dental training posts

13. You need to state your speciality and level, together with the heading ‘COMPLAINT’ in the subject line and provide full evidence to substantiate your complaint either within your email or as an attachment. If your complaint is about a late application or submission of documentation, you need to provide evidence about electronic or postal failure. If you do not provide this information, your complaint cannot be investigated.
14. With effect from the publication date of this procedure, the Deanery will acknowledge your complaint within **5 working days** or explain why it cannot be investigated as it falls within the criteria of paragraph 8.

15. The Deanery will appoint an Associate Dean who has had no prior involvement in the recruitment process for the specialty on which your complaint is based, to investigate and determine whether your complaint is upheld or not. We aim to investigate your complaint within **20 working days** of our acknowledgement and will write and explain the reasons to you if this is not possible.

16. Where the Deanery has upheld your complaint and proposes a remedy, the Associate Dean or a senior manager will contact you about this remedy.

**Appeals procedure**

17. If your complaint is not upheld, you may submit an Appeal to the Postgraduate Dean within **20 working days** of being sent the response to your complaint. You cannot appeal simply because you disagree with the earlier decision, restate your complaint in a similar way or provide evidence which was previously available but not disclosed.

18. The only grounds on which you can appeal are:

   a) New evidence has come to light, which was previously unavailable;
   b) There is evidence that the Deanery misunderstood, or did not consider your complaint fairly and fully.

19. You must provide evidence to substantiate the basis for your Appeal.

20. The Deanery will acknowledge your Appeal and advise whether you have provided sufficient grounds for the Appeals process within **10 working days** of its receipt. A Postgraduate Dean will review the documentation and will be selected on the basis that s/he has had no involvement with either the recruitment process to the specialty which forms the basis of your complaint, or the first stage of your complaint.

21. If your evidence is sufficient to meet the Appeals Process, the Postgraduate Dean, together with two advisers (one of whom will be an HR representative not previously involved with either the recruitment process to the specialty which forms the basis of your complaint, or the first stage of your complaint) will review the evidence provided and respond to you within twenty working days of the acknowledgement.

22. Where the Deanery has upheld your Appeal and proposes a remedy, the Postgraduate Dean or a senior manager will contact you about this remedy.

23. You can withdraw your complaint at any stage in the process, by writing to the relevant Dean (Medical, GP or Dental) stating the reference number you have been given, specialty and level of training. Your complaint will then be closed permanently and therefore will not be re-opened.