

Carol Rowney v South Eastern Health and Social Care Trust

Age discrimination case which settled in the Industrial Tribunal on the 1 April 2015.

Summary

The Claimant was a 45 year old female. She was employed by the Respondent as a Specialist Emergency Department Nurse grade 5 and had over twenty years nursing experience. In April 2014 she applied for a temporary promotion to the grade of Deputy Sister in the Emergency Department in the Ulster Hospital.

The Claimant alleged that the expression of interest included in the essential criteria, 'a degree, a diploma or any other nursing qualification allowing registration on the Nursing & Midwifery Council'. The Claimant believed that she qualified under Criterion 3.

The Claimant alleged that in July 2014 she received two phone calls and two emails from Human Resources. The Claimant was informed that she had not been shortlisted for the post. The Claimant was told that it was on the basis that she did not have a degree or diploma. The Claimant alleged that she was informed that there was a regional drive/requirement that all Band 6 posts met that level of academic study and that HR had agreed with the shortlist outcome.

The Claimant emailed the Respondent in relation to what she believed was the removal of an essential criteria during the shortlist process. She asked for the suspension of the interview process until the matter had been resolved. On 28 July 2014 she was informed that this was not possible.

In the following months the Claimant raised a grievance and stated that she believed that the treatment afforded to her amounted to Age discrimination.

The Claimant alleged that in October 2014 she was advised by the Respondent that she would not receive an interview as people were already in post. She alleged that she was advised that HR made the decision not to shortlist and that their original advice had been returned for review. An interpretation of "degree/diploma or other nursing qualification allowing registration with the Nursing and Midwifery Council" was also being sought.

In November 2014 a meeting was arranged to update the Claimant on the progress of her grievance. The Claimant was informed that professional and HR advice had been sought and that the Claimant should have been shortlisted and received an interview. It was confirmed to her that there was no regional drive/requirement. She was informed that in future the degree/diploma would be removed to the desirable and not the essential criteria. The Respondent also confirmed that a mistake had been made but that the matter was now closed.

The Claimant was not satisfied. She lodged a claim of Age discrimination. She understood that whilst the age of the short-listing panel members were from a similar age band to herself, nevertheless the shortlisted and appointed candidates were from the late 20 to mid-30s age band. The Claimant alleged that the academic requirement placed her as an older candidate at a disadvantage as notwithstanding having over 20 years relevant experience persons of her age are less likely to hold a degree or diploma. The Claimant alleged that her treatment was an example of Indirect Age discrimination. She felt professionally embarrassed by her failure to be shortlisted and suffered a significant financial detriment.

In settling the case through the Labour Relations Agency the Respondent agreed to pay the Claimant £2,000 without admission of liability. The Respondent also affirmed its commitment to Equality of Opportunity and agreed to liaise with the Commission to review its policies practices and procedures.