



Rhagoriaeth i bawb – Excellence for all

Arolygiaeth Ei Mawrhydi dros Addysg
a Hyfforddiant yng Nghymru

Her Majesty's Inspectorate
for Education and Training in Wales

Recruitment Complaints Procedure



Information sheet

Information box

For further advice contact: Human Resources

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Any enquiries or comments regarding this policy should be addressed to:

Human Resources

Estyn

Anchor Court

Keen Road

Cardiff

CF24 5JW or by email to HumanResources@estyn.gov.uk

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This document has been translated by Trosol (English to Welsh)

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Introduction

- 1 This procedure applies to complaints about any aspect of a recruitment campaign for permanent staff (Civil Servants) administered by Estyn. Complaints about the recruitment of Non-Executive Directors will be considered under stages 1 to 3 of this procedure. Stage 4 only applies to the recruitment of Civil Servants.
- 2 It provides guidance on:
 - a. what complaints Estyn will consider;
 - b. how to make a complaint; and
 - c. the procedure for considering complaints.

Principles

- 3 Estyn's recruitment processes are underpinned by the Civil Service Commission's Recruitment Principles ('the Principles') of selection on merit on the basis of fair and open competition.
- 4 We will investigate any complaints we receive thoroughly, speedily, fairly and confidentially. Where possible Estyn will try to resolve a concern / complaint informally before the formal complaints procedure is invoked.
- 5 No one raising a complaint will be disadvantaged in respect of any future job application they may make, nor will anyone be treated any differently from any other applicant as a result of making a complaint.
- 6 No complainant will receive less favourable treatment because of their age, disability, gender, gender identity (transgender), gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation, responsibilities for dependants, working patterns (such as the need, or desire, to work part-time hours) or other irrelevant considerations (subject to the requirements of the job).
- 7 Complaints should be raised as soon as possible after the incident or issue has occurred which gave rise to the complaint. We will not normally consider a complaint that is raised more than 20 working days after the incident or issue has occurred, unless there are exceptional circumstances. Where a complaint is not investigated because it is out of time, you will be advised appropriately.
- 8 Individuals may not complain on behalf of a third party unless circumstances require, for example the person making the complaint is acting on behalf of a disabled candidate who is not able to take forward a complaint effectively.
- 9 Notes and records of any complaint considered at all stages under this procedure will be retained by Human Resources in compliance with Estyn's Record Retention Policy.

Scope of procedure

- 10 The procedure has been developed to consider complaints in respect of:
- a. Estyn's compliance with the Civil Service Commission's Recruitment Principles; and / or
 - b. the way in which individuals have been treated by, or the service they have received from, staff in Estyn or a member of the selection panel in relation to a matter connected to a recruitment campaign for permanent staff (Civil Servants) or Non-Executive Directors.
- 11 We recognise that people will be disappointed should an application for a job not be successful, but we will not normally regard an applicant disagreeing with the outcome of the recruitment campaign as grounds for considering a complaint, unless it can be shown that we have not complied with the provisions of the Principles.

Feedback for unsuccessful applications

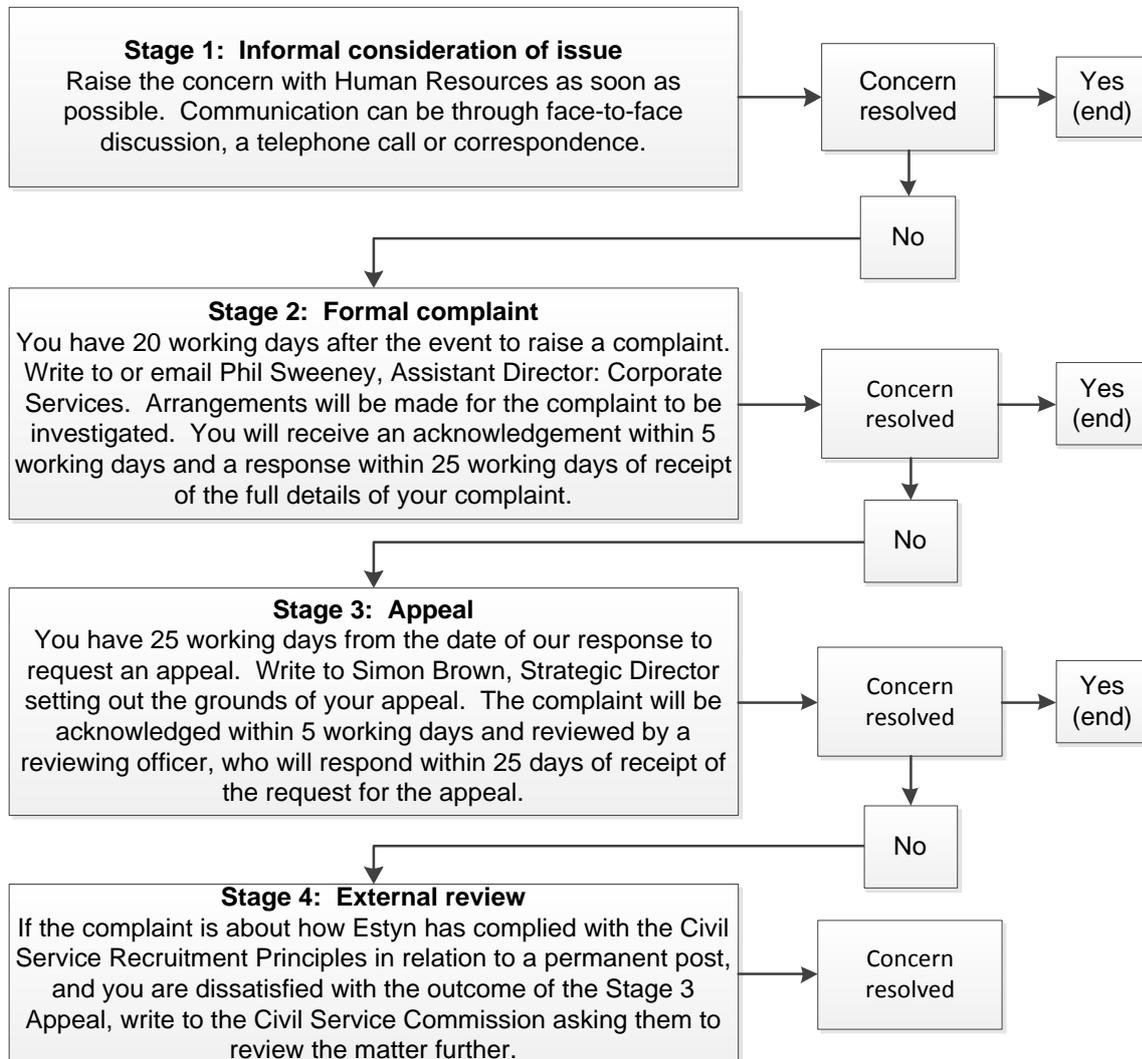
- 12 Members of Estyn's Human Resources team will provide verbal feedback to unsuccessful applicants on request, following assessment and interview once the recruitment exercise has been completed. Such discussions may include addressing any concerns individuals may have regarding the judgement of the panel or outcome of an assessment process. We do not usually provide feedback following the initial sift (longlisting) stage due to the number of applications we receive.
- 13 The Human Resources team will note and retain all such feedback on file in confidence.

Confidentiality

- 14 Estyn takes the view that in order to deal with complaints effectively, and to ensure that those involved are able to express their views freely, complaints should be treated confidentially, as far as possible.
- 15 We will limit the people with whom details of the complaint are shared on an "as required" basis, and will only routinely publish general details of complaints that do not reveal the identity of those involved.
- 16 The details of a complaint will be shared with the person who is the subject of a complaint (where applicable) who will be given the opportunity to respond and, if appropriate, put matters right. This will usually mean telling the individual the identity of the person who raised the concern unless there are exceptional reasons not to do so.
- 17 We will only disclose detailed information about a complaint or complainant where we are under a legal obligation to do so.

Procedure

- 18 There are four stages in our procedure which may be used by a person who wishes to raise a complaint.



- 19 Appendix A sets out the responsibilities of Estyn staff and timescales for handling recruitment complaints.

Stage 1: Informal consideration of issue

- 20 In the first instance, concerns should be raised with a member of the Human Resources team at the earliest possible opportunity - they will try to resolve the matter quickly (within a maximum of 5 working days). You can contact Human Resources by telephone: 029 2044 6446 and select Option 2, or by email: HumanResources@estyn.gov.uk
- 21 If you are unable to speak to a member of the Human Resources team, the Estyn recipient of the concern will record details, as per the form shown at Appendix B, and

will pass this information to a member of the Human Resources team as soon as possible.

- 22 Estyn staff receiving a concern about a recruitment process will follow the guidance provided within Appendix C.

Stage 2: Formal complaint

- 23 Should an individual be dissatisfied with the outcome of an informal approach and / or wish to move straight to the formal complaint stage, a complaint should be made in writing to: Phil Sweeney, Assistant Director: Corporate Services, Estyn, Anchor Court, Keen Road, Cardiff CF24 5JW or by email: Phil.Sweeney@estyn.gov.uk
- 24 You should provide the fullest possible account of the circumstances surrounding your complaint and details of any previous contact with Estyn regarding the matter, for example through Stage 1 of this complaints procedure.
- 25 It helps if your letter includes:
- what or who you are complaining about and when it happened;
 - what evidence you have (enclosing all supporting evidence);
 - what you did about your concerns at the time, and the response you received; and
 - what you would like to be done as a result of your complaint.
- 26 Estyn will contact you by letter within five working days of receipt of the complaint to:
- a. acknowledge that your complaint has been received;
 - b. confirm that the issue will be considered as a complaint under this procedure and provide you with a complaint reference number or, alternatively, provide, a brief explanation of the reason(s) why the issue will not be dealt with as a complaint;
 - c. explain the complaints procedure and state the timescales within which you can expect to receive a response; and
 - d. may ask you to clarify any issues arising from the complaint and request further details, where appropriate.
- 27 The Assistant Director: Corporate Services will nominate an Investigating Officer to investigate the complaint. The Investigating Officer, who may be the Assistant Director: Corporate Services, will normally have had no prior involvement in the subject matter of the complaint.
- 28 The Investigating Officer will conduct a thorough review of the complaint (including seeking information from any third party involved in the complaint e.g. an external selection panel member). The Investigating Officer will reach a conclusion about the validity of the complaint and notify you of the outcome normally within 25 working days of receipt of the full details of the complaint. If it is not possible to respond in this time, you will be informed and given the reason for the delay.
- 29 If the complaint is upheld, the Investigating Officer's correspondence will indicate the remedy we propose.

- 30 If the complaint is not upheld, the Investigating Officer will provide information on how and to whom an appeal can be submitted.

Stage 3: Appeal

- 31 Should you be dissatisfied with the response from the Investigating Officer following consideration at Stage 2 of this procedure, you can appeal against the findings. The appeal should be made in writing to Simon Brown, Strategic Director, Estyn, Anchor Court, Keen Road, Cardiff CF24 5JW or by email: Simon.Brown@estyn.gov.uk setting out the grounds for the appeal. Your letter should enclose relevant documents and state:
- the complaint reference number provided by Estyn;
 - why you are dissatisfied with the investigation, giving clear reasons and supporting evidence; and
 - what you would like to be done as a result of the appeal.
- 32 An appeal cannot be submitted:
- a. on the sole basis of disagreement with the earlier decision;
 - b. to restate the complaint in a similar way;
 - c. to provide evidence which was previously available but not disclosed.
- 33 The appeal will be acknowledged within 5 working days with confirmation or not that the appeal will be taken forward by Estyn.
- 34 The Strategic Director will nominate a Reviewing Officer to consider the appeal. The Reviewing Officer will normally have had no previous involvement in the matter being complained about, nor of the formal investigation of the complaint at Stage 2 of this procedure.
- 35 The Reviewing Officer will review all the evidence and will write to you with the outcome of the appeal within 25 working days of receipt of the appeal request. If it is not possible to respond in this time, you will be informed and given the reason for the delay.
- 36 Unless the complaint is in respect of non-compliance with the Principles (in which case see Stage 4 below), the decision of the Reviewing Officer will conclude the matter.

Stage 4 External review

- 37 Where the complaint is about how Estyn has complied with the Civil Service Recruitment Principles, and you are dissatisfied with the outcome of the Stage 3 appeal, you may ask the Civil Service Commission to review the matter further.
- 38 The Commission can be contacted either by email at: info@civilservicecommission.org.uk or in writing to

Civil Service Commission
G/8
1 Horse Guards Road
London
SW1A 2HQ

For further details, please visit their website:
www.civilservicecommission.independent.gov.uk

- 39 The Civil Service Commission will only consider reviewing complaints where the complainant:
- a. believes that the Civil Service Recruitment Principles have been breached; and
 - b. has raised their complaint with Estyn and exhausted all stages in this recruitment complaints procedure.

Withdrawal of a complaint

- 40 You may withdraw a complaint at any stage in the procedure, by writing to Phil Sweeney, Assistant Director: Corporate Services, Estyn. The complaint will then be regarded as closed.

Appendix A - Responsibilities and timescales for handling complaints

Stage	Responsibility	Timescales for Outcome
Stage 1: Informal concern	Person receiving concern and / or their line manager to refer the concern onto the Human Resources team for response.	Immediately, or as soon as possible after concern is raised within a maximum of 5 working days.
Response not accepted / Formal complaint lodged; move to Stage 2		
Stage 2: Formal complaint	Assistant Director: Corporate Services for managing the process and nominating an Investigating Officer	Acknowledgement of complaint in writing within 5 working days providing full information on the complaints process
	Nominated Investigating Officer for investigation of complaint and written response to complainant	Response notifying outcome of investigation within 25 working days of date of receipt of complaint
Response not accepted/appeal lodged; move to Stage 3		
Stage 3: Appeal	Strategic Director for managing the process and nominating a Reviewing Officer	Acknowledgement of appeal in writing within 5 working days
	Reviewing Officer for review of evidence and response to complainant	Response in writing notifying the outcome of review within 25 working days of date of receipt of the appeal
Review not accepted: move to Stage 4		
Stage 4: External review	Complainant contacts the Civil Service Commission Civil Service Commission handle the complaint	Timescale to be determined by the Civil Service Commission

Appendix B - Record of informal concern

Name of caller / person raising concern	
Post applied for	
Email address	
Contact telephone number	
Date & time of call / visit	
<p>Record of discussion</p> <p>This should include:</p> <ul style="list-style-type: none"> i. nature of the concern; ii. when and how it arose; iii. who was involved; iv. action the caller has taken already, (if any); v. what they would like to see as an outcome; vi. what steps have been taken to produce the outcome in v. above 	
Name of staff member recording concern / complaint	

This form should be passed to the Human Resources team as soon as possible after the concern has been raised.

Appendix C - Guidance for dealing with an informal concern

The following guidance should be used to help the Human Resources team deal informally with a concern from an applicant about any aspect of a recruitment campaign for permanent staff run by Estyn.

If the concern is received by a member of Estyn staff who does not work in the Human Resources (HR) team and there is no one immediately available from HR to refer the matter to, he / she should:

- seek advice from his / her line manager;
- use the form at Appendix B to record the information; and
- pass information to the HR team as soon as possible.

If the applicant is raising the concern on a face-to-face basis in one of Estyn's offices, ensure that he / she is given the opportunity to discuss his / her concerns in private.

Find out what he / she would wish to happen ideally, and discuss the next steps.

Agree what you and / or he / she will do next

If the concern cannot be resolved immediately to the complainant's satisfaction, inform the individual that he / she will be contacted about their concern within 5 working days, and that their concern will be dealt with confidentially.

If appropriate, ensure the visitor / caller understands that you may need to speak to others in connection with their concern.

If the visitor / caller is dissatisfied with the response he / she has been given, inform him / her of the formal recruitment complaints procedure.