

Recruitment & Selection Policy & Procedure

APPENDIX 16

COMPLAINTS PROCEDURE

The scope of the procedure

This procedure sets out how complaints arising from breaches of the school's Recruitment and Selection Code of Practice are dealt with. It is intended to apply equally to existing and prospective employees.

In respect of current employees, nothing prevents you from pursuing your rights through local or national procedures.

If you feel, regardless of whether or not you are a current or prospective employee, you have been treated less favourably because of your race, colour, age or sex, there is provision under the Equality Act 2010 to make such complaints to Employment Tribunals.

Nothing contained in this procedure is intended to remove your rights to make a complaint or subsequently to withdraw an allegation of discrimination or unfair treatment.

You are assured that you will not be victimised or otherwise treated less favourably than any other employee, or prospective employee, and that you will not be discriminated against, or unfairly treated, in relation to future job applications if you make a complaint or give evidence in any case of complaint.

Any complaint should be lodged within 5 days of the date of the short-listing, interview or offer of appointment being made.

Initial Stages

You may wish, first to take the opportunity to talk, in complete confidence, with your Association/Union Representative in order for you to discuss and clarify the implications of making the particular complaint. Your Association/Union Representative will be able to be involved at all stages of the procedure on your behalf but not as an investigating officer.

If you are not currently employed to work at the school or with the Local Authority you may wish to consult with a voluntary advisory body, e.g. Citizens Advice Bureau, Equality and Human Rights Commission.

Any formal complaint should be in writing and should be addressed to the Chair of Governors who will pass it on to a Governor taking lead responsibility in the investigation of your complaint.

The Governor with lead responsibility for the investigation will consider if there is a prima facie case to investigate. If so, he/she will immediately inform the Chair of the recruitment panel of the complaint and will ensure that all further steps in the recruitment procedure in respect of that post are suspended, pending the outcome of the investigation of the complaint. The Local Authority will similarly be informed at this point and any successful applicant will be told that his/her appointment has been suspended pending the outcome of the complaint.

Normally, where a confirmed written offer of appointment has been made, that offer will be honoured.

The Governor with lead responsibility for the investigation will acknowledge the complaint in writing.

Investigation

The complaint should be investigated within 20 working days of its receipt. In case of a delay you will be informed of the reasons and will be given an indication of the date by which it is proposed to complete the investigation.

At all stages, you may be represented, if you so wish, and if you are already employed by the school/Local Authority, by either an Association/Union Representative or a fellow employee respectively.

Investigation Completion

A statement of the findings, decision and recommendation(s) will be made available to you on completion of the investigation.

Recommendations

The Governor undertaking the investigation may recommend one or more of the following courses of action:

- If the complaint is found to be unjustified the Governor will recommend that no action is taken
- If the complaint is found to be justified/proven the Governor may recommend one or more of the following actions:
 - (a) The relevant Governor(s) may be required to undergo training in Recruitment and selection before being involved in recruitment procedures again;
 - (b) If an appointment has not already been confirmed the selection panel may be instructed to either:
 - Interview the complainant, without prejudice; and/or
 - Repeat the short-listing and interview processes for all applicants.

Timescales

You should lodge your complaint within 5 school days of the incident since after a greater lapse of time investigation becomes difficult and remedial steps are likely to be less effective.

The process will normally be completed within 20 working days of the receipt of the complaint. Where the interviewing process has been completed and a verbal offer made, the investigation will be completed as a matter of urgency.

Retention of records

All documents relating to a complaint will be properly filed and retained under confidential cover for a period of 12 months from the date of final completion, after which they will be destroyed.