

## Dealing with Complaints from Job Applicants

### 1. Introduction

- 1.1 Applicants for posts (both existing staff and external applicants) have the right to complain if they feel that they have been discriminated against or otherwise treated unfairly.
- 1.2 This procedure does not affect an individual's statutory right to complain to an Employment Tribunal about alleged discrimination on the grounds of race, gender, age, religion or belief, sexual orientation and disability.
- 1.3 This procedure provides for individuals to seek feedback and reasons for a decision from the Line Manager or Chair of the interviewing panel, before deciding whether to pursue a complaint.

### 2. Procedure

#### Complaints about the processing of applications

- 2.1 Complaints at this stage of the recruitment process should be dealt with by the line management within the Recruitment Department.
- 2.2 The complaint should be made as soon as possible and at the latest within 2 weeks of the date of the incident. Complaints should be addressed to the Recruitment and Resourcing Lead, who will conduct an informal investigation. Complaints will be responded to in writing within 2 weeks of receipt.
- 2.3 Where the applicant is not satisfied with the explanation given by the Recruitment and Resourcing Lead it should be referred to the Head of Workforce and Development who will satisfy themselves as to whether any discrimination or unfair treatment has occurred and/or any further investigation is required. A request for a complaint to be referred should be made by the complainant within 2 weeks of receipt of the panel chair's letter and be responded to in writing within 2 weeks of receipt. The decision of the Head of Workforce and Development is the final internal stage.

#### Complaints about shortlisting or interviews

- 2.4 Concerns should in the first instance be raised with the chair of the shortlisting or interview panel. This should be made as soon as possible and at the latest within 2 weeks of the date of the incident and be responded to in writing within 2 weeks of receipt.
- 2.5 Where the applicant is not satisfied with the explanation given by the chair it should be referred by the chair the next in line manager who will investigate the allegations with support from their Recruitment team. A request for a complaint to be referred should be made within 2 weeks of receipt of the chair's letter and be responded to in writing within 2 weeks of receipt. The decision of the next in line manager is the final internal stage.

- 2.6 If feasible and appropriate e.g. if the position has not already been filled, the appointment process will be “frozen” pending the outcome of any investigation.
- 2.7 For posts in the HR Department, the complaint should be made to the Chief Executive who will undertake the HR Directors role within this procedure.

### **General points**

- 2.8 The complaint must be made in writing giving as much detail as possible and clearly stating why they feel they have been discriminated against or treated unfairly.
- 2.9 On receipt of the complaint/or confirmation that a complaint is being pursued the relevant manager will:
- Immediately acknowledge receipt of the complaint
  - Arrange for an investigation to be conducted and completed within 2 weeks.
- 2.4 The investigation will include interviewing relevant people including the interviewers/ short-listers. The person conducting the investigation will be given access to all documents used in the recruitment and selection process.
- 2.5 The relevant manager, with advice from HR, will determine what action will be taken and inform the complainant.

### **3. Remedies**

- 3.1 If a complaint is upheld, the remedy offered will aim to restore, as far as possible, the complainants’ position in the selection process. Thus 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 Selection and Appointments Procedure and the complainant was the best candidate for the job, then either that job or a subsequent equivalent vacancy may be offered, as agreed by the Trust.