1) Introduction

This document sets out the Health Education Wessex process for complaints relating to recruitment into specialty training.

Operational responsibility for recruitment and selection into Wessex specialty training programmes rests with the postgraduate dean who is in turn accountable to the Wessex Local Education and Training Board.

Responsibility for employment rests with employing bodies, usually trusts 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.

If an applicant is selected and offered a placement on a training programme through Health Education Wessex recruitment process, the employing body ultimately has the right not to offer employment but must be able to offer robust reasons for failing to do so, taking into account existing employment legislation etc.

It is inevitable that some applicants will be disappointed by the outcome of the recruitment process, as it is a competitive process. A complaints procedure is an essential safeguard against any potential claims of unfairness and/or discrimination.

An effective complaints process needs to include provision for a timely remedy, where errors or failings have occurred. For this reason any individuals wishing to make a complaint must:

1. Provide full details and appropriate evidence when making the complaint

2. Make the complaint in a timely manner
Throughout the process the privacy and confidentiality of the complainant will be respected. It is important that an open and fair investigation takes place and for the outcome to be reported appropriately. The complaint will need to be shared with others who have been involved in the recruitment process. It is Health Education Wessex’s intention to protect the privacy and to protect all involved with the complaint.

2) **Summary Procedure**

- Informal complaints should be raised in writing with the relevant Programme Manager in the first instance.

- If you are not satisfied with the response or you believe the issue is more serious you may submit a formal complaint to the Recruitment and Workforce Manager.

- You will receive an acknowledgment of your letter within 2 working days of receipt and a response within 15 days.

- The Postgraduate Dean and Business Manager will be informed about all formal complaints and their resolution.

- If you are not satisfied with the outcome of the investigation you may submit an appeal in writing and will be invited to a panel hearing.

  - The decision of the panel hearing is final.
3) What can I complain about?

If the applicant simply disagrees with the principle of the process or the result of the panel interview, that is not sufficient for a complaint to be considered. Complaints will only be considered where the candidate has raised an issue concerning the way in which the process was carried out e.g. potential discrimination.

Therefore where processes or procedures have not been followed, or there is evidence of unfairness in how the process has been implemented, and the objectivity of decisions is called into question, applicants may request a review by an ‘investigating officer’.

The type of process or procedural failure that could give grounds for a complaint include:

- Extraneous factors, material or information were inappropriately taken into account during the shortlisting and selection process;
- There is evidence of prejudice, bias, or conflict of interest during the selection process.

4) Your Responsibilities

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

- Provide a reliable email address.
- Submit your fully completed application form before the deadline. Late applications will not be accepted.
• Fulfil eligibility criteria as outlined in the national person specification.

• Provide promptly any requested documentation, such as allocation preferences with Health Education Wessex deadlines.

• Respond to job offers within 48 hours or as directed by Health Education England Guidance, otherwise you will be deemed not to have accepted the job.

5) **What is excluded from the complaints process?**

Specialty recruitment is highly competitive and operates within the tight time constraints and to the guidance set by Health Education England. Therefore you cannot submit a complaint on the following grounds:

- If you have not followed the rules set out under ‘your responsibilities’.

- Disagreement with the principle of the process, judgments or outcomes that have been made by the shortlisting and interview panels.

- Alleging unfairness of practice and process but do not supply evidence to substantiate your allegation.

- Disagreement with any decisions, Health Education Wessex is obliged to take in accordance with appropriate employment law and procedures. This includes national recruitment procedures.
6) Complaints Procedure

Health Education Wessex aims to resolve complaints as quickly as possible and minimise the impact on all parties involved. Therefore you should raise issues as early as possible. Complaints can be submitted to Health Education Wessex either formally or informally.

Wherever possible complaints should be resolved informally. However if the complainant is not satisfied that the complaint has been resolved satisfactorily then the complainant should proceed to the formal process.

Informal process

You should raise your complaint with the relevant Programme Manager in the first instance. Where possible, complaints will be dealt with through a mediation process which will usually be facilitated by the Programme Director and Programme Manager.

The Programme Manager will make a record of the complaint on a central database outlining the nature of the complaint and the action taken to resolve the complaint.

Formal process

If the complainant wishes to make a formal complaint or if the complainant is not satisfied that the complaint has been resolved satisfactorily under the informal process s/he should write to the Recruitment and Workforce Manager.

If you do not write to the Recruitment and Workforce Manager your complaint cannot be investigated.

The complaint letter must be received within 28 days of the outcome of the recruitment decision being received by the candidate.
All letters and complaints from the BMA or from a solicitor on behalf of a trainee must be passed to the Recruitment and Workforce Manager. The letter/complaint will be acknowledged in writing within two working days and then passed to the Postgraduate Dean and Business Manager.

There are two stages to the complaints process:

**Stage one**

The Recruitment and Workforce Manager will investigate the complaint. The Postgraduate Dean (or deputy) will be informed but will not be involved with the investigation as he may be required to participate in the stage two process.

The complainant should receive a response to the complaint in writing within fifteen working days of the complaint having been received.

**Stage two**

If complainants are not satisfied that their complaint has been responded to adequately, they may subsequently pursue stage 2 of the process in order to have the process considered independently.

If the complainant wishes to go to a stage two complaint, a further formal written request must be received by Health Education Wessex within seven working days of the response to the initial complaint being received.

The Postgraduate Dean will arrange for a panel to consider the second stage complaint. The panel should consist of 4 panel members plus a note taker. These will be:

- Lay Advisor (Non Deanery Employee)
- The Postgraduate Dean (or nominated deputy),
All panel members will have received up to date training in equal opportunity in recruitment and selection. The panel should meet within thirty working days of the stage two complaint being lodged. No member of the panel should have been involved in the stage one process.

The panel will share all documentary evidence with the applicant at least five working days before to the panel meeting.

The panel will invite the applicant to attend a face to face panel hearing. The applicant has the right to be accompanied to this meeting.

The panel will inform the applicant of the outcome of its deliberations in writing as soon as they are available and normally within fifteen working days. This will be accompanied by the written record of the meeting.

The decision of the panel is final.

7) Introduction

The initial document was produced in October 2009 and is reviewed before each main recruitment round.