

Chapter II

White over Black: Under the Lash in the Workplace

(a) The Knights of the Long Knives: Preparing the Ground

The Fernandes affair opened up a Pandora's Box to reveal NATFHE unimpressive commitment to anti-racism, which was followed by the union's officials and their acolytes attempting to screw the lid back down. One item in the box – the failure to protect members exposing racism, had placed Fernandes in the unenviable position of having to face a barrage of allegations delivered by both the employer and the union. At the national level, the Fernandes case showed NATFHE to be an institution where multi-flavoured political ideology and self-interest were rampant bed-fellows. What was not shown at the time, which was to become evident between 1985 and 1988, was the hidden face of those supporting Fernandes in the West Midlands region, who thought of themselves as anti-racists. During that time, the 'activists' in this region, predominantly members of or associated with the Broad Left Coalition, were shown to operate within the same standards as those in the higher echelon, that is, to merely pay lip service to the principle of equal opportunities for ethnic minorities. This was amply demonstrated when NATFHE officers and officials in that region pulled out all the stops to defend a local NATFHE officer whose behaviour to a Black woman was brought to the attention of the union by the victim. During the forty months that this Black woman was engaged in a struggle for justice and the right to work free from harassment, the events at Bournville College, Birmingham exposed the shallowness of the commitment to equal opportunities and anti-racism in the West Midlands while confirming the lack of commitment at national level, and how, in practice, their 'radical' ideology was a vestment wrapped around personal interest.*

Bis Weaver, like most Black people, was no stranger to racism. She had lived for twenty-five years in a city described in the 1980s as the racist capital of Great Britain -

* The draw-back to an equal opportunity policy lay in the fact that an effective policy would open up more opportunities for the proposed beneficiaries of this new 'equality' than hitherto. They would become competitors with the majority of White staff in the sphere of work-related benefits, e.g. employment and promotion opportunities. In practice, existing staff, including the 'politically radical activists', were not about to surrender their advantages in the promotion stakes or accept subordinate roles to members of ethnic minorities occupying supervisory positions. The reality behind the union's equal opportunity and 'anti-racist' policies boiled down to support for ethnic minorities to enter the job market at lower levels, or to work in those courses catering specifically for ethnic minority students, seen, initially, as areas of limited staff advancement

Birmingham, where abusive behaviour, intimidation and harassment was part of the social landscape. Racism had raised its ugly head in Bis Weaver's presence on a number of occasions and, given the prevailing circumstances for Black people, it was likely to persist. Life in 'Brum' provided an insight into the views held by an extremely vocal, well-publicised section of British society about the place they thought Black people should occupy within Britain. These views were held by ill-informed plebeians, the intelligentsia and Parliamentarians alike *¹ and views such as these were no strangers to life in colleges of further education.

Bis Weaver's experiences in Britain had a radicalising effect and had drawn her, as a mature student, to specialise in the field of racism at university and, by 1984, just before her troubles in the college began, she was finalising research for a PhD on the experiences of Black people in Birmingham. This radicalisation had also thrust her into anti-racist activity from the mid-1960s, although keeping a tolerable distance from the myriad of political sects, which, like limpet mines, attached themselves to the anti-racism movement in order to direct the activities of the movement along a particular path and to recruit Black members to their particular brand of class-based political theory. These Black activists were the cannon-fodder to be enlisted for sectarian revolutionary 'dream-machines' where every different version of revolutionary theory was proclaimed as the panacea for exorcising racism from the social body, despite few of these campaigners ever having experienced racism or fully understood the impact racism had on its victims. As a 'freelance' activist over the previous years, Bis Weaver had been involved in numerous anti-racism and other campaigns from the mid-1960s; more recently in the Anti-Nazi League, the Labour Party and NATFHE. She had also regularly collected funds for miners and argued their case during the 1984/5 Miners' strike, which was coming to an end just as her own troubles in the college began.

Bis Weaver joined Bournville College in Birmingham as a part-time lecturer in 1976 and was appointed as a full-time Lecturer I in September 1980. For most of the time, after acquiring full-time status, she had taught sociology on pre-university Access courses for ethnic minority students. She had played a significant part in developing these courses and held the posts of Coordinator and Director. ** The Access Course provision had expanded considerably at Bournville since the first intake of a dozen students in 1980 to well over a hundred by 1984 – an expansion that provided grounds for upgrading the incumbent of the

* The flavour of the times can be captured in most local newspapers from the mid-1950s onwards

** Bis Weaver was well known in the field dealing with Access Courses and Multi-cultural Educational provision, having addressed many conferences – regionally and nationally

post to senior lecturer - a level that had a number of college onlookers licking their lips covetously. This became a prime reason for the soon-to-arrive difficulties that arose when 'interested colleagues' sought to remove her from this post. * During the pursuit of these objectives, one particular member of the lecturing staff, who was also a NATFHE branch officer, subjected Bis Weaver to prolonged and continuous abuse and harassment, which propelled her into submitting a formal complaint against him to the chair of the Bournville NATFHE branch. Registering this complaint resulted in a series of sustained attacks on her and provided a clear insight into the obstructive way NATFHE dealt with complaints of harassment submitted by Black members. The actions of NATFHE officialdom, regional officers and a majority of branch members were to create havoc for Bis Weaver both professionally and personally, with little respite, for the next three and a half years.

A major factor at Bournville College was the influential role the NATFHE branch played in the affairs of the college. The branch presented an image of having an avowed commitment to equal opportunity and anti-racism but, in reality, its actions ensured that ethnic minorities faced additional hurdles when trying to obtain any post at the college other than at lower grades. This resulted from the branch's insistence that all internal candidates must be interviewed, should they wish to apply, for all vacant posts up to principal lecturer level. **²

In a college employing only one Black female member and two other ethnic minority male members amongst 150 teaching staff, the agreement between union and management formed one of the pillars upholding institutional racism within the college. The policy benefitted internal candidates (almost exclusively White) at interviews, as it inevitably limited the number of available outside candidates – a significant disadvantage for external Black/ethnic minority candidates since they were virtually excluded before the selection procedure for interviewing prospective candidates began. Incorporated into this employment policy was a strong element of self-interest among existing staff, including NATFHE branch officers and branch committee members.

Bournville NATFHE branch's most significant figure was David Gates, who was also influential in the Broad Left Coalition at liaison and regional levels. He wielded considerable

* The *Porcelli*, case was a contemporaneous case where harassment was used by two male members of staff with the intention of forcing Mrs Porcelli to leave her employment ³

** This arrangement meant that the Governors would have no involvement in the appointment of staff up to this level, which would be in the domain of college management. An interesting exception to this arrangement occurred in October 1985 with the appointment of an equal opportunities (race) coordinator. See Chapter III Sec (a)

influence not merely in the union but also in college affairs and was an influential participant in a 'bloc' in the branch, consisting of a group of articulate members of the branch committee – the *kernels*; * loosely described as left of centre. It was the exercise of this influence in college-based activities that Bis Weaver was to come up against when the die was cast to oust her from the post of Access Course Coordinator and Director.

At the end of the 1984 academic year news had circulated in the college of Bis Weaver's intended temporary departure from the college in September 1984 until January 1985 to complete the research for a Ph D. ** In June 1984, at an Access course committee meeting, it was proposed that one of the existing tutors be upgraded to fill Bis Weaver's post.***⁴ This was an unusual proposal to broach at a course committee meeting, since this committee's functions were to deal with course development in concert with those universities receiving Bournville Access students; reporting on the progress of existing courses; and evaluating proposals for future courses – purely academic matters. Staffing issues were in the domain of Bournville management and would not involve representatives from other institutions.

Management representatives on the course committee side-stepped this proposal and took the opportunity to reaffirm Bis Weaver's role as coordinator and director of the newly extended course. Bournville management had already decided to place overall responsibility for the courses and their day-to-day running during the period of Bis Weaver's study leave in the hands of her immediate line manager.

Most people in Bournville College were also aware that Birmingham local authority

* As a result of Bis Weaver's dealings with this bloc, whom we saw as vociferous 'hard core' members using their influence in the pursuit of personal interest, Bis Weaver and I, between ourselves, referred to them as the *kernels* – combining a play on the word kernel, i.e., having a hard core; and the authoritarianism of the 'Greek colonels' of the 1960s and 1970s

The influence the *kernels* held in the branch was clearly demonstrated in April 1986 when they spearheaded a motion, wrapped up in false allegations and misleading statements, encouraging the branch to remove certain union rights from both Bis Weaver and I when Bis Weaver refused to stop campaigning for a just settlement of a complaint submitted to the union in June 1985. Part of Bis Weaver's campaign was to seek information from branch committee members on the possible involvement of some members in what might reasonably be described as a cover-up carried out by the regional official. The *kernels*' influence in college affairs was recognised by an LEA enquiry into complaints of racial harassment at Bournville College in October 1986 with the comment that branch officers appeared to be running the college ⁵

** Due to the time-consuming activities Bis Weaver was forced to take on in her struggle against racism in NATFHE, she never did complete her PhD thesis – another casualty of racism and an example of the ineffectiveness of equal opportunity policies in education when racism is not only allowed to run unchecked but also when major efforts are made by organisations to 'cover up' that racism

*** This proposal was made by a *kernel*.⁶ The longest serving member of the course team, next to Bis Weaver, was NATFHE's branch secretary, another *kernel*

was intending to appoint equal opportunities co-ordinators to all further education colleges in Birmingham covering race, gender and disability, although no time frame for these appointments had yet been revealed. * Bis Weaver was a strong contender for the post of Equal Opportunities (Race) Co-ordinator, therefore, it was likely, at some time in the future, a new co-ordinator/director would be required for the Access course and the proposal was a possible step in securing the post for an existing tutor on the course because an upgrade, albeit temporary until Bis Weaver returned, would put that person in pole position for the job if and when it became available. Bis Weaver gave little thought to this irregular proposal but it was the first shot fired in what became a later attempt to remove her from her post.

This set-back made an alternative strategy necessary, during Bis Weaver's brief sabbatical, to secure the post for the *kernels* most favoured candidate as a replacement for Bis Weaver as a result of her expected appointment as Race Coordinator. The key to the strategy rested on the influence the *kernels* could exercise in management-union meetings where staffing issues were discussed and/or by exerting influence over tutors and management involved in the Access course. The strategy was greatly enhanced by the soon to be established Course Team, which would consist of every tutor on the course. The composition of the team consisted of tutors from the existing social studies course components and the tutors on the newly created business studies component, plus representatives from management, and part-time tutors teaching anything from three to twelve hours per week on the course. The course team, unlike any other team in the college, would become ultra-democratic with every tutor having a say on every aspect of the course, therefore, establishing support from a majority was vitally important to the strategy. The composition of the new course team and the influence that could be exerted over its members would have repercussions for Bis Weaver in the not-too-distant future when the *kernels'* strategy required revision in the light of new circumstances.

The strategy was almost a non-starter due to the failure to attract sufficient numbers of students for the new business studies component. This under-subscription was overcome by re-directing a sufficient number of students from the social studies component to business studies. This response only delayed the problem because within a short time, that is, by November, the strategy began to unwind, as there was a high student dropout rate and dissatisfaction expressed by a majority of the remaining students, who wanted to be

* Union officers would have some knowledge of the local authority's intentions from meetings with the authority but this was not necessarily brought to the attention of branch members

transferred to the social studies component, which was a more suitable option for the courses those students intended to pursue at university. However, to transfer these students would result in the business course folding and its tutors would cease to be members of the course team, which would set back the strategy or completely destroy it.

Securing a dominating influence over the course team gained greater significance when the *kernels* became aware of a change to the proposed Race Coordinator's post; making it into a Multi-cultural Coordinator post at senior lecturer's level, combining the Equal Opportunities (Race) brief with the existing Access coordinator/director's post. The announcement of this new post was revealed at a meeting of the Bournville Board of Governors, on which Gates and two other NATFHE representatives sat.⁷ This announcement brought a change in the strategy as Bis Weaver would undoubtedly be a candidate for the joint roles and her existing role as coordinator/director would give her a considerable advantage when the new post became available. The strategy now necessitated removing Bis Weaver from the Access coordinator/director's post. However, nothing as yet was cut and dried. The time for the *kernels* to pounce had to wait until the inaugural meeting of the course team in February 1985.

Between the initiation of a new strategy and its implementation, there were a number of pitfalls; and student dissatisfaction, which had been kept back from the Access Course's temporary 'guardian', would need to be kept from Bis Weaver when she returned to the college in January, that is, until the objective was achieved. The 'initiators' should have realised that the students' dissatisfaction would eventually come to light because students have voices and mature students have much stronger voices. The students had already begun to use theirs albeit within the 'walls' of the business studies component and if the dissatisfaction remained unresolved it might, as indeed it did, extend beyond these walls.

When Bis Weaver returned to the college in January 1985 it soon became clear that something was afoot, although she did not yet realise that her role as coordinator/director was not accepted by Gates. On the 4th February, when she asked for a reference for an Access business studies student applying for a grant, Gates made it clear to her that the student in question was "[his] student" as he had complete responsibility for all matters relating to all business studies students and he refused to supply any information. A cursory glance at the minutes of the 25th June 1984 course committee meeting would show that claim to be untenable⁸ unless some temporary delegation of responsibility had been made to tutors in her absence.

Bis Weaver was kept in the dark about the high drop-out rate and student dissatisfaction among 'his students'. The reason for keeping this information from her was shown the very same day when, without referring the matter to Bis Weaver, Gates asked Sue Pattinson, who was as a tutor on the social studies provision, to speak to the business studies students to quell their rising disaffection.⁹ However, three days later, on the 18th February, a tutor teaching those students went to see Bis Weaver to express her concern about the dissatisfaction among students on the course and of their fears of the course closing down.¹⁰

With problems coming to the fore, the course team meeting arranged for the 15th February was the forum for raising the issues being drawn to her attention: (i) students' discontent; (ii) her role as coordinator/director; and (iii) to reiterate her responsibilities on the Access course for anyone who might be in any doubt. The coup designed to oust Bis Weaver from the Access coordinator/director's role - the *Day of the Long Knives*, was also arranged for that meeting but fate conspired against the plotters at least temporarily. A fault in the college's plumbing system, causing a freeze up, forced the closure of the college on that day and by the time the re-arranged meeting was held on the 1st March another issue had arisen - a preview of what lay ahead for Bis Weaver in the coming months.

In the week between the 18th and 25th February, the union's spokesperson for anti-apartheid and the defence of South African Blacks voiced several months before at NATFHE's Annual Conference - David Gates, demonstrated to members of management, supervisory staff and students a way of treating Black people in the UK away from the bright lights and applause of admiring NATFHE delegates. He conducted this lesson in practical action by choosing the only Black member of staff (a woman) as both his guinea pig and scapegoat. Apparently, the action against Bis Weaver can be seen as serving two purposes: (i) to divert attention from the difficulties on the business studies course; and (ii) to further the aim of removing her from her post.

The sequence of events bringing reality to the fantasy world of theatrical anti-racism, in which Bournville NATFHE branch officers appeared to be residing, began on the 18th February when a deputation of business studies students - all of whom were Black, went to see Bis Weaver.¹¹ The hidden attempts at pacifying these students had obviously failed. Bis Weaver, the coordinator/director, had shared, and was still sharing, irrespective of the difference in qualifications, similar experiences to these students in the wider society. She would have no difficulty in empathising with their difficulties.

The students were looking for reassurance that the course would continue and Bis Weaver answered their queries and "assured them that the course would continue." Several

students wanted to pursue careers in social work and teaching and Bis Weaver remembered that some of these students had been initially recruited by her for the social studies component before she went on study leave; so it was understandable for them to bring any problems to her notice. Bis Weaver intended looking into their concerns and to resolve any difficulties they had in the near future.¹² The students seemed reassured but one asked to speak privately with Bis Weaver and an appointment was arranged for the following day.

As the students' discontent had arisen under the supervision of Bis Weaver's line manager, she was not sure if any arrangements had been made between him and tutors on the business studies course to deal with any problems or for redirecting some students from their chosen course. These were items to be added to the agenda for the course team meeting.

When they met, on the 19th February, the student complained in general terms about the course. The student was asked by Bis Weaver to wait a few days while she looked into matters. However, the student appeared determined to make her views known to the line manager and, as the policy at Bournville College was for students to have access to management should they insist, Bis Weaver agreed to arrange a meeting for the student as soon as possible.¹³ She made the arrangement with her line manager and passed it on to the student in the classroom just before the student's class was due to begin. The tutor for that class, Norman Cave, had seen the conversation taking place, which showed that Bis Weaver was not operating any hidden agenda – a claim later to be made against her by Gates.

After Bis Weaver had left, Cave, apparently, asked the student what the conversation was about. The student told him she had an appointment to see the manager about the course. Cave left the class and went to see Gates, who collected a senior lecturer (a woman supervisor), who was part of the Business Studies department's line management structure but without any responsibility for Access courses, and together with Cave, all three travelled post-haste to the classroom to speak to the student. The Black woman student said she wanted to express her concerns to the manager about being on the wrong course. These concerns should have been known to two of these staff members because student dissatisfaction was raised on at least two occasions with tutors. After being questioned in front of the class by these three members of staff, all of whom were White authority figures, the student decided not to see the manager.¹⁴ From then on, this student kept a low profile.

Gates went straight from quizzing the student to seek out Bis Weaver and told her in no uncertain terms that she had no right to speak to the students, which was somewhat inconsistent bearing in mind a tutor, Sue Pattinson, whose supervisor was Bis Weaver, had spoken to the students to try to pacify them. He also let her know that 'a senior member of

NATFHE' intended to press charges against her for professional misconduct in trying to get information from students about staff. *¹⁵ Non-cooperation, non-recognition of responsibilities and union threats were useful tools when preparing an assault on someone else's job.

Upon leaving Bis Weaver, Gates, apparently, went off to see his departmental head to tell him that Bis Weaver had created dissatisfaction among the students by trying to get students to complain to management about tutors. At the same time, Bis Weaver, taken aback by Gates' onslaught, had no difficulty in realising something was seriously amiss so she also went to see her line manager about recent events. He offered to arrange an inter-departmental meeting to sort out the students' concerns and related matters.¹⁶ The meeting turned out to be a rehearsal for what Bis Weaver would face in Bournville college over the next two years.

Held the same afternoon, the meeting was attended by two senior managers, as well as Bis Weaver, Gates and the woman supervisor, who had accompanied Gates to the classroom. Bis Weaver clarified the events taking place on the 18th February, including the concerns expressed by the students. Gates' immediate response was to accuse Bis Weaver of manufacturing problems and encouraging a student to make complaints against tutors. This was a convenient way for the main issues to be side-tracked before being asked to explain the reasons for the student's dissatisfaction. Nonetheless, Bis Weaver convinced management the allegations against her were unfounded. Undoubtedly not the outcome acceptable to Gates, who, turning to the others in the meeting, loudly stated "You don't believe her in preference to a student ** and Gil Butchere, she's a liar", *** and walked out of the meeting.¹⁷ ****

This unprovoked and crude attack on her personal and professional integrity seemed to catch everyone by surprise, no one more so than Bis Weaver, who felt deeply embarrassed

* It was later disclosed that the officer intending to 'press charges' was Norman Cave, who became increasingly involved in Gates' activities ¹⁸

** In June 1986, the student heard from one of the tutors on the business studies course what she was alleged to have told Gates, namely, that Bis Weaver had encouraged her to complain about the tutors. Upon hearing this, the student wrote to Bournville management about her conversation with Bis Weaver on the 19th February. She denied saying that Bis Weaver had encouraged her to complain against any tutor; nor was it her intention to do so in the meeting arranged with the line manager. She suspected, from the manner displayed by Gates and the other two staff members, who questioned her, that they held a grudge against Bis Weaver and that, "as a Black person, I was being used against another Black person."¹⁹ This example of trying to use Black people against each other was to be applied on future occasions in Bournville College ***** and in NATFHE West Midlands REC

*** He actually called her a "fucking liar" but she was initially reluctant to write down Gates' actual response because of its crudity.

**** A reasonable person may view Gates' behaviour to be consistent with the behaviour described in several future legal decisions ²⁰

***** Especially in what became known as the *Beider affair* in December 1986. (See Chap XI Sect c)

and humiliated by this verbal assault. She had previously encountered foul mouthed abuse shouted at her by jobs and skinheads from passing cars and from National Front members on anti-racism demonstrations but never in any meeting of professionals. An uncomfortable silence was broken when the woman supervisor admitted that difficulties on the course had been discussed by tutors in the first term and she put the blame on Gil Butchere.²¹ Why did the supervisor not tell her departmental head of the trouble on the course prior to this meeting to avoid Bis Weaver having to defend herself from unfounded allegations expressed in a crude and offensive manner? * As for Gil Butchere, she was the tutor who had drawn student disaffection on the course to Bis Weaver's attention a few days earlier.

Management proposed, as an interim measure, that Bis Weaver and the other supervisor should meet the students to assure them that the course would continue.²² Nothing was mentioned about settling matters to deal with Bis Weaver's discontent over Gates' foul-mouthed abusiveness. Nonetheless, this incident showed the measure of Gates' attitude because no other member of staff had been subject to a foulmouthed attack on their integrity in a college meeting; yet Gates had delivered such an attack on the only Black woman on the lecturing staff. The failure of management to act set the scene for future confrontations as its inaction appeared to confirm that there were few restrictions on Gates and he was able to get away with this type of behaviour.

When Bis Weaver and the other supervisor met the students, just as the discussion was about to begin, an uninvited guest – Gates, turned up; hi-jacked the meeting; and began by referring to the other supervisor as "The Boss". ** This was another feature of Gates' not so hidden agenda by dismissing and undermining Bis Weaver's supervisory role on the course in front of the students. He then told the students that he would sort things out and, turning to Bis Weaver, said, that "we had better get our act together." ***²³ There could be little doubt that a pattern of behaviour was emerging aimed specifically at Bis Weaver in situations where her membership of a racial group could be considered as a determining factor for the behaviour, unless Gates could provide an alternative and justifiable reason for his behaviour

* Over the next two years, more false accusations against Bis Weaver were made to management by Gates and/or two close union allies

** 'Boss' seemed an unusual term for a member of the Communist Party to use

*** A reasonable person might view Gates' behaviour as consistent with the findings in a number of future legal cases and equal opportunities reports.²⁴ The European Commission decided that by specifically singling out a woman supervisor for detrimental treatment when she was acting in concert with a male supervisor introduced the possibility of gender discrimination (sexism).²⁵ This decision could equally apply to racist discrimination. A Black woman supervisor was specifically singled out for detrimental treatment vis-a-vis a White woman supervisor, which raised the prospect of behaviour towards Bis Weaver determined by her being a member of a particular racial/ethnic group

towards her. *

Did Gates have such a limited understanding of his actions that he failed to appreciate the effects on the students, who were witnessing the belittling spectacle of Bis Weaver, a Black lecturer and role model, being accused of not being competent to deal with student issues, or did he not care? These students were predominantly women, all of whom were mature and, with one exception, Black. Gates was graphically portraying to them, and to the sole White student in attendance, the way a Black professional person, whom they knew to be the coordinator/director of the course, was treated in a college of further education. This was an extremely negative experience for these students, who themselves would also have had less than favourable experiences of how Black people are treated within Britain's socio-economic system. The deprecating and scornful manner used by Gates against a Black woman course coordinator/director might act as a reminder to them of what they could face should they decide to follow up their dissatisfaction.

These recent incidents were clear demonstrations to all and sundry – management, supervisory staff, tutors and students alike that Gates had no intention of recognising the position of coordinator/director as long as Bis Weaver held the post. When the outcome of this meeting, such as it was, and the vilification of a Black woman supervisor, acting on management instructions, was relayed to management, it seemed incapable of doing what was necessary. By doing nothing, management merely added fuel to the situation by sending a message to those involved in the Access Course that it would do nothing to defend the rights and dignity of a Black woman member of staff.

Using foul mouthed abuse and attempting to discredit a colleague with false allegations should have led to disciplinary proceedings against the perpetrator; or an apology; or, at the least, a word to the wise in his ear. This was not for Gates, who could apparently say and do anything without any action from management. **

In the previous seven days, Gates had shown to various people what a Black woman could expect from those claiming to have a 'long history as an anti-racist' *** and he would

* The courts decided that "If there is a finding of discrimination and a difference of race [was] followed by an inadequate or unsatisfactory explanation..., the legitimate inference will be that the discrimination was on racial grounds..." unless the alleged discriminator could satisfy the tribunal that there was some other innocent explanation²⁶

** Gates' influence in the college was recognised in the LEA's 1986 inquiry into the Bournville College racial harassment issue²⁷

*** NATFHE officials vigorously defended Gates and the implications arising from his behaviour with the magic antidote of saying "he has a long record as a socialist activist in anti-racist work" or variations in the same vein.²⁸

continue to demonstrate this type of behaviour for a considerable time to come. These were the first real shots fired in what became an increasingly aggressive effort, especially on Gates' part, to displace her as coordinator/director as well while inflicting on her a taxing, frustrating and distressing set of experiences as she grappled to preserve a modicum of self-esteem and retain her professional responsibilities. This was merely a drop in the ocean compared to what was in store for her.

Over the next four months, management displayed a marked reluctance to involve itself, or, more accurately, showed a willingness to acquiesce in what became a period of considerable distress for Bis Weaver as she faced a barrage of abuse and verbal intimidation, attacks on her professional competence and personal integrity, and physical intimidation around the college. A catalogue of acts which by any definition, pre- or post-Porcelli, could reasonably be defined as harassment, soon to be recognised as such by a group of women teachers/lecturers examining sexist harassment and its effects on victims in Birmingham.

Events over the three weeks since the 4th February, led Bis Weaver to consider that Gates was trying to carve out a niche for himself within the Access provisions by cutting her off from the business studies component. Within the next week, this viewpoint was reassessed when it became apparent what really lay behind Gates' barrack-room outbursts. This re-appraisal was prompted by events at the Course Team meeting on the 1st March, which produced an instructive insight into the influence that a highly organised group can exert over a meeting and how that group's interests can prevail - it was an example of *class collaboration* between management and staff.

The meeting illustrated the competition between departments to gain control over successful courses. The Access course was extremely successful and viewed as a plum, therefore, control of the course was becoming an inter-departmental conflict between the business studies department and the general studies department, where the course was presently located. *

The difficulties facing business studies students – the most important item on the agenda, would not advance the interests of the business studies team, so it was conveniently ignored as the focus of attention remained on the first item, which consumed the whole of the time allotted to the meeting. This item was intended to be management's reaffirmation of Bis Weaver's role (and her functions) as coordinator/director of the Access course, which

* Interdepartmental economics and politics coalesced with self-interest and anyone in the way was expendable. This practice was more effectively applied when a Black staff member was the stumbling block because it was common knowledge that Black staff members found it almost impossible to garner any support from management or the union

had already been confirmed in June 1984 at a course committee meeting. * Another example of what Black employees have to face – they not only have to secure an appointment against competitors; they constantly have to face opposition from people wanting to replace them but only after the incumbent has turned the post into a tasty ‘plum.’

Having remained in the background when the supervisors/students meeting was hijacked by Gates, the woman supervisor – the *Boss*, returned the favour by trying to abort this item. She proposed that any decision should be deferred while further discussions took place to decide who should occupy the post of Access coordinator/director and, when that had been agreed, the functions of the occupant could then be decided. This front person for the business studies brigade, newcomers to the field of Access courses, was acting as if a coordinator/director had not been in post for the past five years and as if the present incumbent’s functions had not existed during that time. A senior member of management, chairing the meeting, rejected this proposal from the *Boss*.

The speed with which the business staff changed its emphasis illustrated that a skilled negotiator was at work behind the proposal. The attempt to directly oust the present coordinator/director had gone by the board but a well thought out alternative proposal was put forward. The target was now the functions carried out by the present coordinator/director. The strategist would, no doubt, have thought this through and the second proposal to discuss ‘functions’ was on hand in the expectation that the proposal on ‘occupancy’ would not be considered. Or, was it that the second proposal was the one that the strategist and allies were interested in discussing?

A document was produced listing all the responsibilities currently held by the coordinator/director and, in what was unparalleled in the college, each responsibility was voted on separately to decide whether or not it should remain as the responsibility of the coordinator/director. Bis Weaver’s opposition to this manoeuvre was overruled. This meant that every course tutor - part-time and full-time, plus three people in attendance who were not directly involved in Access and three members of management, one unconnected with the course, were voting on what was Bis Weaver’s contract of employment. Another significant anomaly exploited by the business studies group concerned the composition of the course team. Business studies with only ten Access students had six staff representatives, including two *kernels*, at this meeting, whereas social studies with 100 students had but five staff representatives, one of whom was a *kernel*.

* Bis Weaver’s role as coordinator/director, in the event of the Access course expanding over departmental boundaries, had been confirmed in November 1983 and in June 1984

By the end of the meeting, the voting power of the business studies group, whose aim had been to secure the post of coordinator for one its own and the eventual transfer of the Access courses to the business studies department, had ensured that all that was left of Bis Weaver's coordinator/director's role was a limited brief over the Access courses, namely, to ensure equal opportunities within the course; to liaise with external monitors and institutions; and to produce statistical information – everything else had been removed. What the '*kernels* on Access' failed to achieve by appointing a new coordinator from within the business studies department had been accomplished by other means. Bis Weaver came out of the meeting frustrated and disillusioned as several years of endeavour had evaporated in one hour in a course team meeting spearheaded by NATFHE branch officers. *²⁹ The next step would undoubtedly be to press for a coordinator with the rank of senior lecturer to be appointed from within the business studies department, as a prelude to moving the course into that department, and they had the 'democratic' means by which to do it.

(b) The *Kernels* Tie up a Few Loose Ends

Bis Weaver, since she returned to the college, had been subject to a determined effort undermine her role as coordinator/director and she linked this to the inevitable competition to replace her in the event of her being appointed as the first Multi-cultural Coordinator [Equal Opportunities (Race) Officer] by the Birmingham Education Authority. She also understood that the possibility of being appointed to that post would lead to vying between a number of tutors for the Access post. However, all this manoeuvring to disembowel the coordinator/director's post did not make any real sense because all the *kernels* needed to do was sit back and wait to see how the interviews for the new post went. She did not have access to information revealed to the governors in November 1984 but *the kernels* on the board of governors did. As a result of access to this insider information, the *kernels* had wasted no time in changing their initial strategy, which led to their action to take over or dismantle the Access post at the earliest possible opportunity as the new combined post was expected to be approved at any time.

The criterion for the new post explained the consistent pressure applied by NATFHE officers in their meetings with Bournville management to obtain details of when the post would be approved.³⁰ Consequently, this course team meeting would not end the matter since

* I attended this meeting as a part-time tutor and witnessed the events

the ultimate objective remained unachieved – Bis Weaver was still nominally the coordinator/director, and even the minimising of the coordinating function by the course team did not lessen her chances of getting the new post as she would still have a considerable advantage when the combined post was opened up to candidates.

Another factor entering the reckoning, namely, that Bis Weaver had the audacity to stand up, albeit without support, against those who viewed the world in a particular way and the roles they expected other people to play in their particular world. As NATFHE in the Birmingham area was about to recognise, the pressure can become so severe on harassed women that leaving their jobs becomes the only option left to them.³¹ This was an outcome that could equally apply to harassed Black employees (male or female). From now on the stakes would be upped and it became open season on her. Nor did it seem to matter who was around to witness the behaviour, although certain types of behaviour were reserved for when no one else was around. Furthermore, opposing the dogmatist's perception of the world can cause those die-hards to respond in a way detrimental to their own interests. Malice combined with self-interest produces unusual results.

On the 7th March, Bis Weaver arranged to meet a visitor from the Community Relations Council - one of the external monitors overseeing Access courses. He also had the additional brief of safeguarding the interests of local authority ethnic minority employees. The meeting was to take place in the staff room/office where she worked from. When Bis Weaver, after a teaching session, returned to the staff room for the meeting, she found Gates rifling through her desk * and, in front of this visitor and another woman colleague, he crudely accused her of taking documents from out of his desk. As Gates' workroom was situated a couple of floors down from hers, it would have necessitated making a pre-meditated decision on her part to go out of her way to plunder his desk. The documents - student progress reports, were not in Bis Weaver's possession nor had she seen them; and Gates later found the documents in the possession of another tutor, who was writing up her assessment of each student's progress on their reports.³²

Needless to say the CRC visitor was not impressed by the behaviour he had witnessed and shortly afterwards, unknown to Bis Weaver, he made his views known to Bournville management. Bis Weaver became aware of the CRC officer's trip to management when she, too, approached management to ask when it intended to do something to halt the flow of

* This seemed to epitomise Gates' attitude – no respect or consideration of privacy to be extended to women or was it specifically to Black women?

abuse directed at her by Gates and she drew attention to his latest outburst. The concern shown by the CRC visitor prompted management to arrange a meeting between Bis Weaver, Gates and a member of management. At the meeting on the following day, Gates refused to apologise for accusing her of taking the documents even though he knew they had been in the possession of someone else; instead he reverted to form by directing attention away from his own offensive behaviour to seeking an apology from her for comments she was alleged to have made to business students on the 18th February. This issue had already been disposed of as unfounded allegations but he regurgitated the threat posed by an unnamed senior member of NATFHE of intending to bring a charge against her of professional misconduct.³³ Gates seemed to find it difficult to take her word and he continued to practice one of the oldest tricks in the book – the use of false allegations to divert attention from his own actions. Nothing came out of the meeting and the situation was left as it was. It would remain as such until Bis Weaver had no alternative but to act off her own bat in an attempt to curb the slurs and pressure being heaped upon her.

Gates was not slow to take advantage of management inertia and within days he trod the now familiar path of putting pressure on Bis Weaver. At the end of another course team meeting as members were on the verge of leaving, Gates circulated a document – notes of a meeting consisting of Gates, Cave, two other tutors and two students from the business studies component. There was no constitutional basis for such a meeting but this meeting was masqueraded as a formal one in the notes, described as ‘minutes’ of an *Access Business Studies Team* meeting. Gates was taking on the role of ‘coordinator/ director’ as plans were disclosed in the minutes for making wholesale changes to the Access Course – the rump component with ten students wanted to be the tail to wag the dog. This was a ludicrous disclosure because changes could only be made in association with the receiving universities through the course committee but a point was being made – one that only the obtuse or uninterested would fail to grasp. Gates intended to do as he pleased. There was another purpose behind this meeting - one that had been pursued for a while, namely, to take potshots at Bis Weaver. Also recorded in these notes was a claim attributed to the student representatives explicitly blaming Bis Weaver for the uncertainties the students harboured about the course. This allegation was ‘minuted’ despite none of the students having spoken to Bis Weaver about their concerns before the 18th February, five months after their course started and three months after they first began to express their discontent about the course while Bis Weaver was still on study leave. It was also ‘minuted’ that business studies tutors “were very upset that these doubts had been placed in the students’ minds.”³⁴ Gates just

could not lay to rest this easily refuted allegation and it was now taking on the appearance of an old Leninist dictum that “A lie told often enough becomes truth.” Nonetheless, while this rehashed slur clothed in different apparel had no basis in reality, it was a clear sign that Gates was on a particular path and there was every probability that more false allegations would be conjured up in further attempts to discredit her. *

One of the tutors at that ‘staff-student meeting’, who did not attend the March course team meeting, made it known at a later date when he saw those ‘minutes’ that the item referring to Bis Weaver was not raised by the students but was an item on the staff-produced agenda. Nor was anything said by any tutor in the meeting about being “very upset.”³⁵ This particular comment in the ‘minutes’ undoubtedly owed its existence to a post-meeting addition to the ‘minutes.’ **

Gates maintained the ‘policy’ of non-co-operation by refusing to provide Bis Weaver with the documentary information necessary to perform one of the few functions left to her – compiling statistical information. It took several weeks for her to obtain this information and it was not sent to her directly but through her immediate line manager, who had been responsible for the course during her absence³⁶ - another open ‘hint’ that Gates did not recognise those few remaining functions. Apparently, he was prepared to ‘recognise’ the White male temporary coordinator/director but not the Black female confirmed in that post sixteen months before in November 1983.

Management continued to shy away from its responsibility, giving additional impetus to the wrecking tactics of the Gates-led bloc. This showed itself yet again when another of Bis Weaver’s remaining functions was ignored, i.e, involvement in the selection process for a tutor to be specifically recruited for the Access business studies component. On all previous occasions Bis Weaver was involved in the selection process for prospective Access staff as a result of her expertise in this area and to ensure the local authority’s equal opportunities policy was followed – this had been a responsibility surviving the ‘Long Knives’ that had butchered her job. On this occasion, despite Bis Weaver receiving specific instructions from line management to survey all the candidates’ application forms in line with equal opportunity policy and to assess the experience of candidates in teaching students

* There was a considerable similarity in the approach adopted by Gates and the approaches used in the future by NATFHE officials and officers in the West Midlands and national officials at head office

** A post-meeting addendum to minutes was used in 1986 after the inaugural meeting of the Equal Opportunities (Race) Committee. The minutes were taken from the Minutes Secretary by a *kernel*, who was also at this staff-student meeting, and several phrases were added to a contribution attributed to Bis Weaver, which she had not made

predominantly from ethnic minorities, she was completely left out of the selection process. The selection had been carried out by Gates and the *Boss*, and the selected candidates advised of the interview date without the application forms being referred to Bis Weaver.³⁷ When she did get access to the application forms, albeit too late to make any difference, she saw that a suitable Black candidate had been excluded and she tried to get him included. However, business studies management decided to disregard this assistance and the interviews went ahead without this candidate. In fact, in trying to keep Bis Weaver out of the way, the business studies staff made a mess of the process. They had not bothered to draw up a job description for the post of Access lecturer and culled one from staff records, which was given to the successful candidate when appointed. * The result was that the appointee, who had no previous experience of teaching, ** was given a probationary lectureship, and a job description covering all the functions associated with the coordinator/director's post. This was an undoubted bout of incompetence because it could not have been their intention to give him responsibility for a post coveted by a couple of *kernels*, even if this had been in their power to do so.

A harrowing experience for Bis Weaver throughout this early period was running the gauntlet of coming across Gates on her travels through the college. Gates was a physically heavy set individual, who employed a range of tactics when they happened upon each other. On some occasions he would approach her, make a muttering sound and simply walk past her; at other times he would block her way, come close, stare fixedly into her eyes and then move on. She never knew what he was going to do next, or where she would next run in to him, but she was sure that he would continue to do what he was doing and do it he did. She felt intimidated by his presence on these occasions and was on her guard whenever she was moving around the college. These encounters occurred in the absence of witnesses. These were classic tactics designed to make a victim feel even more vulnerable. They were the actions of an over confident bully, who could get away with anything in Bournville College.

The first time Bis Weaver faced this type of intimidating situation, she brought it to the attention of her line manager, whose advice was to keep away from Gates; not a feasible option if she was to do her job properly as she was to find out on a number of other occasions

* Someone had photocopied a document from the Access staff files – the job description photocopied was Bis Weaver's

** The successful candidate for the business studies post was gradually drawn into the orbit of the *kernels* to become a staunch member. As a result of making false allegations against Bis Weaver and other breaches of professional conduct, this newcomer's behaviour was investigated by local education authority officers in October 1986

when walking through the college. This appeared to be the only way management was going to deal with her problems, which was hardly a strategy for combating harassment in the workplace but one with which management seemed comfortable.

Management refused to grasp the nettle and she was left to her own devices to avoid being stung. Needless to say, a lot of salving lotion was required to ease that kind of pain and the next course team meeting produced another nettle that management was reluctant to grasp.

The day before the course team met, another meeting involving management, Bis Weaver and Gates was held to discuss details of the business studies component to be submitted to Birmingham Polytechnic for approval. It had recently come to management's and Bis Weaver's attention that the business studies component had not been approved because no submission had been sent to it during the autumn term, which meant that successful students would not get the accreditation necessary to enter an institute of higher education. In fact, no submission had been drafted. However, this meeting turned out to be a waste of time because Gates diverted the meeting into another area and he spent most of the time berating Bis Weaver over a lecturer's post in Access social sciences. This additional post was to be filled at the same time as the business studies post and I was an applicant, having taught as a part-timer at Bournville college for several years. * Bis Weaver had informed management of my intention to apply for the post and excluded herself from any involvement in the selection procedure for that post. This did not stop Gates from haranguing her on the grounds of being involved in a selection process where her husband was a candidate and he was insisting she should withdraw.³⁸ What this had to do with Gates, he never explained but if he taken as much trouble to check the facts, he would have found out that Bis Weaver had already withdrawn from all matters related to that particular appointment. This was another false assumption on Gates' part.

A course team meeting took place on the 22nd May, to discuss the submission to Birmingham Polytechnic. The previous days preliminary to this meeting had turned out to be a farce. As for this meeting, there should have been little scope for putting Bis Weaver under any further pressure, or to undermine her authority because her role now as coordinator was virtually non-existent. However, Gates, the main architect behind her difficulties, found a way to do so, as he had with the other remaining functions, namely – equal opportunities in

* In 1978/9, I was part of the team developing Access courses at Bournville College. I left the college to carry out research at Birmingham University, producing a paper, *Political Groups and Young Blacks in Handsworth*³⁹. From 1979, I continued to teach part-time at Bournville College and did so after I left the university in 1982 when my contract expired

appointments; and compiling statistical information. Overseeing submissions to the polytechnic was about the only function that remained. For any doubters, management reaffirmed that Bis Weaver was to carry out this responsibility and all contributions made by business studies tutors for inclusion in the submission should be passed to her and she would write up the submission for the polytechnic. When Gates failed to overturn this decision, he turned to Bis Weaver and raising his voice said, "someone should tell her to take her fucking finger out". He then left the meeting.⁴⁰ * This was a disgraceful comment to direct at anyone. It had added significance when addressed to someone known both regionally and nationally for her contribution to Access and Multi-cultural Education provision as well as being directed at the only Black lecturer in the college. **

Two NATFHE officers (Ms Pattinson, a member of the NATFHE West Midlands Women's Panel; and Cave), witnessed this foul-mouthed abuse but neither of them offered Bis Weaver any advice on the steps she could take under NATFHE's guidelines on sexist discrimination nor how to draw on the union's strength to seek redress for this intolerable behaviour. Although armed with union information on dealing with harassment, these officers failed to follow the union's guidelines. They left Bis Weaver, as management had done, to face this abuse and intimidation with only her own devices to rely on.

Gates' latest outburst against Bis Weaver merely added more weight to her conviction that racism was a factor in his behaviour. She was sure Gates would not have spoken like that to her if it had been a meeting of Black people in Handsworth and he was the only White person there. However, as on previous occasions, he did not hesitate to serve up a foul mouthed brew in a meeting of White people in Bournville College where she was the only Black person because, as had already been shown, he could get away with it. Gates' behaviour appeared to confirm that Black professionals, as far as he was concerned, were not worthy of the same respect and recognition as White professionals.

For some time now Bis Weaver had mulled over the underlying motives for Gates' behaviour. This was the second occasion that he had addressed her in a foul-mouthed manner in front of management and colleagues, many of whom reported to her in her supervisory capacity. She could not recall having heard of Gates behaving in such an offensive manner to anyone else in the college, and, as a branch officer noted for his negotiating skills – skills based on actual or expected responses from others, he must have seen, as she had, that

* This was another incident that I witnessed as a member of the Course Team

** To see how the courts dealt with a similar incident, see (1) *Insitu Cleaning Co Ltd* and (2) *Brown v Heads* [1995]; and for a succession of incidents – *Derby Specialist Fabrication Ltd v Burton* [2001]⁴¹

management was reluctant to stand up for a Black woman against an influential officer of the union. There was no doubt in her mind that a form of racism lay behind his actions; not the racism of stringing together a few racist terms but where the perpetrator identifies a Black person as the target and is fully aware of the means at his/her disposal to achieve whatever is the objective. This was the tactic of belittling a Black professional in front of Black students or calling a Black person a “fucking liar” or other foul-mouthed abuse in meetings with colleagues or trying to pressurise a Black person out of her job; all performed in the knowledge that it was unlikely for anyone to say or do anything in support of the victim.

The objective sought by the person initiating the strategy might not appear to be part of a racist strategy, such as directly trying to prevent a Black person obtaining employment or promotion or ousting them from their posts. In this strategy, the exponent sets out to achieve the objective by either using the racism of others and/or the knowledge that few people will stand up to defend a Black woman against an influential and ‘powerful’ White person. * That was the type of racism Bis Weaver and I believed she was up against. The type that apologists are quick to explain away as some form of ‘interpersonal problem’ or a ‘conflict of personalities’ - the ready-made, ‘off-the-peg’, easily conjured up, mindless means for ignoring racism or sexism as a factor in someone’s behaviour. It should be obvious to anyone with any knowledge of racism or who claimed to know something about it that a solitary Black lecturer was extremely vulnerable to someone like Gates, whose only defence to a charge of harassment, at a later date, was to say that he was an anti-racist with a long history in the anti-racism movement. This ‘long history’ was the defence put forward by his allies in the union at an industrial tribunal in 1987,⁴² having forsaken the earlier one of personality conflict – a defence exposed as inappropriate for this kind of behaviour in *Porcelli* at the Scottish Court of Sessions in 1986. **

A few days after telling a Black woman to get her ‘fucking finger’ out in front of twelve White tutors and three White members of the senior management team, Gates was attending NATFHE’s Annual Conference and spoke very favourably of a woman from a local miners’ support group, who had recently addressed a rally in Birmingham on the high value placed upon education in mining communities. Gates called on delegates to pay “tribute to

* One tutor, a member of the Business Studies provision, went to management to express his deep concern at Gates unacceptable behaviour at the meeting but he was the only one⁴³

** When an accusation of sexism or racism is made about unacceptable behaviour and the accused cannot explain the reasons for the behaviour the courts can infer racism as a motive⁴⁴ No other explanation for the attacks on Bis Weaver was ever made by Gates to either NATFHE officials or officers of the Local Education Authority when the issue went first to NATFHE and then to the employing authority

the tremendous struggle undertaken by the NUM, its members and miners' families in their campaign to protect jobs and communities" and he stressed the importance of giving practical support to the miners' amnesty campaign under the slogan of

The fight for jobs and communities goes on. The fight for amnesty will go on. The fight for civil liberties goes on. Their fight is our fight."⁴⁵

His appeal to 'civil liberties' and the protection of jobs made an interesting contrast to the situation in Bournville College but different strokes for different folks might explain the way people rationalise inconsistent behaviour.

This conference also witnessed the inauguration of NATFHE's first woman President, Nan Whitbread, who later in the year accused 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."⁴⁶ The new President, in the cameo role she was due to play in the Weaver case, was given every opportunity within her Presidential year to protest against the Victorian colonial values operating in NATFHE towards a Black woman member. However, the plight of this woman did not appear to hit the same chord with her. The Broad Left Coalition was also addressing the race issue by organising a fringe meeting on 'Class, Race and Gender'. A delegate from the National Association for Multicultural Education (NAME) advised NATFHE members on how to activate anti-racism policy, locally, generally and nationally.⁴⁷ Whatever lessons the West Midlands members of the Broad Left Coalition learned from this address, if any, lasted barely three weeks as all the stops were pulled out to ensure that a complaint to the union from Bis Weaver was well and truly stamped on. Nor did NAME appear to follow the guidelines set out by its delegate as NAME was another organisation faced with a wide gulf between rhetoric and practice exposed by its reluctance to involve itself in the Weaver case, which was hardly surprising bearing in mind the influence of NATFHE members in that organisation.

Despite misgivings about Bournville management's lacklustre performance, Bis Weaver thought it could not possibly ignore the latest gilt-edged offering from Gates, almost begging for some form of disciplinary action. When she raised the issue of racism with her line manager as a possible reason for Gates' behaviour and for management's inaction, he told her not to see it in those terms as there were other issues to be considered. There was always some other reason for discounting racism as a factor. When seeking employment – always someone with better qualifications or experience; in housing – always someone offered a better price; at hotels – always no vacancies. It was never racism.

Management showed yet again its true colours by turning its back on these constant abusive, humiliating and harassing experiences – an issue far too hot for management to handle or so it seemed; management seemed to feel uncomfortable in openly taking the side of a Black person against a White person, especially an influential White person in the union branch. But whatever the reason, management, by constantly turning away and refusing to meet the situation head on, had allowed the ground to be cut from under her feet and by its inaction, almost acquiescence, had demonstrated to all concerned that it lacked any commitment to defend her position against the leading lights in the union branch.

While swirling around in the vortex of management expediency, Bis Weaver caught sight of a straw to grasp on to. Why this had not been seen at the appropriate time or shortly afterwards could only be put down to the pressure obscuring her vision; dampening down her awareness. Nonetheless, now it had emerged it seemed the means to reverse the downward spiral in which she was currently spinning. After three months of being on the back foot, she looked at the contract of employment given to the new Access business tutor and discovered the mistake made by the business studies department in giving him a contract with a job description that was a replica of the one incorporated in her own contract of employment. It came home to her that the document produced at the course team meeting on the 1st March was the job description forming part of her contract of employment. Considerable implications were raised by allowing amendments to be made in that pseudo-democratic manner to a member of staff's contract of employment, especially when the staff member was Black and it had never happened to anyone else in the college. What would the CRE make of this? Treating a Black person less favourably than a White person! Direct discrimination! She wasted no time in bringing to management's attention the manner in which her contract of employment had been changed.

It was something of an eye-opener, too, to note that three tutors at the 1st March meeting - Gates, Ms Pattinson and Cave, were union officers and branch committee members, and yet they were prepared to take part in, even instigate, the destruction of a fellow member's contract of employment by a show of hands, including some non-union hands. This was indeed a peculiar form of trade unionism; or equal opportunities; or anti-racism when union officers participate in dismantling the job of the only Black member of staff in the college. John Fernandes had been the victim when the union ran away from saving his job at Hendon Police School, and Bis Weaver was now the victim when NATFHE officers had played a leading part in dismantling her job at Bournville College.

There certainly was a desperate need for NATFHE to develop an anti-racism policy out of its draft document ‘Action Against Racism’ but what use could it be when it relied on people like the Bournville branch officers to oversee and implement the policy in the branch, liaison and region! The union also needed to train its officers in the basics of trade unionism - to protect jobs, or, perhaps, this was an example of officers actually showing how they dealt with the tenure of members who held jobs coveted by NATFHE officers.

In a last ditch attempt to push senior management into action, in the light of her recent discovery, Bis Weaver put together a detailed document of her experiences where documentary evidence or witnesses were available. * After providing six pages of detail, covering twelve sections, she listed the fifteen incidents covering eight specific types of abuse and harassment experienced at the hands of Gates and she requested advice on the action she could take to bring these attacks to an end.⁴⁸ The document was sent to senior management on the 4th June but this was another wasted effort failing to get even an acknowledgement. The Principal was unavailable when she tried to see him and a visit to the Personnel Manager also proved abortive because she (the Personnel Manager) had apparently been told by the Principal not to involve herself.⁴⁹

Senior management’s inaction may also be related to the Principal’s decision to retire soon and two internal candidates were vying for the post – the Vice Principal and the Personnel Manager. If management had decided to take disciplinary action against Gates there could be little doubt that the union would be mobilised to come to his aid – more vigorously than for any other member because of his prominence in the branch and his influence at liaison (district) and regional level. This conflict would certainly have involved the LEA, as it subsequently did after an additional year of harassment had been unleashed on Bis Weaver. Such a confrontation between management and the union at Bournville College would have sent shock waves throughout the LEA, which had only recently averted a CRE investigation of racism into colleges of further education. **

* Bis Weaver was well aware that unwitnessed incidents carried little weight and would open the door to a ‘yes you did no I didn’t’ *contretemps* that would merely be a diversion and she already had enough witnessed and documentary evidence to support her case

** CRE officers had agreed with Birmingham city council not to conduct enquiries into racial discrimination in colleges provided the city council adopted new procedures. The new procedures included staff training; maintaining records of ethnic minority applications for posts and appointment; publishing equal opportunities policy; and making discrimination a disciplinary offence. The final decision for action in breach of these procedures will rest with the CRE. A motion from Garretts Green College on this agreement was presented to NATFHE in Birmingham, namely, “This Liaison Committee, noting the possible CRE investigation into racism in colleges, reaffirms its total opposition to all forms of racism whenever they occur. Liaison Committee is concerned that the LEA has not given adequate advice and training to staff on the issue of racism and instructs its officers to negotiate such training at the earliest possible stage.” (Pts 8.3 – 8.10)⁵⁰

What would the CRE have made of a situation where no assistance was given to a Black employee and she had been left singlehandedly to face an increasingly hostile environment. This could have seriously jeopardised the onward march towards the Principalship of two internal candidates and place this highly desired post in the hands of an external candidate. Perhaps, management thought that if it closed its eyes, the issue would resolve itself or just disappear, or with the summer vacation just around the corner it may be forgotten. In other words, Bis Weaver's rights to a harassment-free environment were expendable. Self-interest once again was at the forefront. Dealing with harassment against Black people always seemed to take second place to everything.

An approach to management had been one of three options available to Bis Weaver but none of the options had any real appeal. Looking to management for assistance had the appearance of being an utter waste of time, which it turned out to be. Bournville management seemed unaware that employers were liable, under s41(1) of the SDA and s32(1) of the RRA, for the discriminatory actions of its employees. A later case would decide that "even where the victim had made no formal complaint, [but] had complained to other members of staff...there should have been an investigation into...the complaints that had been made, and that by failing to investigate, the employers had committed a repudiating breach of contract."⁵¹ An appeal to the NATFHE branch looked even less inviting because of Gates' prominent position on the branch executive and the influence he wielded in the branch. An approach to the CRE was similarly problematic because management's culpability might throw it into the arms of the union by laying the blame at her feet in order to protect itself.

Despite her reservations about approaching the union it was also known that not all branch committee members approved of the way the *kernels* operated. Therefore, Bis Weaver decided to put her trust in the independents in the branch committee in the hope that they would act resolutely to bring Gates' abusive and harassing behaviour to an end. Another factor in favour of using the union centred on Bis Weaver knowing a number of NATFHE activists in the Labour Party and other 'left' organisations. This fostered a belief that the Bournville branch was only one of a few islands where self-interest ruled the roost, whereas on the NATFHE West Midlands mainland the flagpoles were continuously flying the standard of anti-sexism and anti-racism. The activists regularly marched under that banner encouraging the belief they would honour union policies. How wrong that perception turned out to be – the mainland was a crumbling rock overseen by self-interested journeymen and journeywomen. When the Weaver harassment issue eventually landed up with the Local

Education Authority in 1986, the union 'activists' went out of their way to turn a blind eye to another cover-up engineered by Labour group councillors, whose interests coincided with those of NATFHE 'activists' in the Birmingham Labour party, which ran the local council.

When drafting the complaint, racism and sexism were identified by Bis Weaver as the motives for Gates' behaviour but on my advice she altered this and, instead, left it to the investigator(s) to determine the motives for his behaviour. This was a colossal blunder on my part and could have put Bis Weaver at a serious disadvantage, fifteen months later, when she eventually brought NATFHE and its policies into the public arena on other issues arising out of this complaint. Only some fortuitous circumstances in April 1986 had retrieved this error on my part. *

Unlike the seven-page 'dossier' sent to senior management, the amended complaint was less than a page and quite sparse on detail; citing abuse and harassment against Gates and covering four incidents where witnesses or documentary evidence was available without elaborating on the incidents or placing them in chronological order - another oversight that the investigator - the union's regional official, would exploit to the full when investigating the complaint. Bis Weaver called on the union to investigate the motives behind Gates' behaviour, leaving it open for a finding of either race or sex discrimination or both. It was a pious hope to expect the union to offer up these different flavours of harassment as motives when they were not specifically cited or for the union to do anything even if they had been mentioned.

The formal complaint was sent to the Bournville branch chairperson, Cynthia Deeson, and the branch secretary, Sue Pattinson, on the 10th June.⁵² Copies of the complaint were also sent to NATFHE's general secretary, Peter Dawson, and to the West Midlands regional secretary, Penny Welch.⁵³

Over the next three weeks, the pieces were put into place for a monumental cover-up. Gates had significant contacts in the region and, apparently, used those contacts, while, simultaneously, maintaining the pressure on Bis Weaver in the college. The two branch officers initially dealing with the complaint consulted a senior NATFHE officer, Paul Mackney, ** on the appropriate way of dealing with the complaint. NATFHE officialdom at head office showed an immediate interest and contacted the West Midlands regional official.

* At the time, I had no legal qualifications. What I had done was to remove the direct reference to racism from the complaint as well as the subjective perception. The latter was to become a significant factor in interpreting harassment and other forms of offensive behaviour in the not too distant future.⁵⁴

** Mackney was a significant critic of NATFHE's role during the Fernandes fiasco

There would also be at least one non-union intervention and a significant one, too, when a Black Labour councillor, known for his outspoken views on racism in Birmingham, heard about the difficulties a Black woman was experiencing at Bournville College. *

During the Fernandes affair, officers in this region had spoken out in support of Fernandes' stand against racism and criticised the leadership for deserting him. The region's position on Fernandes lured Bis Weaver into a false sense of security as she did not expect a concerted effort by the NATFHE official and an assortment of lay officers in the region to try to crush her complaint out of existence. The *Fernandes affair* differed from the Weaver case in that John Fernandes was taking on police racism while Bis Weaver's problems arose from one of their own – a comrade in the Broad Left Coalition. The supporters of Fernandes in the West Midlands were to show that principle and justice was as alien to them as it was to those who opposed Fernandes.

(c) NATFHE's Greasy Pole: Held Aloft by Greasier Hands

The branch chair's response to the complaint, in stark contrast to the prevarications of management over the previous months, was immediate and reassuring. Within no time at all, the chair, Cynthia Deeson, who had heard rumours of Bis Weaver's difficulties, was listening to her experiences and her resolute conviction that racism and, possibly, sexism were factors in Gates' behaviour. The chair recorded the background details of the complaint and spoke of her intention to seek further advice on the procedures to be followed.⁵⁵ She then met up with Gates to hear his version of events.

The chair asked Gates if his behaviour could be considered as racist or sexist. He described it as nothing more than a personal dispute;⁵⁶ a catchphrase soon to be adopted in a number of synonymous forms by members of the Broad Left Coalition – another group in NATFHE where Gates and his close associates wielded considerable influence. This was an unusual way of describing what had been happening on the Access Course and was nothing more than a red herring to cover up the motive for this kind of behaviour.

The chair had given some consideration to the complaint before meeting Gates and a questionnaire was presented to him seeking explanations for the string of incidents referred to by Bis Weaver and to her allegations of racism. The eleven questions put to Gates included: "Is this any way to treat a Black teacher in front of Black students?" "What sort of

* The councillor was Phil Murphy, councillor for the Handsworth ward and a political associate of a number of NATFHE officers who were in the Birmingham Labour party

role modelling is here?” “Is this racism?” “What are your comments and suggestions for improving the situation?”⁵⁷

After this meeting, Gates went to see Bis Weaver on the pretext that the chair suggested he discussed the matter with her, which the chairperson later denied having asked him to do. The chair would have been unlikely to propose this course of action as common sense would dictate not bringing the parties together without a third party present until the procedures had been sorted out. Gates’ purpose in seeing Bis Weaver was to get her to drop the complaint as both their careers, according to Gates, would be ruined. He then resurrected one of his previous claims of her lying about her meeting with the students on the 18th February,⁵⁸ which was hardly likely to encourage her to withdraw the complaint and she told him she would leave it to the union to sort out.

Bis Weaver’s contact with the branch chair was on the 18th June when the chair reported back to her on the outcome of her enquiries about the appropriate procedures to be applied. In between the visit from Gates and this report back, Bis Weaver had no idea of what had been going on in the background but there had certainly been a flurry of activity between the 10th and 18th June involving several key figures in the union and one significant figure from outside the union. *

The key period was between the 11th and 15th June during which an incredible amount of activity was unleashed in the union involving NATFHE head office, the West Midlands regional official and local lay officers. The activity in those five days set the pattern for a very imbalanced future conflict between, on the one hand, Bis Weaver and, on the other, NATFHE bureaucrats both the paid and unpaid variety.

The vice chair, Shuk Nedjat, an officer with ‘independent’ leanings, was delegated the task, by the branch chair, to obtain details of the procedures. In pursuit of this aim, he spoke to Paul Mackney, a West Midlands Regional Executive Committee (REC) member, on the 11th June after a meeting at Birmingham’s Council House. Nedjat asked Mackney how the branch might deal with a complaint between two branch members. Nedjat held the view that college management should deal with the issue but Mackney disagreed with involving

* Early in 1986, Bis Weaver and I began to collect information on what had happened in the early stages after she had submitted her complaint. This was undertaken because the union ‘investigation’ turned out to be a *whitewash* by the regional official brought in to investigate the complaint. Disparate nuggets of information became accessible as we tried to piece together the background events of those early days. There are some gaps in the direct information as participants in those events were reluctant to reveal their involvement or refused to answer the letters sent to them seeking information. However, enough information was collected on this and on other issues to put together what a reasonable person might consider a reasonable account of the events

college management because, as he put it, “going to management...always causes problems for the union over which of the member(s) to represent and how.”⁵⁹ He favoured a branch tribunal to adjudicate on the matter. Nedjat must then have revealed the names of the parties and the nature of the complaint because Mackney, when hearing it involved Gates, * withdrew his initial suggestion because he “knew that many of the members of the B’ville Branch Committee were either academically or personally involved.”⁶⁰ Paul Mackney was aware of the possibility of the likelihood of bias entering into any adjudication carried out by people closely associated with Gates. He suggested that Nedjat sought advice from Alan Day, the regional official, who dealt with case work that could not be dealt with by branch or liaison officers, and he offered to raise the matter with the official.⁶¹ Mackney decided on this particular course of action as he was apparently reluctant to be involved due to a serious dispute he had with Gates, whom Mackney had accused of lying in a debate.⁶²

Mackney was also sought out by another party with a different interest in the case – someone prepared to put local authority institutions in the limelight because of their reluctance to tackle racism. A college of further education was one such institution and Bournville College, like any other institution, did not operate in a vacuum. News of Bis Weaver’s plight had extended beyond the confines of the college and reached the ears of Phil Murphy. Murphy was a member of Birmingham City Council’s Education Committee, Vice Chair of the Race Relations & Equal Opportunities Committee; and a CRE officer, and a vocal exponent of anti-racism.

On the 13th June, Phil Murphy, after attending a meeting of the Education Committee on which Mackney sat as a trade union delegate, expressed his concern to Mackney “about the treatment of Bismillah Weaver – a black woman – at B’ville by a NATFHE officer” and, aware of Mackney’s influence in NATFHE West Midlands, “asked [him] to expedite matters.”⁶³ Murphy’s interest was a testament to how serious the complaint was being viewed by anti-racists in the wider polity and Murphy’s intervention showed the situation to be developing a life of its own by attracting attention and offering up the possibility of the complaint going beyond union control. Mackney thought Murphy’s interest should be brought to the attention of the regional official as soon as possible because the complaint “was already extending beyond the unions boundaries and it was important for an

* In the letter that was the source of this information (from Mackney)⁶⁴ he mentions only his response when hearing of Gates’ involvement, nothing about the type of complaint. But it was unlikely for Nedjat to mention the parties and not explain the complaint. No doubt Mackney had his reasons for this omission but at the time (April 1986) NATFHE officers and officials were doing their level best to deny that racism was ever mentioned by Bis Weaver

investigation of the complaint to be held as soon as possible.”⁶⁵

Murphy’s public outbursts against those who put Black people under pressure were well known to NATFHE officers with close contacts in the Birmingham Labour party and his reaction to an influential regional officer being found to have harassed a Black woman employee could be expected to be in the same vein. The consequences could be highly embarrassing for NATFHE if Murphy took up the issue in a number of city council bodies. * There was also the possibility of the CRE investigating Bournville College and the whole of the Further Education section in accordance with the agreement between the CRE and the Birmingham local authority.⁶⁶ NATFHE officers and members would certainly be put in the firing line as the lecturing staff in further education colleges were comprised predominantly of NATFHE members. No wonder Mackney went on to describe the complaint as serious when he spoke to the regional official.

Down the M1 from Birmingham, a copy of the complaint had arrived at NATFHE head office and the general secretary passed it on to the 'appropriate official', who then sent a copy to the West Midlands regional official, Alan Day, with the suggestion for Day to make a few discreet enquiries. ** The term 'appropriate official' was later used by the regional official to describe the head office official who sent him the complaint but without disclosing the identity of this 'appropriate official'.⁶⁷ However, that description suggested that Mr David Triesman passed it on because in later communications between Triesman and Bis Weaver, Triesman described himself as having overall responsibility for casework handled by regional officials.⁶⁸ Whether Triesman or Dawson sent the copy to Day does not alter the fact that one of them did, clearly indicating that head office officials saw the complaint as more than a routine 'dispute between members', which was how NATFHE described its response when it later claimed the complaint was received at head office and filed away.⁶⁹ Was it the name of the accused that prompted such a speedy reaction between officials?

The foundation stone of injustice upon which Bis Weaver’s complaint was sacrificed was laid by the regional official, assisted by one or more REC/Broad Left Coalition members, at the monthly meeting of NATFHE’s West Midlands regional council held in Wolverhampton on the 15th June 1985. The consequences for Bis Weaver, thereafter, were determined by a deplorable, ill constructed edifice to cant and hypocrisy in the form of a report produced by the regional official. Bis Weaver was to pay a high price for daring to

* This was exactly what Murphy did in May 1986 after he became aware of the cover-up

** The suggestion was “Alan, I have not taken any action on top [of phoning ...]. Let me know [if you think] I should or [alternatively] you may wish to make some discreet enquiries”⁷⁰

seek redress for the harassment to which she had been subjected at the hands of a member of the REC/Broad Left Coalition. These members, along with NATFHE officialdom, were to weave a patchwork quilt of bureaucratic expediency in order to conjure up a favourable image of the perpetrator and to completely ignore the harassment. Neither of these images bore any resemblance to reality.

Paul Mackney, his promise to the Bournville branch vice chair further stimulated by his conversation with Murphy, had his word with the regional official. This ‘word’ was delivered in the presence of Penny Welch, recipient of a copy of the complaint, who was due to vacate the post of regional secretary on that very day. However, it was considerably more than a word from Mackney as he not only explained Phil Murphy’s interest and Murphy’s position but also made it very clear that the complaint should be taken seriously as this was no "end of Summer-term tiff which would blow over by September." * Mackney was certainly right on that score and had recognised this to be no clash of personalities but something considerably more serious.

The likelihood of Murphy taking robust action would be enough for those who knew him to hope for a finding that: (i) did not identify racism as a motive and, as such, not give Murphy ammunition to attack NATFHE and Birmingham Colleges as racist; or (ii) did not find anything at all against the accused and hope Bis Weaver would submit to the conditions imposed for any enquiry and just fade away from the scene.

With the promise to the Bournville vice chair accomplished, Mackney, as he later claimed, had no wish to be involved any further in the issue and left it at that but not before telling Gates what he had said and done. Mackney’s version was of meeting Gates when Gates was on his way to seek the regional official’s advice “about whether he should reply to a list of questions which he had received”⁷¹ – the questionnaire given to Gates by the Bournville branch chair. The regional official gave a slight variation to the scenario painted by Mackney – Day’s version was that Mackney and others (Ms Welch) had asked him to deal with the complaint and they discussed the procedures to be used in the presence of Gates.^{72**}

The only other information obtained of these discussions came from Day’s ‘Report’,

* Mackney’s conclusion meant that he must have been well briefed about the issues either from Nedjat or Murphy or both

** In January 1986, both the new regional secretary (Evans) and the liaison committee secretary (Doughty) provided some information on those discussing the issue with Day. The full contents of these discussions were never revealed to Bis Weaver. Several requests were made in 1986 by Bis Weaver to the parties involved for details of the discussions but her requests received the bureaucratic elbow as they refused to divulge their early involvement! Only Mackney replied but his contribution, though lengthy, was more significant by what was not revealed than by what was⁷³

in which he noted that Gates told him and other officers that the complaint “appeared to be widely known” outside the union.⁷⁴ Whatever advice was given to Gates, he (Gates) never replied to the questionnaire and the regional official decided to investigate the complaint himself. By any yardstick, except apparently NATFHE’s, for the regional official to give advice to the accused (Gates) and then act in an adjudicatory role to assess the merit of the complaint against him was an improper course of action and it introduced a strong likelihood of bias into the proceedings. Mackney was then either chosen or volunteered to relay the regional official’s decision to the Bournville branch and, when he did, it showed that some time must have been spent on discussing the procedures to be used whether or not one, two or three of the officers contributed to these discussions with Day. Only three weeks before, the *NATFHE Against Racism* strategy was adopted by NATFHE’s National Annual Conference, with the Inner London and West Midlands regions bemoaning the absence of Black members from the debate and the uselessness of continually passing motions when nothing was being done.⁷⁵ Now, in the West Midlands, within five days of receiving a complaint from a Black woman member who had turned to the union for relief from harassment, the regional official and one or more local officers - vocal supporters of anti-racism, were setting the scene for what ultimately turned out to be a cover-up.

At the regional council meeting, on that day, there was: (i) an address on racism in South Africa given by the assistant secretary of the Anti-apartheid Movement in Birmingham; (ii) a motion carried on combating racism; and (iii) a vote of thanks to the outgoing secretary, Penny Welch, for “her unfailing efficiency and human sympathy.”⁷⁶ While in the corridors away from the meeting a course of action was being taken that subverted the rights of a Black member. However, given that the mover of an anti-apartheid motion at NATFHE’s Annual Conference in 1984 was the cause of Bis Weaver’s difficulties, this contradiction between rhetoric and practice could hardly be thought to be contradictory in the West Midlands region.

The relentless traveller, Paul Mackney, landed his craft at Bournville College three days later to attend a governors’ meeting. * After the meeting, he took the opportunity to inform the NATFHE branch chair that the regional official would contact her. He explained that the official’s involvement was due to the unsuitability of a branch tribunal to deal with the complaint as too many branch committee members appeared too closely involved to be impartial.⁷⁷ Mackney had evidently overlooked or ignored the fact that Day, having already

* Mackney was a member of the Bournville College board of governors

spoken with Gates about the complaint and given advice, was also “too closely involved to be impartial.”

Mackney suggested to the chair to inform the parties to the complaint that in order for the union to proceed further any complaints to other parties should be withdrawn and both parties (Gates and Bis Weaver) should agree to abide by any decision arrived at by NATFHE as the union would not take up additional complaints on the same matters.⁷⁸ Presenting these conditions to the branch chair and informing her of the regional official’s intention to contact the branch can only lead to the conclusion that Day had suggested, on the 15th June, that he (Day) carried out the enquiry and Mackney took on the role of passing this information and the conditions applying to the enquiry to the branch on behalf of the official. Otherwise, if he had not been asked to do so or not volunteered to carry out the task, he would be making a serious presumption by putting forward: (i) the procedures; (ii) the name of an investigator; and (iii) the conditions for an enquiry. Mackney, in assuming the role of messenger, was acting in a less than cautious manner considering that he knew, according to his own account, of Gates’ intention to seek advice on the complaint from the regional official. Or, if the regional official’s account is correct, Gates had actually asked the regional official for advice in Mackney’s presence.⁷⁹ Whichever version was correct, any enquiry by the regional official introduced a significant risk of the likelihood of bias and Mackney, as a senior NATFHE officer, could reasonably be expected to have brought this to the attention of the branch chair, as he did with regard to the involvement of branch committee members when discussing the complaint with Nedjat, rather than saying nothing.

Even if the concept of ‘the likelihood of bias’ was a stranger to him surely Mackney would be able to recognise that fairness and impartiality were unlikely to have any place in this enquiry. Mackney, as one-time secretary of the Birmingham liaison committee, would surely be aware of the criticism levelled at Day by that committee for Day’s failings over the Brooklyn College racism case and a sexist harassment case at Telford College.⁸⁰ * Day’s record was hardly a recommendation for him to investigate what Mackney himself had

* Mackney was secretary of the liaison committee at the time of the Brooklyn case and produced the agenda, which included a motion criticising Day for his failings in that case. The Brooklyn case concerned a member of staff complying with an employer’s request not to send Black students on the YTS scheme⁸¹ – an facet of racism already dealt with by the EAT.⁸² The case against the Brooklyn lecturer went to an Industrial Tribunal but was dismissed. The accused faced a charge of racist discrimination and could have been sacked. Brooklyn college branch intended “bringing a motion expressing disquiet at the Regional Official’s (Day) failure to represent the member concerned.”⁸³ The Telford case involved a woman lecturer complaining against a senior lecturer.⁸⁴ There were other recent cases – two involving racial discrimination (at Walsall College and Matthew Boulton College) and one involving another matter (also at Matthew Boulton College)

recognised as a serious issue or for Mackney to act as a go-between between Day and the Bournville Branch. For someone apparently reluctant to involve himself, Mackney certainly put himself about to cover a lot of ground in helping to install Day's enquiry. This did not come over as a particularly convincing way to serve the interests of natural justice. By carrying messages to the branch on behalf of Day, Mackney was acting as Day's intermediary and endorsing Day's suitability for that role even though Mackney was aware, at the very least, of Gates' intention to seek advice from Day. If that is not being involved what is? So why did Mackney involve himself when he knew of Day's inadequacy in racism and sexism issues; of Gates' intention to seek advice from Day; and of Gates and Day being associates on the REC? If an enquiry was thought appropriate surely it should have been conducted by someone from outside the West Midlands region.

During his multi-role visit to Bournville College, Mackney also dropped in on a multi-cultural exhibition organised by Bis Weaver and he and Bis Weaver engaged in a brief discussion about multi-cultural education. Mackney mentioned nothing to her about his discussions with Day or Gates or the message he had just delivered to the branch chair unlike the consideration he had shown to Gates when acquainting him with details of his discussion of procedures with Day three days before. Perhaps, after delivering Day's message to the branch, Mackney thought his role had ended and he could adopt a posture of non-involvement.

The 18th June had been a busy day at Bournville and more was to come. The Bournville women's group submitted a motion on sexual harassment to a branch meeting⁸⁵ and, just prior to that meeting, a branch committee meeting dealt with Bournville's own sexist and racist harassment complaint. The committee agreed to the procedures relayed by Mackney with an additional proposal from one of the *kernels* that any subsequent tribunal should include the regional official.⁸⁶ This proposal was contrary to union rules, since only NATFHE members could sit on a union tribunal and the regional official was a member of the ASTMS; and it was also contrary to the principles of natural justice as the investigator could hardly be a judge as well. A preliminary enquiry was also *ultra vires* as there was nothing in the rules for an enquiry to decide whether or not a complaint should be referred to a tribunal. Was this merely ineptitude or a prescription for an alternative agenda? A determined effort was certainly being exercised in some quarters to have the regional official involved.

The branch committee's acceptance of the proposal to call in the regional official was put to Bis Weaver by the branch chair and confirmed in writing the same day, 18th June.⁸⁷

The proposal followed Mackney's suggestions – an initial enquiry by the regional official and afterwards the possibility of a union tribunal. The procedures would be subject to Rule 24, which was explained to her as handing the complaint over entirely to the union and abiding by the union's decision. Bis Weaver did not know at the time that Rule 24 was not applicable for complaints between members and was used as a means to stifle opposition to any unsatisfactory outcome of a complaint made by a member against an outside body, e.g. an employer. Not suspecting what was on the horizon, Bis Weaver was confident enough that her complaint was sufficiently strong to go before a tribunal and she asked for a woman or a member of an ethnic minority to sit on any tribunal set up by the union. The chair mentioned Mackney telling her of Philip Murphy's interest in the complaint and that Gates, when informed of this, had claimed that Bis Weaver told him (Gates) she knew Murphy and intended to tell him about the complaint. Bis Weaver assured the chair that no such comment was made nor had she been in contact with Murphy.⁸⁸ But even if Bis Weaver had told Murphy, so what! – she was under no obligation to keep silent about what was happening to her in the college. Were victims not expected to mention harassment to anyone?

. Two days later, on the 20th June, she accepted the union's proposal.⁸⁹ The chair put the offer in writing to Gates on the 21st June and he accepted it on the 25th June,⁹⁰ which was hardly surprising considering that Gates had already received advice from the regional official.

Bis Weaver did not suspect that the initial enquiry would be anything other than fairly conducted. However, everything surrounding her complaint and Day's involvement, given Day's record, pointed to an enquiry aimed at protecting the various personal and political interests in NATFHE and NATFHE's image as an anti-racist trade union. * Did nobody on the REC or in the Broad Left Coalition see the potential for a cover-up on the cards? Surely, some of the 'enlightened activists' in the Broad Left Coalition would recognise the political consequences of a finding against Gates, whether or not he was popular amongst his fellow activists. Or were they distancing themselves from the procedures in the hope that Day would do what was expected of him and, if he made a hash of it and/or Bis Weaver showed some resilience, they could close ranks behind Day and rely on him to weather the storm. Impartiality and natural justice certainly appeared to have their price in NATFHE! Or could it

* This protectionist approach was the one NATFHE appeared to have followed because in November 1985, Murphy was told by a NATFHE officer, who was also a member of the Labour Party, that the Weaver complaint had been settled satisfactorily.⁹¹ Murphy did not question the veracity of his informant. Of course, 'satisfactorily' can mean different things to different people and it was undoubtedly thought, at that time, to have been dealt with 'satisfactorily' for NATFHE's interests

have been some innocuous misunderstanding on the part of all those involved of the type of enquiry to be carried out?

A snare was being set and Bis Weaver was putting her foot right into it. The trap did not involve the branch chair or vice chair, who had advised Bis Weaver “to emphasise to Alan Day that it is an initial enquiry” (Ms Deeson) and to “make [it] clear that Alan Day was to make an initial enquiry” (Nedjat).⁹² Upon reflection, after the regional official’s *Whitewash*, it occurred to both Bis Weaver and I that both these officers suspected something might be in hand to Bis Weaver’s detriment, as did Gil Butchere. Oblivious to the string pulling in NATFHE’s regional corridors of power, she thought the pressure would ease off; offering her some breathing space while the union investigated her complaint. She expected Gates to lay off her to avoid giving more ammunition for her to fire at him not realising that the regional official would make sure that any additional live ammunition was converted into blank bullets. Gates need have no fears as the outcome of the union’s enquiry was already settled and, according to the terms of the enquiry, Bis Weaver had tied herself to any conclusion the regional official decided upon.

It was not long before Bis Weaver realised her hopes for a let-up was an optimistic one as more obstacles were placed in her way. When trying to contact business studies staff on work-related issues, telephones were slammed down, written requests ignored and important correspondence disappeared from her desk. These effects were causing disruption to the administration of the Access course. * She then found out that for several weeks, the kernels had been canvassing for support for Gates among management, colleagues and students in the vendetta against her. This was a strategy that was to continue for many months to come and, needless to say, the *kernels* were on hand to offer him a helping hand or, more appropriately, a metaphorical foot.

(c) Between the Devil and the Broad Left Coalition!

There was little point in expecting the prevailing disruption on the course to be dealt with under the complaint to the union. The regional official, who had yet to confirm his responsibility for dealing with the complaint, was in no position to oversee the smooth running of the Access course. This was beyond any remit the regional official held although

* The influence Gates exerted over tutors on the Access course and in the business department to Bis Weaver’s detriment was recognised in an enquiry into racist harassment at Bournville College carried out by the Local Education Authority in October 1986.⁹³

in the subsequent 'report' of his 'enquiry' he acted as if he was the College Principal. The immediate requirement was action to enable Bis Weaver to do her job, so she approached management, not in matters relating to her complaint against Gates but to reverse the downward spiralling, rapidly deteriorating situation on the course. Aware of Bis Weaver's complaint to the union, management deemed that any intervention on its part would depend on whether or not a particular issue impinged on the effective running of the course - an unusual criterion because the conflict had severely limited the effectiveness of the course for months.⁹⁴

By the 25th June, the implications of allowing staff to amend, or more accurately dismember, an employee's contract of employment had belatedly struck home to management. As a result, management called a Course Team meeting for the 2nd July, a couple of days before the college broke up for the summer recess, to discuss the structure of the Access course. A document accompanying the calling notice reinstated all functions removed from the post of coordinator/director on the 1st March and confirmed Bis Weaver in that post.⁹⁵ The 'dictat' reaffirmed her responsibility for the Access course's aims; the day-to-day administration; and the welfare of all the students, while delegating some responsibility to tutors, who were to report to a Senior Management Coordinator - a new management function specially created for this purpose. All this time being expended on a course supervised by a Black woman that nobody else wanted when it was launched but now that it was offering prospects for further advancement it became a coveted prize and leading the charge to possess it were union officers.

At the same time a mole in management tipped Gates off about Bis Weaver's approach to management seeking assistance to carry out her job free from the obstructions being imposed on her. Gates responded by drawing the NATFHE branch formally on to his side. In his letter accepting the regional official's enquiry and agreeing to abide by Rule 24, Gates said he found "it difficult to accept that Bis Weaver is abiding by Rule 24 when she has informed management that she wishes me to have my responsibilities on the Access Course taken from me...[and] I feel that Bis Weaver is expecting both management and NATFHE to 'discipline' me for alleged harassment."⁹⁶ His management informant had misinformed him if this was what Gates was actually told. Bis Weaver's approach to management was not specifically aimed at Gates and his harassing behaviour; it concerned the situation on the course, although it could not reasonably be doubted that Gates was a significant factor in creating that situation. A consequence of Gates' letter was that the branch vice chair met the Principal, who assured the union there was no intention of management taking action against

Gates, which, in Bournville management-speak, meant no direct intervention was on the cards to create a stable environment for running the course.

The scales were certainly not tilting towards Bis Weaver or towards a conflict-less milieu, despite the Principal's 25th June memo. Management, under pressure from the union, distanced itself from any confrontation with the union and decided to turn its guns on Bis Weaver. After successfully running the course for five years and facing continuous harassment over the previous months, she became the target of management's faintheartedness. Management's response was to accuse her of being over passionate with her work; lacking in diplomacy; and having an abrasive style ⁹⁷ - an oft-used stereotypical response made to women and Black people who stand up and speak out against harassment. After the mauling Bis Weaver received over the previous months, management, washing its hands off the affair and displaying its own version of 'Freire neutrality', was now accusing her of being the source of the problem.

Management was locked in a self-interested embrace with the union branch. This suggested that had she gone to the CRE both management and the branch might have lined up against her to protect their separate but overlapping interests. The latest double-dealing also showed up divisions within management, whose members seemed less concerned in dealing with this kind of situation and more interested in the on-going struggle over succession to the Principalship. Jumping into the bull-ring from the spectator's enclosure to take the bull by the horns, Bis Weaver wrote a barrage of letters to the senior management team, prior to the next course team meeting, on different facets of her on-going difficulties. She refused to accept any responsibility for the problems on the Access course and finding her tongue at last, or more specifically her pen, she wrote of management's 'benign neglect' of her interests; accusing management of inverting the problem and treating her differently from other members of staff. What effect, if any, Bis Weaver's letters had on the situation was difficult to assess because management ran away from an effective solution.

At the 2nd July meeting, Bis Weaver's 'Phoenix-like reincarnation' was all too evident when it was announced that her contract of employment held sway. Gates, given some responsibility for the business studies provision and to report directly to the SMC, ⁹⁸ when he heard this, walked out of the meeting. This was a faint-hearted compromise reaffirming management's inability to curb Gates with the Bournville branch committee apparently right behind him and resolved nothing. This 'Chamberlainesque' appeasement only offered to defer the problems until the Autumn term. Unlike Mackney, who thought the situation so serious that it would not blow over, management seemed to think its new arrangement might

remove her difficulties by the time the college returned after the Summer break. For Bis Weaver, the only permanent solution to her problems appeared to lie in the proposal for the regional official's enquiry, followed by a union tribunal to address and resolve those difficulties. However, the regional official and NATFHE were on hand to thwart this hope and try to cut her down to size.

Even the possibility of a fair hearing had already come into question as serious doubts began to surface about the impartiality of the union enquiry. Within days of agreeing to an initial enquiry, a disturbing comment kindled her scepticism. The first sign of a potential *whitewash* came to light when her card was marked by a branch committee member, Gil Butchere, who, with her husband, were friends and close associates of Bis and I from the days of the Birmingham Anti-Nazi League in the late-1970s. Gil mentioned that she intended to make sure "the enquiry was fair and not rigged" and "ensure that the union's policy on sexual harassment was not just a paper commitment."⁹⁹ Gil's vigilance produced serious consequences for her in the coming months as she attracted a considerable amount of animosity for her outspoken comments and actions. * The implication of a possible 'fix' turned Bis Weaver's scepticism into apprehension and she decided to contact Mackney, whom she knew to have been involved in relaying information from the regional official to the branch committee. He was someone she knew of rather than of actually knowing him, although they had met a few times, the last occasion being on the day he gave advice to the branch chair.

Due to his stance during the Fernandes affair, he seemed to be the obvious person to contact, therefore, a letter was sent to Mackney asking for information on the union's position in a situation when a member was "discussed, criticised and specifically blamed for causing difficulties on a particular course" by staff members, in front of students, in the member's absence, and the contents put in writing and distributed to other colleagues. Identifying herself as the 'criticised member' but not personally identifying the other staff member, Bis Weaver raised the racist implications of this situation and asked if this was an "acceptable form of behaviour from NATFHE branch officers."¹⁰⁰

Judging from the discussions Bis Weaver had with the branch chair, Mackney appeared to have taken a leading role in bringing in the regional official and she wanted to

* Only Gil Butchere, of several female branch committee members, intervened on Bis Weaver's behalf. The cost of supporting Bis Weaver was to make her a target for 'bullying', as she described her treatment in a letter to the West Midlands regional official, Alan Day, when she offered information for his inquiry into Bis Weaver's complaints but the regional official declined her offer.¹⁰¹ Her reported experiences and Day's refusal to hear her evidence showed this regional official to have no interest in issues affecting women and Black people

impress upon him the seriousness of the situation and for him to keep a watchful eye on the procedures he outlined to the branch chair three weeks earlier. A copy of this letter was sent to the Bournville branch chair to keep everything open and above board.

Mackney was in no need of being reminded of the seriousness of the situation because, unknown to Bis Weaver, he had expressed that view to the regional official. He replied by return of post – a speedy reply that at a later date seemed to have the objective of distancing himself from his early involvement – one of several attempts to distance himself from the Weaver case and its many ramifications made by Mackney in the future. He wrote of having relinquished the post of regional chair and had passed her letter on to the present incumbent but, as he (Mackney) held the position of ex-chair, he thought he should comment. His first points were that the issue she raised “would appear to be connected with another complaint, which I understand you have made to NATFHE concerning David Gates [and] as I understand it these are to be considered in a formal way and the regional official has become involved.”

Mackney went on to say that “if my presumption is correct (i.e. the two complaints are connected) then the matter...should in my view be considered as part of the examination of your original complaint. I am therefore sending a copy of this letter and your letter...to Alan Day (the Regional Official), the Bournville Branch Secretary [which was Ms Pattinson] the Bournville Branch Chair,” [Shuk Nedjat] and the new regional secretary, David Evans.

Mackney also wanted it to be known that he had informed the regional official and Bournville branch officers that due to associations with Bis Weaver and Gates he “did not feel able...to take part in any investigation...” Furthermore, when Mackney had been asked his “views on procedural matters” he had “expressed the view that [Bis Weaver’s] complaint should receive full and impartial consideration in accordance with the principles of natural justice, providing all complaints made to other parties, (eg, management) are withdrawn and [Bis Weaver and Gates] agree to abide by any decision reached and are cognisant of the fact that NATFHE will not take up an additional complaint on the same matter.” He also disclosed having “advised the [Bournville] Branch Officers to contact the Regional Official.” In conclusion, Mackney explained that the reason for providing her with this information was due to his feeling that she should know, as Mackney put it, “of any advice I have given” and he would be sending Gates “a copy of this letter...because I feel he should be similarly aware of what I have said.”¹⁰²

From this response Mackney gave the impression of only having an ‘understanding’ of what was going on; had hardly been involved in matters relating to the complaint; and this

was the first time he had been in contact with either of the parties to the complaint. This was implied by his comment that “I feel [Gates] should be similarly aware” of Mackney’s advice. Bis Weaver was still unaware that Mackney had already spoken with Gates about his (Mackney’s) involvement on the 15th June. Nor did she know that when Mackney spoke to her, on the 18th June, he had information to disclose to her of his involvement but had failed to do so. He also mentioned speaking to the regional official but did not mention having discussed the procedures; or Day’s involvement; or Murphy’s interest; or how seriously Mackney considered the complaint to be; or of Gates’ intention to seek advice from Day. * Of course, Mackney knew all this but Bis Weaver did not and after receiving Mackney’s letter she was still none the wiser.

Mackney’s speedy reply did not reassure Bis Weaver as he seemed to have found it necessary to tell those dealing with the complaint to safeguard the principles of natural justice when it might reasonably be expected that a right to these principles required no emphasis. This cast some doubt on the procedures and those conducting them otherwise why bother to remind them.

Reflecting on this letter several months later, Bis Weaver had even more misgivings about its contents. The NATFHE rule purported to cover the union’s enquiry was Rule 24, which we discovered was an inappropriate rule for dealing with complaints between members and a contravention of a member’s right to natural justice. What was also disturbing about Mackney’s letter arose from his decision not to involve himself in the enquiry because he knew the parties involved. However, what the branch chair had revealed of her discussions with Mackney on procedures and his advice concerning the regional official, showed there to be little doubt that Mackney played a significant part in the early stages of her complaint, especially for someone claiming he could not get involved. He was aware of the close link between Gates on the West Midlands REC and the regional official but still went along with that official carrying out the enquiry. This arrangement had the potential for a greater likelihood of bias because, unlike Mackney who knew both parties, the official knew only one of them, Gates. Was this the reason for Mackney emphasising the principles of natural justice and a fair and impartial hearing, or could that have been merely window-dressing? There seemed little commitment to natural justice given that Mackney was aware of Gates seeking advice from Day and had then conveyed a message to the branch that

* Mackney had a tendency to mention people and what he might have said but also to omit significant information. This was particularly noticeable in the contents of a letter from Mackney, dated the 8th April 1986 to the regional secretary, David Evans and others, when referring to the contact he had with Gil Butchere, Richard Downey and Penny Welch in September 1985

Day was prepared to investigate the complaint – a violation of the principle of natural justice. A more appropriate approach for Mackney, a senior NATFHE officer, would have been to oppose any participation by West Midlands’ officials or officers.

When Bis Weaver subsequently found out that Gates received advice from the regional official and Mackney was aware of Gates’ intention to seek such advice, then serious questions had to be asked as to why Mackney went along with this. Mackney was quite right to inform Gates of his [Mackney’s] response to Bis Weaver’s letter - a pity that Mackney did not show the same kind of openness to Bis Weaver by informing her of Gates’ intention to seek advice from the person recommended to carry out the enquiry. Suffice to say that had Bis Weaver been aware of the Gates-Day discussion, with Penny Welch and possibly Paul Mackney as spectators, there would have been no way she would have accepted an enquiry by the regional official.

This was how the Broad Left Coalition and ‘anti-racists’ operated in NATFHE or at least in the West Midlands – strong on rhetoric, weak on practice. As it was, Bis Weaver was left in the dark and forced to grope her way en route to a *Whitewash* by the regional official. At the time when Bis Weaver was unknowingly being introduced to the operating practices of the Broad Left Coalition - an experience better missed, especially by members of ethnic minorities, another character from the 15th June meeting - the adviser masquerading as judge, was about to make a formal entrance by letter. The regional official, Mr Alan Day, who was about to familiarise Bis Weaver with the deplorable practices applied in NATFHE’s corridors of power, appeared on the scene the day after she received Mackney’s reply. Day outlined his agenda for an initial enquiry with a proposal to have a preliminary discussion with her sometime in August and after that meeting he would see Gates.¹⁰³ Of course, his meeting with Gates and the advice already given to him in Wolverhampton on the 15th June did not find its way into the letter.

Hot on the heels of this letter, came another one from Day. Copies of the correspondence between Bis Weaver and Mackney, sent by Mackney, had reached him in Uttoxeter, Staffs, from where Day operated. Judging by Day’s later comments to the Bournville branch vice chair, Bis Weaver’s letter to Mackney caused Day considerable irritation. Bis Weaver had agreed to Rule 24, NATFHE’s stultifying measure used to restrict any comments or actions on a member’s part unless approved by a union official. Now here she was, having the gall to disregard that undertaking, albeit not contacting any outside agency but seeking advice from a senior NATFHE lay officer – a request that did not take the issue out of the union nor impinge on natural justice. Furthermore, when she contacted

Mackney, she had yet to receive confirmation from Day of his intention to investigate the complaint. Day's determination to pull the shutters down on this complaint was under threat from Bis Weaver's decision to contact one officer after she had been alerted to the possibility that NATFHE's procedures were tainted. Day's purpose appeared to be to bring her into line and silence her while he set about the task of *whitewashing* the complaint without any repercussions falling on the union.*

Day acquainted Bis Weaver with the way the union dealt with complaints when in the hands of an official, which required all contact to be 'channelled' solely to that official, and he advised her, more of an instruction really, not to contact anyone else. A similar piece of advice, so Day claimed, was to be given to local lay officers not to respond in detail to her letter.¹⁰⁴ Why did he give this advice to local lay officers? Mackney had already replied and her letter was for advice from Mackney and no one else. Day was window dressing to ensure she kept quiet since he was hardly likely to circulate a memo to all local lay officers advising them not to respond to her correspondence as this would defeat his purpose of holding the lid down on the complaint.

Day mentioned nothing about Bis Weaver being accompanied by a union representation or having a 'friend' for his proposed meeting with her. According to NATFHE's recently released guidelines on sexist harassment,¹⁰⁵ a representative or friend could have been provided for her by another NATFHE branch. His failure to draw her attention to that provision was a sure sign of Day's intention to keep this complaint under wraps. The provisions of NATFHE's guidelines were not brought to Bis Weaver's attention by any branch officer or by the West Midlands women's panel, two of whose members were aware of the complaint. Although these guidelines were published in the April 1985 edition of NATFHE Journal, Bis Weaver did not see them due to the pressure she was labouring under and reading NATFHE Journals was hardly a priority. **

Day's letter failed to dispel her uneasiness but at least the wheels were in motion and the weight of evidence in her favour should ensure the complaint passing easily through the preliminary stage and on to a tribunal where her problems might come to an end – another forlorn hope lost in the grey mist obscuring the absence of any real commitment to anti-racism or justice on NATFHE's part.

Day's caveat to local officers, if he actually got around to giving it, went unheeded as,

* This insight into Day's 'aims and objectives' were made after Bis Weaver received Day's whitewash report in October/November 1985

** This was a costly lapse undiscovered until after the Industrial Tribunal case against NATFHE had been laid to rest

out of the blue, on Sunday, 14th July, the new chair of Bournville branch phoned to pass on to Bis Weaver an extraordinary offer. Nedjat had recently taken over as acting branch chair because the incumbent, Cynthia Deeson, had gone on study leave for a year - a break in continuity causing Bis Weaver more than a few problems in the coming months. Apparently, Penny Welch, ex-regional secretary, had offered to carry out an enquiry into Bis Weaver's complaint to speed it up. To say the least this was somewhat unexpected bearing in mind Day's apparent advice to local officers not to get involved. Surprise turned to suspicion when the acting-chair added that Gates had already agreed to the Welch proposal. If Mackney had told Bis Weaver, when he had the opportunity to do so on the 18th June, that Penny Welch was present when the procedures were discussed and Gates had received advice from Day, then Ms Welch's intervention might not have puzzled her as she would have immediately detected something doubtful about the offer. Mackney's 'mistake' or 'neglect' in not being completely open with Bis Weaver caused additional concerns for her about the reasons behind this offer.

As it was, when considered alongside the warning of a possible 'fix', doubt lent itself to the feeling of this being a conspiracy to 'fix' the enquiry behind Day's back, so she declined the offer.¹⁰⁶ This extraordinary offer from a senior woman officer defied the recommendations in NATFHE's guidelines on harassment and surely Ms Welch would be aware of that. Nor did Ms Welch's various union roles cover investigating allegations of harassment. This was another colleague of Gates on the REC and in the Broad Left Coalition seeking an influential role in dealing with the complaint. Dealing with the union was like sitting over a yo-yo made of barbed-wire.

The next day, Bis Weaver met the acting-chair, who had passed on Ms Welch's offer. He had not been fully briefed with the details in her complaint and when she explained them to him, he thought it 'unbelievable' for her having to face that kind of treatment from Gates.¹⁰⁷

Bis Weaver was ignorant of Penny Welch's close alliance with Gates in the union's Broad Left Coalition and on the West Midlands REC or of her close relationship with Gates' partner, Sue Pattinson, in both those bodies and in the West Midlands women's panel. She was also unaware of Day's tendency to foul up complaints and, perhaps, Penny Welch, and the others, were worried that another foul up was on the cards that might have severe implications for an ally in the Broad Left Coalition and to the interests of the 'political Left wing' in the region. They obviously knew Day well because a 'foul up' was on the cards and

it did have an impact on the ‘Left’ – exposure of its anti-racist stance as naught but hollow rhetoric.

Bis Weaver was curious to find out what lay behind Ms Welch’s offer and in an effort to clear up the confusion, or at least her puzzlement, she wasted no time in informing Day of Ms Welch’s intervention. She asked if Day had delegated the enquiry to her, after being led to believe local officers were told not to involve themselves.¹⁰⁸

A month went by before Day, having taken his summer break, got around to replying to Bis Weaver’s query.¹⁰⁹ In a curt and dismissive letter, Day skipped around Ms Welch’s offer by reducing it to the action of local officers, who “may have been concerned by the delay which is unavoidable if a full-time official is brought into a personal dispute between individual members and someone may have been exploring the possibility of a quicker solution if it was tackled by a local officer. No doubt Penny would be willing to help if need be...” By reducing ‘Welch’s offer’ to a collective of ‘local officers’, it looked as if Day was attempting to minimise Ms Welch’s involvement to avoid tackling a difficult situation, such as unauthorised interference in a case of harassment. Day’s explanation was unconvincing and hypocritical since he had responded quickly to tell Bis Weaver not to write to local officers yet had dismissed, as of little consequence, a local officer’s attempt to investigate the complaint behind his back if it was ‘behind his back’. In fact, he turned the issue back on to Bis Weaver by referring to his “earlier request that you only deal with me as was prompted by your letter....to Mr Mackney...sent after the case had been referred to me.” Day’s disingenuousness was clearly evident because, as previously stated, he had not confirmed his intention to deal with the complaint until after her letter to Mackney and that was the occasion when he was supposed to have told local officers not to intervene. Day was obviously on close terms with Ms Welch in referring to her as ‘Penny’ and would also be aware that Gates and Ms Welch were close colleagues on the REC. Day also revealed, in this letter, what would eventually become the conclusion of his enquiry, namely, his reference to the complaint as a ‘personal dispute’, which was the same description given by Gates to the four months of harassment in his initial discussion with the Bournville branch chair, and paraded *ad nauseam* by others in the future. Day’s dismissive attitude was a portent of what was to come.

If Bis Weaver had seen Day’s letter to Shuk Nedjat of the same date advising the branch not to respond to any approaches that Bis Weaver might make, the alarm bells would

certainly have rung more loudly as to the likely outcome of Day's preliminary enquiry. *¹¹⁰ Day disparagingly wrote that "Ms Weaver seems to think that Penny Welch has replaced me and whilst Ms Weaver expresses surprise at this, it does look to me as though she is prone to write to a number of different people, including our own General Secretary about matters which affect her." A disturbing insight into Day's pattern of thought because no restrictions are placed on members writing to the general secretary, who could, if he chose, pass any communication on to someone else to deal with. This was what the general secretary would do with Bis Weaver's future letters to him after Day had 'fouled up' the enquiry. In fact, her only 'contact' with the general secretary up to then was to send him a copy of the complaint, which had preceded: (i) Day's meeting with Gates at Wolverhampton; (ii) Day's advice to Gates; and (iii) Day's decision to investigate the complaint. Day's 'siege-like mentality' was to be seen as commonplace in NATFHE when dealing with issues threatening the bureaucratic concordat designed to keep the rank and file in their subordinate place.

Only in NATFHE officialdom's sanctimonious realm would a rank and file member be expected to bow down before whatever ad hoc procedure was conjured up or whatever interventionist tactics were dreamed up to protect lay officers from the consequences of their actions. Day's less than favourable attitude towards Bis Weaver was expressed more explicitly at the 1987 Industrial Tribunal hearing when he disclosed that he thought Ms Weaver showed "lack of sensitivity...[in requesting] that the reason for Gates's conduct be investigated"¹¹¹ – so much for impartiality, fairness and natural justice on the part of the adjudicator, whose role as investigator had been acceptable to at least one senior regional lay officer, Paul Mackney.

The prospect for justice looked increasingly murky after she received Day's *apologia* for 'local officers' but she was stuck with Day's enquiry; there was nowhere else to go and her meeting with Day, arranged for 29th August, looked less than inviting. With doubts piling up with each turn of the wheel, Bis Weaver was determined to make sure that when she met Day every detail would be reported including her strong conviction that racism and sexism played a significant part in Gates' behaviour. To ensure that nothing was left out of her account, Bis Weaver typed out an *aide memoire* of the relevant points, twenty in all, which she would raise with Day and elaborate upon. All that was left was to wait for his arrival.

The consequences arising from these early measures grew like a giant beanstalk and the union would be haunted by it until it came crashing down to earth bringing an Industrial

* A copy of this letter was obtained in April 1986 in fortuitous circumstances. It was found in a filing cabinet where files containing my lesson notes were kept

Tribunal hearing, an EAT hearing and an application to the Court of Appeal against NATFHE for racial discrimination in the provision of benefits, facilities or services. Many skeletons were to rattle their way out of NATFHE's cupboard until the way the union actually dealt with complaints of racist and sexist harassment was publicly exposed, leaving the union grasping to produce a policy that resembled something like a commitment to anti-racism. NATFHE's admission at the 1987 Weaver v NATFHE Industrial Tribunal that the security of tenure of a harasser took precedence over the victim forced the union to up-date its meagre anti-racism policy but it remained ineffective and, inevitably, NATFHE's commitment to anti-racism was again exposed in 2000 by the Shahrokhni case.* NATFHE's clucking chickens had by then come home to roost.

* The Shahrokhni case led to Paul Mackney, who by then had become NATFHE's general secretary, making a public apology to Farhad Shahrokhni after the union had been found to have subjected him to racial discrimination and victimisation over a considerable length of time ¹¹²

¹ Racial Discrimination: 17 years since the Act, PSI, 1985, London

² Mins of Mgt/NATFHE Mtg, 27 Feb 1985

³ *Porcelli v Strathclyde Regional Council* [1986] IRLR 134 CS

⁴ Mins of CC Mtg, 25 June 1984, pt 6.2, File W 2

⁵ Investigation into Allegations Made by Mrs B Weaver Against Staff at Bournville College of Further Education (undated – 1986) – Report of Inquiry. This was also known as The Bournville College Racial Harassment Issue. File N 33 - 34

⁶ Told to GW by BW 25 Jun 1984

⁷ B/V Govs Mtg, Autumn term 1984

⁸ Mins CC Mtg, 25 June 1984, pt 5.1 File W 2

⁹ Memo BW to Mgt, 4 June 1985, p1 pts 1 & 2, File V 1 – 3; BW to B/V Mgt, 21 Mar 1985 File W 10

¹⁰ Memo BW to Mgt, 26 Feb 1985; & Memo BW to Mgt 4 June 1985, p2 pt 2c, File W 4 & File V 2

¹¹ Memo BW to Mgt, 4 June 1985, p2 pt 2d File V 2

¹² Memo BW to Mgt, 26 Feb 1985; & Memo BW to Mgt 4 June 1985, p2 pt 2d, File W 4 & File V 2

¹³ Memo BW to Mgt 4 June 1985, p2/3 pt 2e, File V 2 - 3

¹⁴ BLe to Mgt June 1986 File D 36; & Notes of Conv BLe & GW 23 June 1986 File Y 3

¹⁵ Memo, BW to Mgt, 4 Jun 1985, p3 pt 3 File V 3

¹⁶ *Ibid* p3 pt 4 File V 3

¹⁷ *Ibid*

¹⁸ Day A [1985] Report of Matters of Dispute between Ms B Weaver and Mr D Gates, NATFHE BW IT Bundle 14 pp 8/9, s5 (xiv); and Investigation into Allegations Made by Mrs B Weaver Against Staff at Bournville College of Further Education (undated – 1986) – Report of Inquiry; also known as The Bournville College Racial Harassment Issue. File N 33 - 34

¹⁹ BLe to Mgt June 1986 File D 36; and notes of conv, BLe & GW 23 June 1986 File Y 3

²⁰ (1) *In situ Cleaning Co Ltd and (2) Brown v Heads* [1995] IRLR 4 EAT; *Thomas and another v Robinson* [2003] IRLR 7; *Driskel v Peninsula Business Services* [2000] IRLR 151; [1] *Reed and (2) Bull Information Systems Ltd v Stedman* [1999] IRLR 29. The European Commission Code of Practice, How to Combat Sexual Harassment at Work; A Guide to Implementing the European Commission Code of Practice, Luxembourg, 1993:70

²¹ Memo, BW to Mgt, 4 Jun 1985, p4 pt 5 File V 4

²² *Ibid*

²³ *Ibid*

²⁴ *Porcelli v Strathclyde Regional Council* [1986] IRLR 134 CS; Report on the result of the Sexual Harassment survey carried out in Birmingham Schools on behalf of NATFHE, NAS/UWT & NUT, Birmingham, 1986; How to Combat Sexual Harassment at Work: A Guide to Implementing the European Commission Code of Practice,

- 1993, Commission of the European Communities, Brussels, p32; Bullying and Harassment at Work, Labour Research Dept, Nov 2001, London, pp17 & 25
- ²⁵ How to Combat Sexual Harassment at Work: A Guide to Implementing the European Commission Code of Practice, 1993, Commission of the European Communities, Brussels, p32
- ²⁶ *Noone v North West Thames Regional Health Authority*, (No 2) 1988 IRLR 530 CA; *Baker v Cornwall CC*, 1990, IRLR 194 CA
- ²⁷ Investigation into Allegations Made by Mrs B Weaver Against Staff at Bournville College of Further Education, (undated – 1986) Report of Inquiry; also known as The Bournville College Racial Harassment Issue. File N 33 - 34
- ²⁸ DTr to CS 19 Aug 1987 File J 10 - 11; DTr to IM 8 Feb 1988 File V 38
- ²⁹ Mins, CTm Meeting, 1 Mar 1985, File W 5 - 8
- ³⁰ Verbatim Mins, Mgt/NATFHE Mtgs, 27 Feb, 27 Mar, 1 May and 12 June 1985
- ³¹ NATFHE Sexual Harassment Policy, NJ Apr 1985
- ³² Memo, BW to Mgt, 4 June 1985, p4 pt 6 File V 4
- ³³ Note of Mgt/BW & DG Mtg, 8 Mar 1985, File Z 1
- ³⁴ BS Staff – Student Mtg, 12 Mar 1985; BW to B/V Mgt 21 Mar 1985 File W 9 - 10; Memo BW to Mgt 4 June 1985, p4 pt 7 File V 4
- ³⁵ Conv, HC & GW, 24 June 1985 File Y 1
- ³⁶ Memo, BW to Mgt, 4 June 1985, p5 pt 8 File V 5
- ³⁷ Memo, BW to Mgt, 21 May 1985; and 4 June 1985 p5 pt 10 File W 11 & File V 5 - 6
- ³⁸ Mtg, 21 May 1985, in Memo, BW to Mgt, 4 June 1985, p6 pt 11, File V 6
- ³⁹ Univ of Birmingham, Series C No 38 Feb 1980. see www.theplebeian.net
- ⁴⁰ Memo, BW to Mgt, 4 June 1985, p6 pt 12 File V 6
- ⁴¹ (1) *In situ Cleaning Co Ltd* and (2) *Brown v Heads* [1995] IRLR 4 EAT; *Derby Specialist Fabrication Ltd v Burton* [2001] IRLR 69
- ⁴² IT Report, *Weaver v NATFHE*, 28297/86, 8 - 10 June 1987, Birmingham; (see www.theplebeian.net); and Investigation into Allegations Made by Mrs B Weaver Against Staff at Bournville College of Further Education (undated – 1986) – Report of Inquiry. also known as The Bournville College Racial Harassment Issue. File N 33 - 34
- ⁴³ Conv, HC & GW, 24 June 1985 File Y 1
- ⁴⁴ *Wallace v South Eastern Education and Library Board*, 1980, IRLR 193, NICA; *Noone v North West Thames Regional Health Authority*, (No 2) 1988 IRLR 530 CA; *Baker v Cornwall CC*, 1990, IRLR 194 CA
- ⁴⁵ NATFHE Annual Conference, 25 – 27 May, in NJ Jul/Aug 1985
- ⁴⁶ TUC Conference in Blackpool, NJ Oct 1985
- ⁴⁷ NJ Jul/Aug 1985
- ⁴⁸ Memo, BW to Mgt, 4 June 1985, File V 1 – 7
- ⁴⁹ PMT to LEA, 1 Oct 1986 File N 20 - 24
- ⁵⁰ Mins, BhLC, 4 Dec 1984 File V 43
- ⁵¹ [1] *Reed and (2) Bull Information Systems Ltd v Stedman* [1999] IRLR 299
- ⁵² BW to B/V BEx, 10 Jun 1985 BW IT Bundle 1
- ⁵³ BW to PD & PW, 11 June 1985, File A 2 - 3
- ⁵⁴ *Thomas and another v Robinson* [2003] IRLR 7; *Driskel v Peninsula Business Services* [2000] IRLR 151; ([1] *Reed and (2) Bull Information Systems Ltd v Stedman* [1999] IRLR 299
- ⁵⁵ Chair's notes, 10 June 1985 BW IT Bundle 2
- ⁵⁶ Conv, CD & BW, 24 Oct 1986, File W 45 - 46
- ⁵⁷ CD to DG, BW IT Bundle 2 & 3
- ⁵⁸ BW Aide Memoire, 29 Aug 1985, BW IT Bundle 12
- ⁵⁹ PMc to DE and others 8 Apr 1986, p1 pt 2.2 BW IT Bundle 55
- ⁶⁰ *Ibid*, p2 pt 2.6
- ⁶¹ *Ibid*, pp1 & 2 pts 2.1 – 2.7
- ⁶² *Ibid*, p2 pt 2.5
- ⁶³ *Ibid*, p2 pt 3
- ⁶⁴ *Ibid*, p2 pt 2.4
- ⁶⁵ *Ibid*, p3 pt 3
- ⁶⁶ Mins, BhLC, 4 Dec 1984 pt 8.3 File V 43
- ⁶⁷ Report on matters of dispute between Mrs B Weaver and Mr D Gates, Nov 1985, p2 pt 2 (iii) BW IT Bundle 14
- ⁶⁸ DTr to BW, 24 Mar 1986 BW IT Bundle 49
- ⁶⁹ NATFHE's response to the RRA Questionnaire, 15 Oct 1986, pt 4(a) BW IT Bundle 90
- ⁷⁰ HO official to AD (undated) NATFHE IT Bundle 161

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- ⁷¹ PMc to DE and others, 8 April 1986, pp 3/4 pts 4.1 – 4.7, BW IT Bundle 55
- ⁷² AD evidence at IT Hearing, 9 June 1987
- ⁷³ BW to DE & RDty 3 Jan 1986; File B 1 - 2; DE to BW 7 Jan 1986 BW IT Bundle 26; RDty to BW 9 Jan 1986 BW IT Bundle 28; BW to RDty 10 Jan 1986 BW IT Bundle 30; T/p conv, RDty to BW, 11 Jan 1986 File Y 1; PMc to DE and others, 8 April 1986 BW IT Bundle 55
- ⁷⁴ Report on matters of dispute between Mrs B Weaver and Mr D Gates, Nov 1985, p2 pt 2(iv) BW IT Bundle 14
- ⁷⁵ NJ Jul/Aug 1985
- ⁷⁶ Mins, WMRegCl, 15 Jun 1986 File B 27 - 28
- ⁷⁷ PMc to DE and others, 8 April 1986, p4 pt 5.2, BW IT Bundle 55
- ⁷⁸ PMc to BW, 5 Jul 1985, BW IT Bundle 9
- ⁷⁹ AD evidence at IT Hearing, 9 June 1987
- ⁸⁰ Mins, BhLC, 4 Dec 1984 pt 8.3 File V 43; Mins WMWP 27 Jan 1986, File X 5 – 6; Mins, WMWP 18 Nov 1985 File X 2 – 3
- ⁸¹ BEM 27 Oct & 15 Nov 1984
- ⁸² CRE v Imperial Society of Teachers of Dancing [1983] IRLR 315 EAT
- ⁸³ Mins, BhLC, 4 Dec 1984 pt 8.2 File V 43
- ⁸⁴ Mins, WMWP 18 Nov 1985 File X 2 – 3
- ⁸⁵ Mins, BrMtg, 18 Jun 1985
- ⁸⁶ BW to RDwy, 27 Apr 1986 BW IT Bundle 63
- ⁸⁷ CD to BW, 18 June 1985, BW IT Bundle 4; SN to BW 26 Jun 1985 File X 61
- ⁸⁸ BW Aide Memoire, 29 Aug 1985, BW IT Bundle 12; CD note 18 Jun 1985 File X 59
- ⁸⁹ BW to CD, 20 June 1985, BW IT Bundle 5; BW Aide Memoire, 29 Aug 1985, BW IT Bundle 12
- ⁹⁰ CD to DG, 21 June 1985 NATFHE IT Bundle 40; DG to CD 25 June 1985, File A 4 - 5
- ⁹¹ T/p conv, BW & PMy 17 May 1986 File Y 3
- ⁹² Note of SN/CD & BW convs, 26 Jun 1985 File A 10
- ⁹³ Investigation into Allegations Made by Mrs B Weaver Against Staff at Bournville College of Further Education (undated – 1986) – Report of Inquiry. Also known as the Bournville College Racial Harassment Issue. File N 33 - 34
- ⁹⁴ Management submission to the LEA enquiry: Evidence for the Enquiry into the circumstances of the complaint made by Mrs BW against Mr D Gates and others, 30 Sep 1986, File N 16 - 24
- ⁹⁵ Doc, New Way 2 – Organisation and Management, 25 June 1985
- ⁹⁶ DG to CD, 25 June 1985; SN to DG 26 June 1985 File A 4 – 5 & 11
- ⁹⁷ BW to Mgt, 26 Jun 1985 File X 60
- ⁹⁸ Memo from Principal, 1 Jul 1985; Mins CTm Mtg 2 Jul 1985
- ⁹⁹ Conv, GB & BW 1 Jul 1985 File Y 1
- ¹⁰⁰ BW to PMc, 3 Jul 1985 BW IT Bundle 8
- ¹⁰¹ GB to AD 6, Oct 1985
- ¹⁰² PMc to BW, 5 Jul 1985 BW IT Bundle 19
- ¹⁰³ AD to BW, 2 Jul 1985, received the 7 Jul 1985, BW IT Bundle 7; AD to DG, 2 Jul 1985 File X 62
- ¹⁰⁴ AD to BW, 8 Jul 1985 BW IT Bundle 10
- ¹⁰⁵ NATFHE, Guidelines on Sexual Harassment, NJ April 1985
- ¹⁰⁶ T/conv, SN to BW, 14 Jul 1985, File A 14 - 15
- ¹⁰⁷ Conv, BW & SN 15 Jul 1985; BW to SN 17 Jul 1985; File A 15 & 17
- ¹⁰⁸ BW to AD, 16 Jul 1985 File A 16
- ¹⁰⁹ AD to BW, 13 Aug 1985 File A 18
- ¹¹⁰ AD to SN, 13 Aug 1985 File A 19
- ¹¹¹ IT Report, *Weaver v NATFHE*, 28297/86, 8 -10 June 1987, Birmingham, p6 pt 5 (c) (iv)
- ¹¹² The Lecturer, Feb 2000; and *Shahrokni v NATFHE*; 11880/96 and 44988/96; 2203069/97 and 2205178/97