

# **RECRUITMENT & SELECTION COMPLAINTS PROCEDURE**

Human Resources & Organisational Development



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## 1. **INTRODUCTION**

- 1.1 Applicants for posts with Plymouth City Council have the right to complain if they feel they have been discriminated against contrary to the Council's Recruitment and Selection Policy and Equalities Policy.
- 1.2 This procedure does not affect an individual's right to complain to an Employment Tribunal, e.g. under the Equality Act 2010.
- 1.3 This procedure does not preclude individuals from seeking reasons for a decision, before deciding whether to pursue a complaint.

## 2. **PROCEDURE**

- 2.1 The complaint shall be made as soon as possible to the Assistant Director for HR & Organisational Development, and must be within 2 months of the action in question. For posts in the HR & OD Department, the complaint should be made to the Chief Executive who will undertake the Assistant Director for HR & Organisational Development's role within this procedure.
- 2.2 The complaint must be made in writing giving as much detail as possible and clearly stating why the breach of policy is considered to have occurred.
- 2.3 On receipt of the complaint, the Assistant Director for HR & Organisational Development (or their representative) will: -
  - \* immediately acknowledge receipt of the complaint
  - \* if feasible and appropriate "freeze" the appointment pending the outcome of an investigation
  - \* arrange for an investigation to be conducted and completed within 2 weeks.
- 2.4 The investigation will include interviewing relevant people including those on the recruitment panel(s). The person conducting the investigation will be given access to all documents used in the recruitment and selection process.

The Assistant Director for HR & Organisational Development (or their representative) will determine what action will be taken and inform the complainant and relevant officers according.

The decision made by the Assistant Director for HR & Organisational Development (or their representative) is final.
- 2.5 External applicants dissatisfied with the outcome can complain to the Council's Corporate Complaints Officer (Chief Executive's Department) who will examine their case in accordance with Stage 2 of the Corporate Complaints Procedure.

### 3. **REMEDIES**

3.1 If a complaint is upheld, the remedy offered will aim to restore, as far as possible, the complainant's position in the selection process. So for example: -

- (i) Unjustified exclusion from the shortlist may be remedied by reinstatement to the shortlist for the job or for a subsequent appropriate vacancy\*
- (ii) If question(s) asked at interview are deemed to be unfairly discriminatory, a reassessment of the candidate's suitability may be made and a further interview arranged for that job or a subsequent appropriate vacancy\*
- (iii) If it is found that there has been a breach in the Recruitment and Selection Policy and the complainant was the best candidate for the job, then either that job or a subsequent appropriate vacancy\* may be offered.

\* As specified by the Assistant Director for HR & Organisational Development (or their representative), in consultation with the relevant Assistant Director for that service area.

### 4. **CONSULTATION**

4.1 In exercising their role within this procedure the Assistant Director for HR & Organisational Development (or their representative) will consult with the relevant Assistant Director and/or the interview/shortlist panel as appropriate.