
Recruitment & Selection Complaints Procedure

Recruitment & Selection Complaints Procedure

Introduction

As an equal opportunities employer Birmingham City Council is committed to the fair and lawful treatment of its employees and prospective employees.

Scope

This procedure can be used by any internal or external applicant who alleges they may have been **unlawfully or unfairly discriminated against** at any stage of the recruitment and selection process.

Management can agree for a complainant to be accompanied by a colleague or Trade Union Official at all stages of this procedure if requested.

This Recruitment and Selection Complaints Procedure does not preclude the right of the complainant to pursue a complaint through an Employment Tribunal.

This complaint's procedure can be used to review allegations of potential discrimination, most commonly related to one or more of the "protected characteristics" as defined in the Equality Act 2010.

This complaints procedure should not be used to challenge a decision on selection that an applicant is dissatisfied with or to challenge internal section 188 headcount reduction displacement decisions. In this situation, the relevant Senior Officer identified in the s188 business case should be contacted for advice.

The Procedure

Stage 1 – Feedback Meeting

The complaint should be submitted as soon as possible but, in any case, within 3 months of the event referred to taking place, to the recruiting manager, stating the reason for the complaint.

Upon receipt of the complaint, the recruiting manager will:

- Collate the relevant recruitment and selection records relating to the complaint.
- Arrange a meeting to discuss with the candidate their feedback from the recruitment and selection process.
- Provide the candidate with relevant information to improve their performance and possibilities of success in subsequent recruitment and selection processes.
- Discuss the remaining stages of this procedure.
- The complaint and notes of the discussion should be recorded on Talentlink against the job requisition.

Stage 2 – Review

If the complainant remains dissatisfied, they should submit their complaint in writing within 15 working days of the Stage 1 feedback meeting taking place.

[Submit Recruitment & Selection Complaint](#)

They must include the following details with the complaint:

- job title applied for
- job reference number
- home address
- contact number / email address
- the name of the recruiting manager

HR will forward the complaint to the Head of Service of the relevant service area, who will:

Follow the Review Procedure

- Acknowledge receipt of the complaint in writing.
- Organise a review to be undertaken by an independent Senior Manager (Reviewing Officer) with guidance from a HR Advisor/ Officer if required. A meeting may be arranged by the reviewing officer with the complainant to discuss the complaint in further detail.
- Request from Recruiting Manager copies of all relevant documents relating to the complaint and further information may be requested as appropriate. The reviewing officer may also interview relevant employees including the selection panel members, during the review.

The Reviewing Officer must send a written report to the Head of Service detailing how the review was carried out, a summary of the evidence received and clear conclusions.

It is recommended where possible for the review to be concluded as soon as possible and no longer than 40 working days, subject to availability of relevant information and/ or employees.

On receipt of the report, the Head of Service must write to the complainant advising them of the outcome of the complaint and right of appeal within 7 working days.

The complaint, report, notes and outcome should be recorded on Talentlink against the job requisition.

Stage 3 - Appeal

If the complainant is dissatisfied with the Stage 2 Outcome, they should submit their appeal in writing within 15 working days of receiving the outcome letter.

[Submit Recruitment & Selection Complaint Appeal](#)

HR will forward the appeal to the Assistant Director of the relevant service area, who will:

Follow the Appeals Procedure

Review the appeal, and where there are reasonable grounds, arrange an appeal meeting with the complainant to consider the following:

- The candidate's reason(s) for the appeal and supporting evidence.
- The stage 2 review report.
- Any procedural errors so substantial as to undermine the fairness of the decision.
- Any errors of fact fundamental to the decision.
- The reasonableness of the decision.

Where appropriate, the Assistant Director will convene an appeal hearing. The Head of Service and Investigating Officer will attend the appeal hearing.

The Head of Service, with support from the Investigating Officer, will outline the decision and reasons. The Appeal Chair will seek any clarification they require from all parties and adjourn to review the decision.

During adjournment, the Chair will seek advice and guidance from a HR Business Manager or their representative. The final decision, with reasons, will be provided verbally to the employee and their representative where this is possible at the end of the meeting.

Potential outcomes:

- Uphold the appeal
- Not uphold the appeal
- Partly uphold the appeal

The complainant will be issued a written confirmation of the appeal decision following the appeal hearing within 7 working days of the appeal hearing. The written confirmation must clearly outline the reason for the decision reached and outline any recommended actions where applicable.

The appeal, report, notes and outcome should be recorded on Talentlink against the job requisition.

There is no further right of appeal.

Reasonable Adjustments – please contact the recruiting manager in the event reasonable adjustments are required to support you with this procedure.