

# **Complaints Process following selection into specialty training in Northern Ireland**

## **Background**

1. Operational responsibility for recruitment into specialty training programmes in Northern Ireland rests with the Postgraduate Dean who in turn is accountable to The Northern Ireland Medical and Dental Training Agency and the Department of Health, Social Security and Public Safety (DHSSPS).
2. Complaints about the process should be sent to the Postgraduate Dean
3. Responsibility for employment rests with the employing authorities. Whilst employers are involved in the selection process and have agreed to its use for appointing trainees they are not responsible or accountable for the selection process itself.
4. If an applicant is selected and offered a placement on a training programme through the recruitment process, the employing authority ultimately has the right not to offer employment but must be able to offer robust reasons for failing to do so.

## **Principles of the Complaints Process**

5. It is inevitable that some applicants will be disappointed by the outcome of the recruitment process, as it is a competitive one. A complaints process is an essential safeguard against unfairness.
6. However complaints cannot be made because the applicant simply disagrees with the principle of the process or the judgements or outcomes that have been made by the appointment panel. But 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 the Postgraduate Dean (first stage review).
7. If complainants are not satisfied that their complaint has been responded to adequately, they may subsequently pursue a second-stage complaint process in order to have the process considered independently.
8. Complaints will not be accepted against the fact that an application was judged insufficiently strong to merit competitive appointment to a post or programme in the absence of reason to believe that there were failings in the way in which the process was carried out.
9. A complaint may be lodged if the applicant believes the process for implementing the short listing and interview/selection process by the Deanery has negatively affected the candidate's application.

## **Complaints Procedure**

10. Applicants who have submitted an application to the Deanery can complain about the process if they consider that the short listing and/or interview/selection

process has been administered unfairly or in a way which has negatively affected the candidate's application. The complaint must be lodged in writing to the Postgraduate Dean stating in full the reasons why the applicant thinks the process has not been followed properly.

11. The complaint must be received within ten working days of the final date of recruitment (this date for complaints to be lodged will be published at the end of the recruitment round).
12. The Postgraduate Dean should arrange for the complaint to be investigated by a senior person within NIMDTA (e.g. Associate Dean, Administrative Director). The Postgraduate Dean (or deputy) should not be involved in the initial investigation as he/she may be required to participate in the second-stage process. The complainant should receive a response to the complaint either in writing or by face-to-face discussion within ten working days of the complaint having been received.
13. If the complainant is not satisfied with the account given, the applicant can proceed to the second-stage complaint process.
14. If the complainant wishes to go to a second-stage complaint, a formal written request must be received by NIMDTA within ten working days of the response to the initial complaint being received.
15. The Postgraduate Dean will arrange for a Panel to consider the second-stage complaint. The Panel should be led by a Lay Chair, and should consist of two consultants from outside the specialty but who have been trained and participated in the recruitment process; the Postgraduate Dean (or deputy), a trainee and a Trust HR Director (or deputy) . All panel members will have received up to date training in equal opportunity in recruitment and selection. The Panel should meet within twenty working days of the second stage complaint being lodged. No member of the Panel should have been involved in the first-stage process.
16. The Panel will share all documentary evidence with the applicant at least five working days prior to the Panel meeting.
17. The Panel will invite the applicant to attend a face-to face panel hearing. The applicant can be accompanied by a colleague or friend to help support them in the process but this should not normally be a legal representative or family member.
18. The Panel will inform the applicant of the outcome of its deliberations in writing as soon as they are available and normally within ten working days. This will be accompanied by the written record of the meeting. The decision of the Panel is final.
19. If the complaint is upheld by the Panel, the Postgraduate Dean will meet with the applicant to decide the further course of action within fifteen working days of the notification being sent to the complainant.

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