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# Boris Johnson and Matt Hancock are facing a lawsuit over Test and Trace - here's why

By Rhona Shennan

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The Good Law Project and Runnymede Trust have joined forces to launch legal proceedings against the Prime Minister and health secretary in regards to how the government has allegedly repeatedly given top-ranking Tories key public sector roles - without advertising these roles or following a proper process.

The Good Law Project and Runnymede Trust state that Westminster appears to have breached its public sector equality duty, under the Equality Act 2010, by filling these senior public sector roles with friends and acquaintances.

A notice was handed to Johnson and Hancock on Thursday 29 October, and comes after Baroness Dido Harding was made the head of the NHS Test and Trace programme.

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Harding is the wife of Conservative MP John Penrose and a friend of former Prime Minister David Cameron.

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## Indirect discrimination

Recruiting for a role without opening it up to fair competition may be considered indirect discrimination under the Equality Act 2010.

Halima Begum, the trust's director, said: "When a recruitment process is not open and fair, it discriminates against those who are not already connected to the decision makers."

This has a serious detrimental impact on quality and on the diversity of the people at the top of organisations who get to call the shots.

“This is always important, but even more so now so many lives depend on it, and particularly as we know black and Asian people continue to be disproportionately affected by the coronavirus.

“We are calling on the government to ensure a proper process is followed and for NHS bodies to be truly representative of the people they protect.”

## No other candidates

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The Good Law Project said that Harding didn't win out over other candidates for the position, but instead “there weren't any other candidates”.

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The Good Law Project explains that effective Test and Trace is “absolutely key to tackling the pandemic” and that those appointed to run vital public bodies need to be the best - and recruited via a fair and open process, and not because of “who they know”.

The Good Law Project said in a statement: “This government's approach discriminates against those born without a silver spoon in their mouth.

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“It's unfair to those who don't rub shoulders with high ranking ministers.

“And it's unfair to groups who the data shows are shut out of public life. We intend to change it.”

## A string of appointments made without due process

In the [Pre Action Protocol letter](#), The Good Law Project and Runnymede Trust also challenge a number of other appointments of individuals given “roles of vital public importance”.

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The letter states: “In particular, the claim challenges the appointment of Baroness Dido Harding to be Interim Head of the National Institute for Health Protection and Mike Coupe, Gareth Williams, Ben Stimson and Paul de Laat to senior positions at NHS Test and Trace.

“These appointments evidence a government policy or practice of making public appointments without adopting processes designed to ensure appointment on merit, on basis of transparent and fair competition.”

At the end of the letter, it states that a reply is requested by 4pm on 11 November 2020.

“In the absence of a substantive response by this date in the terms requested, the claimants intend to make an application for judicial review without further recourse to you,” the letter says.



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