



Health Education England working across Yorkshire and the Humber

Complaints (Appeals) Procedure

2014 Recruitment and Matching into GP Training

Introduction

1. The recruitment and selection process to 2014 GP specialty training aims to be legal, fair, transparent and free from discrimination. Final decisions will be made in accordance with relevant Health Education England working across Yorkshire and the Humber (HEE YH), 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. HEE YH staff and Selection Centre Assessors/Invigilators. The intention is both to protect your privacy and to protect those involved with the complaints.
3. The recruitment and selection process for GP training is process that is carried out by locality and co-ordinated nationally by the National GP Recruitment Office. Individual localities are responsible for responding to complaints about the application process from candidates who have applied to them as first choice, and for complaints about the Stage 3 selection centre from candidates who attended the Stage 3 centre hosted by that locality. The GP NRO will be responsible for dealing with complaints from candidates who attended the Stage 2 assessment at a Pearson Vue Test Centre.
4. Responsibility for *employment* rests with employing bodies, usually NHS Trusts or other health organisations and GP Practices. 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.
5. 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.
6. We recognise that an effective complaints process needs to encompass provision for an appropriate remedy, where errors or failings have occurred. For this reason we need you to provide full details and appropriate evidence when making your complaint.
7. The recruitment and selection process for GP training involves three stages and does not finish until any national clearing is completed. Some years there is a need for a second recruitment round. Complaints will be dealt with as soon as possible but there may be insufficient time to fully investigate and respond until national clearing is completed after the second round.

What can I complain about?

8. 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 view of HEE YH that you failed to meet the deadlines or comply with other nationally published requirements;

OR

- b) You have evidence that processes or procedures have not been followed fairly resulting in a major adverse effect.

Your responsibilities

9. You must follow the National rules about GP recruitment. HEE YH 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 national person specification;
- d) Provide promptly appropriate documentation for any eligibility checks;
- e) Provide promptly any requested documentation, such as allocation preferences within HEE YH deadlines;
- f) Respond to job offers within the time scale advertised or as directed by Department of Health Guidance, otherwise you will be deemed not to have accepted the job.

What is excluded from the complaints process?

10. GP recruitment is highly competitive and operates within tight time constraints and national legislation. Therefore you cannot register a complaint because you:

- a) Have not followed the rules in paragraph 9;
- b) Disagree with the principle of the process, judgements or outcomes that have been made by the short 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 short-listing or assessment;
- e) Wish to appeal against any decisions HEE YH is obliged to take to remain within appropriate employment law and procedures.

Complaints procedure

11. **Clarification and information.** HEE YH aims to resolve issues at the lowest possible level. Therefore you should raise issues or concerns as early as possible for clarification and for the provision of further information. Requests for clarification and information about the process should be clearly defined in your request and subsequent communication. These requests will not be addressed as a formal complaint by HEE YH.
12. If you have a query about the recruitment and selection process after being shortlisted, but before attending the Selection Assessment Centre, you should try to communicate your query as soon as possible.
13. If you have a complaint or concern about issues which arise on the day of the Selection Assessment Centre
 - a) You should raise this issue with the Recruitment manager who is on duty at the Selection Assessment Centre venue and explain your question or query. The manager will make a note of this and investigate this as far as is possible at the time.
 - b) The Recruitment manager will note your issues and if further clarification or information is appropriate may communicate this with you later.
14. With the exception of the circumstances described in paragraphs 10 & 11, should you feel that you wish to complain about the process, you should address your complaint, by e-mail to one of the Deputy GP Directors listed below within 15 working days, or three weeks (whichever is the shorter) of the event about which you wish to complain. Complaints submitted outside this timescale will not be subsequently considered.

 David Rose – david.rose@yh.hee.nhs.uk
 Ben Jackson – ben.jackson@yh.hee.nhs.uk
15. You must head your e-mail 'GP RECRUITMENT SELECTION COMPLAINT' in the subject line and provide full evidence to substantiate your complaint either within the body of 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.
16. HEE YH will acknowledge your complaint within **5 working days of receipt**. The complaint will be registered, **but investigations may not be completed until the end of the GP Recruitment Selection process** (normally when national clearing has been completed).

17. HEE YH will ask the Recruitment Manager to investigate the complaint, at the appropriate time. The result of this investigation will be presented to the Deputy Director, or nominated other who will determine whether the complaint is upheld or not. HEE YH will aim to complete this process within **20 working days** of the start of the investigation, and will write and explain the reasons to you if this is not possible.
18. Notification of the outcome of the complaint will be sent by e-mail and letter. If the complaint is upheld, HEE YH will also notify you of any remedy that is appropriate. If the complaint is not upheld, the reason for that will be stated.

Appeals procedure

19. If your complaint is not upheld, you may submit an appeal to Yorkshire & the Humber Postgraduate Dean's Office, Health Education England - Yorkshire and the Humber, Willow Terrace Road, University of Leeds, Leeds, LS2 9JT 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 do so by providing evidence which was previously available but not previously disclosed.
20. There are two grounds on which an appeal can be made:
 - a) New evidence directly relating to the recruitment and selection process has come to light, which was previously unavailable.
 - b) There is evidence that HEE YH did not consider your complaint fairly or appropriately.
21. You must provide evidence to substantiate the basis for your Appeal.
22. HEE YH will acknowledge your Appeal and advise whether you have provided sufficient grounds for the Appeals process within **10 working days** of its receipt. The complaint and the Appeal request will be considered by the Director of General Practice Postgraduate Medical Education (Care of the Postgraduate Dean's Office) who will review the documentation.
23. If your evidence is sufficient to meet the Appeals Process, the GP Director at this/her discretion will appoint a panel consisting of three persons to review the evidence provided. All three panel members will have been independent of the selection process for the complainant. One of the three panel members will be an HR representative. The panel will review the evidence provided and respond to you within **20 working days** of the acknowledgement.
24. If the appeal is upheld, the decision will be notified to you with any proposed remediation that HEE YH considers appropriate by the Recruitment Manager.
25. If your appeal is not upheld, this decision will be notified to you by the Director of General Practice Postgraduate Medical Education (Care of the Postgraduate Dean's Office).

26. You can withdraw your complaint at any stage in the process, by writing to Yorkshire & the Humber Postgraduate Dean's Office, Health Education Yorkshire and the Humber, Willow Terrace, University of Leeds, Leeds, LS2 9JT stating the reference number you have been given, specialty and level of training. This will then close the process.