

ANGUS COUNCIL

STRATEGIC POLICY COMMITTEE – 8 SEPTEMBER 2009

RECRUITMENT AND SELECTION PROCESS - COMPLAINTS

REPORT BY CHIEF EXECUTIVE

ABSTRACT

This report proposes a revised procedure for dealing with complaints from those who feel they have been unfairly treated or discriminated against during the recruitment and selection process.

1 RECOMMENDATION

The Committee agree the revised recruitment and selection complaints procedure, Appendix 2 refers.

2 BACKGROUND

The current procedure for investigating complaints from those who feel they have been unfairly treated or discriminated against during the recruitment and selection process has been in operation since 1996.

The procedure, Appendix 1 refers, has proved to be satisfactory if measured against the number of employment tribunal claims submitted against our recruitment and selection process to date – one.

However, in practice the procedure has given rise to operational issues: in particular because it does not recognise that the Chief Executive and/or the Assistant Chief Executive may have been involved in the recruitment and selection process, nor does it specifically deal with appointments made by an appointments sub-committee. In addition it does not reflect the current management structure and delegated responsibilities within that structure.

Accordingly the opportunity has been taken to review and revise the procedure.

3 PROPOSAL

The revised procedure, which addresses the above points, is attached as Appendix 2.

The committee will note that the appendix is in two parts.

The first part is the procedure itself. The procedure is initiated by an individual writing to the Assistant Chief Executive indicating that they have a complaint – our recruitment literature gives details on how to do this.

The second part – notes – clarifies responsibilities and is for internal use only.

While the revised procedure is less wordy than the current one there is no change to the timescales nor to the stages within the current procedure.

4 FINANCIAL IMPLICATIONS

There are no financial implications associated with the terms of this report.

5 HUMAN RIGHTS IMPLICATIONS

There are no human rights implications associated with this report.

6 EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

7 CONSULTATION

The Director of Corporate Services, Head of Finance and Head of Law and Administration have been consulted on the terms of this report.

DAVID SAWERS
CHIEF EXECUTIVE

HMR

NOTE No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

PROCEDURE FOR INVESTIGATING COMPLAINTS OF UNFAIR DISCRIMINATION OR TREATMENT DURING THE RECRUITMENT AND SELECTION PROCESS

- 1 The complainant should lodge their complaint in writing to the Assistant Chief Executive. All complaints will be acknowledged within 5 days of receipt of advising the complainant that their complaint is being investigated.
- 2 The Assistant Chief Executive will forward the complaint to the Chief Officer of the Department concerned. Should the complaint be directly against a Chief Officer, the complaint will be forwarded to the Chief Executive who will be responsible for investigating the complaint in accordance with this procedure. This will be done in conjunction with the Assistant Chief Executive unless the complaint is against that officer.
- 3 The Chief Officer and Assistant Chief Executive (or Officers directed by them) will investigate the complaint. As part of a full investigation the complainant and, where applicable, any employee against whom the complaint is directed, may be asked to attend investigatory meetings, either separately or together.
- 4 At the conclusion of the investigation a joint statement of findings and, where appropriate, recommendations, will be prepared by or for the Chief Officer and Assistant Chief Executive.
- 5 The Assistant Chief Executive will give a written response to the complainant and to any employees directly affected by the investigation.
- 6 Should the investigation result in a disciplinary hearing involving an employee of the Council, the matter shall, from that time, be dealt with in accordance with the Council's disciplinary procedure.
- 7 The investigation should, unless in special circumstances, take no longer than 4 calendar weeks from receipt of the complaint to the completion of the investigation.
- 8 Nothing in the above procedure shall limit or affect the statutory rights of a complainant.

RECRUITMENT AND SELECTION PROCESS – COMPLAINTS PROCEDURE

- 1 If you believe you have been unfairly treated or discriminated against you should write to the Assistant Chief Executive.
- 2 Your complaint will be acknowledged within 5 working days of receipt advising that a written response will be provided within 20 working days.
- 3 If further time is needed to investigate your complaint you will be informed as soon as possible explaining the reason for any delay and when a full response will be provided.
- 4 This procedure does not affect any statutory rights which you may have.

NOTES

- i The complaint will be investigated by senior officers from Personnel and the department concerned.
- ii The senior officers appointed to investigate must not have been involved in the recruitment and selection process.
- iii If the Chief Executive or an appointments sub committee was involved in the recruitment and selection process, the complaint will be investigated by the council's Monitoring Officer.
- iv The written response will be from the Head of Service (or in the case of the Chief Executive's department the Assistant Chief Executive) unless that officer was involved in the recruitment and selection process in which circumstance it will be from the Director (or Chief Executive). In respect of (iii) the written response will be from the Monitoring Officer.
- v If the Director was involved in the recruitment and selection process, the response will be from the Chief Executive.