

# Recruitment to Medical and Dental Specialty Training

## Complaints Policy and Procedures 2022

### 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 General Medical Council or General Dental Council. Final decisions regarding complaints will be made in accordance with the relevant MDRS and national policies, employment legislation and any other statutory requirements.

Recruitment processes are delivered on our behalf by a number of local offices of Health Education and the national offices of Wales, Scotland and Northern Ireland.

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 the recruitment office have managed your application if you have evidence that:

- Published processes or procedures pertaining to the recruitment episode have not been followed correctly; **or**
- The objectivity of decision making is called into question, which has a significant adverse effect for you and/or your application; **or**
- You provided the correct requested documentation in order to meet a required published deadline, but the recruiting officer rejected your application stating that you did not meet the deadline

### 3. Limits of the Policy

MDRS excludes the following issues from its complaints process:

- If you disagree with the principle of the recruitment process e.g. use of digital processes rather than face to face recruitment
- If your complaint is not supported by any evidence to substantiate your allegation
- 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 or interview, **or** if you disagree with the outcome of the recruitment process, without evidence that published process has not been followed
- If you wish to appeal against any decisions the recruiting office is obliged to take to remain within the appropriate legislative framework e.g. requirement for registration with a regulatory body, right to work etc
- If your complaint relates to published timelines or guidance regarding the provision of documentation, demonstrating eligibility criteria and accepting offers that you have failed to follow
- If you wish to complain about an operational issue that occurred on the day of the interview/selection centre e.g. technical issue with an interview

**Please note:** Operational issues experienced on the day of the interview/selection centre should ideally be raised on the day, or as soon as possible thereafter. With interviews taking place digitally contacting the lead recruiter may be more problematic but to aid investigation of the issue, it is important that this is reported as soon as possible and **no later than 2 working days** after the interview.

### 4. Making a Complaint

This policy only covers national recruitment processes.

National recruitment processes are those that recruit for multiple regions and/or nations through a single recruitment process.

Recruitment that selects for a single region is a local recruitment process and is not covered by this policy.

**Complaints must be submitted within 30 calendar days of the incident that the complaint relates to happening.** Any complaint received after this deadline will not be reviewed by the recruitment team unless there are extenuating circumstances.

Due to the timelines associated with the complaints policy, ongoing operational issues that relate to an ongoing recruitment episode should be raised through the appropriate recruitment office in the first instance.

#### 4.1 Complaint Submission Form

Once applicants have confirmed that their complaint is in scope of this Complaints Policy, the *Complaint Submission Form* (appendix 1), available [here](#), should be completed, giving full details of the issue.

This should be sent, together with evidence in support of the complaint to the recruitment team responsible for the process that the complaint relates to. Contact details can be found [here](#).

## 5. Complaint Management

We recognise that complaints vary in complexity. At each stage of the process we will aim to complete investigations within 20 working days of confirmation that the complaint falls within the scope of the policy or confirmation that sufficient new evidence has been provided to allow a review of the decision.

For complex complaints, it may be necessary to source information from individual who are not employed by the recruiting office, or who work in distant offices. This may mean that the complaint cannot be fully investigated in the stated timeframe. Where this is the case, you will be contacted within ten working days to advise when the investigation is likely to be completed.

### 5.1 Stage One

The recruitment team will acknowledge receipt of your complaint within two working days, assigning you a unique complaint reference number.

Following an initial review of the submission, the recruitment team will contact you within a further five working days to confirm whether the complaint falls within the scope of the complaint policy.

A senior recruitment officer, or equivalent, or a member of their team, will investigate your complaint, gathering the facts and ensuring that information is accurate and complete.

Once the investigation is complete, you will be contacted, by email, with the outcome. The response will contain reasons for either upholding or rejecting your complaint.

Where the recruitment office upholds your complaint and proposes a remedy, a senior manager will contact you regarding this remedy. The action taken and the lessons learned will be logged for future purposes.

### 5.2 Stage Two

If you are unhappy with the outcome from Stage One of the process, you can **request a review within thirty calendar days** of receipt of the outcome.

When requesting a review, sufficient new evidence **must** be provided to the lead recruiter for review. Outcomes that you disagree with, where no new evidence is provided, **will not** be reviewed.

The recruitment team will acknowledge receipt of your complaint within two working days, assigning you a unique complaint review reference number.

Following review of the submission, the recruitment team will contact you within a further five working days to confirm whether sufficient new evidence has been provided to allow a review of the decision to take place.

If your request for review can be considered, a case statement will be prepared or review by a senior manager within the recruitment team, unconnected with the initial handling and investigation of the complaint.

A senior manager will consider your request for a review and the case statement that has been prepared and respond to you with the reasons for either upholding or rejecting your review.

Where your review is upheld and a remedy is proposed, you will be contacted directly regarding this remedy

### **5.3 Stage Three**

If you are unhappy with the outcome of the review and have further new evidence that can be provided, you can request a final review through the national Medical and Dental Recruitment and Selection (MDRS) team.

All previous evidence, including the initial *Complaint Submission Form* and the unique reference numbers should be sent to [mdrs.nationalrecruitment@hee.nhs.uk](mailto:mdrs.nationalrecruitment@hee.nhs.uk) requesting a final review. New evidence, that has not been reviewed at any previous stage of the complaint management process should be clearly identified.

The national team, on receipt of the evidence, will acknowledge the request within two working days.

Having reviewed the evidence submitted, the national team will confirm to you, within a further five working days, whether sufficient new evidence has been provided to allow a final review.

Where sufficient new evidence has been provided, a Clinical Adviser will be assigned to review the evidence and make a decision on whether to uphold or reject the complaint.

The outcome of the final review will be communicated to you.

The decision of the final review is final and there is no further recourse.

*Appendix 2 outlines the entire complaint process in graphical format*

## **6. Withdrawal of Complaints**

You can withdraw your complaint at any time, by sending an email to the officer dealing with your complaint, quoting the unique reference number/s.

On receipt of your email, your complaint will be permanently closed and cannot be reopened.

The recruitment team will acknowledge receipt of your complaint within two working days, assigning you a unique complaint reference number.

Following an initial review of the submission, the recruitment team will contact within a further five working days to confirm whether the complaint falls within the scope of the complaint policy.

## **7. Complaints Log**

A log of complaints will be kept and reviewed periodically. Where complaints are themed, recruitment processes will be reviewed to ensure there is not an issue with the process adopted.

## **8. 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.

## Appendix 1: MDRS Complaint Policy - Complaint Submission Form

Before submitting your complaint, please ensure that you read the MDRS Complaints Policy in full to ensure that it is within scope of the policy.

<b>Surname</b>	
<b>First Name(s)</b>	
<b>Email Address</b>	
<b>Oriel PIN</b>	
<b>Contact Telephone Number</b>	
<b>GMC/GDC Number</b>	
<b>Specialty and Level Applied To</b> This should be the application to which the complaint relates	
<b>Complaint Criteria</b> Please confirm which criterion of the policy you are submitting your complaint against. Please select all that apply	<input type="checkbox"/> Published processes or procedures have not been followed correctly <input type="checkbox"/> Objectivity of decision making is called into question, which had a significant adverse effect for you/your application <input type="checkbox"/> You provided requested documentation by a stated deadline but your application was rejected stating that the deadline had not been met <input type="checkbox"/> Your Data Subject Access request under the Data Protection Act was not processed within statutory timelines
<b>Complaint Submission</b>	
It is important to understand which stage of the complaints policy your submission should be managed under. Please tick the appropriate box from the list of descriptions below.	
<input type="checkbox"/> <b>Stage 1</b>	Initial complaint submission. Complaint has not been submitted previously
<input type="checkbox"/> <b>Stage 2</b>	First review. Complaint has been submitted to the specialty recruitment lead previously, has been reviewed and an outcome has been received. Request for review by independent senior manager
<input type="checkbox"/> <b>Stage 3</b>	Final review. Complaint has previously been reviewed by the specialty recruitment lead <b>and</b> an independent senior manager in the recruitment office. Request for final review by Clinical Adviser

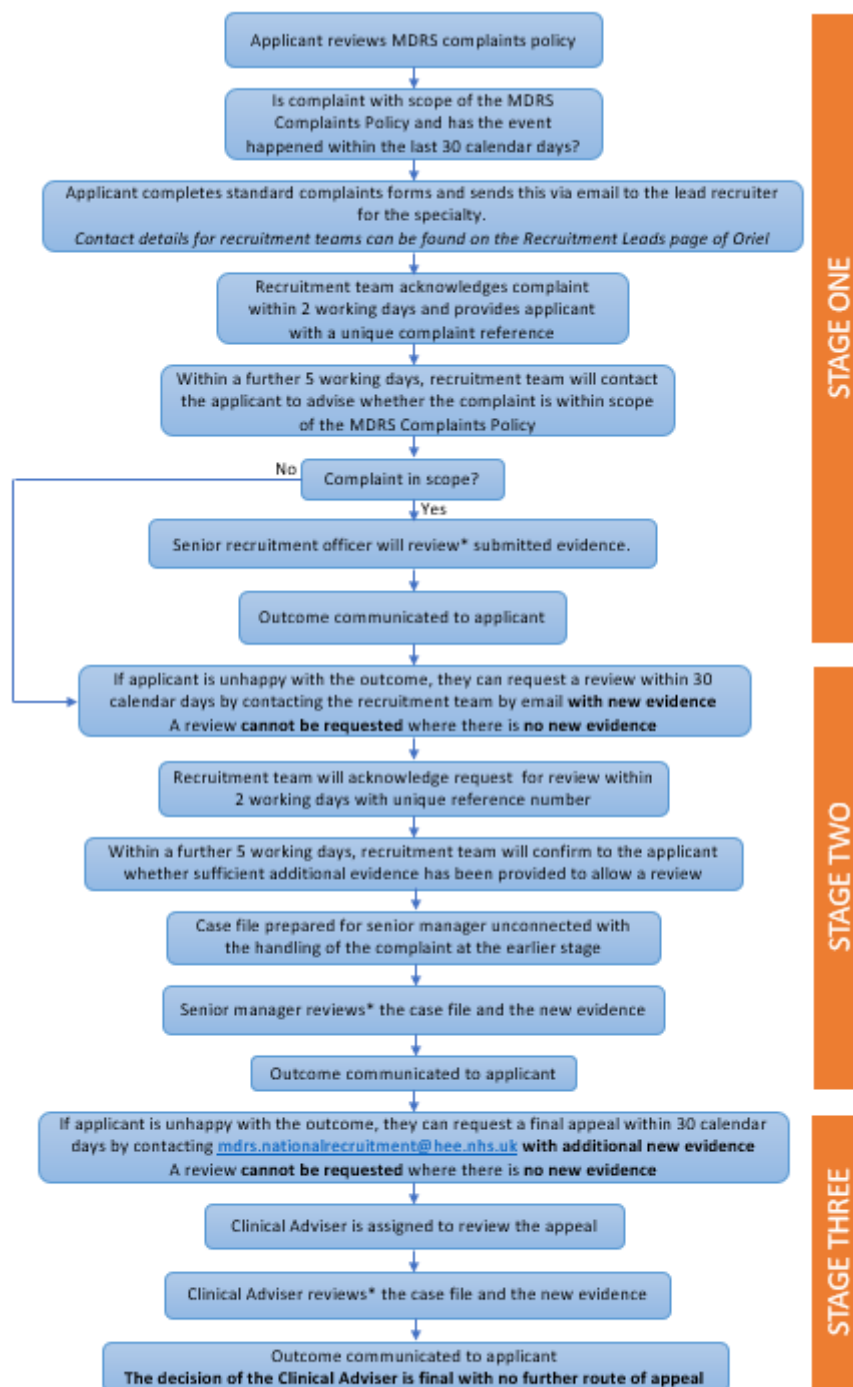
<b>Date Issue Occurred</b>	
<b>Brief description of the complaint</b> Please give details of the issue and include what section of the policy your complaint should be considered under	
<b>Evidence Submitted</b> Please provide a list of the evidence that is being submitted with this form in support of the complaint	

Completed forms should be forwarded, complete with supporting evidence to the lead recruiter for the specialty to which the complaint relates.

Contact details for lead recruiters can be found on the *Recruitment Leads* page on the Oriol website

Final reviews **only** should be sent to [mdrs.nationalrecruitment@hee.nhs.uk](mailto:mdrs.nationalrecruitment@hee.nhs.uk)

## Appendix 2: Complaint Management Process



\* Reviews at each stage will normally be completed within 20 working days. Where complaints are complex and the 20 working day target is unlikely to be met, applicant will be contacted after 10 working days to advise of an estimated completion date