



Ministry
of Defence

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X XXXXX

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03 January 2018

Dear X XXXXX,

Thank you for your email of 29 November to the Ministry of Defence in which you requested the following information:

“ Can you tell me what is the procedure that Capita must follow for medical appeals for applicants please? Which include the Level 1a and 1b appeal. ”

I am treating your correspondence as a request for information under the Freedom of Information Act 2000. A search for the information has now been completed within the Ministry of Defence, and I can confirm that the information in scope of your request is held and is detailed below.

Appeals Arising at the Pre-Employment Medical Assessment.

The administration of appeals following deferral or rejection at the pre-employment medical assessment is detailed in an Army Recruiting and Training Division (ARTD) Occupational Medicine (Occ Med) Standard. These appeals are defined as follows:

- 1) **Level 1 Appeal.** The candidate is attempting to provide additional evidence countering the initial decision to reject/defer. Level 1 Appeals are to be conducted to completion by the selection centre Senior Medical Officer (SMO).
 - a) **Level 1a** appeals are heard by the decision maker who is closest to the decision to reject/defer.
 - If the appeal is upheld the applicant re-enters the pre-Service selection process at the point of departure.
 - If the appeal is not upheld the applicant is advised in writing with reasons. In addition, they are advised that they may appeal at Level 1b
 - b) **Level 1b** appeals are heard by the National Recruiting Centre Chief Medical Officer or Deputy Chief Medical Officer.
 - If the appeal is upheld the applicant re-enters the pre-Service selection process at the point of departure.
 - If the appeal is not upheld the applicant is advised in writing with reasons. In addition, they are advised that s/he may appeal at Level 2
- 2) **Level 2 Appeal.** All avenues of investigation (at Level 1) have confirmed that the standard of P2 has not been met but the candidate continues to contest the guidelines applied to assess against the entry standard. This is the final level of appeal for potential candidates and any new

medical or functional evidence that subsequently comes to light is to be referred back to SO1 Occ Med ARTD, by the SMO.

Level 2 appeals are heard by ARTD Occ Med with Col Occ Med/SO1 Occ Med input. The Level 2 appeal is the final level of appeal and further appeals are only accepted in exceptional circumstances.

- If the appeal is upheld the applicant re-enters the pre-Service selection process at the point of departure.
- If the appeal is not upheld the applicant is advised in writing with reasons. In addition, s/he is advised that the Level 2 appeal is the final level of appeal.

Under Section 16 of the Act (Advice and Assistance) you may find it helpful to note that;

- Boarding procedures for recruits, potential recruits, potential officers and officer cadets are the responsibility of the ARTD. Candidates may appeal against decisions made at the pre-employment medical assessment or during training. HQ ARTD is the competent authority on pre-employment medical standards and as such is the final level of medical appeal for potential recruits and potential officers.
- Army Reserve appeals should be referred to the Divisional Command Medical, who will seek Occ Med advice. HQ ARTD is the authority for Army Reserve pre-entry medical reviews with advice from Senior Health Advisor (Army).
- The levels of appeals above are offered on a reducing basis. For example, if at Level 1a you are deemed unsuitable, you will be have the opportunity to submit a level 1b appeal should you wish to do so. If however, at Level1b, you are deemed PMU (Permanently Medically Unsuitable), whilst you have the right to submit a Level 2 appeal, a PMU is not often overturned. No potential applicant is denied their right to appeal.

If you have any queries regarding the content of this letter, please contact this office in the first instance. Following this, if you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

Army Secretariat