

Managing Complaints: The Responsible Officer Role of HEE Postgraduate Deans

1. Background and context

RO Regulations¹ set out the statutory responsibility for Postgraduate Deans (PGD) to act as the Responsible Officer (RO) for the purposes of revalidation for doctors in postgraduate training where the Designated Body (DB) is the Statutory Education Body (SEB), which in England is Health Education England.

Whilst NHS England has defined a process for making complaints about appraisal decisions in the Medical Appraisal Policy: Annex -F², this does not include guidance on managing complaints about the RO including RO and revalidation decisions. However, the guidance does suggest that if an appraisee disagrees with a revalidation decision that may be referred to the Level 2 RO to review the decision by the RO.

2. Complaints about PGDs involving RO function

It is proposed that the following should be added to HEE complaints overarching principles

- Where the complaint relates to the Postgraduate Dean, then the case should normally be referred to the PGD line manager³, the Regional Director (normally the Case Manager) who would appoint an appropriate Case Investigator.
- Where the complaint relates to the RO function of the Postgraduate Dean, then the case manager **MUST** ensure that the case investigator is familiar with RO and revalidation governance regulations and procedures for managing ROs.
- In addition, the case manager **SHOULD** liaise with the PGD's RO.

¹ Medical Profession (Responsible Officers) Regulations 2010/13

² NHS England Medical Appraisal Policy, Annex F: Complaints process

³ Regional Postgraduate Deans are managed by Regional Directors; however, some Local Postgraduate Deans are line managed by Regional Postgraduate Deans in which case the case manager for a complaint about a local PGD would be the Regional Postgraduate Dean

Annex F is helpful in signposting that complaints about RO should involve the RO's RO (level 2 RO)⁴

RO guidance⁵ is similarly helpful in relation to conflicts of interest or appearance of bias (Regulation 6) which might be appropriate for a complaint about a PGD as RO.

6. *If a conflict of interest or appearance of bias exists between a doctor and a responsible officer, the designated body should be informed in writing giving as much information as possible. It is important that every attempt is made to resolve the issue using the existing mediation procedures. If, after all processes are exhausted, a satisfactory resolution is not possible the evaluation of fitness to practise may be overseen by another responsible officer. In such circumstances, the designated body should seek advice from the responsible officer's own responsible officer (for example the appropriate SHA Medical Director in England, or in Wales the Medical Director of NHS Wales and in Scotland, the Chief Medical Officer) and the decision should be recorded in writing.*

Therefore, it is proposed that where a complaint about a PGD includes aspects relating to the RO function, the case manager (normally the PGD line manager) **MUST** liaise with the PGDs RO.

The level 2 RO will assess (on a case by case basis) whether there is a conflict of interest or appearance of bias and how that should be managed including whether an alternative RO is required for the doctor in training whilst the complaint is being managed.

⁴ If the doctor's complaint relates to the actions of their responsible officer, it may still be possible to use this form but it should be submitted to the responsible officer's responsible officer.

⁵ The Role of the Responsible Officer: Closing the gap in Medical Regulation – Responsible Officer Guidance DoH 2010