

Chapter III

A Whiter than White Whitewash

(a) NATFHE Re-defines Natural Justice

Signs of a conspiracy, or perhaps two conspiracies running side by side, to manipulate the outcome of the enquiry had littered the period running up to Bis Weaver's meeting with the regional official. Mr Day's offhanded dismissal of her concerns about the invitation from Penny Welch, or as Day put it 'local officers', to accept an unconstitutional enquiry conjured up by a least one local officer, hardly inspired any confidence in what was on offer.

When Bis Weaver met Day on the 29th August, the unshaven, unkempt official, who turned up on her doorstep and chain-smoked throughout the meeting, did nothing to suggest that her scepticism was misplaced and everything to confirm it. At the end of a session lasting over two hours, her doubts had multiplied. The meeting turned out to be an exercise in futility as every point she raised seemed to fall on stony ground. Day gave the impression of having no interest in whatever she had to say.

Using her *aide memoire* and several documents relevant to the complaint, Bis Weaver provided a comprehensive, blow-by-blow account of her experiences in the college from January to July. In chronological order, she provided background material for each witnessed incident and, as a consequence of Day's easily detectable lack of interest, she included the unwitnessed incidents of physical intimidation as well. She made it absolutely clear, by raising the issue several times, that she thought racism was a factor in Gates' behaviour; that she had been singled out for humiliating, embarrassing and degrading treatment in front of management, other staff members and students, which no other member of staff had to face from Gates; and that Gates had used the knowledge gained from his dealings with management (management-union meetings) of its reluctance to take up a case on behalf of a Black woman lecturer against an influential White male union officer, who with a few allies, dominated the branch. Gates' recognition of management's abdication of its responsibilities appeared to be confirmed by Gates' foul mouthed abuse on two occasions in front of management, whose response was to stand by and do nothing.

Understanding the effects of racist and sexist harassment on victims appeared to be far beyond Day's capabilities. Everything he was told seemed way over his head or was of little interest to him or, perhaps, a combination of both. This attitude was revealed when she

described the ‘fucking liar and fucking finger’ incidents. Day’s flippant, insensitive and unsympathetic response was to say that she should hear some of the things he was called in meetings! Day gave the impression that everyone else, irrespective of their circumstances, should accept the world as he saw and experienced it. *

Bis Weaver stuck at it and coupled Gates’ behaviour to the attempt to remove her from the post of Access course coordinator/director in order for either Gates or his partner, to replace her. She described the tactics used in this almost successful coup before the plot was averted by drawing management’s attention to the terms and conditions in her contract of employment.

Picking up on NATFHE’s so-called commitment to anti-racism, she asked Day: (i) what was the point of Black members remaining in NATFHE if branch officers were allowed to ride rough-shod over them, and (ii) could there be a place in the union for people who apply racist tactics. Day was also informed that no branch officers, who witnessed the abusive and harassing behaviour, offered assistance or advice to her and when Gates claimed management victimisation, after it belatedly stepped in to try to curb Gates’ attacks on her, union representatives went to management on behalf of Gates.

Bis Weaver revealed her initial reluctance to bring the complaint to the union branch because of the influence of branch officers allied to Gates. However, this did not apply to the ex-branch chairperson, Cynthia Deeson, from whom she had received a sympathetic ear. Bis Weaver expressed concern to Day about the possibility of present branch officers being involved in the procedures, especially the branch secretary, Gates’ partner, and that any involvement on her part in the procedures should be avoided because of her professional and personal interests in the outcome.

Day’s attention was also drawn to the pressure put on Gil Butchere, the branch’s women’s representative, for speaking out for an impartial enquiry and seeking assurances that the enquiry would not be rigged. This was followed up by pointing to Penny Welch’s offer as possibly fitting the bill of a ‘fix’, but Day, in one of his few comments, gave little credence to that possibility because, he said, the union would not be a party to such dealings. Although unaware of Day’s manoeuvrings in the early stages of the complaint, his ‘reassurance’ did not allay her apprehension.

* Day’s perspective was confirmed at the 1987 Industrial Tribunal hearing, when he described Bis Weaver as lacking “sensitivity” for “request[ing] that the reason for Mr Gates’ conduct be investigated.”¹ This hardly conformed to the TUC’s policy document urging trade unions “to ensure that officials at all levels deal particularly vigorously and effectively with any employment grievances concerning racial discrimination which are brought to them by their members.”²

Day was also told of a Labour councillor's, Phil Murphy's, interest in what was happening to her, not knowing that Day was already aware of this, and she rejected Gates' claim that she had threatened to tell Murphy. There had been no need for her to tell anyone outside the college or the union as the harassment at Bournville College was known as far afield as Bradford and London, of which she was well aware because when attending conferences in those places delegates had approached her about it.

In the run-up to Day's visit, no one advised her to have a union representative or a friend at the meeting, in accordance with NATFHE guidelines. Nor did Day suggest this when arranging the meeting. This was to Day's advantage as he would be in a position to deny anything, as he did so, should she contest anything he served up. * However, I was sitting in an adjacent room, unseen by Day, listening to Bis Weaver present her case and it was not difficult to detect a note of resignation in her voice as she struggled to overcome Day's lack of interest and dismissive responses. Eventually, I went into the room offering tea or coffee and returned with the 'goodies' and stayed there, which, if it did not manage to get the 'open all hours sign to flash over Day's shop door', at least it noticeably halted the dismissive manner in which Day had been conducting the interview.

Taking heed of the advice given to her by both Shuk Nedjat and Cynthia Deeson, Bis Weaver said that she understood this meeting was part of an initial inquiry and went on to request, as she had done with the branch chairperson, that a tribunal included a woman or a Black person.³ Day made no comment as to whether or not that was permissible under the 'rules' and he let her believe he was conducting an initial enquiry when later events showed his involvement was to put an end to the complaint with an outcome almost certainly arrived at already. **

What Bis Weaver was unaware of at the time was that no provisions existed in NATFHE's Rules for the type of enquiry being carried out by Day. Formal complaints against members were dealt with under Rule 8, "bringing the union into disrepute" and were heard by a union tribunal consisting of National Executive Committee members without conducting an initial enquiry. But even then Rule 8 procedures were not available for complaints involving racial harassment.⁴ Surely Mr Day, Mr Mackney and the NEC member, Ms Welch, were aware of that, as surely would Mr Gates, a member of NATFHE's National Council.

* NATFHE officialdom denied everything when forced to face publicly the consequence of its attempt to cover up the whole issue.⁵

** See Weaver v NATFHE Industrial Tribunal hearing, in Chapter 15 sect (c)

As the meeting was coming to an end, Bis Weaver briefly re-capped on the main points in her complaint. Day was then given several documents: the 4th June memo to management describing the fifteen incidents of abuse and harassment; the document dated the 12th March, accusing her of creating problems amongst the students, distributed by Gates at the 15th March course team meeting; a copy of her contract of employment complete with the job description. When the meeting finally ended Bis Weaver was so deflated by the experience of trying to overcome Day's inattentive and insensitive approach that she could not bring herself to see him out; this 'privilege' was given to me and I escorted him to the door and out of the house.

The meeting had been not so much an anti-climax as a non-event. Bis Weaver had faced an uphill struggle trying to get her problems across to Day, however, despite Day's general obstructive and dismissive manner, she managed to cover everything. Day did not explore any of the points she raised and his intention appeared to be, and indeed turned out to be, to 'shut up shop' as shown by his response to the 'fucking liar' incident. His manner gave her, and me, the distinct impression he had no particular interest in what had happened to her or what might happen in the future. Nor did he appear to have any interest in, or real understanding of, or sensitivity towards the situations Black people and women face in the workplace.

Day's unconcealed indifference left Bis Weaver with the feeling that he would not do anything if it was left to him. However, there was some reassurance, or so we both thought, that the outcome did not depend solely on Day as there was sufficient evidence to warrant a union tribunal hearing and Day would be in no position to obstruct the implementation of what she was led to believe were union procedures. How wrong we were; how little did we know about the workings of this union and the people in it, wherever they were located in the 'chain of being'.

Before Day had set the 'enquiry' in motion with his visit to Bis Weaver, supporters of Gates on the branch committee had not been idle. During the Summer-break, the way the wind was about to blow in the branch in favour of Gates was shown in a conversation between Downey, a branch committee member and a Birmingham liaison committee officer, and Shuk Nedjat. This conversation took place just after Nedjat had spoken to Bis Weaver about the Welch offer and had also received Bis Weaver's version of events.

In the Three Shoes public house in Stirchley – one of the smoke-filled haunts frequented by college staff, Nedjat let it be known that he thought Bis Weaver's complaint should be taken seriously. This left him open to a verbal diatribe from Downey, who made it

clear that the branch should show total support for Gates because Bis Weaver's complaint was an attack on the union.⁶ This was an illuminating insight into how the interests of certain lecturers at the college, who were also union officers, were seen as indivisible from the interests of the union. This fusion of interests would be evident a couple months later in a letter from Gates to the regional official – an example of self-interest wrapped up in the structures and ideology of the union.

Downey's belligerent attitude toward Bis Weaver came to her notice when she discovered he had a deeply rooted grudge against her. His attitude was something of a surprise because she had received no indication of this antagonism towards her. She met Downey at a party given by a colleague from Bournville College shortly before the Autumn term began, and he went out of his way to be extremely critical of her, to the point of being offensive, for the way she was alleged to have handled a complaint from a student on the business studies component. She was taken aback by the jaundiced way Downey presented the incident and she informed him of what had really taken place. When she asked him from whom did he get such an inaccurate version, Downey replied that Cave and Gates had spoken to him about it. Bis Weaver suggested that Downey should have consulted her about the circumstances, if it was of any interest to him, as she was the only person beside the student to know the contents of the discussion. Whereupon, Downey let her know he was in no position to do that because he was not speaking to her and had not done so since around March. When asked why he had taken this course of action as it was news to her, not having seen him for some time, Downey accused her of making certain remarks about him that were brought to his attention by a member of staff, who also happened to be a branch officer. The alleged remark attributed to her was that "Downey was using the union to advance his own career or words to that effect." Bis Weaver made it perfectly clear that no such remark was made to anybody. It looked as if Downey had been set up to ensure his support against Bis Weaver should it be required but it did not seem to take much to mobilise Downey for that purpose.

Not far distant from where this exchange was taking place, I was watching and listening. I then went over and commented on his informant's behaviour as childish. Downey retaliated, saying he would not stand by and listen to a friend being criticised in his absence. Bis Weaver responded by telling Downey that he should have taken a similar stand and approached her about those alleged comments to verify them rather than accepting them without question. Downey said not another word but turned and stormed off. Interestingly, the false 'report' to Downey was made around the time that Bis Weaver's problems with

Gates had begun to escalate. She wondered who else in the branch had received a few malicious words whispered in their ear. Significantly, the incident with the student and the way it was repeated by Downey became the centre piece of Day's 'report' and was reported in a similar way.

When the college resumed for business both Cynthia Deeson and Shuk Nedjat, elected for the 1985/6 academic year, had vacated their posts having left the college to go on study leave. Their departure removed two of the independents and increased the partisanship of the branch executive in Gates' favour. Sue Pattinson had relinquished the post of branch secretary to become branch chair, which was a position offering the holder considerable advantages in determining the agenda of branch meetings – an advantage to be used with considerable effect during the coming year; and Norman Cave became vice chair. The branch secretary, Heather Stretton, was caught in the middle of a difficult situation. * With Gates, holding the position of ex-chair, the branch executive of four was dominated by three *kernels*.

Mobilising support for Gates in the branch committee, now minus the two impartial voices of Ms Deeson and Nedjat, brought together a curious amalgam, most of whom, at a later stage, would admit to their own previous differences and altercations with Gates, which they apparently put on one side while supporting Gates against the only Black member of the branch.⁷ This alliance was fashioned in the first branch committee meeting of the new session.⁸ One 'revolutionary' socialist, a member of the SWP, constantly in battle with the *kernels* on the committee for displaying what he described as Stalinist tendencies, chose, on this occasion, to exhibit comradely loyalty rarely seen on any other issue. In the presence of Gates, he peddled the 'scapegoat formula', not of a Black woman being the scapegoat of a dominant and influential union officer with his eyes on her job, but of Bis Weaver's complaint being a ploy devised by management to victimise Gates for his union activities. ** This was another political fig leaf to hide harassment behind in order to avoid taking action.

* None of the three changes were put to a branch meeting to vote on or for alternative candidates to be proposed

** This temporary 'loyal revolutionary comrade' was playing a part not untypical of some on the left who believe Black people are easily manipulated to serve the interests of management or employers and gullible and lacking awareness of their situation in Britain's social structures. He was a particular type of 'revolutionary', who considered Black issues to be only for use in the proletarian class struggle (or the self-interest of its exponents) and always subordinate to it. Other than that, Black people fell outside the concern of omnipotent sages like himself. This 'revolutionary' was accusing management of using Black people in the same way as the 'Left', within 'his' theoretical perspective, tried to use them. This 'revolutionary' was to be ditched by the *kernels* when management revoked his part-time contract. He had verbally attacked a more senior member of staff – his line supervisor, another *kernel*, when he failed to be appointed to a full-time post

He, too, was another one lacking any interests in the facts and had undoubtedly been privy to a particular concocted version - a propaganda tool to be regularly used by the *kernels* over the coming months. Was he not aware that the complaint was to be investigated by the union and that management had turned a blind eye to what had gone on?

Gil Butchere protested at the way the issue was being addressed, which hardly endeared her to the *kernels*.⁹ She was Bis Weaver's sole supporter at the time, other than me, and was soon to feel the lash of Gates' tongue. On the 11th September, in a meeting of the Access business studies course, which was now supervised by Gates, Gates criticised Gil Butchere for breaking union sanctions by accusing her of working during an industrial dispute with management.¹⁰ This union issue had nothing whatsoever to do with an Access course college meeting and should never have been raised; not only that his accusation had no foundation whatsoever. *

With Gates publicly accusing her of breaking union sanctions, she prepared a paper against Gates to present to the branch committee seeking an apology. Looking for assistance, Gil Butchere showed the paper to Downey, whom she had known for a long time. Downey, referring to Bis Weaver's complaint, told her it was best not to antagonise Gates, who might lose his temper and make the case brought by Bis Weaver worse for himself. Downey asked her to alter what she intended saying at the meeting. Feeling under pressure and with conflicting loyalties to the union, she gave the paper to Downey to amend and it ended up at the committee meeting without any reference to Gates' behaviour and with Gil Butchere put in the position of virtually apologising to the union.¹¹ As a consequence of her stand, she was to be put under mounting pressure in the college, resulting in a period off work with stress-related symptoms.

The partisanship displayed by branch committee members confirmed Mackney's observation, in his discussion with Nedjat in June, that too many committee members were not impartial enough to be involved in the procedures.¹²

Mackney was to claim not to have been involved in the Weaver complaint other than when consulted on procedural matters, despite his involvement in the early stages until delivering Day's message to the branch chair on the 18th June, or whatever Mackney chose to

* Ultimately, a letter to the branch committee, from Gil Butchere's supervisor, a strong union supporter, vigorously denied that Gil had broken union sanctions.¹³ In fact, Day would inadvertently disclose in his 'report' that Gates, during this same industrial dispute, took on extra duties with the "benign blessing of management", therefore breaking union sanctions¹⁴

describe as passing on this information. * Mackney interrupted this self-defined 'exile' only once when replying to Bis Weaver's letter on the 5th July. However, sometime in September, Mackney re-emerged from the side-lines on three separate occasions to discuss Bis Weaver's complaint with Penny Welch, as a NEC member; Gil Butchere, on a social occasion; and Richard Downey, as an officer of the Birmingham liaison committee. Mackney did not reveal what these discussions were about because he said he could not remember. **

What was it that occurred in September 1985 connected to the Weaver case that would warrant Mackney re-entering the scene to discuss it with these three people? Day had yet to visit Bournville College to interview union members about the complaint so there were no new circumstances to draw Mackney into a discussion of Bis Weaver's complaint. Nonetheless, something of significance had occurred sufficient for Mackney to put his head together with Downey, Penny Welch and Gil Butchere, albeit on separate occasions. The only thing of note at that time that could be related to the Weaver case was Gil Butchere's attempt to bring a complaint against Gates. Could it have been that?

Outside of the union's domain, Councillor Murphy was not letting things stand still.*** He drew in Councillor Najma Hafeez, soon to become Chair of the Birmingham city council's Further Education Committee, also a NATFHE member and a member of the Moseley ward of the Birmingham Labour Party, alongside several prominent NATFHE officers. Murphy wanted Hafeez to keep an eye on the complaint and for her to contact Bis Weaver, which she tried to do but got me instead. I related the circumstances behind the complaint and that it was being dealt with by the union.¹⁵ ****

Bis Weaver, having experienced Day's dismissiveness and knowing what the *kernels* in the branch committee were capable of, knew that whatever the outcome of Day's preliminary enquiry it was going to be a difficult time for her thereafter. Whether the decision was a recommendation for or against a union tribunal it would be easy for the *kernels* to mobilise the branch committee behind Gates to put pressure on her as would be

* Mackney later claimed that he had not advised anyone and the role he performed was not as an adviser, although he did use the word adviser to describe his actions but surrounded the word with inverted commas!¹⁶

** The claims about not remembering these conversations were made in a letter sent by Mackney to the regional secretary, copied to B Weaver, A Day, D Triesman, D Gates & H Stretton, 8th April 1986¹⁷

*** As mentioned above, Murphy subsequently received information from a NATFHE officer, in November 1985, "that the complaint had been dealt with and it was sorted"¹⁸

**** Murphy was to take an active part in bringing the situation about to develop at Bournville College into the domain of the local education authority, whereas Hafeez distanced herself from it and when the local authority became involved she ran even further from it

shown on a number of occasions during the next eighteen months. The ability of the *kernels* to rally the branch behind Gates, and two of his acolytes who were to take part in the harassment, proved far easier and devastating than Bis Weaver had imagined possible. *

Bis Weaver was not expecting Day to rush himself into carrying out the rest of the initial or preliminary enquiry by interviewing people at Bournville branch. He would probably delay things for some months until it had died down so that the incidents in the complaint had receded into the past and the memories of witnesses had faded. Whatever Day's original intention about the time-span of his enquiry, it was rapidly abandoned when, at the beginning of October, Day was contacted by Gil Butchere and what she had to say seemed to accelerate the programme. Gil Butchere wrote of the bullying and harassment taking place in Bournville College; of her own situation as a victim; and the identity of the person responsible - a senior officer at branch, liaison and regional level. She explained that she was on sick leave, after being temporarily hospitalised, suffering stress from what had happened to her and she wanted to provide information to Day's on-going enquiry into Bis Weaver's complaint.¹⁹

Day's disinclination to seriously consider Bis Weaver's complaint or address the difficulties facing Gil Butchere was illustrated by his action. Day lost no time in phoning Gil Butchere to express concern for her condition and he promised to make an effort to see her but the punch line was that he had no intention of extending his enquiry any further as he was looking for conciliation.²⁰ Day sent to Gil Butchere, what she described as a patronising letter, reiterating that he was seeking conciliation. That was the last she ever heard from him. The opportunity to expose the malaise at Bournville College was lost as Day prepared the conclusion of his *Whitewash* enquiry.

Day was faced with the prospect of Bis Weaver's complaint escalating into something outside of his control because management might not be able to remain within its cocoon when two women, one Black and the other married to a Black person, had become victims of bullying and harassment. Day lost no time in contacting the Bournville branch chair, arranging to go to the college on the 18th October and allotting to her the task of organising

* Despite Bis Weaver having a long standing association with the anti-racism movement and left wing political causes over the years, her 'long history' of commitment was to have no value in the union, and little value outside, except amongst Black radicals and a few White radicals. The 'plastic-antis' and 'pseudo-socialists' dominating the 'left' in NATFHE fell over themselves to line up alongside Gates, rationalising Gates' behaviour under a number of 'neutral' descriptions. However, when one of the Broad Left Coalition's own women members fell foul of Gates in May 1987, he was forced to resign as chair of the West Midlands region – a post he had assumed in June 1986

the witnesses for him. He paid no heed to the potential partisanship of channelling the procedures through the chair. In her memos to Bis Weaver and Gates, copied to Day, the chair explained the format of Day's visit. Day intended to make himself "available to speak to any member of the union who may have a contribution to make to the dispute," and she asked "if there was anyone in particular who you would like to speak to Alan?" The chair also informed the recipients that "Following these discussions Alan is hoping to be able to prepare an interim report, copy (sic) of which will be sent to both parties for their comments."²¹

The chair seemed very chummy with the regional official being on first name terms. The complaint of 'abuse and harassment', more specifically described in Bis Weaver's meeting with Day as racist harassment, had been downgraded to "the dispute." 'Any member who may have a contribution to make' turned out to be two witnesses each selected by Bis Weaver and Gates; with the rest chosen by the chair – the odds were well and truly stacked against Bis Weaver before this part of the procedures began. Bis Weaver put it to the chair that the number of witnesses should be determined by the contribution they could make to the enquiry and not by numerical equality. She also pointed out the inappropriateness of the branch chair selecting any witnesses because of her close connection to Gates but her protests were just brushed aside. This was how NATFHE's 'selection process of witnesses' operated – two witnesses for Bis Weaver with an indefinite number for Gates chosen by Gates and the branch chair. There was no propriety in the way the union operated or even a pretence to propriety. Day was merely plodding through the motions; the outcome looked to have been decided already.

The announcement of an "interim report" for both parties to comment upon was a new development since Day had given the impression of conducting a fact-finding mission after which those responsible for processing complaints in the union would decide whether or not to forward the complaint on to a union tribunal. Day was moving towards finishing off the complaint by producing a favourable outcome for union officials and officers, who would not want an investigation into a case of harassment brought against a leading officer in the West Midlands. No wonder Fernandes chose not to commit himself to case work under Rule 24 - a rule that was as inappropriate for his difficulties as it was for Bis Weaver's.

Day's descent on the college created a very bizarre situation. Senior management was well aware of the reasons for Day's visit - an enquiry into a complaint of possible racist harassment brought by one college employee against another that had taken place on college property while the complainant was carrying out college business. Furthermore, the

Bournville board of governors, due to meet a few days before Day's visit, was kept completely in the dark about it. No one on management's side of the fence reported this situation to the governing body nor did one of the staff representatives on that body, Downey;* nor did the Trades Council representative on the governors – Paul Mackney. **

A few witnesses were trotted out to see Day but Bis Weaver was never told formally who Gates or the branch chair selected as witnesses; or what 'evidence' these witnesses provided, although one chosen by the chair, at his insistence – a tutor on the business studies component, did tell Bis Weaver that he had informed Day that Gates had sworn at Bis Weaver at the May Course Team meeting. One other thing she became aware of was that only one of her witnesses was interviewed and that witness described the time spent with Day as a harrowing experience. This witness' impression was of Day posing questions in a specific way and then twisting the responses into a different meaning to what the witness intended.

Bis Weaver had no illusions as to the outcome of the preliminary enquiry; no intuition was needed - Day was set to sweep the complaint under the carpet but even then she did not think it would be swept away in the way it turned out to be. Confirmation of Bis Weaver's reservations came shortly afterwards when Gil Butchere, on hearing that Day had come and gone from the college - she was still off work ill, phoned Bis Weaver to tell her of the letter she had sent to Day and of Day's reply. When Gil Butchere described the contents to her, and later gave her a copy, the reason for Day's swift visit to the college became only too apparent and why Day excluded Gil Butchere's evidence. Her revelations would have blown the issue wide open. The foundations were being laid in Bournville branch and in NATFHE's West Midlands region to unleash the full force of the union to isolate and crush a solitary Black woman who dared to take on the power-brokers in NATFHE.

At the same time, another district of the city – a city known as the 'capital of racial discrimination' in Britain, exploded into national prominence.²² The fainthearted approach of Bournville College's management and Bournville NATFHE officers in combating the harassment of a Black woman in the leafy suburb of 'Cadbury country' was shown to be merely a tip of a tentacle of racist discrimination that had its epicentre in the run down streets

* Gates was another staff Governor in attendance but it could not be expected for him to draw attention to this type of event taking place in the college

** A significant event that could, and eventually did, have consequences for the college was kept away from the governors. Those members, including management and staff representatives, who knew of the complaint and should have known its possible consequences, had an obligation to inform the rest of the governing body as that body had responsibility for overseeing the interests of the college, its staff and students

of Handsworth. With a high concentration of Black people and one of the highest levels of youth unemployment in the country, Handsworth burst into flames as these young Blacks, together with other disadvantaged youth, came out on to the streets to protest against those who either created, or enforced, their oppressive circumstances. *

The street protests and accompanying destruction filled the pages and air space of the media for a couple of weeks, tapering down for a further two months and then on to three months silence while various enquiries were conducted. ** There were three separate enquiries, each one conducted by a vested interest seeking to produce a report favourable to their sponsor - one carried out by the West Midlands Police was submitted to the Home Office in November; another by the Labour-controlled city council also presented in November; and a third sponsored by the West Midlands County Council, published in February 1986. These had aims and objectives not dissimilar from those of NATFHE's West Midlands regional official, who was set to produce a report favourable to his sponsors – NATFHE head office and the West Midlands region.

At the tip of one of the tentacles that stretched into Bournville College, Bis Weaver had another matter to deal with that temporarily displaced her concerns about the union's enquiry. The college was in the process of appointing an equal opportunities and race relations co-ordinator to develop and promote equal opportunities policies in the college in line with Labour-controlled city council policy. This was now to be a full-time post, not the half-post expected by the union. Bis Weaver, with strong credentials in this field, was recognised as a strong candidate for the post. This was another area of college activities that was not exempt from the influence of NATFHE *kernel*s.

Shortly before the short-listing for this nationally advertised post, one of three staff representatives on the board of governors, all of whom were NATFHE officers, proposed that the post be governor-appointed, which meant governors should be on the interview panel. The other governors recognised this to be an unusual request as all posts at senior lecturer level, like this post, were left to the Principal and only more senior posts were dealt with by the governors.²³ Bournville NATFHE officers were going to considerable lengths outside the normal procedures for what was not a major post. They had also approached the senior multi-

* For an account of the background events involving the police, the political groups and the situation and attitudes of young Blacks leading to the protests in Handsworth see a discussion paper by this author in 1980.²⁴

** Research would soon show that Black people in Birmingham were "having to endure more racial discrimination than ever before";²⁵ and for Birmingham to be described as an 'apartheid city'.²⁶ The local newspapers were full of accounts of racial attacks on Black and ethnic minority people

cultural officer in Birmingham city council requesting ethnic minority representation on the interview panel and he was favourable to that request.²⁷

The governors acceded to the request and agreed to make this post an exception and appointed the two Black members of the governing body to the interview panel - one a co-opted community member and the other a student representative.

Several months elapsed before a reason for this unusual request came to the fore. The information provided to management was that a few days before the interviews were to take place, the student representative alleged that a governor approached him and asked to see the application forms of the candidates so he could show them to NATFHE head office for advice on the suitability of the candidates. He also tried to solicit the student's vote against Bis Weaver's candidature because, according to a submission made by the student, the procurer "did not think that she was a good candidate for the post." * The attempt to procure the student's vote was unsuccessful, and when the interviews were held, on the 23rd October, a few days after Day's trip to the college, Bis Weaver came out as the successful candidate. She was to remain as Access coordinator/director until a successor was appointed.²⁸ With the equal opportunities post out of the way, Bis Weaver waited to see what Day would spring on her. The tip of one of the Birmingham racist tentacles was to meet the tip of a NATFHE tentacle inside Bournville College.

(b) The 'Alan Day' of the Long Knives

Day wasted no time in sending out a draft copy of the 'interim report'. Less than two weeks after his 'fact finding' trip to Bournville College, Day's draft 'report' was on its way to the two parties to the complaint and it turned out to be a word-for-word version of the final 'report' except for the addition of one sentence. ** Day's written account of a complaint of abuse and harassment believed by the complainant to have racist implications carried the misleading title of 'Report on matters of dispute between Ms B Weaver and Mr D Gates'.²⁹

The sparse covering letter accompanying the 'report', dated 30th October 1985, made it plain to Bis Weaver that her doubts about a genuine enquiry being conducted were to be realised and no satisfaction would accrue to her from Day's enquiry. Day's gesture of offering her the opportunity to make observations on the 'draft report' was meaningless as it

* The student later made a formal complaint about the pressure he claimed was put on him by this staff governor to divulge confidential information. An enquiry was carried out into this alleged incident by management on the instructions of the chair of governors³⁰

** This sentence was included at the request of Gates

was made clear that any observations would not alter any of his conclusions. Day was prepared to meet her personally to discuss the ‘report’ but only if he had written notification of her observations³¹ and he gave no indication of where this meeting would take place - whether it would be at NATFHE’s ‘tradesman’s entrance’ or its ‘kitchen door.’

As Bis Weaver was reading the ‘report’, she became increasingly frustrated with the turning of each page. Even with her previous misgivings about Day’s ‘enquiry’, she had not expected him to produce such a document. He had carefully put together a piece of work with the sole purpose of discrediting both Bis Weaver and her complaint, and it was probably drafted before he put in an appearance at Bournville College as there was little evidence, in the report, of Day interviewing anyone at the college other than Cave, * and there was little of Bis Weaver’s contribution to be seen.

Bis Weaver had wanted the issue settled with an assurance of support from the union in the event of having to face this kind of behaviour in the future but the regional official had scotched this solution, leaving her with little alternative but to carry on in her search for safeguards. Perhaps, if she raised enough dust head office might be forced to intervene to redress the situation. This possibility made it absolutely essential for Day’s report to be taken apart piecemeal in order to prevent him from introducing the ‘report’ in any future investigation as a *bona fide* account of the complaint. The situation was different to the one in June 1985, now there were two issues - a thorough investigation of her original complaint against Gates and the withdrawal of Day’s interim ‘report’.

She recognised that a considerable amount of work was required to show the serious deficiencies spread throughout the ‘report’. In the meantime, she wasted no time in letting Day know the issue was far from being laid to rest. She wrote to reject Day’s “version of events, its finding and recommendations”; its failure to deal with the incidents in the complaint; and in casting “serious aspersions on [her] professional integrity and professional competence.” Bis Weaver selected a specific point to demonstrate one dimension plainly obvious in the ‘report’, namely, the framework within which Day carried out the ‘enquiry’ - Day’s view of women. Day had stated that “Mr Gates may not altogether appreciate the image he presents to colleagues and particularly women who are naturally sensitive to appearances of domination” when referring to Gates’ intimidating appearance.³² She considered Day’s view “prejudices an objective investigation...because it eliminates from

* To Bis Weaver’s knowledge, only four people were interviewed at the college – (i) Cave; (ii) a tutor chosen by Bis Weaver; (iii) another tutor, who insisted on seeing Day and who provided details of the foul-mouthed abuse directed at her; and (iii) the *Boss*, who witnessed the ‘fucking liar’ and the meeting with the students incidents

consideration...one possible reason for the abuse and harassment...from D Gates” – that is sexist harassment. The reason for picking up on Day’s negatively subjective view of women was to see if he would defend such a male chauvinist statement and how he would do so. She informed Day that she was considering taking the matter further although at that stage a path for her to take anything anywhere was somewhat obscure.³³ It was the 5th November and this was Bis Weaver’s Guy Fawkes’ day firework aimed at Day’s ‘report’, but at the time it seemed to be little more than a damp squib. Nonetheless, it was the first shot in a struggle that would eventually produce a bombardment and expose NATFHE’s anti-racism policy as nothing more than an insincere and impractical set of platitudes.

Bis Weaver brought me into the fray to work on the ‘report’. My main asset was my eye for detail, which had earned me the nickname ‘the ferret’ amongst friends at university for the way I went about ferreting out information - a considerable asset in dissecting a ‘report’ where misleading information, innuendo and blatant falsehoods had been woven together to present a particular version of events.

The ‘report’ had undoubtedly been put together in this way so as to make the task of untangling the interwoven strands, served up under the guise of a careful examination of the issues, a time consuming one – a task that might be expected to wear her down and force her to give up. If Day had this in mind when he concocted this hotchpotch, fact-less brew then he had not taken into account the great feeling of injustice that we both held about the whole rank episode. A considerable amount of time was spent, thereafter, pulling together the elaborate morass of disingenuous claims Day had spread throughout the ‘report’. We set out by making a preliminary analysis of the ‘report’, followed by a detailed examination of each point, which would be sent out over a period of several weeks to Day and all those who were to figure on Day’s subsequent circulation list.

The structure of Day’s ‘report’ gave the appearance of the complaint receiving the necessary level of consideration before a judgement was made, although Day’s involvement had initially been hailed as purely preliminary to a possible tribunal hearing. The section headings covered NATFHE’s role; background issues; commentary on the foregoing; conclusions; and summary of recommendations. However, Day made no reference to the number of incidents in the complaint; or the dates when these incidents occurred. There was no section on evidence from the complainant and her witnesses covering those incidents; or rebuttal evidence from the respondent and his witnesses. There was no examination of the possible motives for the behaviour alleged by the complainant; and no critical appraisal of

any conflict in the evidence. Nor were the recommendations based on a reasoned evaluation of the evidence.

Day's 'report', twenty-five pages in length, contained 64 sub-sections of which only eight related to Bis Weaver's complaint against Gates. Five of those eight sub-sections concentrated on the student whom she met on the 19th February but Day's account bore no semblance at all to what occurred in that meeting. As only Bis Weaver and the student knew the contents of their discussion and as Day did not speak to the student, Day was repeating uncorroborated information as if it was fact from a source not present at that meeting. One sub-section concerned another student – the student-reference issue of the 4th February, which was a relatively minor issue in terms of the overall complaint but Day considered it to form part of the background to the complaint and trivialised it in the same way as everything else when he dealt with Gates' actions unlike the conclusions he arrived at when 'assessing' Bis Weaver's alleged behaviour. The other two sub-sections dealt with the meetings on the 19th February and the 12th March but these, too, were dealt with in a superficial way. The overwhelming bulk of Day's 'report' was a discourse on matters unrelated to the complaint. Day's account failed to deal with the substantive issues and was littered throughout with the deficiencies previously mentioned. In a nutshell it was a complete misrepresentation of the issues in order to comply with Day's undoubted intention of minimising the seriousness of Gates' behaviour.

Day reproduced the complaint that Bis Weaver submitted to the branch chair, claiming it "constitutes the only written statement of complaint", overlooking the 7 page, twelve point document with fifteen specific incidents produced by Bis Weaver for Bournville management in June 1985, which was given to Day during their August meeting.

The evidence gathering, according to Day, was based on interviews with Ms Weaver, Mr Gates and other branch members but there was little in the 'report' to show he had listened to the complainant or read the wealth of information provided by her or taken any of this into account. He admitted using another source, namely, "information about the college and its personnel which has come to me during the normal course of my business," although this 'information' was unspecified and hardly had relevance to the fifteen incidents of abuse and harassment reported to Day.

Day disregarded the wealth of evidence on the series and sequence of incidents provided for him by acknowledging that his 'enquiry' was determined by "other significant demands on the resources of the Union...[and] the need not to delay unduly an outcome..." These were factors that Day claimed had "limited the thoroughness with which all avenues

might be explored.”³⁴ He boldly claimed to be “able to recognise the key issues...with sufficient confidence to arrive at a set of conclusions and recommendations”³⁵ from the evidence when, in fact, all that his enquiry represented was an official *Whitewash*, whether or not ordained by the general secretary, on whose behalf Day was acting. NATFHE propaganda claimed to encourage officials and officers to deal seriously with complaints of harassment, especially those with sexist or racist implications. But where was this seriousness in relation to this complaint? This NATFHE requirement did not seem to register with Day and if he was so bogged down with other duties, he should have passed it on to a relevant union body to deal with it in line with NATFHE’s proclaimed obligations rather than carry out a rush job and leaving out crucial evidence. In spite of this, Day tried to justify his enquiry as a legitimate exercise conducted under the union’s constitution in accordance with responsibilities allotted to him by the general secretary.

Day dressed up his involvement around an impressive set of obligations that merely acted as a cover for the real purpose behind Day insinuating himself into the procedures. He proceeded to distract attention from the real issues by misrepresenting the background details leading up to the submission of the complaint. Day identified these details as crucial in understanding the complaint but gave the details an unusual twist by way of fabrication and omission – a practice soon to be seen as all too common in NATFHE among officials and lay officers alike. Day correctly drew attention to Ms Weaver’s role as Access coordinator/director but, ignoring the attempt to remove her from this post, he claimed that her role was an ‘assumption’, a ‘perception’ and a ‘belief’ on her part of exercising authority over students and staff on the Access course.³⁶ Day’s subterfuge was clearly apparent in the early stages of the ‘report’ because he had been given a copy of her job description, which stated without reservation that Bis Weaver had responsibility as coordinator and director for the course, including overseeing students’ interests; monitoring standards on the course; and the supervision of tutors. Day maintained that it was on this particular ground, that is, “in some surrounding and preceding circumstances” that Gates’ “alleged conduct, if it did occur, must be rooted...[and] it is apparent [to Day] the origins lie in the provision of...Access Courses...”³⁷

Day went on to claim that everyone he had spoken to, i.e. witnesses, had confirmed that the problem lay in the Access provision. But despite different reasons apparently being given for this problem, only one version appeared in the ‘report’. By focussing attention on ‘assumption’ ‘perception’ and ‘belief’, Day was preparing a scenario in which to accuse Bis Weaver of overstepping her areas of responsibility. He fluttered his way through the course

structure, having been “provided with a detailed specification of her duties and responsibilities” as the ‘Course Director and Co-ordinator’.³⁸ However, the committee structure he outlined was inaccurate. The ‘Steering Committee’ he referred to had become defunct once the courses had become operational some years before to be replaced by a course committee for which Bis Weaver had responsibility. Day’s perusal of the course committee document, provided to him by Bis Weaver in August, resulted in Day concluding that it only “inferred that Ms Weaver was responsible to that controlling Committee.”³⁹ This was inaccurate because that document did not contain inferences; it clearly stated Bis Weaver’s responsibilities. Misrepresenting the contents of the course committee structure had apparently become necessary in order for Day to minimise Bis Weaver’s responsibilities and to conceal the initial purpose for Gates’ behaviour towards her.

Day acknowledged that Bis Weaver carried out her duties with little or no conflict in the initial development stage and did so successfully under the ‘assumption’ she had college-wide responsibility spanning all departments. According to Day, it was “her perception of her role, and particularly her belief that it had no departmental boundaries [that] is crucial to the events which followed.”⁴⁰ Day was again way off key, deliberately perhaps, in claiming it was only in the development stages that Bis Weaver was able to operate without conflict. He overlooked the fact that the course had been running effectively since September 1980 and it was only in February 1985 that ‘conflict’ arose on the course shortly after Gates joined it. Perhaps, it was merely a coincidence for ‘conflict’ to arrive on the scene at that time. Day’s observation was that “Put simply, she (Bis Weaver) felt that she exercised a degree of authority in relation to all New Way Access students and the staff associated with them, wherever they may be located.” However, Day immediately defeated his own claim by admitting that the position she held and the college wide responsibility attached to it was reinforced by the provisions of Section 11 under which Access courses were funded and these provisions required a unified system of control and co-ordination.⁴¹ Day could not possibly have misunderstood that Bis Weaver held the position of coordinator/director and it was not based on any perception, assumption or belief and that her complaint against Gates, as Mackney had recognised, was ‘serious’. Nonetheless, Day’s intention was to debunk that complaint, therefore, he had to conjure up some justification for doing so and this he was apparently trying to do by burying it in a heap of irrelevancies, falsehoods and misrepresentations.

Priming the pump to secure these objectives, Day put forward a time period when the problems started; the time identified was when the Access course came under pressure to

introduce new options. The particular time Day referred to, although unstated, was mid-1984. Day displayed complete ignorance of the facts because, over a period of four years, the course had expanded with new options and with increased numbers of staff from other departments in the college. Day attributed this drive for new options to Gates, “who recognised this need and...[although] deprived of any practical assistance...[and] with[out] any specification of that further role [Gates] was compelled to act on his own initiatives and to provide what he felt to be the best for the students.”⁴² Yet again, Day was neglectful of facts because the initial work for the new economics and law components began in 1982 and was undertaken by a principal lecturer in the business studies department, who was advised by Bis Weaver on the requirements for Access courses. In 1983, Birmingham Polytechnic agreed to accept the integration of these components into the Access course, which would continue to be coordinated and directed by Bis Weaver.⁴³

Gates’ arrival on the scene was to deliver a component on economics, while responsibility for a law component was given to Cave. These two components required details to be submitted to the Polytechnic authorities for approval by September 1984 but, in fact, in May 1985 they had still not been submitted - a fact that had been withheld from Bis Weaver. The first she knew of it was when the Polytechnic authorities made enquiries about the progress of the submissions.⁴⁴ The submission for the Polytechnic was the agenda item for the 22nd May 1985 Course Team meeting when Gates made the statement that “someone should tell her (Bis Weaver) to take her fucking finger out” over a task that Gates, along with Cave, had failed to carry out when Bis Weaver was on study leave.

Day was partially right in stating that trouble began when the Access course was extended but the problems arose not as a result of the extension *per se* but due to the extension bringing along in its wake a particular person with a particular agenda. Day’s intention was to place the fault not with Gates and Cave but with Bis Weaver and it came with an implied accusation that she was not up to dealing with a course expanding beyond its original form. Day went on about differing “perceptions of role” held by Ms Weaver and Mr Gates, although in Ms Weaver’s case he omitted to say it was not a perception as her role was clearly defined in her job description and section 11 requirements. He also put forward the proposition that Gates, one of the two most recent members of staff to join the team of tutors, had not been given any ‘specification for this role’ of running a business studies course, which meant that Gates either assumed, perceived or believed he had this role. In reality, what different perceptions of their roles could either of them have had; the roles were clearly designated - Bis Weaver was Access coordinator/director and Gates’ role was as a tutor on

the course. But for Day, “The seeds of possible conflict,” stemmed from these differing perceptions, which were “encouraged by Ms Weaver’s leave of absence from the college”.⁴⁵ Day took the opportunity to write of the magnanimous role taken on by local NATFHE officers, who knowing of Bis Weaver’s “impending departure,...argued that her position should be filled by a temporary appointment of a successor and that this was necessary if continuity and some degree of co-ordination was to be maintained.” However, “None of their arguments swayed management..., which...diffuse(d) Ms Weaver’s responsibilities among others in her department.” Day averred that the consequences of management’s decision “should have been foreseen: there was a gap in the actual communication network and an absence of any central guiding hand.”⁴⁶

What Day did not disclose was that the NATFHE officers seeking this temporary appointment were Gates and Ms Pattinson and they were not acting on behalf of NATFHE, as Day implied, but as tutors on the course – one of whom would have become the temporary coordinator/director if they had been successful. Day was also wrong to say that Bis Weaver’s responsibilities were ‘diffused’ to others; they were taken over wholesale by the deputy head of department. More significantly, Day inadvertently acknowledged the importance of the Access coordinator/director’s post, as had those ‘NATFHE officers’, because Day recognised that after Ms Weaver’s departure from the college, there was a gap in communications and an “absence of any central guiding hand.”

Day also contradicted himself by this observation. If, as Day was suggesting under ‘differing perceptions of role’, Gates was carrying out an important role in business studies such that it did not require central co-ordination by the Access coordinator/director, why were these ‘NATFHE officers’ so insistent on the appointment of a temporary coordinator/director. The answer is straightforward - the coordinator’s role was central to the running of Access courses and Day knew that it was. Day’s attempt to show a positive and active role by these two tutors – aka ‘NATFHE officers’, in seeking the appointment of a temporary coordinator/director was weakened by his attempt to diminish the significance of Bis Weaver’s role vis-à-vis Gates.

Day’s venture into the world of fiction continued when he wrote that Bis Weaver, on her return to the college, was “anxious to reassert her central position and in the light of the developments during her absence...[and] her insistence on her right to be significantly involved...did produce an element of ill feeling between her and some of the Business Studies staff.”⁴⁷ Day had again replaced fact with fiction by overlooking that the ‘central position’ happened to be her job and she had a responsibility to be involved. These

“developments during her absence”, wrote Day, concerned “Ms Weaver’s feeling that some of the students’...interests may have been better served [in]...a social studies group...[and] suspicious in her mind that the contents of the Business Studies option was not...appropriate to [their] needs...”⁴⁸ Day had previously referred to Bis Weaver’s ‘assumptions’ ‘perceptions’ and ‘beliefs’; now ‘feelings’ and ‘suspicious in her mind’ were introduced. Day was adopting sensory perceptions in the absence of substantive evidence to support his aims.

Day failed to disclose that the problems were brought to Bis Weaver’s attention by one of the tutors teaching those particular students and Bis Weaver had arranged a meeting of all tutors to discuss these particular issues. But how could Day possibly include that explanation? He had apparently set himself up to do a hatchet job and a factual presentation of the issues would not serve that objective. So Day dug deeper into his fictional repertoire to rewrite the history of events starting and ending on the 19th February. Day’s version, which he falsely attributed to information received from Bis Weaver but which could only have come from Gates, asserted that Ms Weaver had heard indirectly of a student’s alleged discontent and she felt obliged to enquire further. However, Mrs Weaver had some difficulty in finding a time to interview the student but made contact just before “one of the student’s lessons to inform her of her own availability.”⁴⁹

Day appeared unable to synchronise events or had deliberately distorted the chronology because the meeting with the student occurred in fact before Bis Weaver’s visit to the classroom; and the contact prior to the lesson was to give the student the time when the line manager would be available to see her.

Day compounded his tragedy of errors by stating that after speaking to the student Bis Weaver felt that her misgivings were confirmed and “some better provision was needed.”⁵⁰ Day claimed that Mrs Weaver had stated to him (Day) “that she made it clear to the student that she had no authority to entertain complaints about staff not under her control and says she advised the student to discuss those matters with someone more senior than herself [and]...Ms Weaver arranged a time for the student to see a Senior Lecturer in the General Studies Department who had some oversight of Access courses and a more specific responsibility for the period covering Ms Weaver’s recent absence.” *⁵¹ Furthermore, according to Day, Bis Weaver “secured an impression that the student was complaining about the attention she and her colleagues received from their Business Studies Lecturer.” Day added that “It is not clear whether particular lecturers were identified by name although later

* The person the student wanted to see was a principal lecturer, who was Bis Weaver’s line manager

events suggest that Mr Norman Cave was implicated and possibly Mr Gates.” *⁵² Apparently, Day’s explanation for this conclusion was derived from the student’s alleged response to Bis Weaver’s alleged intention. Day claimed that “The student did not avail herself of that arrangement but does seem to have advised Mr Cave that she was asked to lodge her complaints, if they existed, through that process... [whereupon] Mr Cave reacted strongly to what he saw as an incitement to complain and he was strongly supported by many of his colleagues, including Mr Gates.”⁵³ Day’s account implied that Bis Weaver, after hearing of a student’s dissatisfaction, had sought out the student in the classroom; arranged to meet her and in that meeting encouraged the student to make a complaint against Cave and Gates to management, which the student did not want to undertake and went to Cave to tell him of Bis Weaver’s suggestion. Day was scraping the barrel with what could only be a deliberate distortion of the facts.

This was a diversionary tactic on Day’s part and it was unlikely that he did not know exactly what he was doing. As described earlier, the student was one of several to approach Bis Weaver on the 18th February about the problem of being on the wrong component and Bis Weaver, the next day, met with this student, who insisted in seeing the person in charge when the present course began. She arranged an appointment for the student and then went to the class to pass on this information. In fact, when Bis Weaver went to the class to see the student, Cave was present and if Bis Weaver was inciting the student to complain about Cave, his attention would hardly be drawn to it in that way. As for Cave being strongly supported by his colleagues, this may well be true if this distorted version, from wherever it originated, was told to ‘Cave’s colleagues’ but there was no evidence of widespread support at that time. Perhaps, Day’s error was due to NATFHE dealing with issues on an ad hoc basis and the outcome dependent on whose interests the union officials wished to serve.

Day’s fantasy world had no boundaries as he went along the *yellow brick road* in pursuit of the *wicked witch*. Day marked “the collapse of any prospect of reconciliation and resolution of the problems” raised by the student issue as occurring at a meeting convened by Ms Weaver’s head of department ** at which most of the significant parties were represented.”⁵⁴ This meeting was on the 19th February – three hours later, and Day gave the

* In the draft ‘report’ Gates was not included in the student-incident but Day added this to the ‘final report.’ Day stated in a footnote in the final ‘report’ – “In commenting on a draft of this report, Mr Gates has made it clear that he did understand he was as directly involved as Mr Cave and consequently shared Mr Cave’s reaction”⁵⁵

** In fact the meeting was called by the business studies head of department to whom Gates complained about the student issue. This was after Gates ‘cautioned’ Bis Weaver to keep away from his students

impression that the only incident involving Gates and Bis Weaver occurred at that meeting. By this manoeuvre Day completely removed from further scrutiny the systematic and persistent harassment suffered by her between February and May 1985.

Day travelled further along this path with his account of that meeting, which he claimed “made little or no headway probably because such discussion as took place emphasised the symptoms rather than its fundamental causes.” Day placed Gates’ abusive treatment of Bis Weaver solely at that meeting, referring to it as “exchanges involving Mr Gates [which were] related primarily to the alleged complaints against Mr Cave and his [Cave’s] view of Ms Weaver’s part in that affair.”⁵⁶ Day did not mention that Cave was not at the meeting but he gave the impression Cave had been there by the comment that “most of the significant parties were represented” and Day had already stressed that Cave was the most significant party affected, according to Day’s version of the student incident.

Day thought there was “little doubt that Mr Gates was frustrated and angry, much of this directed at the Heads of Department, who...seemed reluctant to preface any discussion with a clear assertion of confidence in Mr Cave and the Business Studies staff generally.”⁵⁷ Day accepted that all accounts of that meeting confirmed that “During that heated exchange Mr Gates did directly state that Ms Weaver was lying about her involvement in the affair and it seems clear he was abusive and less than discreet in his choice of language.”⁵⁸ Gates then “withdrew himself from the proceedings and the meeting seemed to have achieved little.”⁵⁹ Day had watered down Gates’ behaviour and gave the impression Gates was acting in defence of Cave. However, the ‘altruistic’ Gates had not rushed to the defence of Cave because nothing was mentioned about Cave at the meeting. The focus of the meeting dealt with Bis Weaver’s meeting with the students the day before.

In the real world, the 19th February meeting began with Bis Weaver explaining about the students turning up out of the blue to see her on the day before; the reasons they did so; and her subsequent meeting with one of the students on the 19th. Bis Weaver’s account was accepted by management prompting Gates’ outburst when he called her a “fucking liar”, which Day had described as Gates being “less than discreet in his choice of language” – a NATFHE description of a NATFHE officer calling a professional colleague a “fucking liar.” Day’s description of Gates saying “Ms Weaver was lying” hardly embodied the essence of Gates’ remark. Another *NATFHE-centric* term was employed to describe Gates’ premature departure from the meeting, which in reality might be better expressed as Gates ‘stormed out of the meeting’.

In trying to present Gates in the most favourable light, Day had carelessly highlighted the fact that Gates, frustrated with management, had taken this frustration out on Bis Weaver by calling her a ‘fucking liar’. * Day did not take into account, or perhaps he saw no significance in the implication, that Bis Weaver, the only Black person at the meeting, had been made the scapegoat for Gates’ frustration with management.

Day seemed determined to diminish Bis Weaver professionally, as well as personally, in order to get Gates off the hook and open the way for Gates to achieve his initial objective, which Gates’ behaviour and manoeuvrings in Course Team meetings had failed to do. Day concocted a scenario fantasia in the tradition of bureaucratic equivocation when he continued to harp on about the ‘student incident’. He recognised “staff will, from time to time, receive the confidences of students” including criticisms of colleagues, and “a conscientious member of staff with a concern for students” welfare might legitimately provide students with opportunities for private and frank discussions about their problems.” There was nothing untoward in Day’s observation as most lecturers, union or non-union, would recognise this as part of their responsibilities.

Day then went on to state that “It requires maturity and professional judgement...to distinguish between mere grumbles and allegations by students which if substantiated, could affect their studies.” Again this seemed to be a not unreasonable observation on Day’s part. Nor would the reasonable person disagree with Day’s view that in those circumstances “the first person to be informed of any student allegations is the one against whom the complaint is directed” and that only if “the original recipient of the complaint is genuinely convinced that there is substance in the allegation and the individual colleague concerned is not willing to put the matter right, is it necessary to consider a report elsewhere.” And in any event the colleague “should be advised of the intention to report that to the respondent’s immediate superior” and it then ceases to be of “direct concern to the...original [recipient].” **

Day had provided the reader with an outline of the procedures to follow when students complain to a tutor about a colleague. But beware the Greeks when gifts they bring because the point behind Day’s illuminating address on matters of protocol was contained in his punch line. Day rounded off by stating that “In the incident involving an alleged complaint against Mr Cave, and others, Ms Weaver did not observe this customary procedure and her failure to do so led to the understandable indignation of Mr Cave and his colleagues.”⁶⁰ Cave and colleagues had become the focal point of Day’s enquiry with Gates a

* Author’s emphasis

** Day’s emphasis

mere bystander who could not control his mouth when management declined to assist his erstwhile dissatisfied colleagues.

This might have had significance if only it had been true and the student had complained to Bis Weaver about a tutor and intended to pursue it further but as Day's claim was unfounded it was irrelevant to the main issue – Gates' harassment of Bis Weaver. Day had not been wasting his time or space in the report as he was determined to saddle Bis Weaver with responsibility for what he described as a "sense of outrage...articulated by Mr Gates in a most disturbing and ultimately unacceptable manner which served to exacerbate rather than resolve the problem."⁶¹ Day was again referring solely to the one incident on the 19th February – this time Day had described Gates calling her a "fucking liar" as Gates' "unacceptable manner."

Day was conjuring up an image of Bis Weaver's complaint as consisting of a single incident occurring on the 19th February – a necessity for Day given his objective of exonerating Gates; otherwise Day would have a problem trying to create reasonable explanations of Gates' behaviour for a series of incidents over several months. Over many pages, Day was drawing the reader along a circuitous route to a planned destination - removing Gates as the focus of the enquiry.

Day fixed the blame firmly on Bis Weaver for the imaginary role he assigned to her in a non-existent incident while neglecting the fifteen incidents cited by her. Day had turned the complaint completely on its head – it now revolved around an alleged dispute between Bis Weaver and Norman Cave, another *kernel*, having deflected attention from Gates' abusive and harassing behaviour. Using false information, Day accused Bis Weaver of not acting conscientiously in her dealings with a student; of lacking professional judgement; of lacking maturity; and of provoking a situation that had led to Gates' "unacceptable manner".

To compound this duplicity Day made a passing reference to the meeting arranged and chaired by Gates for tutors on the business studies components on the 12th March, although Day made no mention of the date – no doubt to remove any time dimension to her complaint. Day reported that this group made "observations about the course and there was some reference to Ms Weaver in its discussions and minuted conclusions." Day concluded that "None of the evidence suggests these were defamatory or even derogatory."⁶²

Day acknowledged that "The proceedings...were...later reported to a Course Committee meeting and this may have been seen by Ms Weaver as an attempt to open up

another avenue for introducing topics on to the Course Committee agenda.” *⁶³ Considering that the minutes identified Bis Weaver as the cause of the problems on the business studies components, when in fact Bis Weaver had been absent from the college when the difficulties arose, it could not be anything other than “defamatory” or “derogatory.” Day was more than implying in the way he presented this that the accusation was true. Day’s ignorance was boundless since no alternative avenue to the course committee was required. The recipients of the minutes were members attending a course team meeting, set up on Bis Weaver’s return from study leave, comprising all Access tutors – full time and part time, management and student representatives, where any item could be placed on the agenda. In fact, Day would be aware of the course team since he was told by Bis Weaver that at its first meeting on the 1st March, Gates and his acolytes used the course team’s ‘democratic principles’ to virtually remove her as coordinator/director. **

For the most obvious of reasons, while Day was meandering all over the place, he completely ignored the issue of racism raised several times by Bis Weaver during their meeting. It was as if the August meeting had never taken place and the highly detailed document of fifteen incidents was never given to him because little of what she told Day found its way into the ‘report’. By sleight of hand, Bis Weaver’s complaint and the racist implications involved within it were swept out of the way. Day was applying the bureaucratic reaction of blaming the victim that arises out of nothing when Black people and/or women make complaints. However, Day added a new dimension by not only putting the blame on the victim but also going as far as to criticise her professional performance to provide ammunition to the branch executive to use as a means for replacing her as coordinator/director. Hell hath no fury like a union hack having to investigate a close colleague.

Day manoeuvred further away from his brief by criticising the structure of the Access course and this was no inadvertent straying as it was a necessity for his proposed recommendations. Describing himself by the misnomer of independent observer, Day claimed to be most struck by “the almost total lack of any effective managerial control” over

* Day had neglected to say that the 12th March minutes were not introduced as an agenda item but were given to committee members at the end of the meeting as they were leaving

** If only NATFHE based itself on democratic principles, not those demonstrated by these NATFHE officers, but on the basis of right and justice. However, as shown below, the democratic principle was sadly lacking in NATFHE as officers and officials tried to crush Bis Weaver’s protests against Day’s ‘enquiry and report’ and left her to languish by the wayside for having dared to display the ‘insensitivity’ of protesting about being railroaded. As stated above Day accused Bis Weaver of lacking “sensitivity” at the Industrial Tribunal hearing for making a complaint against Gates.⁶⁴

the course and that when management did intervene, he described it was “a reaction to events and is even then half-hearted and not particularly decisive or compelling.”⁶⁵ If Day’s criticism of management was about its failure to ‘react to events’ by standing on the sidelines during the harassment of Bis Weaver and ignoring the fifteen incidents she reported to management then Day had a point because management failed abysmally. However, Day did not appear to have that particular management failing in mind as his comments were directed at every day activities on the course with Bis Weaver’s complaint firmly out of the frame. Day put the blame on the development of an Access course from a one-departmental operation into a college-wide course with a course co-ordinator/director possessing a wide remit of responsibilities. He saw such a development as inevitably bringing tensions.⁶⁶ Yet again, the master of pretence had overlooked the fact that the problems only arose after Gates’ entrée on to the Access course.

The attempt to focus attention on interdepartmental structures instead of on Gates’ behaviour had no foundation in fact. Only two members of the business studies department were tutors on the course, Gates and Cave, and there should have been little difficulty in incorporating two additional tutors into the team. Furthermore, if Day had checked the facts rather than relying on assumptions or accepting information from highly suspect sources, he would have found out that the Access course had been interdepartmental from its beginnings in 1980. That was the reason for appointing a coordinator/director under Section 11 to ensure the effectiveness of the course and it had been effective for four years. Day himself admitted that the appointment of a coordinator/director “had much to commend it” when commenting on the structure of the course but somehow Day came to the conclusion that when two modules from the business studies department became part of the Access Course it suddenly became unmanageable and created tensions.⁶⁷ Day did not explain why this change suddenly took place when Gates and Cave became involved.

Day took another shot at management but only to criticise it for failing to recognise that “the Steering Committee and a properly constituted and authoritative Course Committee would acquire far greater significance” when the expansion of the courses started. According to Day, the steering committee should have heavily influenced “recruitment policy and course curricula” and an interdepartmental staff/student course committee should “implement the course objectives.”⁶⁸ Yet, according to Day, “when they were most needed...to identify the purpose of options and the form they should take - the Steering Committee appears to have fallen into disuse and the course committee emerges from discussions as little more than a consultative group.”⁶⁹ How little Day knew. The steering

committee ceased to exist as it was superseded by the course committee, whose function was to deal with issues relevant to the further development of the course, including ‘options and their form’, and the maintenance of standards. This was undertaken in cooperation with relevant staff from the receiving institutions and, additionally, a course team was established to deal with staff-student input.

Day wrote of Bournville management as confusing delegation with abdication and when “control slipped away” from the coordinator/director, management’s “claw back was attempted at the most unpropitious time and as a reaction to a particular problem.”⁷⁰ Day failed, deliberately perhaps, to examine why “control slipped away” from the contractually appointed coordinator/director, and he did not reveal that the “particular problem” belatedly prompting management’s reaction consisted of fifteen incidents and the realisation that the business studies members of the course team had introduced into the agenda an item attacking her contract of employment. This particular form of attack should have set the alarm bell ringing for a trade union official but as the attack on Bis Weaver’s tenure was supported by NATFHE officers that seemed to make a considerable difference to how Day reacted. By avoiding the use of dates, Day also obscured the fact that Bis Weaver’s problems from ‘NATFHE officers’ stretched from February to July 1985 when management restored her functions. Of course, Day did not expect any non-involved person, who read the ‘report’, to have access to real evidence.

A second management failure was cited by Day but his real aim was to weaken Bis Weaver’s position as coordinator/director. The failure Day manufactured was laid at the feet of management for giving Bis Weaver an extensive role on Access, described by Day as “fulfilling every task large and small.” Day described the role as being based on ‘autocracy’ and “unlikely to adapt to the changing circumstances”⁷¹ which in *NATFHEese* meant not adaptable to attempts by ‘NATFHE officers’ to replace the present incumbent. Day then had another stab at Bis Weaver, accusing her of being “influenced by this”, that is, ‘influenced by autocracy’, “and [she] may not have clearly recognised that in due course she would need to develop into a team leader concerned with general principles rather than detailed administration.”⁷² Day had reached a point in the picture where he was trying to paint Bis Weaver as lacking professional judgement and team leadership qualities; and also being autocratic. Day had conveniently ignored the almost anarchic form the course developed into while Bis Weaver was on study leave and how management had allowed it to remain in that condition rather than take on Gates. Perhaps, Day was unaware that anarchy was not the same as autocracy.

Day had one further concern – nothing to do with the fifteen serious concerns that he was choosing to ignore but that of the level of responsibility for the grading of Bis Weaver’s post. He thought the duties attached to this post were astonishingly wide covering responsibilities over departmental boundaries and contact with colleagues at more senior level. However, Day considered that management had within its powers the opportunity to end this enigma – it “could have eased the strains either by reviewing the grading of the post or redistributing...responsibilities.”⁷³ Day had now recognised the extent of Bis Weaver’s responsibilities so what was all this dross about her widespread responsibilities being merely an assumption on her part. Day had an extremely limited memory span – lasting only over a few pages of type-script, and his report had become riddled with contradictions. Not even familiarity with background detail was required to spot these deficiencies – they jumped out of the page.

Day was critical of management for failing to re-grade the post or redistribute responsibilities, which he claimed had led to Gates and his associates taking on this task. Day was letting it be known, albeit inadvertently but not difficult to detect, that Gates, a senior NATFHE officer, was actually redistributing the functions of Bis Weaver’s contract of employment to himself without any authority whatsoever. Gates was certainly a ‘sterling’ example of a trade union protecting the tenure of its members by ousting members from contractual positions when it saw fit to do so and having a trade union official, Day, giving the impression that it was an exemplary act on the part of Gates. Day’s next point was to assign to Gates’ unauthorised acts an imputed formal underpinning. Day thought that “Firmer management would have dealt with that [redistribution of responsibilities] by a clearer description of [Gates’] role which should have been properly integrated with that of Ms Weaver.”⁷⁴ This was an incredibly duplicitous appraisal on Day’s part. A considerable number of tutors taught on the Access course, with only two recent entrants from the business studies department, and each tutor was responsible for the option they taught. Therefore, there was no need for Gates or anyone else to redistribute responsibilities as each tutor already possessed the responsibilities to which they were entitled – there could be no “clearer description of [Gates] role” than already existed. So why did Day think it necessary for Gates’ role to be integrated with Bis Weaver’s any more than any of the other tutors on the course, who were of much longer standing than Gates? Could Day be living in a fantasy world or did he have something more sinister in store?

By his unusual method of assessment, Day had elevated a course tutor to a position on a par with that of a coordinator/director, and was about to take the situation beyond the

integration of roles. He suggested that “NATFHE officers and Branch Executive * should look carefully at the grading attached to the post of Course Director.”⁷⁵ He took it on himself to identify the qualities that should attach to the incumbent of that post, which should “hinge on the need for that person to be a team leader.” ‘Coincidentally’, during Day’s meandering route through the ‘report’, this was a quality Day had more than implied was not possessed by Bis Weaver, ** while Gates had been presented as a person of responsibility and authority. However, Day, magnanimously, conceded that “whilst Ms Weaver occupies that position she should receive the respect and support of her colleagues..., be notified of any departmental groupings of staff and students and a willingness to welcome her attendance at any meetings of such bodies.”⁷⁶

The inference to be drawn from that comment was that Bis Weaver would not be occupying the position after the NATFHE branch executive’s assessment had taken place. Day was producing a recipe for carrying out Gates’ objective of a *coup d’etat* against Bis Weaver. In a nutshell, Day was offering a way around the previous failed attempt of Gates and his coterie to have a new co-ordinator appointed – a coincidence was it? Whatever it was, what the *kernels* had failed to achieve in college meetings and through other means was now being touted by Day. Did NATFHE do this all the time or was it only in cases like hers and, if so, why? Could it be because she was Black and had the audacity to complain against a leading light in the union? That question has to be left open but defending a member’s job was something the union did not forget when seeking to protect Gates’ security of tenure, and a couple of his acolytes, upon the completion of a LEA enquiry carried out in October 1986 into their behaviour towards Bis Weaver.

In his conclusions, Day rested his case on information “arrived at more or less incidentally from a consideration of the total situation.” However, a reasonable person would expect more from officials charged with investigating complaints of harassment than have them base a conclusion on “incidental” information, especially as there was sufficient evidence available to avoid having to rely on vague suppositions.⁷⁷ Day’s task was almost completed but there still remained the complaint against Gates, which had been virtually ignored while Day paved the way for what looked very much like replacing Bis Weaver with Gates as the Access coordinator/director.

Day recognised that “differences between colleagues, and in particular those existing

* Gates, Cave and Ms Pattinson were three of the four-strong Branch Executive

** Day had stated that “Ms Weaver...may not have clearly recognised that in due course she would need to develop into a team leader”⁷⁸

between Ms Weaver and Mr Gates are founded in genuine feelings of grievance.”⁷⁹ This statement gave a false impression of mutual grievances existing between the parties. Day identified one of “the differences” as being “that she was described as a liar and subject to an unacceptable degree of personal abuse.” Day accepted this not to be in dispute but he qualified this to only “one occasion and Mr Gates quite readily accepts that he allowed his sense of frustration to control his actions.” Gates, apparently, was ready to apologise and Day felt “he should do so without delay” and tell “those of his colleagues intimately concerned in these events that he has done so.”⁸⁰ Bis Weaver should accept Gates’ “apology with magnanimity and should not seek to attach any conditions to it” and both parties “should regard that unfortunate incident as closed.”⁸¹ This was an apology for but one instance with the other fourteen disappearing into thin air. This also meant no assurances from Gates as to future conduct and no back up from the union for Bis Weaver should Gates continue to display the same kind of behaviour to her. Despite this meagre offering, Day wanted a great deal more from Bis Weaver. His first suggestion was for both of them to produce a “joint statement indicating that particular difference has been resolved and each should be free to make that available to any other body which may have expressed an interest in the outcome.”⁸²

The ‘report’ appeared to have multi-purposes: a means of exonerating Gates from a charge of racial harassment; to discredit Bis Weaver for putting the union on the spot by exposing the activities of one of its officers; to protect the image of the union, which would have been damaged by this kind of scandal; to provide Gates with something that looked like a genuine enquiry should Bournville management be forced to act in the wake of Gil Butcher’s experiences; and to provide Gates with a document to wave in front of parties outside NATFHE who had taken an interest, namely Phil Murphy, and more recently the Communist Party, of which Gates was a member.

Not surprisingly, Day made no mention of harassment during his ‘examination’ of the complaint but it popped up in his conclusions and he addressed it with another sleight of hand conjuring trick. This he did by concentrating on the student incident of the 19th February to the exclusion of all the other incidents constituting the complaint. Day stated that “Allied to this specific complaint, [the 19th February incident] Ms Weaver added an allegation of harassment by Mr Gates.” The significant term being “added an allegation.” Not for the first time, Day was disingenuous because the ‘harassment’ was not an appendage to a complaint but embodied the whole complaint covering a period of four months. Not unexpectedly since

he had been working up to this, Day dismissed the allegation by claiming not being “able to identify in these events any process of systematic and deliberate harassment.” *

Day then had another excursion into sensory-based assumptions by saying that in making such an allegation against Gates “it is reasonably clear [to Day] that Ms Weaver must have felt under siege and threatened by some of those around her [and] Her identification of Mr Gates as her major aggressor is also understandable bearing in mind the leading role he plays both within his department and the college generally.” Therefore, Day “dismissed the charge against Mr Gates.” He then added a supplement to the reason of why “such an allegation [of harassment] would arise.” His observation was that

Mr Gates may not altogether appreciate the image he presents to his colleagues and particularly women who are naturally sensitive to appearances of domination. He is by any reckoning a powerful figure; holding high offices within his union structure and exercising a responsible role in the college. That provides an aura of authority and it is more than likely reinforced by his powerful physique. Add to those a forceful and determined personality, accustomed to expressing views directly and one can arrive at a portrait of a formidable and potentially intimidating figure.⁸³

Day did not find it surprising that “someone facing him in conflict over college matters may perceive that as harassment or even intimidation” but Day hoped that they (other members) “would make their fears known personally and directly to Mr Gates [because Day had] total confidence in his ability to reassure anyone who may feel threatened by him.”⁸⁴

This pseudo-psychological nonsense was passed off as a rational assessment of Bis Weaver’s state of mind and the reason for her making an accusation of harassment. Given Day’s description of how Gates presents himself to the world, and if Bis Weaver “felt under siege and threatened by some of those around her,” Gates would be the least likely person for her to choose to come into direct conflict with, or to make unfounded complaints against, unless she was a highly irrational person or had some minor form of self-immolation. Furthermore, if Bis Weaver was isolated, feeling under siege and threatened by those around her did it not occur to Day that she might have good cause for feeling threatened by Gates, who might have fostered this response to achieve his objectives; or was Day’s sexism showing itself in his belief that “women were naturally sensitive to appearances of domination.”

Day had given little thought to the ridiculous portrait he was painting. Could anyone in NATFHE who knew Gates, especially Mackney, who had accused Gates, publicly, of lying, swallow Day’s saint-like image of Gates altruistically defending a colleague, namely Cave?

* This ruling was not in the draft ‘report’ but was included in the final ‘report’ at the request of Gates

But these in-the-know fellow officers already knew Day had been criticised for inadequacy in dealing with issues of racism and sexism and yet they had seen nothing amiss in Day investigating Bis Weaver's complaint – in fact some officers had assisted him in obtaining this brief.

It might also be interesting to find out what the members of West Midlands women's panel made of Day's reactionary perception of the way women activists responded when confronted with 'difficult' situations. When women's panel members did enter the fray, they would provide an interesting perspective on the issue as most of them did not react to Day's conclusions in the way expected of feminists. However, Day's confidence in Gates' ability to reassure anyone who felt threatened by him; and the women's panel positive reaction to Day's 'enquiry'; would eventually not be shared by at least one woman colleague of Gates in the Broad Left Coalition. *

Another of Day's conclusions dealt with the concocted student-Cave issue that had removed Gates from centre-stage and elevated him to NATFHE sainthood. Day accepted "Mr Cave's reaction to the incident to which his name was attached" as understandable because "Mr Cave had been given no opportunity to counter that complaint" and therefore he, Cave, "not unnaturally holds Ms Weaver responsible for that and appears inclined to believe that she solicited complaints and deliberately chose the most provocative way of thereafter dealing with them."⁸⁵ Day's dubious way of using this fabricated portrayal began with a statement that he had "no evidence to support the conclusion he (Cave) has drawn" but Day then concluded, without any evidence, that this was Bis Weaver's intentions by adding that "Ms Weaver felt isolated at that time and the absence of a close friendly relationship with her colleagues in Business Studies may have impaired her judgement."⁸⁶ But even this was still not enough for Day because he wanted Bis Weaver to "acknowledge the legitimacy of Mr Cave's sense of grievance and should be willing to express regret that she may have played a part in precipitating that."⁸⁷ Day had no evidence to convict but found her guilty and sentenced her anyway! Comrade Vishinsky would have approved of Day's method of prosecution. **

In another 'Greeks bearing gifts' scenario, Day suggested that, "Mr Cave and his colleagues ought to recognise that her actions were not necessarily deliberately provocative and that the incident may have been rooted in a genuine misappreciation of how the situation

* Despite this woman colleague being a strong supporter of Gates during Bis Weaver's forthcoming conflict with NATFHE, Gates physically assaulted her in a disagreement at NATFHE's Annual Conference in May 1987⁸⁸

** Vishinsky was state prosecutor at the 1936 Moscow 'treason' trials

could be best handled.” Day also suggested that all parties should “make a genuine effort to regard the matter as closed.”⁸⁹ With the complaint done and dusted as far as Day was concerned, now was the time for Day to deal with another outstanding matter that was of more than passing interest to Gates – responsibility for the Access Course.

Day made the 1st July, when the Principal of the college issued his memo on the Access course structure, as the starting point for this particular issue. Day wrote of the need for tutorial staff “to agree on proposals for strengthening the machinery for democratic control...and to press for amendments to...enhance the policy and executive role of the course committee whilst simultaneously diminishing the role of the Senior Management Coordinator.”⁹⁰ Day actually meant the course team but that error counted for little; of more significance was the purpose behind this proposal.

Day was aware that the ‘democratic’ course team, influenced by Gates and allies, had attempted to oust Bis Weaver from the post of coordinator/director and, now, Day was recommending that the situation return to the *status quo ante* to this attempted ousting – *status quo* being a favoured term in NATFHE as shown in the Fernandes affair.

Day did not try to hide what his proposals would mean to Bis Weaver, for as he put it, “A successful outcome of this nature would entail significant consequences for Ms Weaver’s job description...subject to the normal process of discussion and negotiation.” To ensure that no one could misunderstand the purpose behind this proposal, he added “Any detailed specification of the Course Director’s role should hinge on the need for that person to be a team leader rather than an administrator of detail.”⁹¹ Day had already more than implied earlier in the ‘report’ that Bis Weaver was overly concerned with detail and was not a team leader, so this was reaffirmation that his proposal for tutors to discuss the post pointed in the direction of replacing her. There was no difficulty in detecting this in another of Day’s statements that “the Course Director is entitled to security in the position occupied” with the addendum that “Whilst Ms Weaver occupies that position she should receive the respect and support of her colleagues throughout the college and that should be supported by a strong NATFHE commitment to protect her interests.”⁹² Considering that Day was aware that NATFHE officers led the assault on her post and stripped it of the majority of its functions, his support was the NATFHE equivalent of a Mafia kiss for Bis Weaver. Day, a supposedly impartial intermediary conducting a preliminary enquiry, was calling for the complete surrender of the complainant to the point of relinquishing her job so that it can be taken over by the harasser or a close colleague of his and for the complainant to accept this with magnanimity. Day would not be out of place in George Orwell’s *1984*.

Day had still not finished – there was more salt to be rubbed into the wound by this NATFHE sawbones. Day made it clear that “implied in the above is a conclusion that NATFHE officers and Branch Executive [consisting principally of Gates, Cave and Ms Pattinson] should look carefully at the grading attached to the post of Course Director”, which could only have been for the purpose of seeking an upgrading of the post.⁹³ Not only was Bis Weaver’s job to be handed on a plate to a NATFHE officer; that officer would benefit from a bigger pay packet.

Oblivious to Dr Johnson’s caveat, * Day went on to parade the usual bureaucratic sub-patriotic clap-trap by dragging in union patriotism - loyalty to NATFHE, to which “members of NATFHE owe common allegiance...and that cannot thrive in a climate of personal dispute.” This loyalty, Day proposed, “should be put to the forefront and all should be asked to evaluate their actions and attitudes by reference to them.”⁹⁴ Day rolled out union patriotism like a military recruiting officer. But to whom was this call for sub-patriotic devotion actually directed towards. Not to that paragon of virtue, Gates, who held “high office in the union.... exercising a responsible role in the college”⁹⁵ and who had come out of this enquiry floating on a cloud of innocence. Apart from Bis Weaver, the only other person mentioned in Day’s ‘report’ was Cave and it was unlikely to have included him because Day, albeit with fabricated evidence, claimed Cave had a legitimate grievance against her and was a veritable injured party.⁹⁶ The patriotic call to do one’s duty to the union and take the union’s *Kitchener shilling* could only be meant for Bis Weaver as Day had portrayed her as someone who had acted in a professionally irresponsible manner to two union officers in their tutoring capacities.⁹⁷ Day had also reduced the complaint, with its more than a hint of racism and sexism underpinning it, to the ‘limbo world’ of personal dispute – the term dragged out to hide sexist and racist harassment for the most obvious of reasons and one that would be paraded by union apologists for racism in the near future. However, while waving the union flag, Day, as he so often did, had inadvertently opened up Gates to the very charge of lacking loyalty to the union that he laid at Bis Weaver’s door. In his ‘report’ - a ‘report’ that would soon be accepted as accurate by Gates and a few union loyalists in the West Midlands region, Day made the point that “when options extended into Business Studies, Mr Gates and his associates were, in effect, put into the situation of redistributing responsibilities.” In that process of redistribution, Gates had carried this out “with little more than the benign blessing of his Head of Department [and he] was singularly deprived of any

* “Patriotism is the last refuge of the scoundrel.”⁹⁸

practical assistance [and] any additional responsibilities he acquired were not matched by relief elsewhere.”⁹⁹

Day’s knowledge of the college, which he claimed to have brought with him to the enquiry, seemed significantly limited because these “added responsibilities” “not matched by relief elsewhere” without a “specification of that further role” “with little more than the benign blessing of” management were undertaken by Gates between June and December 1984. During part of this time, Bournville NATFHE Branch was in dispute * with management and NATFHE members were under strict instruction not to do overtime, cover for colleagues, enrol students, do extra duties, or complete timetables or registers. Day had revealed that in the midst of an industrial dispute when members were under union instructions not to co-operate with management, Gates was acting against those instructions with the benign blessing of management. An unusual trade union practice for someone “holding high office in the union” ** and Gates’ sanctions-busting was prime material for a Rule 8 complaint to be brought against him!

To give the ‘report’ an air of authority and legitimacy, Day produced a summary of conclusions covering fourteen points; as many points as the number of incidents Day had ignored in Bis Weaver’s complaints. Seven of Day’s points concerned the fabricated student-incident issue for which Bis Weaver was expected to express regret to Gates and Cave. Gates was advised to apologise for the 19th February incident, which, in another careless slip, Day had shown Gates to have used Bis Weaver as a scapegoat for his anger with management. The other seven points were directed at the Access Course structure.¹⁰⁰ At the very end of the ‘report’, Day tried to invoke a clause of confidentiality, which seemed to fly in the face of the joint statement to be shown to anyone expressing an interest. In the confidentiality clause it stated that “a copy of any part referring to a member of NATFHE may be made available to the person named but should not be...given a wider circulation without the permission of the member or members who may be named.”¹⁰¹ It seemed that this was aimed at Bis Weaver to prevent her showing the discrepancies in Day’s ‘report’ to a wider audience for advice. Day’s caveat had not an ounce of legitimacy because it was not possible to hide defamatory accusations and derogatory attacks on Bis Weaver’s professional competence and integrity behind such a clause while distributing a record of those accusations and attacks to various levels of the union.

* The branch dispute covered the period from July to the 22nd November 1984

** This action on Gates’ part was brought to the attention of NATFHE head office when the subsequent conflict in the branch became intense but this breach of a union instruction meant little to the officials¹⁰²

This was the sum total of Day's flirtation with the fifteen incidents in Bis Weaver's complaint – a classic case of bureaucratic rewriting of history. Bis Weaver's 'insensitivity' in complaining about Gates' behaviour, as Day interpreted it, had apparently been dealt a significant blow by his 'enquiry.'

Day admitted that the 'enquiry and report' were based on "background events [that] are selectively recorded," however, he bordered on incredulity by adding "whilst it is appreciated considerable detail could be added there is enough in the above account on which a series of observations can be based."¹⁰³ Working within those self-imposed limitations by excluding significant and relevant evidence, Day had crafted a work of unmitigated partisanship with an extraordinary accumulation of error, inconsistency, misrepresentation, duplicity and spite. To adopt an old French saying; "Out of the same grapes in a vineyard you can make a very different wine." Day had taken the grapes and produced a cheap bootleg hock.

There was nothing in the 'report' that could be remotely seen as addressing the substantive issues. Day's counterfeit interpretation came nowhere near to that quality defined as truth and justice – a deficiency that apparently affected those at all levels of NATFHE. The 'report' was proof positive of Day never intending to conduct a *bona fide* enquiry. His task was to oversee a damage limitation exercise; to shift the blame on to her; and to make it difficult for her to do anything. This 'report' was the paint brush to achieve a complete *Whitewash* for Gates while opening up the post of Access coordinator/director to the highest bidder, that is, the one most acceptable to Bournville NATFHE *kernels*. But who else was involved in the 'con' trick? How many local officers knew of Day's intentions to cover up the complaint or suspected this was what would likely happen?

Bis Weaver had been suspicious of Day's real intentions since the Welch intervention and proof had arrived in this 'report' demonstrating unequivocally to Bis Weaver that she had been 'conned' from the beginning. Day probably thought a solitary Black woman could do nothing against the might of the union and, if so, he was right insofar as doing anything in this union. Day had at least indirectly answered one question Bis Weaver had put to him in August, when she asked "why should I as a Black person be in the union?" Day had made it quite clear that there was no point in Bis Weaver or any Black person being in this union.

In his letter accompanying the draft 'report', Day had told her she could make observations but gave no "undertaking to alter [his] conclusions." Of course, for Day to address the inadequacies in the report would have required him to rewrite it completely; defeating the very purposes for producing it in this way. Nonetheless, Day's scurrilous

'report' could not go unchallenged. The implications to Bis Weaver's professional and personal integrity were too serious to ignore once Day had released the 'report' as he seemed to have every intention of doing. Day's 'report' was but a crude imitation of reality and with some effort on our part it would find its way to the shredder. As expected, disentangling the deficiencies in the 'report' turned out to be a time consuming task because of the way Day put it together. Even more subterfuge would be discovered when the 'report' was revisited. Day seemed to harbour an aversion to people who expected fair and impartial treatment and who paid attention to detail. This aversion would undoubtedly increase when we had finished the critique on his 'report'. Day had stoked up the fire of rebellion in Bis Weaver and his hatchet job on truth and justice was to open a hornet's nest which union officials and lay officers did not probably predict.

Day's cover up was not novel; bureaucrats, whether in the uniform of the union, the police, the civil service or the members of commissions of enquiry, are not unfamiliar with distorting truth into something palatable in serving the interests of dominant groups. Day's obvious failings in matters of principle might well be attributed to his long service as an 'old-style' union official that had endowed him with the qualities of a bureaucrat.

Day was without doubt an archetypal representative of 'old-style' trade unionism – a hack to whom 'side issues', such as women's rights and Black rights, figured little in their thinking as they interfered with what they considered to be 'real' trade unionism, that is, negotiating better pay and conditions for men, preferably White men. Day appeared to find it difficult to detach himself from the attitudes prevalent in the trade union movement in the not too distant past. He was immersed in the mid-to-late-twentieth century tendency associated with apologists of racism and sexism – those whose knowledge of racism and sexism was impressionistic or completely absent. These bureaucrats saw their role as deflecting issues such as racism and sexism away from the action of the perpetrators and on to the supposed failings of the victim. Day was thoroughly unsuitable for the task required of an official in a changing workplace environment where women and Black people were now an integral part of the work force, consequently, NATFHE's guidelines on harassment had passed him by. Day had yet to hear that women had the vote and the Empire had passed into history.

Day had shown and was soon to confirm his unsuitability for dealing with a changing environment – a description that would apply to many of the people defending Gates and the union whatever 'progressive' rhetoric flowed from their mouths. For them, anti-racism and anti-sexism were tacked on policies – an adjunct to traditional trade unionism that could be discarded like a chameleon's tail when it suited them. Of course, NATFHE head office did

not share this view of Day and hacks like him as was shown ten months later in the union's response to a questionnaire from the Commission for Racial Equality [CRE]. In the union's submission, Day received plaudits for having a long history in the anti-racist movement.¹⁰⁴

A more objective interpretation of Day's performance came nearly twenty months later when an Industrial Tribunal severely criticised Day for not investigating Bis Weaver's complaint properly and for not dealing with the issue of racism. The Tribunal consigned Day's report to the rubbish bin where it belonged, although NATFHE head office officials clung to it tenaciously for a considerable time after it had been metaphorically pulped. NATFHE embraced this option in its attempt to salvage a vestige of the image of an anti-racist organisation that its 'activists' espoused in public and to each other but few outside of NATFHE took any heed.

(c) Shining the Light on Day's 'Report'

Like a re-born Penelope of Ithica, the most famous of all weavers, Bis Weaver, assisted by me, unravelled each night what NATFHE officialdom had woven by Day. Day had peppered throughout the 'report' what could only be described as fabrication and innuendo; regurgitating these ill-intended deficiencies when they suited his purpose, that is, giving the impression that his account was based upon fact. Our critique pulled together these various defects to expose the duplicitous intent behind Day's characterisation of events.

Bis Weaver and I reached the point, once the substantive part of the 'report' had been disentangled, of figuring out the best way forward. Rather than presenting a single critique that would be voluminous and almost certainly lessen the impact of the exposé, we concluded that a greater effect might be achieved if specific items were selected and, after an extensive analysis made of each one, sent each item in a separate letter to Day with copies to the general secretary and whoever Day chose to put on the mailing list to receive the 'report'. The circulation of these critiques would be carried out on a regular basis to have a cumulative impact. This all depended on whether or not Day released the 'report', which was something he appeared to have every intention of doing. The purpose of this approach was to inform the general secretary that this Black woman was not going to give up. NATFHE's anti-racist commitment was soon confirmed as a Janus-headed creature with the so-called West Midlands 'anti-racists activists' facing one side and those much higher up in the NATFHE food chain facing the other with neither prepared to face racism directly.

In the meantime, Gates had submitted his comments on the ‘report’ to Day using NATFHE letter-headed paper.¹⁰⁵ Gates opened with the greeting of ‘Dear Alan’ signifying cordiality between the adjudicator and the accused that was not appropriate for the role undertaken by Day. The ‘report’ had found favour with Gates. It was little wonder that Gates appreciated Day’s ‘report’ as he could not have wished for anything better – like manna from heaven, and he accepted the ‘report’ unreservedly, or he almost did, since it would be out of character for Gates to miss an opportunity to benefit as much as possible at Bis Weaver’s expense.

Gates had some reservations about the ‘report’ as if being exonerated of possible racist and sexist harassment, however dubious had been Day’s ‘enquiry, was not enough to satisfy him. He considered the ‘report’ to be “fairly accurate” but sought amendments, or more accurately, additions to the ‘report’ as he wanted Day to “clarify certain key issues.” The reasoning behind this clarification was because “copies of the original complaint were circulated widely (to people not in NATFHE) [and] many people will only view the summary and therefore it needs to reflect the conclusions accurately.” This was Gates’ first point, justified by him, “to accurately reflect the sequence of events.” How the circulation of the original complaint to non-NATFHE people figured in the need “to accurately reflect the sequence of events” was misleading because these extra-NATFHE people, to whom the “original complaint” had apparently been shown by some unknown person, saw only the relatively ‘vague’ written complaint, which had not specified the numerous incidents comprising the complaint or their sequence.

The second point concerned the conclusions drawn by Day on the Cave-student incident. Gates claimed that as he was as much “subject to the same complaint as Mr Cave”, therefore, his [Gates’] name “should be included as having a legitimate grievance.” Gates, attempting to justify his inclusion as an aggrieved party, reminded Day that “The incident occurred on the same day as I lost my temper in a meeting I was attending a meeting (sic) to discuss this incident!” Gates also wanted it “pointed out that he should apologise for his actions in respect of one occasion. Otherwise it could be interpreted that I am apologising for a range of unfounded allegations.” * Gates also wanted it “noted that I offered to apologise for this incident in June 1985 but Ms Weaver was not prepared to accept it unless I was taken

* If the reason for Gates losing his temper and subjecting Bis Weaver to foul mouthed abuse was due to the student incident, albeit Day’s account appeared to have been deliberately misrepresented, what caused Gates to lose his temper with Bis Weaver on other occasions, for example, the ‘fucking finger incident’ on the 23rd May in front of about fifteen witnesses; and his shouted accusation of taking documents from his desk on the 7th March with two witnesses present

off some of my regular teaching.” In the real world, Gates never offered to apologise at any time, however, it was interesting to note that Gates was saying the apology was tendered four months after the February incident and only after the complaint had been submitted to the union. What was shown by Gates’ letter was that he was the likely source for Day’s fabricated account of the events of the 19th February. Finally, Gates wanted Day to draw together two statements made in the ‘report’ and include them in the summary. Gates even provided the choice of words, which Day dutifully included verbatim in the final ‘report’. The words donated by Gates were: “I have not been able to identify in these events any process of systematic and deliberate harassment. I tend therefore to dismiss this charge against Mr Gates.” It was Gates’ contention that “unless these findings are clearly stated in your summary I may be subject to unfounded allegations.” Day had access to all the relevant information but was still prepared to acquiesce in this blatant deception.

Did Gates want these amendments in the summary because he was optimistically expecting a joint statement based on this summary to be produced with Bis Weaver? Did he expect her to fall into line because a NATFHE official had so directed – a form of subservience to apparatchiks not unfamiliar in Eastern Europe but not a common feature in the UK, although future events pointed to it being a requirement in the bureaucratic republic of NATFHE? Gates also latched on to Day’s proposals, assuming they were Day’s, for reorganising the structure of the Access Course by the comment that the ‘report’ “gives the Branch Committee positive suggestions and is useful in terms of analysing the college management structure”, which Gates must have seen as providing an entrée to what would be the Access director’s post. Gates signed off by “look(ing) forward to reading the final report.”

Gates did not wait until the final ‘report’ was released before acting because two days later in the regular meetings between Bournville management and NATFHE’s branch executive, which included both Gates and Ms Pattinson, the branch executive pushed for management to upgrade the post. This meant that the most senior tutor would be promoted temporarily to the post and the most senior tutor was Ms Pattinson. * If an upgrading had been approved, this would have undermined Bournville College’s equal opportunities

* This apparently represented a change of strategy. Initially, the strategy was to oust Bis Weaver for Gates to take over because had Bis Weaver been removed then, it would not have been possible for Ms Pattinson to become coordinator, as it meant promoting her over Bis Weaver - not a feasible option. But now the situation had changed and Ms Pattinson, as the longest serving tutor, would be the favoured candidate for upgrading. This would give the upgraded tutor a considerable advantage over any candidate for the post from inside or outside of the college.

Two further attempts were made to have the post upgraded using alternative channels - in January 1986, via the newly created Birmingham liaison committee anti-racism committee (BLCARC); and in February 1986 at the first meeting of Bournville College’s Equal Opportunity (Race) Committee

policy. *

On the 19th November, Day wrote to Bis Weaver and Gates commenting on their responses to his draft 'report'. His replies displayed a marked contrast - 'dismissiveness' for her and 'acquiescence' for him. In his letter to Bis Weaver, Day denied all the points she had raised by claiming he had not: (i) cast serious aspersions on her professional integrity or competence; (ii) inadequately represented the various incidents in her complaint; (iii) presented a particular view of women. He defended his failure to examine all the incidents on the grounds that "considerable detail has necessarily been omitted", which was a convenient, if hypocritical, practice because the omissions covered fourteen of the fifteen incidents and were indispensable for assessing the complaint and for determining the outcome of the enquiry. Inevitably, the substantive evidence was replaced by fabrication and omission otherwise Day would not have been able to exonerate Gates. Day also made a revealing admission when responding to the accusation of having a negatively subjective view of women, by stating that "Obviously my masculinity debars me from reaching a conclusion on...your response" – confirmation that this full-time official was completely unsuitable for dealing with complaints from women and, as Bis Weaver would point out in her reply, from Black people.

Day expressed regret at the prospect of Bis Weaver taking the issue further and he dredged up her letter to the Bournville branch chair when she had agreed to an enquiry under rule 24 and would abide by its outcome. Day added that was an assurance also given by Mr Gates.

Significantly, Day introduced a new codicil to Rule 24, namely that union assistance was available only when accepting its advice. Bis Weaver could now see this rule for the dead end that it was – an official of the union produces an outcome to a complaint based on fabricated evidence and no further action could be taken on behalf of the complainant unless the union agreed. Day followed this up with a ludicrous final comment in which he stated that "as I should like to be able to give you my future support, I trust you will not seek to take any independent action." But what union assistance was now available? Day had interred her complaint and he knew that short of a NATFHE 'court order' how would she be able to exhume it? Day also knew from their meeting and the documentation given to him that management was fully aware of the harassment and had chosen to do nothing; and if she now

* The Access post was funded under Section 11, which aimed at providing greater opportunities for members of ethnic minorities in employment and education in general and by upgrading the post and, insisting all internal candidates were interviewed, as was branch policy, it virtually restricted the post to existing staff, all of whom were White

decided to venture in the direction of management, all Gates had to do was produce Day's 'report' to claim the union had fully investigated a complaint between these two employees/union members and had found nothing of significance. Even though management might recognise the 'report' as a shoddy piece of work, it was hardly likely to take on the union backed by NATFHE's regional authority for what could be described as professional misconduct committed in the college for which management was also culpable. *

Day gave her no date for the release of the 'report' but it would undoubtedly be soon. Probably feeling he was on solid ground, Day decided to circulate the 'report' with: (i) Bis Weaver's letter in response to the 'report'; (ii) Gates' response; and (iii) Day's replies.¹⁰⁶ In a nutshell, as far as Day was concerned, the enquiry was over; there was to be no referral to a union tribunal; and Bis Weaver could take it or leave it. At least it showed continuity with what had gone on since Day one.

Day's cavalier dismissal of Bis Weaver's objections, when he was well aware that she knew he had disregarded the substantive evidence supplied by her, contrasted markedly with the tone of his letter to Gates in which he was most accommodating.¹⁰⁷ Day's dismissiveness in his letter to her was on a par with his attitude towards her at the August meeting, therefore, if his letter to Gates also reflected his attitude towards Gates then Day must have been extremely acquiescent and obsequious to Gates at their meeting in August or whenever it took place.

Day was appreciative of Gates' "desire to rearrange the order of [Day's] summary of conclusions, [but] they were not presented in any particular sequence" – a startling omission since to show the pattern of behaviour it was necessary to arrange the incidents in sequential order and this he had no intention of doing. Gates should have recognised this as a necessary requirement in order for Day to exonerate him. Day expressed gratitude to Gates for drawing "attention to the omission from the summary of recommendations of [the] conclusions in respect of alleged harassment," which he said was "an error on [his - Day's] part" and he agreed to rectify it. ** Day also conceded that the 'report' only implied Gates was as much involved in the student-issue as Mr Cave, "which led to his (Cave's) sense of grievance," and he proposed "to establish that more clearly." Day also accepted that the apology Gates was to

* Day actually tried this ploy on behalf of Gates and two others, in October 1986, when the local education authority was compelled to investigate Bis Weaver's complaints. Day produced his 'report' to the LEA but Bis Weaver had beaten him to it by providing to the LEA with both Day's 'report' and the voluminous critique of it

** It was included as item (iv) in the Summary of Conclusions.¹⁰⁸

give to Bis Weaver was too broad and as his (Day's) "intention was that the apology was in respect of conduct at a specific meeting," and that would be clarified. Day had accommodatingly agreed to the changes suggested by Gates and he signed off with the news that the "final amended report will be available quite soon."

With Day expected to release the 'report' at any time, Bis Weaver despatched a further letter, including the first points in the critique of Day's 'report', for it to be circulated with the 'report' if it could get there in time.¹⁰⁹ She began this letter with a detailed account of four major incidents mentioned to him in their meeting – those occurring on the 19th February, 7th and 12th March, and the 22nd May. Day's memory was jogged about these incidents. How he had completely misrepresented the first; briefly mentioned the third in passing before summarily dismissing it; and the second and fourth points being omitted altogether. As a consequence of these failings "considerable detail essential to a full investigation of the complaint has been omitted" in his account. She recorded that when Day dealt with the student-Bis Weaver meeting in the 'report' he had produced an account that had nothing in common with the facts even though Day had been provided with full details; instead Day had chosen to accept an uncorroborated version from a third party who was not present at that meeting in preference to her version. This showed how little regard Day placed on her word and the 'report' did "cast serious aspersions on [her] professional integrity."

Bis Weaver took issue with Day's description "of the supposed innate characteristics, which [he] ascribe(d) to women" and upon which she had questioned Day's objectivity. She then referred to Day's proposition that his "masculinity debars [him] from reaching a conclusion" on women's perceptions of events. Taking a position that ran logically from Day's admission, she stated that "since you [Day] are unable to empathise with those who are different in gender..., perhaps [Day was] unable to empathise with those who, like [herself] are different in race..." Bis Weaver put it to Day that his attitude "would explain that when I told you that as the only Black person in those meetings I felt deeply embarrassed and humiliated by the treatment I received from D Gates it made little impression on you."

Bis Weaver dismissed Day's comments of future support being conditional on "abidi(ing) by the outcome of the NATFHE enquiry", which required her acceptance of this inadequate 'report'. She stressed that she never asked for Day's support. What she wanted was a fair and impartial investigation. Reiterating her rejection of "the Report; its version of events, its findings and its recommendations," she went on to suggest that the 'report' and the

twenty plus page critique being prepared “be...used as a case study for union members on Race Relations and Equal Opportunities in NATFHE.”

Bis Weaver also attached a long list of observations on the ‘report’; the first in a series of ‘letters of observations’ in a campaign against Day’s partisan and duplicitous investigation. This particular one demolished with ease Day’s carefully constructed attempt to question the legitimacy of Bis Weaver’s role as Access coordinator/director. Day’s description of her role as being nothing more than an “assumption”; a “perception”; a “belief;” and a feeling on her part was rejected as an “attempt to represent [her] clearly defined functions as a subjective interpretation on [her] part.” This was contrasted with Day’s contradictory statement in acknowledging that “every facet of the course is centred on the Course Director,...she was charged with fulfilling every task large or small.” Putting the two together, she told Day he “can’t have it both ways.” Day was referred to points 6, 7 and 8 of the job description in her contract of employment, made available to him in August, and other information provided by her that confirmed her role as Access course coordinator/director in November 1983 and June 1984; and “two NATFHE Branch officers [Gates and Ms Pattinson] were aware of this role.” This initial contribution showed Day had the facts in his possession but had chosen to ignore them in order to make sweepingly inaccurate claims.

This detailed letter showing Day’s ‘enquiry’ and ‘report’ as a sham; full of blatantly fabricated material and inaccurate conclusions was sent the day after receiving Day’s letter and it arrived in time to be circulated with the letters sent out with the ‘report’ but Day found no difficulty in dealing with this exposé - he just passed it on. *

Day’s ‘report’ was released on the 25th November without the public celebrations of the previous day when NATFHE announced to the ‘world’ its own anti-racist policy complete with an Anti-racism Pack to guide the membership along the route to a racism-free educational system. NATFHE’s re-birth as an anti-racism organisation after the debacle of the Fernandes affair was launched amidst great fanfare preceded by a press release [24th November] headed ‘NATFHE Against Racism’ before being despatched to NATFHE’s 800 branches. The message in the press release was of NATFHE’s “New campaign to combat racism in further education...[which] details practical steps to be taken at all levels of the union’s structure from individual members to national level....NATFHE also draws attention

* The Post Office confirmed that it had been received on the 25th November and signed for by someone named Brooks, before the report was sent out. ¹¹⁰ Day acknowledged this letter on the 27th November stating that “I do not propose to respond in detail to your letter but I shall pass it along to the General Secretary to supplement a copy of my report to him.”¹¹¹

to the need to ensure that its own structure does not discriminate and that ethnic minority members are properly represented.¹¹² Words that fell like barren seeds on parched soil.

At the conference to introduce the Pack, the Chair of the Anti-Racism National Panel, Denis Baker, spelt out that “no time better than the present, with the recent tragic events in Handsworth, Brixton and Tottenham, serves to demonstrate the urgent need for anti-racism work to be tackled as a central trade union issue.” The message behind this urgency was for NATFHE’s

Individual members...[to] accept their individual as well as collective responsibility for opposing racism and...[to] draw the attention of Branch officers to evidence of racist or discriminatory behaviour towards themselves, colleagues or students. Liaison Committees have a duty, amongst other things, to monitor what is happening in the local education authority and to negotiate with the LEA to ensure that (anti-racism) policies are adopted and implemented. At regional level, anti-racist policy should inform all union work and the appointment of a Regional Executive member to monitor progress is advised.¹¹³

As if to reinforce its new-found commitment to anti-racism NATFHE focussed attention on the Handsworth protests in the editorial of the November edition of *NATFHE Journal*, written by or on behalf of the general secretary. The editor had a dig at the police – the communion between NATFHE and the police over the Fernandes affair was apparently undergoing a ‘lover’s tiff’, with accusations against the police of not honouring the special responsibility they had to the communities to whom they were accountable. The editor declared that “Anti-racism starts at home” and asked “What steps are *we* taking to ensure that we contribute to a society free of racial intolerance.” A dynamic role was allotted to the Anti-racism National Panel, which

will not, it cannot, rest upon the production of policy statements, however good they may be. All features of its work are designed to promote tangible progress...Discrimination towards Black Britons, anti-Semitism and other prejudices” were activities “that scar our society (and) have their reflection in every sphere, education included. The moment to change is long overdue, but in this Association we are determined to make it a key task each and every day.¹¹⁴

This was another ‘pie in the sky’ banner destined to fall to earth before the printer’s ink had dried on the paper.

The printing presses had hardly finished producing the glossy anti-racism pack before the message contained in it became redundant. *NATFHE Against Racism* was still-born and NATFHE’s press release was essentially an obituary. Draped in the colours of NATFHE’s anti-racism standard, Day, accompanied by a head office piper, was to play a very considerable part in consigning the Pack to the scrap heap of anti-racism history.

The day after the *NATFHE Against Racism* press release, Day began NATFHE's new anti-racism millennium by stitching up a Black woman complainant when he released his 'report.' The final version of Day's 'report' came down from Uttoxeter to arrive at Bis Weaver's door on the 26th November, addressed to six parties - the general secretary, Peter Dawson; the new regional secretary, David Evans; the Birmingham liaison committee secretary, Robin Doughty; the Bournville branch secretary, Heather Stretton; Bis Weaver and David Gates.¹¹⁵ It was the initial draft plus the insertion of amendments suggested by Gates. This was a further example of Day's off-handed approach to Bis Weaver because he did not draw her attention to those proposed amendments when he wrote to her on the 19th November and, consequently, gave her no opportunity to comment on these changes. Gates' letter to Day gave a clear indication of the influence Gates exerted over Day, who came over as a mere cipher serving Gates' and the union's interests. Day certainly was the 'star' of 'Star Chamber' methods.

Several years were to elapse and, in spite of what was revealed about NATFHE's policies and practices, NATFHE officials and senior lay officers were still denying that its policies on race and gender were discriminatory even after that fact was force-fed to them by leading lights in the trade union movement.¹¹⁶ To answer the question posed by the editor of *NATFHE Journal* of what NATFHE could do to contribute to racial tolerance; judging by Day's performance, the answer was an emphatic 'nothing.'

(d) Confronting Day with his Bournville Myth

The drum beats of self-styled anti-racism reverberating around NATFHE did not inspire or reassure Bis Weaver. The treatment meted out by a regional official and the possible collusion of local officers resulting in a *Whitewash* 'report' was a more realistic measure of NATFHE's commitment to anti-racism at least in the West Midlands. * This region may have been one of the standard bearers behind Fernandes but the colours had been struck when the issue of racism came closer to home.

Bis Weaver's apprehensions were now two-fold: (i) damage to her reputation as a result of the attacks on her professional integrity and competence since the 'report' was

* Paul Mackney, at a later date, stated that he could "understand how the presence of all three at the same meeting might point to [the] conclusions...that Alan Day, David Gates and himself may have stitched-up a procedure for investigating her complaint which would have a pre-determined outcome"¹¹⁷ He denied that there was a stitch up. Of course, Mackney could only speak for himself and not for any other officer or official

almost certainly to be circulated amongst members of the respective committees as well as to others, as she would soon find out; and (ii) what might happen to her in the college now that Gates had confirmation from the regional official that the union would stand by him whatever he did. By exonerating Gates, Day had stitched her up in the present and might well have stitched her up for the future should Gates turn the branch screws on her when it became apparent to him that she had no intention of accepting Day's 'report' or signing a joint statement. The statement was essential for Gates to show to those outside of the union, especially Phil Murphy, who were acquainted with the complaint. There was little doubt in our mind that had she been in any way inclined to accept the 'report', however shoddy and duplicitous it was, in order to see the back of the issue and get on with her life, Gates would have been unlikely to have let it rest but come after her with a vengeance.

Bis Weaver had no idea where to go next; it would have to be played by ear. However, this uncertainty resolved itself and produced an extraordinary challenge to racism undertaken by a Black woman against NATFHE's entrenched bureaucracy. Day had shown an absolute determination to exonerate Gates and deliver a pay-back to Bis Weaver for complaining against a senior officer of the union but she did not know who else might be involved or how far any possible collusion stretched. One thing was certain after Day's 'report' had arrived – it had to be dissected and the enquiry exposed for the fraud that it had turned out to be. The period between Day's draft and final 'report' had been one of intense activity. The draft copy was put under the microscope. Initially, Day's fabrications were the focus of attention and the way Day had artfully moved the complaint from Gates' behaviour on to (i) Bis Weaver's alleged actions involving Cave and (ii) the structure of the Access Course. Subsequently, the circumstances of Day's entrance to, and involvement in, the 'enquiry' were given the 'ferret' treatment.

Justifying his involvement, Day mentioned the complaint being referred to him by a head office official followed by approaches from local officers wanting the matter resolved. There certainly appeared to be a considerable flurry of activity taking place within days of Bis Weaver's complaint being submitted – a clear insight into how serious the complaint was viewed at head office and by local officers. The complaint was undoubtedly seen as considerably more serious than Day's description of it as one of those "sizeable number of inter-personal problems [that] arise each year [which] the union has not sought to identify...and would probably be reluctant to become involved in."¹¹⁸ While trying to downgrade the complaints significance, Day had to provide some justification for his

intervention. This he sought to do with three different reasons: (i) the complaint had been referred to him, “by the appropriate Head Office official;” (ii) it was “in keeping with custom and practice;” and (iii) “responsibility for enquiring into the complaints rests solely with the Regional Official.”¹¹⁹ These were ambiguous claims because Day had already stated the union would not usually involve itself in what he described as an inter-personal problem. Day again wanted it both ways.

Despite the ambiguous way in which Day’s claims were put, they were just not true because he was not asked to carry out an enquiry “by the appropriate Head Office official” but just “to make a few discreet enquiries.” *¹²⁰ Day tried to justify his involvement further by mentioning the concern expressed by regional executive and Birmingham liaison committee officers and by Gates, who had an additional concern in that the complaint was widely known outside NATFHE. **¹²¹ Day’s additional attempt at justification was also misleading because, as Bis Weaver was to find out later, Mackney and Ms Welch, the only officers, besides Gates, to discuss the complaint with Day, were apparently not acting on behalf of either committee and, as such, did not formally report back to these committees.***

News of the complaint being referred to Day by a head office official came as a surprise to Bis Weaver, who was under the impression Day’s entrée came at the behest of the Bournville branch committee, following advice from Mackney. **** From what Day was asserting, his involvement was prompted by his concern about “an aggrieved party look[ing] for redress through...an employer or...any external agency over which NATFHE has no control...[and] These considerations must be particularly pertinent when any of those involved are [union] office holders...[whose] actions might be seen as representing the attitudes of the Union as a whole.” ¹²² In other words Day was concerned about an outside body making a finding that would have consequences for the union’s image. Considering Day

* This communication from head office to Day became known to Bis Weaver in June 1987 when a copy of her June 1985 complaint sent to Dawson, with comments made on it for Day’s attention, was included in NATFHE’s bundle of documents submitted to the Industrial Tribunal.¹²³

** Day also gave the impression of being approached about the Weaver complaint on more than one occasion prior to involving himself as further justification for taking over the case himself. He said that “During June I was approached by officers of the region and Birmingham liaison committee who were aware of the allegations made by Ms Weaver and who expressed their wish to have the matter resolved. In addition, on the 15th June, Mr Gates informed me informally that he was concerned about the complaint against him and by the fact that it was widely known.”¹²⁴ Day appeared to be trying to hide the fact that all these contacts were made at the same time on the 15th June

*** By the 15th June 1985 Mackney and Ms Welch had recently relinquished their posts on the West Midlands REC and Birmingham liaison committees and they chose not to involve their replacements

**** Mackney was later to claim that he did not offer any advice to anyone.¹²⁵ But this claim is contradicted by earlier information from Mackney, himself, in a letter to Bis Weaver when he said he had “also advised the Branch Officers to contact the Regional Official.”¹²⁶

viewed the complaint as an insignificant interpersonal dispute what was it that Day really saw in Gates' behaviour that could damage the union's image. Day knew the answer to that question; as did the head office official and West Midlands local officers; and so did Gates and Bis Weaver. Day's task could clearly be seen as aimed at quashing the complaint; to show who ruled the roost; and what to expect if she protested against his findings. It was also a signpost for anyone else following in Bis Weaver's path, e.g., Gil Butchere, who might consider submitting a complaint against a NATFHE officer.

The ferreting produced an interesting revelation of Day having spoken to Gates on the 15th June about the complaint. Yet, on the 18th June, Bis Weaver was asked to accept the regional official as the person to investigate her complaint. It was two weeks later that Day contacted her, on the 2nd July 1985, to say he would discuss the matter with her and Gates as soon as possible after the 12th August.¹²⁷ A suggestion of duplicity might be construed from this because Day gave the impression that discussions about the complaint would take place after the 12th August but he had already spoken to Gates, apparently giving advice to him, after which the wheels were set in motion for Day to involve himself. This inadvertent disclosure was the first piece of substantive evidence to come her way to show that things were not above board from the outset.

This revelation set the wheels in motion to extend our appraisal into other areas of the 'report' especially those dealing with NATFHE's procedures for dealing with complaints. Day had tried to validate his involvement by referring to the union's constitution where one of the 'Aims and Objectives of the Association' is "to promote and maintain standards of professional conduct" and "officials are charged to intervene in cases where there is a formal complaint that standards are not observed."¹²⁸ Additionally, "the responsibility for enquiring into complaints rests solely with the regional official acting on behalf of the General Secretary and this report is intended to exercise that function."¹²⁹ This followed the waffle spouted out by Day about the union not involving itself in these kinds of complaints? Inserted into the resumé of Day's responsibilities was the guarantee given by both "Ms Weaver and Mr Gates [under]...Rule 24...to refrain from any course of action not supported by advice of the Association."¹³⁰

We consulted the union's rule book and there was nothing in the rules to say regional officials were obliged to intervene in complaints. Nor did Rule 24 deal with internal union complaints; its purpose was to cover complaints handled by the union for members in dispute with external bodies, such as employers; and no additional conditions applied to Rule 24 for abiding by the union's decision. Day had used a pre-fabricated 'legalism' to give legitimacy

to a procedure outside the union's rules and conjured up additional conditions to this inappropriate rule as a device to stifle complaints. Day's brief owed more to "The Hitchhikers Guide to the Galaxy" than anything resembling a set of procedures. Bis Weaver spent little time wondering why she had been side-lined into an inappropriate informal procedure; the answer was obvious. There was something decidedly squalid in the union, or in the West Midlands region, and to get vindication she would have to expose it but she had no idea how to achieve that or how malicious her opponents would show themselves to be.

Day's admitted gender, and potentially racial, bias had decidedly clouded his vision into thinking that a Black woman would allow this tawdry charade to be passed off as an investigation into her complaints. It did seem that Day, encased in the bureaucratic mind-set, was incapable of foreseeing that it was within the capacity of a Black woman to demolish his fabrications and have the strength of character to take him on. This bureaucrat in a lecturer's union had no understanding of the learning curve associated with having to face racism on a perpetual basis so that it became etched into the life-experience of Black people in Britain; and probably Day did not care whether or not he knew of it.

The counterattack was unleashed on the day the final 'report' reached Bis Weaver and continued to the end of December when ten comprehensive, lengthy letters exposing Day's shoddy 'report' had reached its author and those on the circulation list. Bis Weaver's letters cut through the umbilical cord connecting the Day/Gates contrived evidence with the disingenuousness, partisanship and bile comprising Day's 'report.' Gates, an officer on the branch, liaison and regional committees, would have access to the letters containing the 'critique' and, therefore, be aware that the issue was not at an end even though a union official had so ordained. Gates' comrades on the various committees would also have the opportunity to know what really happened and about the treatment meted out by Gates to the only Black woman lecturer in the college. Of course, this assumed they would have a real interest in the latter point other than how it might affect their interests.

The next letter, on the 26th November, directed attention to the witnesses and any information they contributed to the enquiry. Bis Weaver addressed Day's claim to have had "discussions with other branch members who have signified a wish to make a contribution." She let Day know she was aware of the "communication in early, October, 1985, from a member of Bournville NATFHE Branch," who was prepared to offer information "relevant...to understanding the relationships existing between members of Bournville College of Further Education [BCFE] NATFHE Branch; and...the general position of women in Further Education Institutions..." Still alluding to Gil Butchere's letter, Day was asked if

he “had an opportunity to pursue further what may be an important contribution to understanding the situation in BCFE and within BCFE NATFHE Branch” and, if so, to “indicate in what way this contributed to the investigation...as there seems to be no indication of this in the ‘Report’...[and] the information may have a bearing on [her – Bis Weaver’s] complaint.”

Gates’ letter of the 12th November also came into the frame with Bis Weaver drawing attention to the fact “that the ‘investigation’ has been put into its proper context [by D Gates], i.e. that [her] complaint...became of secondary importance to other objectives,” which were unconnected with the complaint, namely the analysis of college structures. She expressed deep resentment that her “legitimate complaint...has been converted into a political issue between the [NATFHE] Branch and College Management” over these structures. She also referred to Gates’ statement “that he should not apologise for what he calls a range of unfounded allegations” and asked if Gates was claiming “that the incidents...did not in fact occur?” Was Gates denying (i) the incident of foul mouthed abuse in May 1985, which had been confirmed to Day as having taken place, by a witness Day interviewed at BCFE in October, and (ii) all the other incidents brought to Day’s attention in August? She also pointed out that, “at no time has D. Gates, or anyone on his behalf, ever approached [her] to apologise for any of the incidents...” Day was also reminded that “there are enough witnesses to substantiate each and every point” and she suggested that perhaps Day “should investigate the complaint.” In conclusion Day was advised that a critique of the ‘report’ was being produced to be sent to all those on the distribution list and “to the appropriate Race Relations Officers...and...Women Officers,...at national, regional and local level.” * ¹³¹ This latter point was unlikely to have unsettled Day judging by the ineffectiveness of these groups and the attitude of some of their officers when Bis Weaver actually sought their assistance.

Five days later and another letter wend its way to Uttoxeter.¹³² Attention was drawn to Day’s reluctance to address the contents of her 22nd November communication but his silence made no difference to her determination to challenge “the serious inadequacies, inaccuracies and omissions in [the] ‘Report’”. Bis Weaver addressed the implications of Day’s statements about her “so-called professional deficiencies throughout the ‘Report;...so-called need to develop team leader qualities;...so-called preoccupation with detailed administration.” Day’s less than surreptitious way of undermining her suitability for that post

* Day’s response was that “I feel it would be inappropriate for me to respond without first having the advice of the General Secretary.”¹³³

was considered to be “tantamount to saying that [she] would not be suitable for the ‘new’ defined role of Access Course Director/Coordinator.”¹³⁴ Day’s attempt to gloss over his ‘suggestions’ with the advice that “Whilst Ms Weaver occupies that position she should...be supported by a strong NATFHE commitment to protect her interests,”¹³⁵ merely prompted her to ask “what kind of support and protection can one expect from the Branch when you have attempted to undermine my credibility for occupying this position.”¹³⁶ Another rhetorical question was posed, namely, “how is it possible for women and blacks to pursue their right to a career if, when they are abused and harassed by a ‘colleague’, their complaints are dealt with in such a way that serves merely to condone the abuse and harassment by a refusal to acknowledge its existence?” Day’s derogatory comments about her competence was contrasted with “the considerable acknowledgement...[she had] received from colleagues...[in] the City of Birmingham and nationally, for [her] contribution to the development of Special Access provisions,” including speaking “‘On the future development of Special Access provision’ at a joint NATFHE/CRE Conference” in April 1983. She thought that Day’s “unfounded criticisms...of [her] role as Access New Way Course Coordinator...[and his] disregard...for [her] legitimate complaint...raises serious questions about” how he dealt with the complaint. For two different purposes, she pointed Day in the direction of the chairperson of Bournville NATFHE branch, Ms Pattinson, who: (i) could confirm the recognition that she had received for her work in this field; and (ii) was present when Gates: (a) distributed minutes to management and colleagues making unfounded allegations against her; and (b) subjected her to foul mouthed abuse – the latter point being completely omitted by Day in the ‘report’. Bis Weaver was sure that the chair “will point out the glaring inadequacies, inaccuracies and omissions within the ‘report.’”¹³⁷ Bis Weaver was soon to raise the ‘report’ with the chairperson and, not unexpectedly, the outcome demonstrated the partisanship of the chair.

Two days later and Bis Weaver was turning attention on to the way the procedures were carried out. She began with Day’s revelation of speaking with Gates about the complaint on the 15th June and then referred to the branch chair’s letter of the 18th June suggesting an approach to the regional official to carry out an initial enquiry under the provisions of Rule 24. Subsequently, the new branch chair, Shukra Nedjat, informed her on the 26th June that the regional official had agreed to carry out an initial enquiry. The significance of this was “that you [Day] agreed to accept the role of ‘investigator’ into the complaint several days after...discussing the complaint with D Gates and without advising me [Bis Weaver] that you had already...discussed the complaint with...D Gates prior to being

asked by the Branch Executive to carry out the initial inquiry.” This troubled her because had she known of this discussion she “would have preferred someone else to carry out the inquiry” and that she “seemed to be at a decided disadvantage in the matter.”¹³⁸

Another three days passed and Day was picked up in another letter on the terminology he used to minimise the seriousness of Gates’ behaviour and the impact his behaviour had on her. She pointed out that Day’s version of the 19th February meeting might lead anyone reading the report to conclude that two of the incidents in the complaint when Gates called her a fucking liar and told her “to take her fucking finger out” had taken place at that meeting. She reminded Day they were two separate incidents occurring three months apart on the 19th February and the 22nd May 1985 and on both occasions she “was the only black person [at the meetings] and felt deeply embarrassed and humiliated by this treatment.” As far as she was concerned the absence of dates “to identify [the] incidents as separate occurrences over a period of time can lead to the interpretation” that had enabled Day to claim “I have not been able to identify in these events any process of systematic and deliberate harassment...”¹³⁹

On the 10th December, Bis Weaver went into considerable detail about the interview she had with the student on the 19th February – the accurate version unlike the fabricated version presented in the ‘report’. Day was reminded that no tutors were mentioned by name or function in that discussion yet Day claimed that “during the course of her conversation with the student, Ms. Weaver secured an impression that the student was complaining about the attention she and her colleagues received from their Business Studies Lecturer.” Bis Weaver showed the lack of attention that went into Day’s fabrications because as she put it “two of the four tutors servicing the Access New Way Business Studies provision are members of staff in the General Studies Department (Mathematics and English tutors), therefore, there was no possibility that the general criticism made by the student could be interpreted as being directed against Business Studies Lecturer(s) any more than it could be considered as directed against General Studies Lecturers.” Bis Weaver offered Day the opportunity to explain where he got “the impression that any complaint was made against a Business Studies Lecturer?” She thought it interesting that Day should write “It is not clear whether particular lecturers were identified by name although later events suggest that Mr Norman Cave was implicated and possibly Mr. Gates also.” She gave Day the chance to elucidate on “what later events [were] these?” as he had “produce(d) not a shred of information to support this innuendo.” Day’s attention was drawn to his frequent “mention of Mr. Cave, thereafter, in relation to this so-called ‘incident’:...‘Mr Cave and others’;...‘Mr

Cave's reaction';... 'Mr Cave's sense of grievance';... 'Mr Cave and his colleagues'." ¹⁴⁰ She sought reasons from Day for "select[ing] Mr. Cave's name for particular attention and [for] identify[ing] specifically a 'Business Studies Lecturer'?" She also thought the way Day presented this "might be interpreted, by some people, as an attempt to put together a case implying that names were mentioned in that interview." But, as Day was well aware, "the only two people who know the content of the interview are the student and [herself and] The 'information' used by [Day] was not provided by [her – Bis Weaver], so from where did [he] get the 'information'?" Bis Weaver supplied the answer to her own question by saying "It can only have come from a third party." She also found "the addition of D Gates name to the so-called 'incident' amazing" because it was only "When D Gates wrote to [Day], 12th November 1985, asking to be included as an aggrieved party...[that Day] included him." The questions posed to Day were "What evidence [did he] have for including him? What is the source of this 'information' such that [Day] should so readily respond to D Gates' request for inclusion?" To Bis Weaver, it seemed "that certain people in NATFHE are more likely to have their word accepted even though it is third party hearsay 'information.'" Another question requiring an answer was "Why...Day so readily accept(ed) this third party 'information' in preference to [her] directly stated information." She finished off by saying that "One thing is patently clear, Mr Day, there seems to be a definite element of discrimination in the selection of information." ¹⁴¹

This letter was a clear statement that Day deliberately misrepresented the issue by ignoring her evidence – the only person, beside the student, who knew the content of the discussion. Notwithstanding this, he constructed an alternative version on 'evidence' from people who were not even there. Day had also deliberately refocused the issue by identifying Cave as an aggrieved person. This letter also illustrated Day's disdain for her and her complaint but it showed how easy it was to rebut his fabrications. ¹⁴²

There was no expectation of Day answering any questions put to him but his silence and evasiveness added weight to Day's 'enquiry' and 'report' being a *Whitewash*. Day's 'report' was being taken apart for the benefit of head office officials and all those union officers with access to the 'report'. However, Day knew what Bis Weaver did not know, which was that head office officials would go along with anything to protect a fellow official from the consequences of his actions in the same way that Day, supported by local officers, sought to protect Gates. A chain of self-interest stretched from the pinnacle of NATFHE officialdom through the regional official and from lay officers at national level to those in the

region that would eventually be exposed and that NATFHE's commitment to anti-racism was merely an illusion.

(e) A Journey of a Few Steps to NATFHE's Inner Sanctum

'A journey of a thousand miles begins with a single step' sayeth Lao Tse and Bis Weaver was already taking that first step with this critique of Day's 'report'. Alongside the exposé of Day's manoeuvrings and manipulation of evidence, Bis Weaver decided to take a second step in a different direction. She was looking for support from the wider union and this required a different course of action, which became a second avenue to travel along with as many obstacles. She did not take long to decide who might be prepared to take up the issue of Day's 'enquiry' - the first prospect being a NATFHE group set up to advance the cause of women members.

Day's 'enquiry' and 'report' had grossly exceeded the boundaries of what any NATFHE member, especially those claiming to have a strong commitment to anti-sexism, could consider acceptable. Therefore, she should be able to rely on some action from women members on this ground alone, especially from those at the forefront of this struggle. Bis Weaver knew that the West Midlands's women's panel recently came to the aid of a woman at Telford College, who was allowed to present a *résumé* of her complaint of sexual harassment against a senior lecturer at a panel meeting. The panel was very critical of Day for not providing advice or assistance to the complainant but, had instead, represented the accused senior lecturer. At that meeting, the new regional secretary, David Evans, was allowed to attend for this part of the meeting to discuss the consequences of the Telford case. He reported that NATFHE's local liaison committee in the Telford area had agreed to discuss the case and the women's panel suggested that one of its members attended. A panel member volunteered to speak to the liaison committee in support of the complainant's case. The regional secretary would contact the chair of the liaison committee to suggest a representative of the panel be invited. He also agreed that rule and policy changes were necessary to clarify the position of NATFHE representing members in grievance procedures.¹⁴³

After hearing of this commitment, Bis Weaver decided to contact a member of the women's panel and telephoned a Birmingham member of the panel - one of its leading lights, who was about to commence research into Birmingham schools and colleges on the effects of sexual harassment – a joint effort involving teaching unions in the area. After Bis Weaver

had outlined a number of discrepancies in Day's 'report' and how the regional official had put the blame on to her by ignoring evidence, she received the astonishing response that the official's job was to represent Gates' interests and show him in a good light to counter the complaint. This 'enlightened and progressive' woman 'activist' chose not to respond when asked, if that was so, who was representing her interests during the 'enquiry'. This officer, on the Birmingham liaison committee, known to get irate if referred to as a lady and not a woman, showed no interest either in Day's view of women 'being naturally sensitive to appearances of domination.' This encounter revealed just what impartiality and rights to natural justice meant to some women lay officers in the union – absolutely nothing when involving a Black woman harassed by an officer, who just happened to be a colleague of this feminist 'activist' on the liaison committee. This 'activist' was also a close colleague of the Bournville branch chair on the same liaison committee and on the West Midlands women's panel. The panel already looked a non-starter for pursuing Bis Weaver's discontent.

The Birmingham liaison committee had recently appointed a lay Anti-racist officer (ARO) and established an Anti-racist committee, which comprised of members from the various colleges in the Birmingham LEA. Bis Weaver had been informed of this new committee by the ARO and had attended its inaugural meeting, at the end of October. This meeting was also attended by Gates, Ms Pattinson and a few members of the Broad Left Coalition, with whom Bis Weaver would be forced to cross swords at a later date. The committee's membership seemed incongruous from the beginning with two parties (the complainant and the accused) involved in a racist harassment case both members of the committee. Notwithstanding this, she turned her attention to this committee for assistance, as did Gates as he tried to use it to further his interests when he attacked Bis Weaver's integrity at a later meeting.

The second meeting was on the 28th November, a couple of days after Bis Weaver had received Day's 'report' and final confirmation of Day giving Gates the all clear – NATFHE style. This was a typical NATFHE committee comprised of NATFHE officers providing a talk-shop for NATFHE's purported anti-racism policy with little attention directed to racist actions committed by NATFHE members. The meeting was attended by twelve 'anti-racists' – seven from Bournville College, including three *kernel*s, two multi-cultural educationalists and Bis and I. The other five members were from different colleges, of which four were members of ethnic minorities. The ARO (Sardhul Dhesi) was chair and I became minutes' secretary. The agenda consisted of the misuse of Section 11 funding by colleges. This funding was principally for employing staff to teach disadvantaged students from ethnic

minorities but many Section 11 employees were spending their time involved in general teaching rather than supporting ethnic minority students. This was an important issue as it showed how ethnic minority students were being used to attract funding for colleges but were not fully receiving their entitlement. The other issue dealt with equal opportunity coordinators soon to be appointed to all colleges in Birmingham. During the discussion, Gates revealed that NATFHE officers had been in touch with the LEA to seek support for ethnic minority representation on interviewing panels. *¹⁴⁴

As Day's report had yet to be dissected by us, there was little point in bringing up issues such as the Weaver case and if the committee was to retain this composition anything involving the situation at Bournville College was unlikely to get a hearing. This committee, like the women's panel, was unlikely to offer anything positive for complainants of harassment.

Bis Weaver also decided to approach Day's 'enquiry' from another angle. On the same day, 1st December, when she suggested to Day to contact the Bournville branch chair because she could enlighten him on certain errors in his 'report'; she also turned towards the branch chair. Following branch protocol, she approached the branch chair via the branch secretary. The chair was asked to point out to the regional official, and others on the circulation list, certain discrepancies in his 'report', namely, his failure to address the incident of the 22nd May and his misrepresentation of the 15th March incident.¹⁴⁵ Bis Weaver did not hold much hope that contacting the branch chair would bring the desired result but it was a tactical move to show how the officer to whom Day entrusted the task of selecting witnesses was likely to respond to her appeal to set the record straight.

As a result of her request, the branch chair did draft a letter to Day, amended several times with each amendment portraying the 22nd May incident in a more favourable light for Gates. The draft started by referring to Bis Weaver as the recipient of Gates' abuse but after a number of deletions and additions the chair came up with a final version, which claimed that Gates had directed the 'fucking finger out' remark to a member of senior management and not to Bis Weaver. The chair's draft ended with a recommendation for her newly fabricated version to be included in the report. This was proof, if any was needed, that Day should not have involved the chair in the selection of witnesses or any other role in the procedures, especially after her potential partisanship was brought to Day's attention in August. In what

* This meeting between NATFHE and LEA officers took place prior to Bis Weaver's interview for the post of equal opportunities (race) coordinator

appeared as a counter-balance to this distorted contribution, the chair recommended Day to amend the 'report' to include that "Bis was a very capable and efficient coordinator". This draft was then submitted to the "Branch Executive to decide what to do."¹⁴⁶ Whether the branch executive, consisting of Gates, Cave, Ms Pattinson and the branch secretary ever discussed this or if it was sent to Day is not known but it did show how easy it was to fabricate evidence to protect a branch officer at the expense of a rank and file black woman member. * The chair's second recommendation, if it had been adopted by Day, would have blown away part of his 'report' from the inside because to include plaudits for the way she performed her role as Access coordinator/director defeated Day's object of excusing 'Gates' outburst' and it undermined the reasons behind his proposals for replacing her as coordinator.

A third step along a third avenue was soon to be taken to see if any light could be thrown on events leading up to the release of Day's 'report' and the possible collusion of NATFHE officers. The Bournville branch was dominated by *kernels* with Gates at the apex but Bis Weaver was not yet acquainted with the considerable influence Gates wielded at regional and liaison levels or the close political affinities between local officers despite their intra-group 'Leftist' differences. This would not be discovered until the New Year. Pursuing the third avenue, in what was to be a lengthy journey in search of justice, she contacted the branch secretary, on the 3rd December, asking for the names of branch committee members at the meeting that decided to hand the complaint over to the regional official.¹⁴⁷ This letter was prompted by the possible collusion inadvertently revealed in Day's 'report' but, as Bis Weaver and I were to become deeply engrossed in disposing of Day's 'report', this line of enquiry was put on one side until Day's 'report' had been finally dealt with.

Bis Weaver's continuous flow of correspondence to the regional official, with copies to different levels of the union, had brought a bureaucratic dictat from Day, although unknown to her for a month. Day 'advised' the branch committee, in a telephone conversation, not to "involve themselves directly in the affair", or "discuss the matter or do anything" as it was in the hands of the general secretary.¹⁴⁸ Day's dictat, legitimised by the words 'in the hands of the general secretary', was the first of the dictats instigated at the behest of head office officials in the coming months, in a process that gradually cut her off from NATFHE officers and members of committees as a source of information and potential support. Officers and members of union committees seemed only too willing to follow these

* This draft copy became available to Bis Weaver in April 1986 when I gained access to the branch file containing correspondence relating to Bis Weaver's case. In June 1986, I raised this draft and the misrepresentations contained within it with the Bournville branch secretary.¹⁴⁹

directives. Day used his and the general secretary's authority to prevent Bis Weaver from obtaining information from union officers that might assist her in exposing any possible collusion and misconduct that she increasingly suspected surrounded the 'enquiry' – a clear case of a conflict of interest on Day's part. *

After the branch secretary's telephone conversation with the regional official, the branch committee met, on the 9th December, and decided to write to the general secretary. The committee, with both Gates and Ms Pattinson in attendance, sought a time table for resolving an issue of "an extremely sensitive and delicate nature...in the interests of NATFHE, both at Branch and Regional level", concerning a complaint made against Mr David Gates by a Ms B Weaver.¹⁵⁰ Apparently, it was Downey, who also attended the meeting who suggested the form of words to be used.

The letter noticeably portrayed each party in a distinctly different way. The accused was personalised as 'Mr David Gates' while the complainant was objectified as 'a Ms B Weaver' - not a new experience for Black people in Britain as Bis Weaver pointed out to the branch secretary when a copy of that letter to the general secretary was eventually brought to her attention.¹⁵¹

Bis Weaver had attended part of that committee meeting ** to put forward a number of points on combating racism presented in a discussion of NATFHE's Anti-racism Pack and left immediately after the discussion when branch committee business came on the agenda. None of the committee members informed her that matters relating to her complaint were to be discussed and, as it was tucked away neatly on the agenda under AOB, she had no idea that such matters were up for discussion and for which she had every right to be present.¹⁵² The decision to discuss Bis Weaver's complaint in the presence of Gates but not her within minutes of discussing NATFHE's Anti-racism Pack was an example of how this branch supported Black and ethnic minority members in the struggle against harassment. The 'interests of NATFHE' mentioned in the branch's letter to Dawson appeared to mean 'in the interests of Gates'.

Bis Weaver's criticisms and her refusal to accept Day's 'report' brushed the *kernels* up the wrong way and two attempts were soon made, no doubt strengthened by Day's 'directive', to halt the circulation of correspondence being sent to various levels of the union

* Day's conflict of interest was later brought to the attention of the general secretary.¹⁵³ This was another abortive attempt to get action from Peter Dawson.

** Bis Weaver attended the meeting after hearing that the Anti-racism Pack was to be discussed. She was the college's equal opportunities (race) coordinator as well as a NATFHE member but she had not been invited to contribute to the discussion on combatting racism

– a soft cop/hard cop approach. The branch secretary was delegated by the branch executive to offer Bis Weaver the position of branch anti-racism officer, which she declined. She had no intention of fronting the branch's so-called anti-racism policy until the branch had demonstrated its commitment to such a policy by supporting a Black member in her struggle for a fair and impartial hearing of her complaints.

The branch executive then tried a more direct, less 'generous' approach. A branch officer, a *kernel* hard cop,¹⁵⁴ was despatched to tell her that "the letters were causing concern in the union and although the union dog was only barking at the moment it could bite." From out of the mouth of the Bournville cave, a malignant pack of NATFHE's *Atalanta* hounds was preparing to descend on Bis Weaver because she refused to accept the conclusions of a disreputable enquiry.* In any language, Ancient Greek or an English regional dialect, this amounted to intimidation – keep quiet or get savaged. The union carrot, such as it was, of offering her the branch's anti-racism post had not worked, now was the threat of the big stick or more accurately the big dog. Unlike the criticism levelled at Dawson during the Fernandes affair of being prepared to let sleeping dogs lie,¹⁵⁵ NATFHE dogs at Bournville College were certainly not being allowed to lie – dissembling excepted, and the problem facing Bis Weaver was when and where were they going to bite?' Like everything else concerning NATFHE's approach to the Weaver case it was only a matter of time before they did. Did the branch executive indulge in a spot of etymology and discovered that *harer*, the origin of the word harassment, meant 'to incite a dog'?

Bis Weaver also took the opportunity to confront one of the *kernels*, Downey, in the presence of a colleague, who had witnessed the 'fucking finger incident' and who confirmed that fact to Downey. ** However, Downey thought it did not amount to anything of significance and brushed it aside with a gem of an indelicate response. He told her that "It (telling her to take her fucking finger out) has to be put into context", as if there could be any possible justification for such a comment. As a so-called 'anti-racist' did Downey not appreciate the differing power relationship between the influential union officer, Gates, and a solitary Black woman? Downey's leanings were clearly shown in an interesting declaration when dismissing her objections. He openly stated that "Alan Day was useless, he has made a

* Plato in *Republic* wrote of those metaphorically living in a cave, who only see the images of life outside the cave as images on the cave's walls.¹⁵⁶ See the Introduction to this book, p 14. The Bournville *kernels* had a perception of racism existing outside their cave but refused to recognise that racism existed within the cave itself and sought to eliminate those seeking to enlighten them.

** This tutor had expressed concern to management about Gates' behaviour after the 'fucking finger' incident. He also told Day of that incident and his feelings about it when he met Day at Bournville College in October 1985.¹⁵⁷ Day made no reference to it in his 'report'

mess of a lot of cases, it's not just yours", as if that was in any way a mitigating factor. Downey left himself wide open for her response when she followed up by asking him, "Why did [he] recommend [Day] to investigate [her] complaints if [he] knew [Day] was useless?" No reply was forthcoming as he just clammed up ^{*158} but he did not stop acting against Bis Weaver's interests. **

In mid-December an opportunity came Bis Weaver's way to pursue the second avenue, of seeking assistance, by going further afield than the West Midlands by travelling the hundred or so miles down the M1 to attend an anti-racism conference organised by NATFHE Outer London region at Middlesex Polytechnic - the kind of event where support might be on offer. The conference to promote NATFHE's anti-racism policy did not go as NATFHE would have expected since the plenary session was witness to Black participants in steady succession standing up to attack NATFHE's credibility as an anti-racist organisation. Most of them had similar experiences to Bis Weaver – victims of the way the union mishandled cases of racism.

They reported on cases where NATFHE had either failed miserably or not even made any attempt to redress the grievances. Contrary to the general mood of the conference, the chair of the ARNSP, Dennis Baker, promoted the official line, that is, plaudits for the considerable contribution NATFHE was making in tackling racism. Collective disbelief embraced the majority of those present, mostly Black members, when he claimed the union had a 100% success rate in dealing with cases of racism. Bis Weaver, speaking from the floor, told delegates that she did not dispute the 100% figure of successful outcomes but only because members were induced to sign away their rights under Rule 24 and then expected to accept any decision union officials imposed on them. Other delegates spoke of the detrimental effects of Rule 24 on Black people and/or women since those imposing the rule as a condition for investigating complaints tended to be White males. Even the visiting speaker from the TUC, Muff Sourani, an Iraqi refugee from Saddam Hussein's terror, commented on this discontent by saying that "someone should take a serious look at Rule 24." ***

* Downey, as a Birmingham liaison committee officer, would be well aware of the criticism of Day's handling of the Brooklyn College case and other such cases

** In April 1986, when Bis Weaver was making enquiries about the branch committee's role in choosing Day as investigator, Downey made a scathing attack on her, in her absence, in a branch meeting.¹⁵⁹ Downey gave strong support to Gates even to the point of resigning from the Birmingham liaison committee, in April 1986, together with Gates and Ms Pattinson, in protest at the committee's refusal to support Gates against Bis Weaver. He confirmed his resignation in writing in June 1986¹⁶⁰

*** A few months later, Muff Sourani was to take up Bis Weaver's case in the West Midlands TUC.

In *NATFHE Journal*, the mood of the overwhelming majority of the gathering was put into words by one participant, soon to become a close ally of Bis Weaver's, who described the conference as the polarisation between Black participants and their White sympathisers pitted against a defensive group of White officials and others. This reasonable and accurate perception of the mood of the conference was criticised by Baker also in *NATFHE Journal* for its 'negative perception.'¹⁶¹

Bis Weaver made the acquaintance of a member of NATFHE's Anti-Racism National Panel, who asked for details of her case to be sent to him to see what could be done. She also met a head office administration officer who, when she explained her circumstances and of her intention to write to the general secretary, advised her not to expect too much as any letter may sit in his in-tray for weeks judging by the usual inactivity on these matters.

(f) Wielding the Sword at Bureaucratic Duplicity

Bis Weaver was already contemplating making contact with NATFHE head office officials as her next step. Her attention turned towards the senior official to let him know that she would soon be knocking on his door for him to redress the miscarriage of justice carried out by Day. With the NATFHE admin-officer's comments about the general secretary ringing in her ears and not expecting to hear anything from Peter Dawson for a few weeks, she wrote her first exploratory letter to the incumbent of NATFHE's top post. Referring to her initial critique of Day's 'report', copies of which had already been sent to Dawson, she emphasised the race dimension in her complaint and Day's failure to deal with it. She drew attention to the impact Day's 'enquiry' would have on college management, which had witnessed two of the incidents. She asked "how would management interpret NATFHE's attitude and commitment to women and blacks [and] how would NATFHE be able to operate in the defence of blacks and women, both staff and students, if management was operating racially discriminatory and/or sexist practices?" The implication was that NATFHE would be unable to do so because "NATFHE's anti-racism campaign could be seen by management as a hollow sham." Day's dismissive 'report' was described as "a clear demonstration of NATFHE's lack of commitment...in protecting women and blacks in institutions of further education [by] legitimis[ing] those acts...and provid[ing] no assurance to any woman or black who...may find themselves victims..." She also pointed to the conflict of interests introduced by Day in discussing the complaint with Gates, without informing her, before offering himself up as the investigator. Day's practice was disapprovingly described as "an interesting

investigative technique and...a novel way of showing NATFHE's commitment to the defence and protection...of blacks and ethnic minorities. Or had it gone unnoticed that [she was] Black." As far as she was concerned, Day had failed to investigate her complaint, therefore, there could be no final 'report' of the 'enquiry'. In other words the complaint still needed to be investigated.

The racial discriminatory dimension was pursued further as Day's 'enquiry' was "carried out in a less than adequate manner and...contravened statutory requirements which state that the processing of the grievances of ethnic minorities must not be discriminatory." Dawson was given no doubts that her experience at the hands of Gates and Day was a serious breach of statutory requirements and to emphasise this point she referred to sections 11, 20, 30, 31 and 33 of the 1976 Race Relations Act.

Linking her complaint to more general issues – the rights of women and ethnic minorities, she stated, as she had done to Day, "the treatment that [she] received from a NATFHE Officer at Bournville CFE and the subjectivity displayed by Mr. Day...[would] undoubtedly be of interest to women in NATFHE. Therefore, it [was] essential that the women's representatives at national, regional and local level have access to the 'Report' and correspondence relating to it." The same consideration should also apply to anti-racism officers at regional, local and national level as it was "essential that the appropriate representatives have early access to the material..."¹⁶²

Bis Weaver's purpose in drawing attention to the Race Relations Act came in the light of NATFHE's recent highly publicised strategy for dealing with racism paraded for public consumption and to underline her own expectation as a union member for the general secretary would translate the union's promises into action. At that time, she was still under the mistaken assumption that head office officials might act positively - perhaps, the 'Fernandes' issue might make them more responsive. A more positive response might not be for the reason of defending a Black person as a matter of principle but to nip her discontent in the bud before it got out of hand. Later events would show that head office's response was to 'nip it in the bud', like Day, to crush the complaint out of existence. Head office officials were to misjudge her as much as did Gates and Day. Needless to say, none of the questions concerning the union's obligations under the Race Relations Act were ever answered.

Bis Weaver had yet to finish with Day's 'report'. The 'report' was riddled throughout with enough deficiencies for her critique to have already shown Day's 'enquiry' for what it was worth – valueless as a *bona fide* enquiry into a complaint of harassment. In the remaining letters the opportunity was taken to go into more depth about Day's

misrepresentations. The next letter¹⁶³ dealt with the student meeting on the 19th February, showing how Day, in eight particular points¹⁶⁴ over pages 8 to 20, had spread his fabricated account throughout the ‘report’ and how each invented point was organised in such a way as to produce a contrived account that could be passed off as authentic.

Day, as she noted, gave the impression of Bis Weaver deliberately seeking out a particular student after indirectly hearing of this student’s discontent. Day had then claimed that after speaking with the student, “Ms Weaver [felt] sufficient was said to confirm her misgivings and...[she] secured an impression that the student was complaining about the attention she and her colleagues received from their Business Studies Lecturer...Mr. Norman Cave...and possibly Mr. Gates.” To counter this misrepresentation, Day was reminded that “three different tutors had told [her] not of one discontented student but of general discontent” and that before the students approached her, steps were already being taken to resolve those difficulties reported to Bis Weaver by tutors on the course.

Day’s mind was jogged to remind him that she did not seek out any student but “the student approached her at the end of one of [Bis Weaver’s] lessons (she was waiting outside the classroom to see [Bis Weaver] when [she] finished teaching)” and Bis Weaver arranged a time to speak with her. As for Day’s claim that she “made it clear to the student that she had no authority to entertain complaints about staff not under her control”, she further reminded him that she “did not indicate this to the student or to [Day]” when she met him and she asked “where did [Day] get this ‘information’ about what [Bis was] supposed to have made clear to the student?”

Bis Weaver confirmed it was “true that the student did not turn up for the interview and if she [the student] told Mr Cave that she had been asked to lodge complaints ‘through that process’, then that was not the truth.” If, as Day was claiming, “Mr Cave reacted strongly to what the student said then he [Cave] could have approached [her] and [she] would have soon advised him of what actually happened.” The events following Bis Weaver’s meeting with the student and Gates’ subsequent approach to her were recalled for Day’s benefit, lest he had overlooked them when reading the contents of the document she had supplied to him in August. In that document, Gates’ approach to her was described and it consisted of a brief exchange with Gates asking “what right [she] had to speak to the students and [he also] said that [she] had been eliciting information from students about staff behaviour.” Her response to Gates had been to tell him “[she] had received no information about any member of staff from any student nor had [she] attempted to elicit any.” As for Day’s identification of the student-incident as “mark[ing] the collapse of any prospect of

dialogue, exchanges thereafter being acrimonious and bitter,” she challenged Day “to provide evidence to show that [she] ever exhibited any acrimony or bitterness to D Gates. [She had] received considerable abuse and harassment from D Gates but [she] never returned any abuse – [she] acted professionally towards D Gates.”

Bis Weaver then related the details of the meeting called by management to discuss the problems on the business studies component, which Cave did not attend nor did any other tutor on the course, except Gates, despite Day claiming “most of the significant parties were represented.” Furthermore, “there was not a heated exchange” at the meeting. She recalled for Day’s benefit, what was told to him in August, which was that when management accepted her account, “D Gates asked them how they could believe [her]. He then called [her] a liar and left the room.” She summed up the situation as: “Two Executives [officers] of NATFHE Bournville Branch took a complaint to management about [her] on the strength of uncorroborated information...Management accepted [her] explanation...and that [she] was acting under instructions from [her] line management...This angered the NATFHE Executive [officer] such that he called [her] a liar”.

Addressing another of Day’s claim that it was Bis Weaver’s ‘belief that one student was lodging a complaint against one or more of her Business Studies tutors’, she pointed out that what “the student...wanted [was] to change to the social studies option...” She also discounted another of his bogus claims, namely, that “[she] recognised that [she] had no authority to deal with a complaint against a colleague.” and she went on to ask Day “Upon what [information had he] made this assumption [as she] never said this to [him] or anybody?”

Day’s assertion that she acted “personally” with her “judgement impaired” and “that misjudgement...stemmed almost entirely from a lack of central guidance” was rejected entirely. As Day had been informed, she had taken “advice from [her] Deputy Head of Department as to the correct course of action...If a wrong way was chosen and [she thought] that highly unlikely then it was the choice of [her] Deputy Head of Department...” Furthermore, if Day thought “that the decision taken with regard to that student was a misjudgement then [Day was] accusing [her] Deputy Head of Department of misjudgement.”

As for Day’s comment of a “lack of central guidance,” she added “I think not Mr Day.” Bis Weaver suggested, almost tongue in cheek, that as her line manager was a NATFHE member she thought Day should advise him of his [Day’s] view of his actions, as, not so tongue in cheek, “the ‘report’ and correspondence relating to the ‘report’ [were] undoubtedly going to become of wider currency.” Day’s misguided assumption of Bis

Weaver feeling isolated was rebutted on the grounds that at the time she had “considerable friendship and support from the majority of staff...[although] It is true to say that some Branch Executives [officers] in not giving [her] support when [she] was being abused and harassed by D Gates may perceive that [she] was isolated.”

Day’s point about Cave being “given no first opportunity to counter criticisms’ was an irrelevance because “Mr Cave had not had a complaint directed against him, therefore, the issue of giving [him] a ‘first opportunity to counter criticisms’ does not arise...[and] If Mr Cave has that view then it is based on a false premise...” As she put it, she was “sure that [Day] can see the logic of that.”

In Part Two of the letter, Bis Weaver reproduced the whole set of circumstances sequentially from the 4th February up to and including when Gates called her a fucking liar on the 19th February. She told Day that “Not only had [he] accepted the uncorroborated version of a student told to him by a third person but [he] had chosen to present the sequence of events in a way that concludes with him asking [her] to express regret.” She described this as “an unusual investigative technique especially when investigating [a] legitimate complaint of abuse and harassment against a NATFHE Officer.” She summed it all up by saying that Day had “a great propensity to disregard information [she] gave to [him]...[and asked] Why is this?” She also enquired “Why [had he] found it necessary to discriminate against the information [she] provided [for him]...: first-hand information from a professional lecturer against third party information from a student.” Day’s duplicity was well and truly exposed in this letter.

On the 23rd December, Bis Weaver raised an issue that was an irrelevance to the complaint, as had been most of Day’s ‘report’, although he had made it a central and crucial issue. She challenged Day’s assertion that her role as Access course coordinator/director was little more than an assumption on her part. Day’s mythical allusion that Ms Weaver ‘early in 1985...was clearly anxious to reassert her central position’ was rebutted on the grounds that “it was not that [she] ‘felt’ a need to reassert [her] central position, [she] had a clear mandate...to resume the grade related hours and administrative time...together with the duties and responsibilities associated with them.” Picking up on Day’s acknowledgement in the ‘report’ that these functions were part of her job description, she assumed that “NATFHE are in favour of members satisfying the requirements of their job description” and that “These functions did not acquire any more significance than hitherto,” so “Why [did he] make this assumption?”

Day was also asked “to state with which members of the tutorial staff on the Business studies provision [was] there ill feeling...[as] There was no ill feeling between the Maths and English tutors...and [herself]”. She could “see no reason why the other two tutors [Cave and Gates] should have any ill feeling towards [her].” However, if “there was some ill feeling towards [her] from some business studies staff...after [she] returned from secondment and prior to the 19th February...then the ‘consequences’ of the interview...with the student..., as reported to [Day] by a third party, can be seen in an entirely different light.” In other words, this antagonism towards her, as Day said in the ‘report’, had existed but of which she was unaware. This would account for the inaccurate information provided to Day, which he had accepted without question.

The issue of a reference for a student, which Day had introduced as a background item, had been settled without rancour and was irrelevant to the complaint. However, it showed yet another example of Day’s subterfuge and how prepared he was to put words into her mouth that were never uttered. He reported Bis Weaver as saying “that duty [supplying student references] lies with her and her alone...” whereas “Mr Gates says, the realities of the situation make that impractical and that if Mrs Weaver is not available...common sense demands that he deal with it.” Day had gone on to say that “no solution was likely from a personal conflict. It required consultation and a course committee or managerial input if an acceptable solution were to be found.” She asked Day “From where did [he] obtain the ‘information’ that [she] said ‘that duty lies with her and her alone’ [as she] never said that to [Day] or to anyone else.” Day was then told he was “confusing two different instances. The first instance refers to the reference provided for the student to take up a place on a Social Work course...in the period when [she] was on secondment and...[she] was not asked to provide this reference because [she] was not available, nor [did she] expect to be asked to provide references when [she was] on official leave of absence.” She suggested that Day should discuss that issue with the acting Access coordinator, during her secondment - the deputy head of general studies department, if he wanted to know “who should have provided the reference for the student during...[her] absence...[as] It was something that was not at issue as far as [she] was concerned.” As for the second instance, she “was asked to provide...on the 31st January 1985...a reference for a student grant application...as part of [her] job description by [her] Deputy Head of Department” and as she had already pointed out to Day in her letter, dated 22nd November 1985, prior to the release of the ‘final report’, “D Gates was aware that [she] coordinated New Way [Access Course] and as such there was no need for him to dispute this function that [she] had...” She then said she would repeat

what had happened, emphasising 'repeat' because as she said, Day was "already aware of this as it was in the draft documentation dated 4th June 1985" given to Day in August 1985.

Having repeated the set of circumstances surrounding an irrelevance that had been dressed up by Day as an issue of significance, she accused Day of disregarding "this verifiable information and chose to 'present' an alternative and 'confused' account" and she asked him why he did this.¹⁶⁵

With hardly a respite for the festive celebrations, Day was tackled about his failure to deal properly with the incident when Gates called her a fucking liar in front of college management, which was defamatory on Gates part. She pointed out that "at no time [did Day] state that D Gates' accusation against [her]...was an unfounded allegation..." In fact, Day had gone "as far as to suggest that there is some doubt as to whether or not the student named specific tutors in her interview with [Bis Weaver] even though [she – Bis Weaver] told [Day] that she did not." In effect, Day had "By suggesting that the reported uncorroborated statement of a student told to [Day] by a third party may have some validity [Day was] making it clear that [he doubted her] word." Day was then asked if he had "any evidence to support [his] questioning or doubting of [her] word...?"

Bis Weaver then raised Gates' letter to Day of the 12th November, in which Gates asked Day to make clear that her complaint consisted of 'a range of unfounded allegations' and that he 'should apologise for [his] actions in respect of one occasion.' Otherwise it could be interpreted that [he was] apologising for a range of unfounded allegations.' It was Bis Weaver's turn to point out that it was Gates who "falsely accused [her] in writing to a full-time Official of NATFHE..., acting in a quasi-judicial role, of making unfounded allegations." Nor had it gone unnoticed that Day had been compliant to Gates' request by stating "that read in isolation the summary recommendation relating to an apology by you [Gates], may be too broad. [His] intention was that should be in respect of conduct at a specific meeting and hope to make an amendment to clarify that."

Day's compliance to Gates' request was put into context as he was already "aware...that D Gates abused and harassed [her] on other occasions [and] Despite the availability of evidence from numerous witnesses for all the occasions...plus a typewritten set of minutes,...[Day] avoid[ed] either investigating these incidents...or avoid[ed] mentioning them in the 'Report'." She brought up three occasions of foul mouthed and other abuse where witnesses were available and Day was asked to explain why he elided these incidents. She answered her own question by invoking the reasonable person, whom she thought might consider Day to have presented these separate incidents as occurring on only

one occasion “in order to diminish or disguise the systematic character of these incidents and their highly damaging and defamatory significance.”

Day was also accused of minimising the implications of the 12th March incident when he concluded that the “Group did...make observations about the course and there was some reference to Ms Weaver in its discussions and minuted conclusions. None of the evidence suggests these were defamatory or even derogatory.” Day had taken the minutes, produced by Gates, in which she had been named “as being particularly responsible for the difficulties on the Business Studies provision” and had failed to identify anything in the contents to discredit Bis Weaver. Day was well aware that the ‘difficulties’ had arisen when she was on study leave and if he was saying that “the discussions in the...meeting of the 12th March 1985, and the comments in the minutes distributed by D Gates to management were not defamatory or derogatory, then [was he] saying that the statements [were] true?” and if so, “would [he] please provide evidence for this conclusion and the source of this evidence?”

In conclusion, she adjudged Day’s ‘investigation’ and ‘Report’ as “hardly a recommendation for NATFHE’s commitment to look after the interests of its members, (Rule 2.1) especially those whom NATFHE has declared that it has a special duty to protect.” Nor could they be considered “a recommendation for NATFHE’s complaints procedures nor of the performance of Officials entrusted with quasi-judicial roles.”¹⁶⁶

What became the final letter to Day was perhaps the most significant. Bis Weaver had shown a variety of discrepancies in Day’s ‘report’ where false information, uncorroborated statements and fabrication had been stitched into the fabric of what Day described as a ‘report’. Day’s objective had been to drag the enquiry away from what should have been its real purpose of examining a complaint of harassment against Gates to focus on a purported grievance held by Cave against Bis Weaver. She had already demonstrated how Day had infiltrated a range of fabrications into the ‘report’ under the guise of ‘evidence’. Taking one particular theme amongst several that Day had threaded through the ‘report’, she showed how Day used the ‘report’ to satisfy his and Gates’ pre-determined objectives – the exoneration of Gates. This letter combined Day’s explicit and implicit criticisms of her, which, as she put it, “was presented in such a way in order to accommodate to a particular conclusion,” namely, to “explicitly and/or implicitly cast aspersions on [her] professional competence and integrity.”

Bis Weaver drew attention to point 6 (xi), in which Day criticised her by name with regard to the interview with a student on the 19th February 1985, and in point 6 (xv) where Day again criticised her by name for allegedly not “following customary procedures when

dealing with students' complaints." In between these two points Day made a general criticism of unacceptable professional behaviour when dealing with student's complaints without specifically naming anyone." However, as these three other points - 6(xii) to 6(xiv) were links in the five point sequence 6 (xi) – 6 (xv), "the reasonable person...might draw the conclusion that the whole sequence...referred to the person named in point 6 (xi) and point 6 (xv), which "was none other than herself." She thought "it would be difficult for the reasonable person to draw any other conclusion" than this as "the whole sequence deals with complaints from students and the procedures arising from complaints, with references to [her] at the beginning and at the end of the sequence."

Day's chosen path had then led him to question whether the "grievance [of the student] was real or imagined; provoked or offered spontaneously," and was seen by Day as "disguis[ing] the real issue," which he identified as Ms Weaver seeing "something she should do something about and...she chose the wrong way of doing so." Immediately following this contrived situation, Day had proceeded, without mentioning any one by name, (6 (xii) to say that "All staff will, from time to time, receive the confidences of students and they will include criticisms of colleagues," which Day claimed happened in this case, (6 (xii)) but, as Day clearly knew, his presentation of this 'incident' was "inaccurate and distorted." Day had then added that "Indeed a conscientious member of staff with a concern for students' welfare might legitimately provide students with opportunities for private and frank discussions about their problems," which, as she pointed out, Day alleged she had not done because, according to Day, she had "apparently said that [she] did not have the authority to deal with," after which she "directed the complaint upwards for someone else to discuss the problem."

Day was informed that she had 'sussed out' how he had linked up a series of steps - customary procedures, to end up with a direct reference to her and Cave, whom, she noted, "has figured so much in the 'Report' as a putative aggrieved person." Again mentioning no names, Day had commented that "What ought to be well understood is that the first person to be informed of any student allegations is the one against whom the complaint is directed. The respondent may be able to allay fears or otherwise deal with the situation." Day's inference had no standing, as she averred, because no one was named, but [Day was] beginning to outline what [he] consider[ed] to be customary procedure." Bis Weaver went on to state that she recognised that "The link is being carried forward through the sequence of items to point 6 (xv)." But she had also noticed that before Day reached that point, he made another comment (6 (xiv) with no names mentioned, namely that "Only in cases when that is not achieved or the original recipient of the complaint is genuinely convinced that there is

substance in the allegation and the individual colleague concerned is not willing to put the matter right, is it necessary to consider a report elsewhere [and] the respondent should be advised of the intention to report that to the respondent's immediate superior.... [Day's emphasis]" Day's attention was then drawn to the next item, 6 (xv) where he reintroduced names, her name, "In the incident involving an alleged complaint against Mr. Cave, and others, Ms. Weaver did not observe the customary procedure."

To Bis Weaver, "The Circle is complete: encompassing what [Day had] described as the appropriate behaviour of someone with the responsibility for a particular course. Included within the circle's boundary are references to what a conscientious member of staff with a concern for students' welfare would do and to the maturity and professional judgement required to judge between mere grumbles and allegations of students."

Day's contradictory comments about the actions of 'conscientious members of staff' was not picked up at the time. Day had said that Bis Weaver should have approached Cave to provide him with an opportunity to deal with the so-called student complaint and in doing so would be acting as would a conscientious member of staff. However, after Cave apparently received information of a colleague allegedly inducing a student to complain about him, chose not to speak to her so that she could explain to him what really happened but went to Gates, who then took it to management. Hardly the action of a 'conscientious member,' yet Day thought not to upbraid Cave or Gates or question their maturity or professional judgement in not bringing a student allegation to "the one against whom the complaint is directed...[who] may be able to allay fears...". Moreover, if Bis Weaver was conspiring to get a student to complain about Cave or any other member of staff, she would hardly set it up; then go to Cave's class and in front of him to tell the student to whom to complain and when to do it.

Bis Weaver assessed Day's manoeuvrings with reference to the 'reasonable person', who "may not find it difficult from the manner in which this sequence of events has been presented to detect an assumed connection between this sequence of events and [her] and to draw conclusions which are grossly inaccurate and distorted." Furthermore, it "has provided a 'background' for the insertion of what [Day] describe[d] as 'the understandable indignation of Mr. Cave and his colleagues' [and] to D. Gates' "sense of outrage", (6 (xv) leading "to D Gates' unacceptable behaviour." She concluded that if Day had presented "this 'incident' accurately and without distortion, [he] would not have provided D Gates with such a compensatory background for his outrageous and defamatory behaviour."

Approaching the student incident from another angle, she exposed Day's distorted presentation where he said at point 5 (ii) that Ms Weaver hearing "indirectly of an alleged discontent of one Business Studies student...felt she was obliged to enquire further into that." She identified how Day had jumbled up the pieces of information to arrive at a conclusion that yet again put her in an unfavourable light. Bis Weaver stated that she did hear "from an English Language tutor on...the morning of the 18th February 1985 - one of three different tutors, who informed [her] between the 4th and 18th February 1985 of student concern and uncertainty about the provision." She concluded that "This tutor must be the one [Day was] referring to in the item because the other tutors who approached [her] about student concern had indicated general concern whereas this tutor mentioned only one student whom she [the tutor] had met by chance. However, what [Day] didn't say...was that the student who approached [Bis Weaver] at 12.15 on the 18th February 1985 asking for an interview was a different student to the one who spoke to the English Language tutor earlier that day." She reminded Day that "this [was made] clear to [him] in August, [so] why did [he] present it as if it were the same student and as if [Bis Weaver] sought her out?" She rounded off this letter by accusing Day of "discriminating against [her] in the selection and use of information" and she wanted to know "why [he had] excluded so much information relevant to her complaint and 'distorted' other 'information'?"¹⁶⁷ Day had used inaccurate information, knowing it to be inaccurate; used uncorroborated hearsay information, which he had failed to follow up; accepted that Cave had a grievance against her while reproducing false allegations made about her by Gates but failed to bring any of these claims to her attention during the 'enquiry' for her to comment upon. Day also made proposals for replacing her as Access coordinator/director – an objective very much at the heart of the harassment. Day had twisted a complaint of harassment into an attack on the complainant and encouraged the Bournville NATFHE branch executive to take steps to remove her from her post. Not bad for a union 'committed' to anti-racism and claiming to defend the interests of its Black members.

After sending this letter, Bis Weaver thought enough had been done to discredit Day's 'enquiry' and 'report'. There was no need to do any more. If NATFHE head office could not see Day's 'enquiry' for the cover up that it was nothing extra would.

Just before the assault on Day's 'report' had come to an end, another letter had gone off to Dawson at Hamilton House (NATFHE's headquarters) – it was but a follow up letter lest head office had consigned the first letter to the bottom of the in-tray, as it was suggested would be NATFHE's likely response. This missive was more to the point but she had not yet reached the point of asking NATFHE head office to redress her situation as other information

needed to be collected about the ‘enquiry’ and related matters once Day’s ‘report’ was dispensed with, which was but one more letter away. The latest letter to Day was included, which together with other letters sent to the general secretary should have placed no doubt in Dawson’s mind that this was a serious issue; that Bis Weaver was only too aware of its seriousness; and that she was intent on pursuing it.

Dawson was asked if NATFHE condoned an investigation by a full-time official in a quasi-judicial role: (i) who ignored defamatory statements and false accusations made by an officer against the complainant, a Black woman member; (ii) who omitted or elided information during an enquiry into a legitimate complaint made by that same member; and (iii) could NATFHE “continue to subscribe to procedures that deny to members the basic rights of natural justice?”¹⁶⁸ The letter was sent to see how the general secretary would respond to this *exposé* of the practices of an official as well as to illustrate how serious issues of racist and sexist harassment were dealt with in the West Midlands region.

During the period of Day’s ‘investigation’, the interests of paid officials were becoming all-embracing as a result of their increasing influence within NATFHE’s structures, even though the NEC had tried to curb this creeping suffocation. Full-time officials were involved in a dispute with NATFHE’s NEC, which erupted when the NEC voted against a proposal put forward on behalf of officialdom to allow two full-time NATFHE officials to attend the TUC Conference as NATFHE delegates. The proposal was seen by the majority on the NEC as creating a dangerous precedent. NATFHE officials were members of a separate trade union with no right to interfere in the way NATFHE members elected its representatives or to decide union policy.¹⁶⁹ As a result, NATFHE officials refused to attend regional meetings but they were prepared to exempt from sanctions those regions supporting the officials’ proposal. When the NEC threw in the towel by reversing its decision, some NEC members attributed officialdom’s success to the weakness of NATFHE lay officers for not standing up to the officials - included among these supposedly pusillanimous officers was the first woman President of NATFHE, Nan Whitbread.

The new President, having tasted the first fruits of office, appeared to acquiesce in the undemocratic demands of full-time paid colleagues and seemed to have a confidence in these officials that was misplaced. She had resolutely defended them when informing the membership that officials

are always accountable to NATFHE...[and] the lay membership of NATFHE determines overall policy...That is the essence of union democracy. The officials have a crucial role in the policy making process and in interpreting such policy...and are expected to provide the best possible information and advice to assist the decision making process.¹⁷⁰

The news that officials, like the West Midlands regional official, were subject to democratic control provided a possible route to justice for Bis Weaver unless NATFHE lay officers in the national arena were like their counterparts in the West Midlands. However, the President's confidence in NATFHE's so-called democracy was yet another assumption destined to fail the test when it was shown that full time officials ran the union with senior lay officers acting as rubber stamps. This became all too clear when the spectre of harassment and misconduct by officers in a professional capacity gate-crashed the cosy party atmosphere enjoyed by the paid and unpaid bureaucrats. Officialdom exercised a 'right' to close down any avenue available to members who sought local support against harassment and this 'right' was also used to reject democratic decisions by elected representatives. This was eventually illustrated when a motion from the West Midlands regional executive, proposing an investigation into matters relating to the regional official's investigation of Bis Weaver's complaint, * was rejected by the general secretary.

Nonetheless, this declaration of democratic procedures coming from a NATFHE woman President might inspire confidence among women in NATFHE to assert themselves and make known their grievances. Another statement voiced by Nan Whitbread at the 1985 TUC Conference during the UN's Decade for Women should have engendered the same effect. Delegates at that conference witnessed NATFHE's first woman President on the rostrum accusing Britain's first woman Prime Minister of being "a prime impediment to the cause of women's progress (by making them) the main target and victims of the attempt to return to Victorian values."¹⁷¹ However, in the cameo role she was destined to play in the Weaver case, Nan Whitbread was to turn her back decisively on a Black woman struggling to prevent a return to Victorian jingoistic values in the union. The President's tenure in office was hardly notable for making any effort to free Black women from workplace bullying and harassment.

A West Midlands regional officer, who played a significant role in the initial part of the Weaver 'enquiry', had his views on those who stood on the side-lines on the race issue put into print. In the December *NATFHE Journal*, Mackney wrote that

Every act of discrimination amounts to a robbery of the life chances of the person discriminated against. It never ceases to amaze me that people who are often the most keen on strict law and order enforcement against thieves are not prepared to adopt the same approach when it comes to discriminators. They give time and sympathy to someone whose purse has been stolen, but are suspicious and hostile to those who may have lost their one opportunity to enter a job or career which would change their whole life.

* This motion was not all that it purported to be as it was aimed at halting the flow of information that Bis Weaver was circulating around the union. Any enquiry carried out by the union would require any party, in this case Bis Weaver, to stop campaigning

He also thought that Black lecturers, having “read about the ‘Fernandes affair...could see no point in joining a union which failed to stand up for Black teachers and anti-racists.”¹⁷² His first point was an interesting observation that seemed to have passed by Mackney earlier in the year when the Weaver case entered the union’s domain and it would do so in the future.

By the time Bis Weaver approached Dawson in December 1985, full-time officials had already tightened their grip on the union aided and abetted by lay officers in the West Midlands. One consequence of officialdom’s manoeuvrings was to benefit Gates and the Broad Left Coalition in the West Midlands as one ‘good turn’ deserved another and what better ‘pay back’ than to get an officer accused of harassment off the hook in a region supportive of officialdom’s aims.

December had been a month crammed with intense activity. Day’s report was completely cleaved, not a blade of it was left standing. His attempt at a cover up was similarly in ruins but Bis Weaver knew that getting the ‘report’ withdrawn with a retraction was not going to be an easy task. The year ended - a year that had bordered on the horrendous. Maybe the incoming year would lay the ghost, at least in this union, that Black people did not have to accept the imperialist notion that they could be walked all over without redress, passively enduring what was forced upon them and expected to rely on the good-nature of ‘colonial paternalists’ in the union to decide what was or was not racist harassment. In the New Year, Bis Weaver would turn decisively towards pursuing the background issues, which might be a possible aid to her if she could ‘inspire’ the union to carry out an investigation into her complaint against Gates and Day’s fabricated ‘report’. She had yet to realise the magnitude of the forces being lined up against her inside the union to keep the issue under wraps. Nor was she aware of the disregard shown to Black members’ interests that stretched way up into the highest levels of the union. By October 1986, both these unknown elements would be confirmed beyond any shadow of a doubt as dominant elements in the union showed what lay behind NATFHE’s ‘anti-racist’ veil.

¹ Industrial Tribunal (IT) Report, 1987, Weaver v NATFHE, No 4/297/225, Birmingham, p 6, s 5 (c)(iv)

² General Council of the TUC 1979

³ BW Aide Memoire, 29 Aug 1985, pt 20, BW IT Bundle 12; and IT Report, p 5, s 5 (b)(i)

⁴ NJ July 1978

⁵ NATFHE IT Submission, 15 Oct 1986, NATFHE IT Bundle 7 – 10

⁶ Note, GB to BW & MG (of the WMWP) 4 Jan 1986, File X 1

⁷ Mtg, DTr & BCtte 12 Jun 1986 File Q 46 - 49

⁸ Note, GB to BW & MG (of the WMWP) 4 Jan 1986 File X 1; GB to BW Mar 1986 File B 35 - 36

⁹ Note, GB to BW & MG (of the WMWP) 4 Jan 1986 File X 1

¹⁰ Note, GB to BW & MG (of the WMWP) 4 Jan 1986 File X 1; KW to BSec 4 Feb 1986 File B 31

¹¹ Note, GB to BW & MG (of the WMWP) 4 Jan 1986 File X 1

¹² PMc to DE 8 Apr 1986, p 2 pt 2.6 BW IT Bundle 55

¹³ KW to BSec 4 Feb 1986 File B 31

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¹⁵ T/p conv, GW & NH Sep 1985 File Y 1

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