

# Postgraduate Medical and Dental Education Complaints Policy

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## 1. Introduction

This policy outlines our commitment to dealing with complaints about the service provided by Health Education England (HEE) in relation to postgraduate medical and dental education and training.

In doing so, it meets the requirements of the Local Authority Social Services and National Health Service Complaints [England] Regulations. In addition, it conforms to the NHS Constitution and reflects the recommendations from the Francis Report.

HEE will ensure that complaints and concerns are properly addressed in an unbiased, transparent, timely and appropriate manner. The outcome of any complaint process, along with any resulting actions, will be explained to the complainant.

The key issues taken into consideration when formulating this policy are that a complainant needs to:

- know how to complain.
- feel confident that their complaint will be dealt with seriously and fairly.
- understand that their concerns will be dealt with efficiently and that they will receive a timely and appropriate response.
- trust that HEE will learn from complaints, feedback and praise, then apply those lessons whilst also learning from and sharing best practice.

When dealing with complaints, HEE aims to follow the Good Practice Standards for NHS Complaints Handling. This policy is not a contractual document and will not cover every eventuality. There may be occasions where it is necessary to derogate from the guidance set out in this policy to ensure that complaints are dealt with efficiently in a timely and appropriate manner.

## 2. Definition of a complaint or concern

A complaint or concern is an expression of dissatisfaction about an act, omission or decision, either verbal or written, and whether justified or not, which requires a response.

The Postgraduate Dean or their nominated deputy has governance responsibility and oversight of the complaint process.

- <https://www.legislation.gov.uk/ukxi/2009/309/contents/made> [8]
- <https://www.gov.uk/government/publications/the-nhs-constitution-for-england> [9]
- <https://researchbriefings.files.parliament.uk/documents/SN06690/SN06690.pdf> [10]
- <https://www.noeccn.org.uk/resources/Documents/Education%20Group/Resources/Good-Practice-standards-for-NHS-Complaints-HandlingSept-2013.pdf> [11]

### **3. Scope of the policy**

This policy applies to the handling of complaints or concerns relating to postgraduate medical and dental education and training within HEE.

HEE is responsible for the education and training framework to support postgraduate medical and dental training and for ensuring that there are high quality learning environments. Whilst HEE is committed to ensuring complaints or concerns within postgraduate medical and dental training are dealt with appropriately and in a timely manner, HEE is not a regulator and as such does not have the authority to investigate other organisations such as NHS Trusts.

### **4. Who can make a complaint?**

A complaint can be made under this policy by someone (or their professional representative):

- for whom HEE has governance responsibility, such as a doctor or dentist in Specialty or Foundation training; and
- who has been directly affected by the action or the lack of action detailed in the complaint.

### **5. Complaints that cannot be dealt with under this policy**

The following complaints will not be dealt with under this policy:

- a complaint in relation to Medical and Dental Recruitment and Selection.
- a complaint relating to Annual Review of Competency Progression (ARCP) process that may be addressed under the appeal process detailed in the 'Gold Guide' and/or other specific guidance relating to Foundation, Medical and Dental specialty trainees.
- the decision by a Postgraduate Dean to remove a trainee from foundation training or the withdrawal of the training number (NTN)/contract by the Postgraduate Dean under the Gold Guide.
- a complaint whereby an existing complaint or appeal mechanism is already published and in existence.
- a complaint made by an NHS organisation or private or independent provider or responsible body, or a complaint about the actions of another body such as an NHS organisation or private or independent provider or responsible body.
- a complaint made by an HEE or other employee about any matter relating to their employment.
- a complaint which is made orally and resolved to the complainant's satisfaction no later than the next working day.
- a complaint about patient care.
- a complaint from a patient.
- a complaint that relates to a criminal, police investigation or case presented in front of a judicial court.
- a complaint whereby the subject matter of which has previously been investigated under this or any other complaint procedure.
- a complaint made more than 12 months after the date on which the matter which is the subject of the complaint occurred (see section 8 for more details).
- a complaint arising out of an NHS body's alleged failure to comply with a request for information under the Freedom of Information Act 2000.

- a complaint which relates to any scheme established under the Superannuation Act 1972 or to the administration of these schemes.

## **6. Whistleblowing**

HEE is listed as a prescribed person under the Public Interest Disclosure Act 1998 . This means that workers at other organisations or companies who wish to raise concerns relating to the education, training and sufficient supply of healthcare workers for the NHS can do so direct to HEE. Issues of this nature should be raised as part of HEE's whistleblowing policy (details are available here: <https://www.hee.nhs.uk/our-work/whistleblowing> [12]).

## **7. How to complain**

Complaints should be directed to the complaints email address within the complainant's HEE office footprint. Complaints should be submitted using the HEE complaint form available on HEE website. Only written complaints submitted via the proper channels (complaint form) are accepted under this policy.

In exceptional circumstances, where it is not possible to submit a written complaint, arrangements should be made to take a verbal statement (see section 9).

East Midlands - [complaints.em@hee.nhs.uk](mailto:complaints.em@hee.nhs.uk) [13]

East of England - [complaints.eoe@hee.nhs.uk](mailto:complaints.eoe@hee.nhs.uk) [14]

London and KSS - [complaints.lase@hee.nhs.uk](mailto:complaints.lase@hee.nhs.uk) [15]

North East - [complaints.ne@hee.nhs.uk](mailto:complaints.ne@hee.nhs.uk) [16]

North West - [complaints.nw@hee.nhs.uk](mailto:complaints.nw@hee.nhs.uk) [17]

South West - [complaints.sw@hee.nhs.uk](mailto:complaints.sw@hee.nhs.uk) [18]

Thames Valley - [complaints.tv@hee.nhs.uk](mailto:complaints.tv@hee.nhs.uk) [19]

Wessex - [complaints.wx@hee.nhs.uk](mailto:complaints.wx@hee.nhs.uk) [20]

West Midlands - [complaints.wm@hee.nhs.uk](mailto:complaints.wm@hee.nhs.uk) [21]

Yorkshire and Humber - [complaints.yh@hee.nhs.uk](mailto:complaints.yh@hee.nhs.uk) [21]

## **8. Timescales for making a complaint**

Complaints will not normally be accepted under this policy if they occurred more than twelve months after the date on which the matter which is the subject of the complaint occurred, or twelve months after the date on which the matter which is the subject of the complaint came to the notice of the complainant. If however there are good reasons for not having made the complaint within the aforementioned timescale, and if it is still possible to investigate the complaint effectively and fairly, the complaint may still be considered.

<https://www.legislation.gov.uk/ukpga/1998/23/contents> [22]

## **9. How will the complaint be managed?**

We will endeavour to acknowledge all complaints in writing within five working days after the day the complaint is received.

The complainant will be given a named contact who will be their point of contact throughout the complaints process.

If the complaint has been made verbally, the complainant should be given a copy of their verbal statement which is considered the formal complaint and asked to confirm that it represents the issues they wish to raise.

The complainant can expect that:

- they will be asked for their preferred method of communication, including clarity over e-mail addresses to be used (to protect personal information and ensure privacy).
- the manner in which the complaint is to be handled and the response period will be explained to the complainant.
- they will be kept up to date with the progress of their complaint.
- their complaint will be resolved within a reasonable and appropriate timeframe.
- they will receive a detailed response in writing (or alternative means, as required), with assurance that action has been taken to prevent a recurrence (if appropriate).
- they will be informed of any learning points.
- they will be treated with respect and courtesy throughout the process.

The complainant will be asked for consent for HEE to handle the complaint in the event that the complaint requires investigation or input from parties outside of HEE.

The response to the complaint may include:

- an explanation of how the complaint has been considered.
- an explanation based on fact.
- an apology (if deemed appropriate).
- confirmation of whether the complaint in full or in part is upheld.
- a summary of conclusions reached in relation to the complaint, including any remedial action.
- confirmation that the organisation is satisfied any action has been or will be actioned.

## **10. What if a complaint is about the Postgraduate Dean?**

Where the complaint relates to the Postgraduate Dean, the complaint form should be completed and submitted in the usual way, however the complaint will be overseen by the Postgraduate Dean's line manager.

Where the complaint relates to the Responsible Officer (RO) function of the Postgraduate Dean, then the complaint will be managed in accordance with Managing complaints: The Responsible Officer Role of HEE Postgraduate Deans [23]

## **11. How is a complaint withdrawn?**

If at any time during the complaint process the complainant (or their representative) wishes to withdraw the complaint, this request should be made in writing to the person managing the complaint using the relevant generic complaints e-mail address or agreed point of contact for the complaint.

## **12. Parliamentary and Health Service Ombudsman**

The Parliamentary and Health Service Ombudsman have authority to look at complaints about UK government departments or public organisations. If a complainant remains dissatisfied with the handling of the complaint by HEE, the complainant may wish to explore this further.

### **13. Record Keeping**

Clear and accurate records of complaints will be kept and retained for a period of ten years

### **14. Confidentiality**

Complaints will be handled in the strictest of confidence. Care will be taken that information should only be disclosed to those who have a demonstrable need to have access to it.

[http://www.nationalarchives.gov.uk/documents/information-management/sched\\_complaints.pdf](http://www.nationalarchives.gov.uk/documents/information-management/sched_complaints.pdf) [24]

### **15. Consent**

There is an expectation that when capturing consent for the use and sharing of information, that the complainant has made an informed decision and understands the processing and potential sharing of their information. Staff must also understand the expectations of confidentiality that the information is provided under.

Information will not be disclosed to third parties unless the complainant or appropriate authorised party who has provided the information has given consent to the disclosure of that information.

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**Source URL (modified on 15/09/2021 - 16:07):** <https://www.hee.nhs.uk/complaints/postgraduate-medical-dental-education-complaints-policy>

### **Links**

- [1] <https://www.hee.nhs.uk/our-work>
- [2] <https://www.e-lfh.org.uk/>
- [3] <https://www.healthcareers.nhs.uk/>
- [4] <https://www.hee.nhs.uk/news-blogs-events>
- [5] <https://www.hee.nhs.uk/about>
- [6] <https://www.hee.nhs.uk/covid-19>
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- [9] <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>
- [10] <https://researchbriefings.files.parliament.uk/documents/SN06690/SN06690.pdf>
- [11] <https://www.noeccn.org.uk/resources/Documents/Education%20Group/Resources/Good-Practice-standards-for-NHS-Complaints-HandlingSept-2013.pdf>
- [12] <https://www.hee.nhs.uk/our-work/whistleblowing>
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- [21] <mailto:complaints.wm@hee.nhs.uk>
- [22] <https://www.legislation.gov.uk/ukpga/1998/23/contents>

[23] [https://www.hee.nhs.uk/sites/default/files/documents/Managing Complaints\\_Responsible Officer Role of HEE PGDs.pdf](https://www.hee.nhs.uk/sites/default/files/documents/Managing%20Complaints_Responsible%20Officer%20Role%20of%20HEE%20PGDs.pdf)

[24] [http://www.nationalarchives.gov.uk/documents/information-management/sched\\_complaints.pdf](http://www.nationalarchives.gov.uk/documents/information-management/sched_complaints.pdf)