

Fair employment case launched in wake of 'substantive breaches' of recruitment code

13 September, 2018

A date has yet to be set for a Belfast solicitor's fair employment case against Richard Pengelly, the head of the Department of Health (DoH).

John O'Neill launched the case against the husband of DUP MP Emma Little-Pengelly after failing to be selected for one of four vacant positions on the board of the Northern Ireland Fire & Rescue Service (NIFRS).

A subsequent report by the north's quango watchdog, the contents of which were revealed by The Irish News in July, identified "substantive breaches" of recruitment guidelines in the appointment process.

In the absence of a minister, the appointments were made by Mr Pengelly.

Mr O'Neill was shortlisted for the role following an interview but when he failed to secure the post, he requested feedback from the DoH.

According to Commissioner for Public Appointments Judena Leslie, information provided by the department showed the appointment had been made on the basis of "extraneous information", rather than the published criteria specified in the code of practice for public appointments.

One of the successful candidates was selected by the department permanent secretary on the basis of their "legal background", criteria that was not included in the original brief.

Ms Leslie said the appointments were made for reasons "lacking in proper and correct rationale and justification".

The quango watchdog identified similar "substantive breaches" of recruitment guidelines in a second case involving an anonymous female candidate who was also turned down for a place on the NIFRS board, despite coming at the top of her score range during the interview process.

The Department for the Economy has confirmed that Mr O'Neill's case remains live but that a fair employment tribunal hearing has yet to be scheduled.

Sinn Féin health spokesman Pat Sheehan said the cases had undermined public confidence, while SDLP MLA Mark H Durkan said the commissioner's findings shone a "light on shoddy practice in the machinations of government".