

Recruitment to Stand-alone Foundation Programmes

Complaints Policy and Procedures 2019

1. Policy Statement

The recruitment and selection process to stand-alone foundation training programmes aims to incorporate methods that are consistent and fair, transparent and free from discrimination. We publish our standards and requirements for foundation training on our website, strive to comply with best practice and are regulated in this regard by the General Medical Council (GMC). Final decisions regarding complaints raised will be made in accordance with the relevant UK Foundation Programme Office (UKFPO) and national policies, employment legislation and any other statutory requirements.

The UKFPO is responsible for managing recruitment and selection processes to all stand-alone foundation programmes. Following the acceptance of offers made, there are local processes which are delivered on our behalf by a number of local offices of Health Education England and the national offices of Wales, Scotland and Northern Ireland.

The UKFPO endeavour to respond to the wishes and aspirations of healthcare professionals accessing our recruitment services. However, it is recognised that on occasion our service may fall short of expectations. This complaints procedure is intended for use in these circumstances. The procedure outlines how to make a complaint and how this will be handled.

The aim is to ensure that complaints are dealt with quickly, sensitively and effectively, and that lessons are learnt, and appropriate action taken for continuous improvement.

All complaints and all accompanying statements and records will be kept confidential as far as is possible in facilitating a fair and thorough investigation. Any information disclosed which is relevant to the investigation of the complaint will be treated with care at all times throughout the process. Such information will only be disclosed to those people who need to have access to this information for the process of investigating the complaint. 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

Complaints 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

Complaints will be considered in relation to national processes only, i.e. processes that are managed centrally by the UKFPO. For recruitment and selection to stand-alone programmes, the UKFPO is responsible for the application, longlisting, interviews and offers processes. Complaints regarding changes to programmes, pre-employment and induction activities should be directed to the foundation school and / or employing organisation.

Complaints will be considered if there is sufficient evidence that:

- a) Published processes or procedures pertaining to the recruitment episode have not been followed correctly; or
- b) The objectivity of decision making is called into question, which has a significant adverse effect on you / your application; or
- c) Requested documentation was provided to meet a specific deadline, but your application was rejected as it was stated that the deadline had been missed; or
- d) A Data Subject Access Request was submitted under the Data Protection Act 2018 that was not processed within the 40-day statutory limit.

3. Limits of the Policy

UKFPO excludes the following issues from its complaints process:

- a) If you disagree with the principle or content of the recruitment process, or its outcomes;
- b) If you allege unfairness of practice and process but do not supply evidence to substantiate your allegation;
- c) 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. Digital scoring feedback is not open to challenge by applicants. Interview feedback is provided to assist candidates with future interviews, and not to question decisions made by the interviewers;
- d) If you wish to appeal against any decisions the central team are obliged to take to remain within the appropriate legislative framework;
- e) subject to Section 2, paragraph (c), if you have not followed national UKFPO guidance regarding timeliness, provision of documentation, demonstrating eligibility criteria and accepting offers;
- f) if you wish to complain about an operational issue that occurred on the day of your interview or assessment centre*.

*If an issue occurs on the day of your interview or assessment centre, you should speak to the senior clinician / manager on duty. These individuals can be identified either by the presentation displayed in the waiting area or by approaching any member of staff.

4. Procedure

All complaints should be submitted in writing to the UKFPO by emailing helpdesk@foundationprogramme.nhs.uk. The UKFPO team will be your single point of contact.

The UKFPO will liaise with other organisations as required to manage your complaint.

All complaints must be completed by use of the national complaints form and submitted to the helpdesk (please refer to appendix 1 for a copy of the complaints form).

The sooner you make your complaint, the easier it will be to investigate, and the sooner we can put right any issues if required. For these reasons complaints must be submitted within thirty calendar days of the incident occurring. **Please note that any complaint submitted after this deadline will not be reviewed by the UKFPO unless there are highly extenuating circumstances.**

Please be aware that the complaints policy is not necessarily the appropriate pathway for candidates to raise urgent issues or queries regarding on-going operational issues that relate to a current recruitment episode. Candidates should raise such issues informally through the helpdesk in the first instance.

5. Management of Complaints

Stage 1

The UKFPO will acknowledge your complaint within five working days of its receipt and give you a unique reference number which you need to quote in any subsequent correspondence.

Stage 2

Within seven working days of receipt of your complaint, the UKFPO will confirm whether your complaint falls within the scope of this policy. If there are particular requirements which you should have followed, but have not, or your evidence is based on the exemptions in stage 3, we will advise you that the subject matter of your complaint falls outside the scope of this complaints procedure.

We recognise that complaints vary in complexity, and in investigating them we may need information from people who are not employed by the UKFPO or local foundation schools. We aim to answer complaints within twenty working days from receipt and will update you at this point as to the expected completion date for your complaint. For complex complaints that run beyond the twenty-day resolution period, we will update you every ten working days as to the status of your complaint and an estimated completion date.

Stage 3

A senior member of the UKFPO team will investigate your complaint and gather the facts relevant to the complaint, ensuring that the information gathered is accurate and complete. Their response will contain reasons for either upholding or rejecting your complaint. Where the investigating officer has upheld your complaint and proposes a remedy, a senior manager will contact you regarding this resolution. In addition, if the complaint is upheld, the action taken, and the lessons learned or to be learned will be logged for the purposes of future delivery.

6. Reviews

If you are unhappy about the decision regarding your complaint, you can request a review of the decision within thirty calendar days of receiving the response to your complaint. You need to provide sufficient new evidence for the UKFPO to consider the review. Complaints outcomes will not be revisited when there is no new evidence to consider.

Your request for a review of your initial complaint, along with sufficient new evidence, should be sent to the UKFPO by email to helpdesk@foundationprogramme.nhs.uk quoting the unique reference number from the initial complaint.

Stage 1

The UKFPO will acknowledge your request for a review within five working days of its receipt and give you a unique reference number which you need to quote in any subsequent correspondence.

Stage 2

Within seven working days the UKFPO will confirm whether you have provided sufficient further evidence in order for it to be considered as part of a review.

If your review request can be considered, the team will then prepare a case statement for review by a senior manager who has not been involved with the handling of the matter at the earlier stage. The UKFPO aim to complete this review and provide you with a decision within twenty working days from receipt of your request.

Where your request for a review is complex and requires further consideration, the UKFPO will advise you of this and a likely timescale for completion of the review. For complex reviews that run beyond the twenty-day resolution period, updates will be provided every ten working days as to the status of the review and an estimated completion date.

Stage 3

A senior manager who has not been involved in the original complaint will consider your request for a review, and the case statement which has been prepared for them. A response will be provided with reasons for either upholding or rejecting your review. Where the decision is taken to uphold reviews, you will be contacted regarding the proposed solution.

7. Final Appeal

In the event that you are unhappy with the outcome of your review and you have further new evidence to submit, this should be forwarded to the UKFPO by email to helpdesk@foundationprogramme.nhs.uk, quoting the unique reference numbers from the initial complaint and the review.

The UKFPO, on receipt of the new information, will assign a Clinical Adviser to review the evidence provided and make a final decision on whether or not to uphold the complaint.

The appeal stage is final. Applicants who are unhappy with the outcome have no further recourse.

8. Withdrawals of Complaints

Complaints, reviews and requests for final appeals can be withdrawn at any time by writing to the UKFPO via the helpdesk inbox and quoting your reference number(s).

Your complaint will then be closed permanently.

9. Equality of Diversity

The UKFPO is committed to providing equality of opportunity in the services for which it is responsible. As such, this policy has been screened and assessed and no potential discriminatory impact has been identified.

10. Data Retention

In line with the data management policy for recruitment related paperwork, all materials relating to complaints will be destroyed twelve months after the date of a final decision being made regarding your complaint.

Anonymity will be protected for any reporting purposes at all times.

11. Monitoring and Compliance

The effectiveness and suitability of this procedure will be reviewed on an annual basis by the national Recruitment Delivery Group (RDG) for foundation.

UK Foundation Programme Office
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