

Chapter IX

Union of Enemies

(a) Subverting Justice – What NATFHE West Midlands Knows Best

Submitting a grievance altered the terms of engagement with NATFHE although not the goal. It set in motion the regional official's robotic response of belittling the complainant; of disparaging the complaint; of circumventing any procedure threatening to disrupt the workings of the old White-male trade union culture. NATFHE's interest was to perpetrate another cover up, that is, to cover up what it had been covering up for the last fifteen months. NATFHE was also denying to a member - the victim, the services it promised to provide for all those paying their subscriptions, which was a commitment to protect their interests in the workplace should those interests be interfered with by employer or employee.

The Labour group leadership in Birmingham operated with a similar ethos and would act like NATFHE officials and officers as if they were only ones who knew what was in the best interests of the male proletariat, 'working wives' and 'colonial subjects.' When city council administrators were about to honour their obligations to employees and release the conclusions of the grievance hearing, the Labour leadership stepped in to prevent those conclusions from seeing the light of day.

For the leading lights in NATFHE and the Birmingham Labour party, a case of harassment threw up considerable difficulties. The trials and tribulations of the victim did not figure as a matter of concern for them but the effects this kind of case could have on their own interests did, which these bureaucrats invariably presented as the interests of their members or the electorate. The Labour-controlled city council and NATFHE were confronted with the probability that the grievance would be upheld and it was obligatory for the city council to report the findings to the CRE. Once reported, the CRE had the option of conducting a formal investigation into the college; inspecting all documents and calling on any person to give evidence,¹ in accordance with an agreement between the city council and the CRE. The circumstances surrounding the Weaver grievance, especially management inaction, when reported to the CRE would more than likely prompt the CRE to look into the equal opportunities practices of all city colleges.

The possibility of CRE investigations would create problems for the Labour group, under attack from: (i) Black councillors; the unofficial Black Sections; and the official Labour

Party Ethnic Minorities Committee; and (ii) externally from the potential effect on the electorate in those areas with significant numbers of ethnic minority voters. NATFHE would be confronted with its members in Birmingham, who comprise a majority of lecturing staff in city colleges, having to face an investigation into whether or not they were upholding the provisions of the Race Relations Act.

The Labour leadership's reaction to the prospect of CRE investigations was to implement a discreditable operation in an attempt to compromise Bis Weaver; the purpose of this action could only be to get her to drop the grievance. NATFHE's objective, once it became aware of Bis Weaver's application for an Industrial Tribunal hearing, was to ensure that the findings of the grievance hearing were not presented as evidence to the Tribunal. *

The case had become considerably more than Mackney's observation of it being no 'end-of-Summer-term tiff'.

While members of the Bournville teaching staff were on their summer break, there was plenty of work for the chair of governors, the Local Education Authority (LEA), NATFHE officials and the CRE. All of these activities, except for NATFHE's, became known to Bis Weaver before the college opened up for business in the autumn.

The consultations between the Bournville chair of governors and the LEA resulted in the grievance being handed to Geoff Hall, Assistant Chief Education Officer. Hall wrote to Gates, Cave and Hartland, on the 16th July "concerning the letter Bismillah Weaver has sent to the Chair of Governors." He advised them that he will be carrying out a "full investigation," assisted by the Inspector for Multi-cultural Education, 'Steve' Stephenson, at a date to be decided. They were advised, "given that an outcome of the investigation could include disciplinary proceedings being instituted,...to be accompanied...by a trade union representative or a friend." Bis Weaver was sent copies of these letters and was similarly advised to be represented.² A letter also went to Triesman outlining the procedures to be adopted for the enquiry.

When informed of this arrangement, we thought that the LEA had taken over responsibility for the grievance because of the possibility of the likelihood of bias, bearing in mind that Gates and other NATFHE members were on the governing body. This had left the

* NATFHE's influence over the grievance procedures following the outcome of the hearing became considerably more significant than serving the interests of the 'trio'. It became imperative for NATFHE, based on its defence to the OIT, to ensure that the grievance committee's report was not released to Bis Weaver for her to submit it to the Industrial Tribunal

chair of governors with no alternative but to appoint a committee to act on behalf of the governors - a task delegated to officers of the city council in accordance with the Teachers' Grievance Procedures.³ We were satisfied with this arrangement because it removed the possibility of influence being exerted on a governor's enquiry that would not to apply to an independent body. The news of the grievance being on the way to being resolved, and for it to be put behind her, produced a brief period of relative ease. It was only a brief period because NATFHE officials and at least one other party in the labour movement would see to it that the period remained very brief.

As furtively as ever, NATFHE officials nailed their true colours to another mast by taking the plot to subvert Bis Weaver's statutory rights a stage further - right into the heart of the local authority. The decision for city officers to deal with the grievance was the signal for Day to use the contacts he had in the city council. Three weeks after Hall sent out his letter of intent, Day, on the 8th August, phoned Ron Jones, Employee Relations Officer in Birmingham local authority, to discuss the procedures NATFHE was prepared to accept. Day confirmed this conversation and NATFHE's 'conditions' for encouraging Gates, Cave and Hartland to attend the hearing in a letter on the 11th August - a letter which showed he knew the local authority officer sufficiently well enough to address him as "Dear Ron".

On behalf of NATFHE, Day welcomed "the determination of the [Local] Authority to conduct an enquiry into recent events at the Bournville College" as NATFHE was "very anxious to see an amicable resolution of the problems which have beset a number of relationships [and] hope[d] it will be possible to assist in the endeavour." NATFHE's anxiety had certainly been a long time germinating. Day's description of what was a complaint involving possible racial harassment demonstrated NATFHE officialdom's continuing aversion to recognise the possibility of racism in its ranks. If racism is not mentioned then it cannot possible exist seemed to be a canon of the bureaucratic creed.

The proposals Day put to "Ron", differed from those set out in his original advice to Triesman, perhaps, NATFHE or the local authority recognised how ridiculous were those proposals. The new plan to subvert an employee's right to the grievance procedure was by introducing a substitute procedure by the back door, accomplished through Ron Jones either cooperatively aiding a union contact or just being hoodwinked into compliance. NATFHE's preference for dealing with complaints in the union and in the process misusing Rule 24 was a means to control the outcome of any hearing in accordance with dominant interests, that is, NATFHE's interests. NATFHE's eagerness to assist the LEA appeared to have a similar purpose in determining the findings and NATFHE sought to achieve this by introducing an

additional stage into the statutory procedures. This bitter pill for a complainant was laced with honey for the accused. Day reckoned that the enquiry would be assisted if “members [Gates, Cave and Hartland] have confidence in the procedures adopted and that may be best secured if [Day] could say [NATFHE] had been consulted and that any representations...have been taken into account.”

Day viewed the procedures outlined to him by Jones as mainly appropriate but wanted “some intermediate stage between the accumulation of evidence and the arrival at conclusions in which interested parties might make further comment.” However, until Day had “consulted further with David Triesman”, the proposal was merely tentative. This confirmed that Triesman was fully conversant with Day’s proposal to further restrict Bis Weaver’s rights – this time not in her position as a union member but as an employee with statutory rights.

Day did recognise that “an employer may feel obliged to consider disciplinary measures if...dictated by the revelations of an investigation” but he did not think it “helpful if the investigatory process * is linked at the outset with the prospect of further disciplinary proceedings” and he wanted modification of Hall’s letter to Gates, Cave and Hartland. Unless this was done it led “to a suspicion that [they were] ‘on trial’ and an impression of that sort must affect their willingness to co-operate freely with the enquiry.”

Day appeared to be aggrieved that “a number of employees [would provide evidence] but of those only some have their attention drawn to a linkage with disciplinary proceedings.” But who were these ‘other people’ to whom Day referred? Were they witnesses to events and, if so, why would any witness be linked to disciplinary procedures? Day obviously meant that the complainant was this favoured employee but what offence had Bis Weaver committed to warrant disciplinary proceedings hanging over her head? Unless Day was implying she was making false allegations against the accused but he was well aware of the considerable evidence available to Bis Weaver to present against Gates. Had he not tried to *Whitewash* it out of existence? There was even more evidence to support her grievance after Day completed his ‘enquiry’. Had he not read the grievance?

In conclusion, Day proposed a meeting between Ron Jones and himself “to discuss these matters so your investigation gets under way quickly with the best possible prospect of being successful” – which in *lingua Dayese* meant sweeping it under the carpet as he had tried to do a year before. Day was again grinding the handle of NATFHE’s organ with head

* Day appeared reluctant to refer to the process as the grievance procedures

office officialdom apparently dancing along with him. *⁴

At no time was Ron Jones forthcoming in disclosing these negotiations to Bis Weaver or me, as her representative, as should be expected when negotiations were taking place about procedures. At the time of these discussions, Jones was not officially involved in the team assigned to hear the grievance and it was only just before the hearing took place that Jones was appointed to the committee. ** Geoff Hall was the one that Day should have been in contact with, so why was Jones the contact man?

Was Day's contact with Jones and not the chair of the committee, Geoff Hall, to encourage Jones to use his position in employee relations to 'advise' Geoff Hall on the type of procedures to be used for an employee's grievance? The impression given by Day's letter was for Jones to put the proposals to the LEA and for the change in procedures to be introduced by the city council, thereby, placing the onus on the employer for subverting an employee's statutory rights in the event of it becoming an issue in the future. However, there were no grounds for a discussion on procedures. Jones would know, or should have known, that the procedures had already been formalised in the statutory Teachers' Grievance procedures, at the instigation of the trade union movement, and needed no elaboration or alteration – the ad hoc enquiry was a thing of the past, or should have been. Nonetheless, the bureaucracy's preference for supporting the 'favoured' few took precedence over statutory regulations and employers' programmes for aiding sections of the workers, such as the Race and Sex Discrimination Acts and equal opportunity policies and guidelines.

Day's concern about the LEA linking the grievance (investigatory process) and disciplinary procedures together was a red herring. *** The two procedures – grievance and disciplinary, were separate in themselves but in certain circumstances, depending on the seriousness of the complaint, were inextricably linked. Day should know that in this kind of grievance – a complaint of harassment, the committee would hear the evidence from all parties plus any witnesses. If the adjudicators found in favour of the complainant then, if any appeal was unsuccessful, it would be incumbent on the governors, or those acting on behalf of

* Copies were sent to David Triesman; the regional secretary; and the Birmingham liaison secretary. This letter was obtained in June 1987

** When Bis Weaver and I eventually found out about these negotiations, in June 1987, we wondered whether Jones told Geoff Hall about his dealings with Day because, otherwise, Geoff Hall would be caught in a difficult situation not of his own making

*** Day apparently recognised that he was dealing with a complaint under the grievance procedures when he referred to "a linkage with disciplinary procedures" otherwise to what procedures were these disciplinary procedures linked. This point is made because, at a later date, the LEA, taking a leaf out of Day's book, claimed that the complaint was not dealt with under the grievance procedures

the governors, to institute disciplinary procedures. It would have been irresponsible of those acting on the governors' behalf not to bring this consequence to the attention of the accused for them to seek advice and assistance. The three accused were advised to do this by Geoff Hall.

The LEA was being set up for yet another miscarriage of justice. This was the LEA's second mistake. The first mistake was failing to report the grievance to the CRE as required when complaints of racial harassment or discrimination were made to the Birmingham local authority. This was something an Employee's Relations Officer would certainly know about. Day, aided by local NATFHE officers, had created a non-existent 'procedure' in 1985 when preparing to *Whitewash* Bis Weaver's complaint, now he was arranging through a local authority contact to subvert her statutory rights by using the implied threat of non-cooperation if the local authority did not comply. NATFHE's intention during these 'consultative and negotiation arrangements' with the local authority was aimed at suppressing any adverse findings, as Day and head office officials had amply demonstrated with NATFHE's own internal 'enquiry' and the offer of a re-run *Kangaroo court*.

The means designed to achieve this objective was by introducing an intermediate stage into the procedures, providing NATFHE with an opportunity to exert its influence should the outcome of the hearing uphold the grievance and lead to disciplinary action against the 'trio'. In an intermediate stage, NATFHE officials, as hardened and experienced negotiators, would be in their element, and where would the complainant be during this stage? Nowhere!

Day presented these hardly disguised demands as an aid to the process but the objective was to secure the type of procedures to give the union a virtual veto over the findings and any subsequent action – just as Day had done in his 'enquiry.' In Day's November 'report', NATFHE's attitude to complaints was made crystal clear. He had expressed the union's "reluctance to see disputes...come to the stage where an aggrieved party looks for redress through...any other external agency over which NATFHE has no control" especially when "those involved are office holders...and might be seen as representing the attitudes of the Union as a whole."⁵

Day was another bureaucrat whom NATFHE head office officials would portray as having 'a long history in the anti-racism movement'⁶ but he had no qualms about violating Bis Weaver's rights in NATFHE's internal 'procedures'; and the statutory grievance hearing would be no different. His manoeuvring outside the union domain was merely a prelude to

more of NATFHE's chickens coming home to roost or, more pertinently, running full tilt and headless into the oven for a basting.

Day did not confine his Machiavellian intrigues to NATFHE officialdom; copies of his letter to Jones, as was his earlier letter to Triesman, were sent to the REC and liaison committee secretaries,⁷ who were made fully aware of the plot to contravene the rights, not only of women and Black members, who fell victim to harassment, but to every NATFHE member in Birmingham. The beneficiaries of such procedures would be the perpetrators. These two lay officers could be expected to know of the NEC's criticism of the Hendon Police Training School in 1983 during the 'Fernandes affair' for not having disciplinary or grievance procedures.⁸ Yet when those procedures did exist in the Birmingham local authority, they remained silent on what was being engineered.

(b) Preparing for Battle on Two Fronts

NATFHE had already set in motion its strategy for dealing with the grievance front and these tactics would be supplemented as and when required over the coming months. The application to the Office of Industrial Tribunals (OIT) had yet to be submitted, therefore, NATFHE's strategy had not yet been developed, although we had little doubt it would be an aggressive one. It would gnaw its way into existence in the middle of October and the tactics employed would link up with those on the grievance front. An additional ally was about to attach himself to the NATFHE cause although his object was not to serve the interests of the union but was a self-serving exercise on behalf of a faction he led within the Birmingham Labour party.

The second front opened up on the 21st August when the CRE sent an originating application for an Industrial Tribunal case against NATFHE for Bis Weaver to complete. She had been on holiday when the letter arrived and a letter from Geoff Hall also awaited her. The CRE advised her to despatch the application to the OIT to arrive by the 11th September,⁹ after which the application would be out of time. This date was decided on in case NATFHE argued that the operative date when the alleged discrimination took place was the 12th June when Triesman visited the Bournville Branch.

The grounds of the application contained a brief résumé of events from the 10th June 1985 until the 10th July 1986 and concluded with the statement:

I consider that NATFHE has acted in a racially discriminatory manner by refusing to provide me, a member of NATFHE and a member of a racial minority, with assistance

for pursuing my complaint through the Local Education Authority. I consider that NATFHE's policy discriminates against myself, and other members of racial minorities, in that if I, or any other NATFHE member from a racial minority, were a victim of actions that contravened the Race Relations Act, then, in accordance with what Mr. D. Triesman claims is NATFHE's normal policy, neither I, nor any other member from a racial minority, would be provided with assistance from NATFHE. Instead, in situations where the Race Relations Act has been or may have been contravened, NATFHE support would only be provided for those members who have or may have contravened the Race Relations Act because any complaint against offending members would put the offending members' tenure at risk. This means that neither I, nor any other member of a racial minority, who brought a complaint, under the Race Relations Act, against another member of NATFHE could ever obtain support from NATFHE to pursue their grievances. I consider that NATFHE policy towards myself in this instance and to other members of racial minorities in general, constitutes racially discriminatory practices under the 1976 Race Relations Act.¹⁰

The application was sent to the OIT on the 2nd September,¹¹ and the OIT's acknowledgement was received on the 5th September.¹²

Not wishing to appear secretive and "to ensure that everyone is properly informed," to quote Triesman on his professed 'open-minded' approach to such matters,¹³ Bis Weaver despatched a letter to each of the thirty lay members of NATFHE's NEC - to apprise them of the issues prior to the case entering the realm of *sub judice*. As was her usual practice when contacting people for the first time, she provided an overview of her experiences from February 1985 until Dawson rejected the regional motion in July 1986. She described her attempts to keep the issue in NATFHE but it "entered the public domain as a result of the action of the Branch Committee and the advice given to [her] by Mr D Triesman...to seek the advice of the CRE...[and in] waiv[ing] Rule 24." She referred to Triesman's 8th July letter, which "made it clear that [she] can expect no assistance from NATFHE, even though the action...[in going to the CRE was taken] on his advice." To her, "Twelve months of attempting to get NATFHE to act on [her] legitimate grievance is an indication of NATFHE's lack of commitment to treat seriously the grievances of Black people."

Following in the footsteps of Day and Triesman, she held back significant information by not informing them of the application to the OIT but that created no disadvantage to them in understanding her difficulties and it would come to their attention soon enough. However, she did say the issue "could well assume national significance and publicity and may have serious implications for NATFHE."¹⁴ The letter was to prove prophetic when the case did eventually 'assume national significance and publicity', at least among anti-racists in the labour movement.

A fourteen word acknowledgement, on behalf of NEC members, came from the President, K W Childerhouse, two weeks later, but he did not bother to sign the letter himself; instead he left it for his secretary to do it for him.¹⁵ The NEC, if her two page detailed letter was ever discussed, remained silent on the issue thereafter, even after NATFHE's discriminatory policy became public knowledge. They must surely have known the policy on protecting tenure was erroneous as a number of them had approved the guidelines on sexist harassment in 1985. This was another group who could not claim it had not been advised of the possible consequences arising from the activities of officials.

On the 10th September, NATFHE submitted its notice of appearance to the OIT, stating "the allegation of racial discrimination by the union will be most vigorously resisted [with] Details to follow."¹⁶ NATFHE's 'vigorous' denial took another five weeks and a reminder from the OIT before it provided the grounds upon which it intended to resist the application.

A week later, the second stage in the Industrial Tribunal procedures was acted out when the CRE sent the Race Relations Act Questionnaire to Bis Weaver for her approval and signature. The questionnaire, to which NATFHE had to respond, contained the standard questions asking the respondent to comment on the applicant's claims covering events up until the 10th July 1986. Additional questions asked reasons: for the union's evasiveness in dealing with her "protests against the [regional official's] investigation and report?" (6)(i)(a); for not offering her "the appropriate rule...in June 1985?" (6)(i)(b); and for Mr Triesman advising her to go to the CRE. (6)(2). NATFHE was also asked to provide full details from the union's rules or any other source in support of its "normal policy to seek to defend the tenure of whichever member or members are affected (6)(3)(a); [and] justification for such a policy, given its discriminatory impact on [her] as a Black member." (6)(3)(b). Details were also asked "of any other instances, during the last 5 years when members were denied assistance by the union on similar grounds to [hers]" (6)(4); if the union had adopted the Race Relations Code of Practice (6)(5); and if the union had "a policy on racial harassment." (6)(6)¹⁷

On the 11th September, the City Council moved in two directions to deal with the grievance. The direction taken by Geoff Hall was in line with his letter of the 16th July. The other direction was definitely not legitimate and showed the lengths to which the Labour Group leadership was prepared to travel to try to get her to abandon the grievance. The second direction did not come to her attention for another three weeks.

Geoff Hall wrote providing the dates fixed for the hearing, 2nd and 3rd October, with her attendance required on the second day. An additional member, Ron Jones, had joined the grievance panel to advise Geoff Hall. She was notified to send any written submissions within the next two weeks.¹⁸ The arrangements for the parties to appear on separate days should have tipped her off to some hidden agenda because the parties were entitled under the grievance procedures to hear and respond to the oral contributions of the other party. *

Bis Weaver informed Geoff Hall that “Although a member of NATFHE, [she] will not be represented by NATFHE as it has been made clear...[she is] not eligible for representation by NATFHE” and she enclosed Triesman’s letter. Therefore, she will be represented by a friend, Gordon Weaver.

The experiences Bis Weaver had with NATFHE did not incline her to have any confidence in NATFHE playing by the rules but she would not have considered that the union was in a position to subvert statutory requirements; she thought NATFHE’s approach would be more in line with trotting out witnesses to massage the facts. In order to cut the ground from under the feet of any witness that NATFHE might present, including the regional official. Geoff Hall’s attention was drawn to the contents of other documents sent to him to show how uninformed or disingenuous were some of the people involved: Item (i) the regional official had claimed in the ‘report’, as Geoff Hall would see in the copy sent to him, that Day had claimed she was not the Access course coordinator at the time and it was only an assumption on her part that she was, which Day “presented...as a contributory factor for the difficulties that ensued.” To counter this claim, she enclosed the minutes of the 25th June 1984 Access course committee meeting reaffirming her as course coordinator, in the presence of Gates and Ms Pattinson. Item (ii) was the foul mouthed abuse directed at her in the 22nd May course team meeting, which was confirmed in Ms Pattinson’s draft letter, but the facts included in that letter had been distorted by the claim that Gates’ abuse was directed at a member of Bournville management. ** Bis Weaver referred to witnesses being available to attest that the abuse was directed at her. This point was included to show that if Ms Pattinson was presented as a witness, the enquiry team would know she was not above dissembling on this issue. Item (iii) covered the incident concerning the student, which Day made great play

* In June 1987, the Day-Jones discussions became known to Bis Weaver and the procedures required by NATFHE conformed to the way the grievance was eventually handled. It is unlikely that Geoff Hall was aware of an intermediate stage being inserted into the proceedings until after he made his findings

** This was the draft acquired in April 1986 but we never found out if it was sent to Day

about in his 'report' and this received 'short shrift' by including a copy of the student's account.¹⁹

She also raised another point with Geoff Hall by telling him that "after careful consideration" she decided it was necessary to provide "as much information as possible [about] the situation...at Bournville CFE, not only with reference to her own difficulties but also...[those] of another woman, who for various reasons was unable to pursue a formal complaint either through NATFHE or college procedures." She enclosed a copy of Gil Butchere's 6th December 1985 letter to Day and explained that the writer was White and "married to a Trinidadian and had a Black child – a fact well known throughout the college."²⁰

These submissions aimed at countering any of NATFHE's underhanded tactics by trying to ensure that NATFHE officials were not able to tread in the path of partisan local officers by trying to pass off the harassment as an interpersonal dispute. How would NATFHE explain two cases of harassment against a Black woman and another woman with the closest of relationships with Black people as two 'interpersonal disputes.' Geoff Hall was left in no doubt as to what had been going on at Bournville College and that her situation was no isolated incident amounting to nothing of consequence as Day's 'report' tried to present it. The LEA/city council could not claim it had not been warned either. Unfortunately, she was not aware of the extent of NATFHE's disingenuity or what politicians running the city council had in their minds

On the day Geoff Hall sent her notification of the date of the hearing, she resumed one of her college responsibilities by attending a conference at Matthew Boulton College in Birmingham. During the conference, she was given permission, by the LEA's senior equal opportunities officer, to leave the conference in order to meet an EEC delegation at the Council House to discuss equal opportunity issues. She was one of two members of the Black Community invited by Kurshid Ahmed to form part of a team, which included several other city employees, led by Councillor Bill Gray, Chair of the Race Relations and Equal Opportunities Committee. The meeting took place between 11am and 12.30pm, then lunch, and she arrived back at Matthew Boulton College at 2pm.²¹

Eight days later, on the 19th September, she attended a meeting of the Birmingham Labour Party's Ethnic Minority Liaison Committee (EMLC) of which she was a member and then attended the City's Race Relations and Equal Opportunities Committee meeting both held at the Council House. Prior notice seeking permission to attend these meetings had been given to Bournville management, which was granted. Asking for written permission to attend

may have seemed overcautious, and in other circumstances it would probably be so, but she had come to realise there were a number of clenched fists raised in the air and they were not the clenched fists of workers' solidarity. Management thought a note was unnecessary but complied with her request.²²

At the EMLC meeting Bis Weaver was nominated to attend a conference in Manchester on Equal Opportunities but Councillor Knowles, the Labour leader of the council, opposed this on grounds that only council officers were allowed to attend. She then went to the Race Relations and Equal Opportunities Committee meeting, whose chair was Councillor Phil Murphy, standing in for Councillor Bill Gray, who was not available. Councillor Dick Knowles was also in attendance. The agenda for this meeting included: matters relating to Section 11; dealing with racial harassment; and the employment of ethnic minorities in council posts. Three items directly related to her work as an equal opportunities coordinator. The meeting finished at 12 noon and she returned to Bournville college.²³

Dick Knowles' presence and Bill Gray's absence became a matter of considerable significance later in finding the source of questionable practices pursued by city council officers in the wake of these meetings, which revealed that Councillor Knowles, one-time old style trade union official, had a lot in common with officials in NATFHE.

(c) NATFHE Officers and Squaddies Show Where they Stand

The NATFHE 'Left' in the West Midlands inclined towards a united front on the Weaver case, although there had been a few discordant voices coming from the non-Broad Left Coalition 'lefties' and, at one stage, in May, a couple in the Coalition had distanced themselves from Gates. This ceased to be the case once the complaint went outside the union and when news seeped out about the Industrial Tribunal application, self-interest and union loyalty merged to ignite the torch lighting the way to the last refuge of the scoundrel – union patriotism.

A couple of squaddies, not members of the Coalition, showed how their sponsor organisations viewed the current situation in conversations they had with Bis Weaver and me. Bis Weaver became acquainted with the way the SWP would look at any grievance shortly before the news broke of a grievance being submitted. * A SWP member on the branch

* This conversation took place the day before the grievance was sent out, suggesting there was an expectation among some members of the branch committee that a formal complaint against Gates was on the cards

committee, who had shown some 'sympathy' for her predicament when she challenged Day's 'enquiry', revealed the SWP position of "there should be no sacking." If "there is racism": (i) the solution "is to talk them out of it"; (ii) the labour movement "cannot act in a period of defeat"; and (iii) "other members of staff are not happy because...they will have to be careful what they say in the future."²⁴

These were hardly grounds for not taking effective action against any members of staff who are racist and act upon those predispositions. This SWP point of view put racism on the back burner and gave racists free rein, except for a few words in their ears, until the labour movement had recuperated from a series of defeats.

An even more incredible reason for inaction came in early September from another NATFHE member, who was in Worker's Power. * He criticised Bis Weaver to me for taking the complaint out of the union because "whatever happens, [members should] use all the [union's] procedures." His position remained the same after a brief explanation of what happened when using NATFHE's procedures. Following the same line as *Mr Ubiquitous jester*, he said had he known of her circumstances she would have received his support and it was still available if she withdrew the grievance. Just like the *jester*, this 'leftist' had known about the harassment of Bis Weaver for a long time and had done nothing. When he was reminded that I had told him of her 'difficulties' twelve months before, ** he expressed an incredible viewpoint by stating that "Gates is a member of the Communist Party...[and] a good trade union activist,...so there should be no action...against him if it affects the union" but "if he was in the British Movement it would not be OK." Not to be outdone he accused me of becoming "a reactionary and the next logical step is to go to the Tories."²⁵ Perhaps, he did not see the hidden message in his accusation as it was Bis Weaver taking the action – I was her representative and supporter, therefore the implication behind this statement was that it also applied to her. The search for justice outside an organisation, whose officials and officers act in a reprehensible manner, equates with reaction in his world view. In other words, a victim of harassment should be more amenable to that kind of behaviour if it came from a communist but not if it was a fascist.

This discussion took place at a public meeting calling for the re-instatement of Amir Khan, the local councillor expelled from the Labour Party for taking part in a TV programme drawing attention to racism in the Birmingham Labour party. Amir had taken Labour Party

* Workers Power was a Trotskyist group operating in the Labour Party

** I told him of the situation outside the 'Australian', a pub not far from Birmingham city centre, in September 1985, but he seemed no more interested the first time around than he did at the second

racism to an outside audience because he could not get any positive response within the Party. This Workers Party member – also a member of the Labour Party, endorsed Amir’s actions but could not grant the same to an Asian woman confronted with the same dilemma in NATFHE. The difference between the proclaimed and the defamed!

The ‘Left’ in NATFHE’s formal structures began to exhibit a similar inconsistency. NATFHE’s purported instrument for anti-racism action, the WMARC, at its first meeting of the new academic year was virtually boycotted by the Broad Left Coalition/REC members. Of the eight people attending only three of the twelve REC-appointed members were present and, of those, two were in the Broad Left Coalition. * As the chair, Ms Pattinson, was absent Krishna Shukla took over as chair. The ethnic minority membership was boosted by another activist from the Black Lecturer’s Group to add to Bis Weaver and Krishna Shukla. ** The newcomer was immediately co-opted to the committee when I resigned as I said I would do and I remained on the committee as a supporter. *** The new co-optee also had first-hand experience of the destructive way NATFHE handled complaints of racial discrimination.

Bis Weaver had reconsidered her decision to act as Treasurer and left the post but for a different reason. It was untenable for her to act as an officer of a NATFHE committee, apparently established to protect Black and ethnic minority members, when NATFHE had refused her advice and assistance after making a complaint of harassment. Two REC/BLC members, who were also members of the women’s panel, did not seem to understand the point she was making. One, acknowledging that NATFHE had let her down, remarked that she was participating in the committee; the other, reminded the assembly of the agreement made that “in future all officers would be Black.” Did they not recognise the distinction between, on the one hand, participating in the committee in order to challenge NATFHE’s policy on anti-racism and, on the other, not being prepared to give credibility, by acting as an officer, to a committee in a union that was discriminating against her directly and against Black and women members generally? ****

* Among those sending apologies were Carter; and several Broad Left Coalition members – Ms Pattinson, Gates, Evans, Mackney, Lovejoy

** Over the next twelve months an increasing number of ethnic minority members joined the WMARC. The REC/Broad Left Coalition, after continuing the boycott of the committee as it did not support the direction Black members wanted the committee to take, resorted to administrative means to regain control for the 1987/88 session. The committee returned to its talk-shop approach to racism

*** The previous observer status allowed members to attend but without voting rights. One of NATFHE’s constraints to keep control in the hands of the REC but that ceased to be applied on the WMARC when more Black members attended. This brought WMARC in line with the women’s panel

**** Krishna Shukla was of like mind to Bis Weaver and had mentioned resigning along with Bis Weaver but he was urged to remain as ‘eyes and ears’ on the REC

A proposal was put forward to make the committee a more representative body. Branches were to be invited to send members to overcome the bureaucratic stranglehold exercised by REC members, most of whom never attended. * This initiative was to be supplemented by membership for all those who wish to attend, thereby, opening it up to those with a strong commitment to anti-racism. The women's panel had recently decided to open up its meetings to all women²⁶ and allowed all members to vote. The WMARC decided to do likewise.

In discussing aims and objectives, the majority view, aided by the boycott, was in favour of directing anti-racism away from the armchair variety of multi-culturalism that Broad Left incumbents and fellow travellers found preferable to the real world of challenging racism directly – policy plus direct action.

A brief discussion took place about NATFHE's procedure for complaints of racial harassment and discrimination. It was recognised by a majority that it was necessary to examine specific complaints to draw up practicable objectives. Without examining the obstacles put in the way of those making complaints it would be difficult to implement whatever procedures were introduced. The BLG had also intended to submit its criticisms of NATFHE's Anti-racism Pack with recommendations for a new policy document. One objection to NATFHE's Pack was the absence of an input from Black people, which was equivalent to men making anti-sexism policy for women members.

The return of another unstamped letter by Clarke was raised to show the underhanded way some so-called anti-racists behaved when a Black member sought support against one of the Broad Left's own. A proposal was made for this to be raised at the REC and a formal letter was to be sent to the regional secretary to do this.²⁷

Bis Weaver had hoped that submitting the grievance would minimise her problems within Bournville college. Cave and Hartland might keep a low profile lest it worsened their positions and Gates was out of the college. However, time would show that the *kernels* had mobilised the branch with considerable success over the previous months and the members were more than willing to swallow whatever was cooked up for them in NATFHE's abattoir of ideas. Consequently, they had no difficulty in further isolating Bis Weaver in the college. It was as if the purpose of the Bournville branch committee was to serve the interests of the 'Bournville trio' whatever they had done and there were enough helpers in the branch as a

* Their non-attendance did not affect this hold they had over the committee. WMARC had to submit all proposals to the REC for approval before being submitted to the policy approving regional council. The women's panel did not have this restriction placed on it

a whole to supply the support for this venture.

The first branch committee meeting of the new term gave a foretaste of what was to come. Despite an absence of most of the remaining ‘key *kernels*’ – only Cave attended, the interests of the ‘trio’ was all pervading. There were enough sympathisers, for whatever their reasons, to heed the trumpet call rallying the troops in support of Gates, Cave and Hartland to the complete exclusion of another branch member, Bis Weaver. The complainant had become a *persona non grata* of greater invisibility than before while the accused were portrayed as victims of management persecution. A couple of non-committee members made themselves available either to serve their own personal interests or those of their friends. The member still seeking branch support for action against NATFHE’s regional official, Day, attended as a substitute delegate. There were also observers attending, including one who was not even a member of the Branch. * The committee seemed to be courting publicity in search of a wider audience.

The agenda linked the interests of the ‘trio’ to items dealing with allegations of management victimisation of students and staff on other issues. The items were: (i) management victimisation of a part-time lecturer - a branch committee member and also a member of the SWP, for his political activities; and (ii) similar victimisation of student activists for supporting an anti-apartheid event. How convenient for these issues to suddenly materialise.

Cave, as chair, opened the meeting with the news that management and “others of the same ilk” had accused the Branch Committee of acting “in a ‘cliquish’ way” – an accusation that he went on to dismiss. In response to these allegations, he announced that the branch executive intended “to organise meetings [and] want[ed] departmental reps to take [a] more active part.” This was followed by the news that “Dave, Brendan and [himself] have been called to Margaret Street ** in early October regarding the complaint.” The statements taken together might easily be interpreted as calling for support for the three accused.

When informed by me that Bis Weaver, a “member of this Branch, has also been called to Margaret Street,” the chair admitted to being “aware that he omitted her name but [his] rationale [for doing so] was that she had taken [the complaint] out of the Branch, therefore, there was no need to mention her.” My news that she was acting on Triesman’s advice was dismissed by Cave, with the words “it doesn’t matter, she took it out.” My follow

* This observer also attended the 29th April branch meeting which removed Bis Weaver’s rights. I wondered what she made of NATFHE’s anti-racism policy

** The headquarters of the LEA in Birmingham

up point that “she is a member and is entitled to the protection and same rights as any other member” fell on similar deaf ears.

The chair disregarded the fact that the complaint in the union left the branch in June 1985 and at the time the complaint was only against Gates. Did he mean that she had taken it out of the union? If that was the case then the grievance to the governors, including Hartland and Cave, had never been in the union, therefore, it was not possible to have taken it out of the union. Bournville branch officers also considered, apparently, that advice from NATFHE officials was relevant only when it suited their interests, such as Triesman’s advice to discuss Day’s ‘report’ and withdraw the motion for a national enquiry, and not when addressing the interests of other members. Did the chair really believe that the branch committee was a promotional vehicle for Gates, Hartland and himself, while ignoring other members? Presumably he did if his actions were representative of his beliefs and future events would show that his beliefs in the role to be played by the committee were true to form.

The time came to link the grievance with other agenda items. The branch secretary provided details of management cautioning a part-time lecturer, one of the SWP members, and concluded that the branch committee “can’t allow management to treat staff in this way.” Cave revealed the efforts he had made in trying to get access to the aggrieved member’s file “to see if people are keeping details of political activities.” He asked me if I was writing it all down, which I confirmed was the case. Cave then said to write down “if there has been any political victimisation we have to oppose it and have it well documented” - at least he recognised the accuracy and value of my notes. * The chair’s concern for the political rights of members was certainly not in evidence when he criticised my political views to management. On that occasion, despite requests from me for action, the committee did nothing, other than to support taking away certain rights from me as a bonus.

The substitute delegate referred to his previous employer, Matthew Boulton College, and claimed that its management made “false allegations against [him] to victimise [him, adding] probably the same thing as the victimising with regard to Norman, Dave and Brendan.” He asked for branch support “for an independent enquiry into [his] own case,” describing it as “of tremendous importance for what’s going on here.” He could not have

* Despite “wanting” it documented, no formal minutes of the meeting were taken.

linked his self-interest to support for the 'trio' more blatantly than this. * Another observer, an ex-member of the Militant tendency and a close friend of the part-timer, whose interests he was promoting, linked management's actions against the 'trio' with its treatment of the part-timer.

The discussion then turned to management's alleged action against students. The chair stressed that "Management must follow proper procedures [as] these students were supporting Black people in South Africa."²⁸ If only the chair had shown the same concern for Black people and for 'proper procedures' in April 1986 when chairing a branch meeting removing a Black women's rights without a charge, hearing, or representation.

When Bis Weaver heard of the contents of this discussion, she saw it as further confirmation of there being few people on the branch committee able to identify with a member pursuing 'the right to work without harassment,' despite this particular slogan falling with ease from the lips of NATFHE 'activists' whatever shade of red or blue they wore on their armbands or lapels. Using my notes, she wrote to the branch secretary. She was well aware of the constant misuse of union structures to further the interests of 'the few', therefore, this letter was merely to put additional evidence on the record.

She was critical of the substitute member, for speaking on an issue that he was unfamiliar with and for equating her grievance with the situation at his former college when he had described the Bournville situation as "probable Management victimisation of [Gates, Cave and Hartland]". She expressed concern that "misguided and prejudicial statements" were not ruled out of order by the chair so that "the interests of all members are fully protected." The chair was criticised for his comments on the grievance; and she asked "Since when has the submission of a complaint to a body other than NATFHE constituted a denial of Branch recognition of that member or of that member's rights?" Cave's stance "on matters of equal representation and recognition in the Branch" had relegated her to the status of "a marginal member and...ineligible to be included when certain topics [or] issues are mentioned in the Branch Committee." She wanted to know: (a) "when the decision was taken to omit reference to [her]?"; (b) "who was responsible for the decision?"; and (c) "where in the Rules of the Association does it say that any person who takes a complaint to a body other than

* In July 1986, alongside the 'trio', he was warned by Bournville management for failing to provide information to Bis Weaver, therefore, "impeding the implementation of Equal Opportunities agreements."²⁹ The on-going complaint he referred to was his removal from Matthew Boulton College. He wanted branch support against Day for the inadequate representation he received. He should have done more homework before ingratiating himself because there was no way the *kernels* would act against Day, whom they needed to defend the 'trio'

NATFHE, especially...under the advice of a Head Office official, loses an entitlement to be treated as an equal member of NATFHE.” She also asked when her full rights would be restored and, if not, “what disciplinary offence has [she] committed...[to justify] the removal of those rights?”³⁰ One thing was becoming increasingly certain - *kernels* and their acolytes now came in all shades of the political spectrum – left and right became indistinguishable.

The day before the branch committee meeting, the ludicrous rituals conducted in NATFHE resulting from ill-thought out schemes aimed at curbing the activities of those not prepared to kow-tow to self-serving officers and officials had been illustrated yet again. This came about when I mentioned to the branch secretary my intention to resign as departmental representative after the committee meeting to be held on the following day and asked to be given a written reply. She reminded me that “the Branch resolution confirmed no correspondence [from me] but [that I – Gordon Weaver] could write to the Branch or to London and ask them to tell [the Branch].”³¹ When I did tender my resignation,³² this produced a farcical situation because the branch committee initially refused to consider my resignation, which meant someone had defied the branch motion and read the correspondence before sending it to Triesman on the 3rd November for him to deal with it “in line with Branch policy of sending all correspondence received from the Weavers to Head Office.”³³ Apparently the branch secretary received no answer. Would Triesman while preparing for an Industrial Tribunal hearing and with all the other ‘affairs of state’ to deal with bother about this trivia? Eventually, the branch secretary phoned Triesman, who told the branch committee to discuss the resignation.³⁴ But what was there to discuss, I had resigned, unless I needed branch approval for that. In this union it seemed easier to get approval from a union official to breach a member’s contract of employment than to resign from a union committee! From the secretary’s response, Bis Weaver could expect no reply or explanation for the chair’s actions in the branch committee or for the committee’s acquiescence.

One reward for Bis Weaver’s persistency came when Muff Sourani, secretary of the West Midlands Regional TUC Race Relations Committee, wrote apologising for the delay in answering her letter. “The reason for the delay is that the matter will have to go before the next meeting of the West Midlands Regional TUC Race Relations Committee,...due to be held next month.” He intended to submit her correspondence to that meeting.³⁵ At least there was someone in the trade union movement prepared to offer assistance. There was to be no reward, however, for her persistence in seeking information from Shuk Nedjat, the branch vice-chair in 1985, now back in the college. A copy of the letter despatched to him on three

previous occasions was sent to him³⁶ and a couple of days later she happened upon him in the college.

Seizing the opportunity, she asked if he intended to answer the questions about Penny Welch's 'offer'. Nedjat declined, excusing himself on the grounds of being "on secondment during the period concerned" and "all [he had] to say on the matter is in the file." She pointed out that was not an option as "crucial information is only available from [him] personally since [he] dealt with certain matters and there are no records of them." After Nedjat flatly refused to answer her questions, she 'thanked' him for making that "quite clear." At least she knew for definite on which side of the pond he was swimming. As for being on secondment, that was a poor excuse, since he was not on secondment when he discussed the case with Ms Welch, and if he was busy at the time with his studies, he was now back in the college. He was another 'anti-racist' with time limits for when he was active. Nedjat, like Mackney, was selective in what union matters he was prepared to engage in while on 'study leave'.

Bis Weaver turned to his decision to stand as a candidate for election for the liaison committee. She explained that she, too, stood for election as a Black voice on the committee – a platform the acting chair, Gates, told members that Nedjat was also standing on when proposing him as an alternative Black voice to hers. Aware of Nedjat's views, from a number of conversations with him in the past, she asked if he intended to speak at liaison committee "as a Black voice" and could she "as a Black member of this Branch expect [him] to speak on [her] behalf as a Black person." Nedjat responded as expected by saying he is "not a Black person [as he] considered [himself] as an ethnic minority" and "the term Black is unclear...[as] it appears to be a political term and to mean all non-White." Nedjat said he did "not represent any particular group's interests and like other Birmingham Liaison Committee members represents all members." *

She pointed out that "the platform upon which he was elected was a false one [and] the acting chair, Gates, misrepresented [Nedjat] when [saying he] would represent the Black voice on Liaison and that he [is a] Black person." Nedjat's defence was of being unaware of what Gates had said, which was fair enough as he was well over a hundred miles away at the time, and not in a position to represent anyone on the liaison committee. He reiterated he was not Black and thought "the term needs clarification and definition." How they retreat into the

* Nedjat did not seem to understand the concept of standing on a 'Black voice' platform as it meant speaking on behalf of all members but bringing expertise and experience to issues affecting Black and ethnic minority members. Being a 'Black voice' was akin to women standing on a women's rights platform, yet still representing all members

‘problem’ of definitions when called on to stand up and be counted.

Nedjat also seemed to be out of touch with NATFHE terminology, which may be due to his year on secondment, because the union had adopted ‘Black and ethnic minority’ as an inclusive term ³⁷ when dealing with issues affecting those discriminated against on the grounds of ethnicity and perceived race. *

She had little interest in discussing the usefulness or otherwise of the term ‘Black’ with him and explained that she had raised this with him to clear up “the issue of representation; access to information and [the] platform of [the] election” and he had “made [his] position clear.” In a final point, recognising Nedjat’s claim to “represent all members” as merely chaff to the wind, she went on to expose the implausibility of his assertion because Nedjat had refused to answer her questions and “make [himself] accountable to [her] as a member, especially on serious matters that concern [her] directly.”³⁸

A considerable transformation had occurred, Nedjat certainly was not the open-minded officer who said her complaint should be taken seriously, and it was obvious this transformation had not been spontaneous. Nedjat’s refusal to provide information conformed to the Branch motion and was further confirmation of Bournville officers being in touch with him during his ‘study leave’ on more than one occasion, while he was ignoring her requests for information and using his ‘secondment’ as the reason. Had Nedjat, the anarchist, as he once described himself to Bis Weaver and I a few years before, and who was shouted down by Downey for daring to speak up for Bis Weaver in 1985, become another fellow-traveller upholding NATFHE’s bureaucratic *dictat* to cut off all assistance to her? She had not expected anything from any discussion with Nedjat – his silence over the previous months had said it all, but now it had come directly from the horse’s mouth.

The other half of the Nedjat-Welch duo was in action at the next meeting of the women’s panel. Unlike the WMARC no boycott occurred at this meeting, although its attendance of ten members was only marginally more than the ‘low turn-out’ at the last WMARC meeting that would cause so much ‘concern’ at the REC’s next meeting in October.**

* The term perceived ‘race’ is a more appropriate concept than purely ‘race’ since ‘race’ is more appropriately examined as a phenomenological concept concerning how people perceive others and behave towards them in accordance with that perception

** The turn-out of eight at the September 1986 WMARC meeting was used by the REC/Broad Left members, at a REC meeting, to launch an investigation into the way the WMARC was being run by its secretary, a supporter of Bis Weaver’s case. After this women’s panel meeting, the attendance at panel meetings was never more than nine and fell to as low as five – yet there was no call to investigate this panel

The attendees included the member who met with Bis Weaver in January 1986 to discuss the complaint to the union; as well as the member who failed to turn up at that meeting and had kept out of the way ever since. Others in attendance were the Black member, who attended the June/July 1986 WMARC meetings and defended Ms Pattinson's appointment as chair; as was the member, who had previously referred to Black women as reactionaries. Bis Weaver had tried to avail herself of the services of the women's panel eight months before and received the cold shoulder under the designation of a Black reactionary. Did her accuser extend the definition of reactionary to include this Black woman? Or was this Black member an exception to the definition but, if so, what did she provide to the panel that merited her being classified as an exception?

The panel discussed a report on 'Sexual Harassment'. Apparently, "no definite guidelines have been drawn up" for dealing with these cases but a flow chart was shown detailing channels to use and Ms Welch suggested "members of the Panel work through those channels." The panel also agreed that as there were "no definite guidelines,...all women should be informed that there is a procedure for reporting acts of sexual or sexist harassment" and "Ms P Welch would re-write the procedures and pass [them] to NATFHE officials for analysis." Ms Green was delegated the task of drafting a letter "to be circulated regionally...to inform all members of present procedures, also giving the names of Women's Panel support group." *

Ms Welch, involved in developing procedures, did not disclose NATFHE's restrictive policy on tenure and of no assistance being available to victims, of which she must have been aware having been informed, as a NEC member, by Bis Weaver 24 days before. Taking these restrictions into account would be crucial for developing any policy on harassment.

Any new proposals coming from this panel would have been a bit late in the day for Bis Weaver but it was doubtful, based on the way these members defined harassment, that they would have assisted her anyway. Nor did they seem prepared to act when it involved certain categories of harassers – officers and Broad Left Coalition members, who were allowed to roam freely outside the jurisdiction of feminist policy.

The panel addressed other equal opportunities issues, such as "grades/promotion/sex of lecturers." It was agreed for P Welch "to write a paper on the 'promotion of women'" for

* The procedure for reporting sexist acts was published in the April 1985 edition of *NATFHE Journal* and included the provision of advice and assistance to the victim. Supportive provisions that apparently went unnoticed by Triesman!

discussion. Ms Welch, who refused to explain her role in the procedures involving Bis Weaver's complaint, missed a golden opportunity to contact her to be apprised first-hand of the situation confronting Black women when they get promotion and find themselves facing harassment as a means of removing them from their posts for the benefit of the harasser or close associates. But was that too near to home? Also agreed was that "it was necessary to raise the consciousness of all women in other colleges" on equal opportunities issues – a page from the same book read by President Whitbread.³⁹ This was an important innovation; one that would considerably benefit members of the women's panel, who should put themselves first on the list to receive 'consciousness raising.'⁴⁰

A vote of thanks for the panel came from one attendee for the support provided for her, but the Weaver case, representing one of the most significant cases confronting women's rights in the union, was ignored. The panel had highly selective criteria for rallying behind harassed women – the Telford case in; the Weaver case out. The former case involving a woman discriminated against by a senior lecturer with the male accused being represented by NATFHE. The latter case not befitting consideration by the West Midlands feminists, as it was an IPD, or by Triesman on the grounds that Bis Weaver, among other restrictions imposed on her, was of a higher grade than the accused. Perhaps, someone on the women's panel should have had a word with Triesman about NATFHE's practice in the West Midlands of assisting senior staff against junior staff.

The panel might just as well have been in a different solar system for the impact the Weaver case had on its activities and deliberations. The wind in West Midlands NATFHE blew in one direction only and it certainly was not in the direction of Black members.

(d) The Final Run-up to the Grievance Hearing

We were well aware of the coming together in NATFHE West Midlands of Leftists, espousing anti-racism and equal opportunities at least at the level of rhetoric, with those to whom anti-racism and equal opportunities were nothing but unnecessary impositions on their working practices. Bis Weaver, and I, had knowledge of what NATFHE officials and officers were capable of doing within NATFHE's own structures. We should also have realised the influence and mutual self-interest forged between NATFHE and the Birmingham city council.

The affinity between NATFHE and the ruling party in Birmingham was aided and abetted by close links between NATFHE lay officers and Labour councillors, who shared

common membership of the Labour Party in various wards and on school and college boards of governors throughout the city. This alliance of labour movement comrades was emphatically displayed just prior to the grievance hearing and its aftermath. Rank and file members of NATFHE, especially women and Black members, had as much to fear from the union as from the city council employer despite the union and city council having a similar token attachment to Black and women's rights. These common interests became starkly apparent after the grievance hearing.

NATFHE's mean-machine went into overdrive as NATFHE confronted the grievance with the decorum of an undercover hit-squad led by Day, who knew as little about racism as his superiors, and with Triesman as back-up man to his subordinate. In a union where the concepts of right and justice found few, if any places, to lodge, Day's role was as a 'fixer'. The objective was to control procedures and, in the event of 'consultation and negotiation' not succeeding, to stifle any findings not corresponding with NATFHE's bureaucratic interests. This had been amply demonstrated by NATFHE between June 1985 and July 1986.

NATFHE would have little difficulty in finding willing allies within those sectors of Birmingham city council, who, like NATFHE, did not want a race issue bubbling effervescently throughout the labour movement's domain to give additional substance to claims made by local Black activists about the prevalence of racism within the Birmingham Labour Party. NATFHE's tentacles went beyond council officers and Labour group members right into the heart of Bournville College directly to the Principal. NATFHE officers apparently made approaches to acquaint the Principal with various scenarios likely to come into effect dependent on the outcome of the grievance hearing.⁴¹ This became apparent in management's submission to the committee responsible for dealing with the grievance.

Bis Weaver had made her submission but any submissions from the Bournville 'trio', if any where ever made, were never disclosed to her. Management's submissions sent out on the 23rd September were not disclosed to her either. * The initial part of management's submission dealt with the introduction of the business studies option on the Access course. Much of the early work on this option had been carried out by Bis Weaver and a member of the business studies staff, who left the college prior to its introduction. Mrs Weaver, coordinator and director of Access Courses, was on three months secondment when the option started in September 1984, therefore, Mr Gates became responsible for the option and

* At a much later date copies of management's submissions found their way to me

put in a considerable amount of work. * Following Mrs Weaver's return, she became concerned that: (i) standards on the option had fallen below the standard required; (ii) the student drop-out rate was high; (iii) "no adequate registers or records of student work were available"; and (iv) the course content varied from the programme agreed with the course verifiers at Birmingham Polytechnic. ** Mrs Weaver sought to correct these deficiencies, which brought her "into conflict with Mr Gates, who did not co-operate." From January 1985 "the operation of the [Access] Course became increasingly difficult as the struggle for control of the course...quickly involved students, staff and senior management up to an including the Principal and Vice Principal." Management acknowledged that "individual discussions,...head-to-head confrontations [and] instructions from the Principal on lines of responsibility" had been tried to resolve the difficulties.

These disclosures were significant in that Bis Weaver was director and coordinator of the Access Courses as per her contract of employment and Gates was trying to exercise authority over the whole Access course. Management admitted it was aware of the problems and yet, despite Bis Weaver having a job description as director and coordinator, it did not step in and tell Gates where his responsibilities began and ended. Why was this? One possibility was that Bis Weaver was an Asian woman and Gates was a White male with a dominant influence in the union.

Management then stated that "During this period, [between February and May 1985] Mr Gates was invariably obstructive, frequently abusive and occasionally intimidatory" to Mrs Weaver, while she "became increasingly single-minded in her resistance to Mr Gates." In June 1985, Mrs Weaver felt "the actions of (the previous) senior management were not enabling her to maintain sufficient authority over the...course,...[and] decided to take...a complaint against Mr Gates to...NATFHE, who agreed to investigate it on condition that she did not involve College senior management further."

In October 1985, Mrs Weaver was appointed as Equal Opportunities Officer but continued as Access course coordinator until a successor was appointed in May 1986. Between those dates, "Mr Gates' behaviour had become a matter of more general concern in the College because it...interfered with the college's equal opportunities policy. Five examples were provided of Gates' activities to illustrate the problem: (i) Access course team

* This tallied with Day's comments in the 'report' and confirmed that Gates had disregarded the boycott imposed by the NATFHE branch against taking on additional responsibilities until the on-going dispute was resolved

** These concerns were initially brought to Bis Weaver's attention by staff and students on the option

meetings ceased because of Mr Gates' obstructive tactics; (ii) meetings of the Equal Opportunities (Race) Committee were acrimonious and seriously undermined Mrs Weaver's post of Equal Opportunities Officer; (iii) a student-governor alleged that Mr Gates: (a) "tried to damage Mrs Weaver's chances of being appointed" as Equal Opportunities Coordinator; (b) had asked the student-governor for copies of application forms in the student's possession; and (c) had "suggested a more suitable candidate from London was on the short list." No action was taken on this matter on the advice of the chair of governors; and (iv) Mr Gates failed to provide information, as part of the college's monitoring policy, on the ethnic origins of his students and persuaded "Mr Cave, to do similarly." Mr Gates' actions have been "antagonistic to the personal and professional interests of Mrs Weaver and, through this, to the interest of the College in developing and implementing equal opportunities policy."

Mr Gates "consistently solicited the support of friends, colleagues, students, NATFHE officers and College Management,...which has polarised opinion and caused distress to many caught up in [it]." It had "led to Mrs Weaver being isolated... and having considerable difficulty in carrying out her functions as Equal Opportunities Coordinator." * Mrs Weaver had responded vigorously and uncompromisingly in asserting her "legitimate authority over the [Access] course [and] protested in very strong terms to College Management and when [this proved ineffective] contributed to the broadening of the dispute to involve others, both inside and outside of the college. ** This "created a climate in the College" in which Mrs Weaver has been "accused of over-reacting;...seen by some staff and students as the cause of the dispute." This has been "detrimental to the advancement of equal opportunities policy...[and] to the improvement of staff understanding of...racism."

The present management acknowledged that members of management had been present when Gates behaved insultingly and abusively to Mrs Weaver; had been obstructive at meetings; and had interfered with Mrs Weaver's role as Access course coordinator and Equal Opportunities officer. It also recognised its predecessor's failure to resolve the situation but made no explanation of why the present management failed to take appropriate disciplinary action against Gates for violating Mrs Weaver's responsibilities and behaving towards her in a manner that can only be described as harassment. A reluctance to take on the *kernels* may well have been high on the list.⁴²

A week prior to the hearing, Mrs Weaver received a phone call from the LEA.

* Gates' behaviour fitted in well with the findings of the Birmingham survey on sexist harassment carried out by NATFHE women's group and others earlier in the year

** 'Outside of the college' apparently meant making a complaint to the union

NATFHE's official, Day, representing Gates, Cave and Hartland, wanted the order of appearance re-arranged so that she would appear before them on the 2nd October and they would appear on the 3rd.⁴³ The 'trio' knew the charges laid against them but she had not received any written response containing their defence, if they could conjure one up, and by going in first she was in no position to comment on any defence they might produce if they appeared the day after she did. In fact, a NATFHE branch meeting was specifically arranged for the 2nd October. The objective of the branch meeting had the appearance of being held to show branch support for the three the day before they appeared at a re-arranged hearing. There would be no dissenting voices at that branch meeting as Bis Weaver and I would be attending the re-arranged hearing at the LEA's office. The way NATFHE officers and officials were trying to run this grievance hearing came as no surprise.

On the 29th September, confirmation came from the LEA of the arrangements for the enquiry; Bis Weaver was required to attend on the 3rd October at 1.30 pm in Committee Room 6 at the Council House.⁴⁴ NATFHE's ploy had not worked! But others from within the ruling Labour group would soon intervene.

Two days before the hearing, the Principal wrote to Geoff Hall going beyond the general observations of the situation made in Management's submission by focussing on her direct personal involvement. Was this an attempt to show her action, or inaction, in a more favourable light.

The 'evidence', as the Principal described this additional contribution, was divided into two sections: pre- and post-1st January 1986, on which date she became Principal. She stated that she first "became aware of problems surrounding the 'New Way' Access course in the Spring Term of 1985" (Principal's emphasis) when "reference was made to problems on occasions during the College's Senior Management Team (SMT) meetings but no detail was given." As Assistant Principal (Personnel) her "first close involvement came on 26.6.1985 (Principal's emphasis) when Mrs Weaver wrote to her at some length." Mrs Weaver's "complaint was that 'Management' had not demonstrated support for her in connection with alleged abuse and harassment from a member of staff." There then followed a visit from Mrs Weaver, who identified the member of staff "as Mr D Gates."

This was a sleight of hand on the Principal's part. Bis Weaver had sent seven letters to the SMT, including the AP (Personnel), who was a member of the SMT, between the 4th and 27th June 1985. These letters included the seven page document sent on the 4th June, detailing numerous incidents of unacceptable behaviour to which she had been subjected.⁴⁵ The letter the Principal was referring to was the third sent to the SMT, in which Gates was not

identified. However, in the 4th June document, the first sent to the SMT, Gates was specifically identified as the offending party. The AP (Personnel) was probably aware of Bis Weaver's difficulties and the identity of the perpetrator at an earlier date bearing in mind the issue had been discussed in SMT meetings since February 1985, and yet she was claiming not to have known Gates was the offender until the 26th June 1985. The AP's claim that Gates was identified only after discussing it with Bis Weaver did not stand up to close scrutiny. Perhaps, like a number of other things and like a number of other people, her memory failed her – a fundamental reason for victims to keep comprehensive records.

She went on to say that Mrs Weaver “didn't want [her] to take any action and that [Mrs Weaver] had just wanted to talk to [her] about the situation since,” the AP “had known her from the days when she was a student at Bournville College of Further Education in the early 1970's.” This was another misrepresentation because the letter referred to was, along with the other six, a clear appeal to management to put an end to the continual abuse and harassment she was continually facing in the workplace. The AP apparently reported this meeting to the then Principal and Vice Principal and “was asked not to become involved [and she] did as [she] was told.” The then Principal, David Ward, produced a statement in July 1985, which was understood by the AP, as “represent[ing] an attempt to clarify Mrs Weaver's position [and]...it was hoped that this definitive statement would resolve the interpersonal conflict that had arisen.” The AP had interpreted an appeal for protection against abuse and harassment as a cosy chat and then followed this up with an IPDist version of Gates' behaviour.

In December 1985, after becoming acting Vice-Principal, she “was more fully aware of the conflict between Mrs Weaver and Mr Gates.” She then referred to a conflict between the Senior Management Coordinator of the Access Course and Mr Gates, which led to a formal complaint by Mr Gates against the SMC. The complaint was eventually heard before the chair of governors with each party represented by a friend. * It was resolved by each party apologising to the other “if it was felt...misunderstandings had taken place.” What relevance this had to Bis Weaver's grievance against Gates was again difficult to comprehend. Unless she was intimating that “misunderstandings” were not unusual on the Access course and all that was required was for Gates and Bis Weaver to follow that example.

The Principal dealt with issues arising after assuming the role of Principal beginning with the March 1986 allegations made by the student-governor against Gates for

* Both parties were represented by a union officer – the SMC by Ms Pattinson and Gates by Cave

“attempt[ing] to interfere with [the] interview process” for the post of Equal Opportunities Officer and the subsequent action taken. This involved the Principal seeking advice from three Governors, who advised her not to proceed with the allegations because of the time lag. This was followed, in April 1986, when “David Gates approached [her]...on behalf of the whole Business Education Division” to complain about Mrs Weaver’s handling of the HMI’s visit, which was not pursued as a result of a decision by Gates’ supervisor – the *Boss*. *

The Principal referred to Mrs Weaver seeking advice in May 1986 about applying for an equal opportunities post at another college. To the Principal it was “evident that [Mrs Weaver] was very unhappy in her present job” and not wishing to lose her, she “indirectly...indicated that David Gates was likely to be seconded with effect from 1.9.86 and...suggested if she could cope with the difficulties for a few more weeks...there would be a great difference by September.” The Principal described their meeting as “a supportive counselling session and [she – the Principal] received no indication that the matter would go any further [as] Mrs Weaver left [her] apparently reassured.”

This was the mode of employer responsibility practiced in the college. Bis Weaver had hobbled into the Principal’s office on a walking stick suffering from stress, which was plainly obvious, seeking to leave the college because of harassment and the constant indignities heaped upon her from not only Gates but a couple of his cohorts, and all the Principal could offer was, in plain English, ‘to hang on until Gates had gone’. The Principal had not made this suggestion ‘indirectly’ but made it directly to Bis Weaver as the solution to her difficulties. Nor did the Principal have any understanding of people if she thought Bis Weaver had left ‘reassured’. She left the Principal’s office knowing that the Principal’s solution was for her to continue to suffer this treatment from Gates for another eight weeks and who knows how long from the rest of the *kernels*. Did the Principal know so little about the situation in the college? Within days of their meeting, the Principal would have known that her assessment of Bis Weaver’s state of mind was a misinterpretation after receiving a letter from Bis Weaver about Gates’ claims over the HMI visit and of her wish “to pursue the matter and...that it should not be seen in isolation.”⁴⁶ But as far as the Principal “was concerned the matter was closed, following [her] discussion with the Head of Department (Business Studies).”

The Principal took this decision despite the allegations circulating among the college

* The Principal presented it as if Gates’ was acting as spokesperson for the whole department and not as it was – false allegations made on behalf of himself and two other members of staff

staff, which was now inclined to believe almost anything; and without informing Bis Weaver of the decision. The Principal did not think, after being acquainted with the facts showing the falseness of Gates' allegations, to take action against Gates and the others for professional misconduct, after all she was not relying on hearsay evidence as she had received the claims direct from Gates' mouth. The Principal obviously thought she, that is, herself, would be able to hang on for those eight weeks and wait until Gates left the college without having to take any action. The final point in the additional submission was to confirm receipt of a copy of Mrs Weaver's grievance against "Gates and others."

There was an additional section to the submission in which the Principal made observations. Apart from saying the "meetings were recorded verbatim", which certainly was not the case with her June 1985 or May 1986 meetings with Bis Weaver, she offered herself up as "probably the only person involved in the Inquiry who has known all the parties involved since their initial appointments at Bournville" as well as teaching in the same division as "Messrs. Gates, Cave and Hartland." She thought her "knowledge of the staff may be of use to [the Inquiry]," and went further – well beyond the remit of a submission, by introducing factors concerning extraneous issues having little bearing on the actual grievance. The Principal offered to discuss with the panel the findings of her own "off-the-record, out-of-college meetings with senior NATFHE officials (officers)...[and she had] some idea of how they would react to various possible outcomes from the Inquiry."⁴⁷

The Principal's offer of 'off the record' comments from her contacts with NATFHE senior officers, whether these officers were sitting on the Bournville Governors * or situated elsewhere, might reasonably be inferred as providing NATFHE with another route to secure a favourable outcome for three of its officers – an outcome also favourable to the Principal because of Bournville management's culpability under what was eventually established as the Stedman ruling. ** However, management culpability did not mitigate the behaviour of Gates, Cave and Hartland as that was something for which they were totally responsible. As later events showed, the only outcome the union was prepared to accept, was one of no disciplinary action against all three. Could this be one of the options the Principal was offering to discuss with Geoff Hall? The Principal gave the impression of seeing herself as an

* NATFHE officers on the Bournville Governors, included Downey, Mackney and Gates

** The EAT, in one of the findings in the Stedman case, found that "Since the applicant made complaints to other colleagues at work it was incumbent on the employer to investigate the matter; their failure to investigate was enough to justify a finding of breach of trust and confidence."⁴⁸ Bis Weaver had made many complaints to colleagues and to management over the previous months

aide de camp to the process rather than appearing at the hearing as a potential culpable party.

The Principal's additional input confirmed that Bis Weaver had expressed concern to her about the treatment she was receiving on two separate occasions almost twelve months apart in June 1985 and May 1986. She also knew of other issues - the HMIs visit and the allegations surrounding the equal opportunities post, yet for the Principal these allegations and foul mouthed abuse; intimidation; attempts to discredit her; and the harassment suffered by her - a non-reciprocating party, was equated with the term 'interpersonal conflict'. Had the *NATFHE-centric* attempts to hide racial harassment rubbed off on the Principal during her discussions with senior officers and she had embraced NATFHE's ludicrous interpretation? How the word 'racial harassment' puts fear into those who have something to hide or defend! Management had its say and, apart from the Principal's attempt at self-exoneration for doing nothing to assist a member of staff, Bis Weaver's version of events had been corroborated.

The time had arrived for Bournville branch to express its position on the grievance and its response came as no surprise. On the 2nd October, the first branch meeting of the academic year was chaired by Shuk Nedjat, who explained he was standing in for "Norman, who, along with Dave and Brendan; was attending an Enquiry held by Officers at Margaret Street to look into allegations made against them in a grievance procedure taken out by Bis Weaver." The mention of the grievance was quickly seized on by *Mr Ubiquitous* in what had the appearance of a pre-arranged intervention. His contribution was a one-sided portrait of the way "the accusations made against them by Bis Weaver is affecting their work; their attitude to their work; [on] the students; on the division; [and] on their health and their families." An attempt on my part to put the situation into perspective was initially refused by Nedjat on grounds similar to those put forward by Ms Pattinson on the 14th May preventing Bis Weaver' right of reply, namely, lack of time with "a lot [of business] to get through." My insistence paid off and thirty seconds was granted to me to speak. I raised the issue of balance and described the previous speaker's comments as "a highly prejudicial statement", reminding the branch of the effect the behaviour of Gates, Cave and Hartland "had on Bis Weaver's health; her family's health; the division and the student's work."

Mr Ubiquitous, one of a number of branch members, who appeared not to favour anti-racism initiatives, was taking advantage of the crumbling edifice of anti-racism superficially erected in Bournville branch during its Blue period when the rhetoric of branch officers had subdued opposition to anti-racism, anti-apartheid and anything else that branch officers thought promoted themselves as progressive. The *kernels'* actions over twenty months had

stripped away the veneer covering what passed as ‘anti-racism’ in the branch enabling the previously muted voices of opponents of anti-racism to be let loose in promoting the *kernels*’ new agenda.

Nedjat addressed the gathering with the news that Bis Weaver’s complaint had been raised with NATFHE’s “NEC; [the] CRE and Regional TUC”, which showed that branch officers, including the newly-returned Nedjat, were being kept informed. Nedjat promised “a fuller report for the Branch later,” which never materialised in a formal way. No mention was made, however, of Day’s attempt to subvert the statutory procedures, well known to officers in the branch, liaison and region, suggesting not all information was to be divulged to the membership, * which was expected to rally behind the ‘three’ and the union. During Nedjat’s ‘less than complete’ briefing, Bis Weaver passed a note to him with a request to be allowed to read it at the end of the meeting.

At the meeting’s end, the chair refused to allow her to read the statement verbatim but agreed to make a summary of it himself, which, because the statement itself was virtually a précis, turned out to be a verbatim reading. The statement went:

The Chair omitted to say that I have also been summoned to Margaret Street and allegations were made against me to Senior Management by the three people concerned, without me being informed by them that they were going to make allegations against me. Unlike the other three named people I have no NATFHE assistance or representation although I was acting on the advice of Mr D. Triesman, Head Office Official.

Due to shortage of time, a proposal for the branch to adopt a South African detainee fighting against racism was not put to the branch. Instead the time had been used up with a partisan appeal to the branch to support three White people while a Black member fighting against racism was unable to get a vestige of equal treatment in the branch. No doubt had the proposal on South Africa been put to the branch it would have been passed unanimously. Eight thousand miles was far enough away for the branch to show sympathy for Black people. The way partisan interests went unchallenged by branch members was a prelude to the way the branch could easily be mobilised against Bis Weaver that coincided with the expected release of the findings of the LEA hearing.⁴⁹

While the branch displayed its partisanship, the three beneficiaries of this preferential treatment were appearing individually before the grievance hearing aided by the preferential

* It may have been that Nedjat had not been made privy to that information and he continued to act in a way not unfavourable to the three while still being left somewhat in the dark about what had been, and what was, going on

treatment provided by NATFHE officialdom - representation for Gates, Cave and Hartland by the regional official, Alan Day. Day later claimed to have not represented them and attended the hearings merely as an observer. His participation was put down as solely to release the confidentiality of the 'report', which Day had submitted to the committee but without the comprehensive critique. The supposed confidentiality clause had disappeared long before when NATFHE's regional secretary gave a copy to a member of the women's panel and Triesman gave approval to the Bournville branch to discuss it.

Any written submissions from the 'trio', if any were made, never reached Bis Weaver and she had to rely on what panel members disclosed when they sought her comments on the 'trio's' oral 'defence' at the hearing. Apparently Gates did not deny his behaviour was any different to that put forward in her grievance, which she had described as abusive, intimidating and harassing, but he denied any racist motives for his behaviour. In support of this defence against racism, Gates claimed to have a commitment to anti-racism and a long history in the anti-racist movement. * Cave and Hartland, when they appeared, did not deny their actions but any reason they might have offered up for their behaviour was not disclosed to her, and, similarly, they claimed to be anti-racists and that racism had played no part in their behaviour. Hartland tried to distance himself from Gates and Cave by pointing out that "most of the incidents happened on Access before [he] was appointed." ** Hartland's line of argument had some substance for the 1985 incidents but could not hold up for those incidents in 1986 when he was directly involved.

Why Cave and Hartland collaborated with Gates in the long vendetta against Bis Weaver remained a mystery because she never acted against either of them other than to defend herself. Perhaps, they were easily influenced to act against her but why was it so easy for them to go along with the harassment of a lone Asian woman; by acquiescing in behaviour

* A claim that was to be repeated by Triesman on numerous occasions

** Hartland's point was not revealed to Bis Weaver at the hearing but came out at another hearing involving Cave and Hartland in a further incident against Bis Weaver two months later, to be known as the *Beider affair*.⁵⁰ (see Chapter XI Sect (b))

that a reasonable person might interpret as racially motivated behaviour. *

Bis Weaver appeared before the enquiry the following day and, as her representative with one eye on the Industrial Tribunal, I established that Day had represented all three when they appeared at the hearing. This confirmed that Bis Weaver was treated differently and to her disadvantage by the union. Her evidence was straightforward – the incidents in the complaint had been fully documented in the letter of grievance. During this exposition, she revealed the immediate and subsequent effects of their behaviour on her personally; the restrictive effects the behaviour had on carrying out her responsibilities; and the stress of her everyday work situation that had resulted in illness over a significant period of time.

Gates apparently tried to pass off the situation as a conflict over control of the business studies option and claimed that responsibility for the provision was given to him by the head of business studies. She informed the panel that she “was never told of D Gates’ assumption of control of the Business Studies provision nor does it appear was D Gates.”⁵¹ Gates’ assertion was a non-starter as even Gates’ representative, Day, had recognised in his ‘report’, where it was stated, and accepted by Gates, that he “was not provided with any specification of that further role” when referring to Gates’ role on that option.⁵²

She was told of Gates’ response to the charge of racism, which was his claim of being an anti-racist with a long history in the anti-racism movement. Drawing on her own experience in the fight against racism and her direct experience as a victim, she pointed out that if Gates had a long history of fighting racism he should: (i) be familiar with the various ways racism operated; (ii) be aware of the difficulties Black people face as a result of racism;

* Once Gates, Cave and Hartland did not deny behaving to Bis Weaver in the way described then the onus was on them to “show on a balance of probabilities that the grounds were not those of” race⁵³ In 1991, the Courts dealing with another case involving racism found “That it is unusual to find direct evidence of racial discrimination;...as a consequence the outcome of the case will usually depend on what inferences it is proper to draw from the primary facts...and draw such inferences as they consider proper from those facts...The process of inference is itself a matter of applying common sense and judgement to the facts, and assessing the probabilities on the issue whether racial grounds were an effective cause of the acts complained of or were not. The assessment of the parties and their witnesses when they give evidence also form an important part of the process of inference. The tribunal may find that the force of the primary facts is sufficient to justify an inference of racial grounds. It may find that any inference that it might have made is negated by a satisfactory explanation from the respondent of non-racial grounds of any action or decision.”⁵⁴ Gates, Cave or Hartland did not deny nor did they give any satisfactory explanation for their behaviour other than to say they were not racists, therefore, under this judgement it would be reasonable to consider that racism was an inference that could be properly drawn from the facts. The time gap between the Weaver (1986/7) and King (1991) cases was immaterial in terms of the findings on the motivations behind their behaviour since the King judgement signified that the Courts were catching up with the meaning and practices of racist behaviour

and (iii) know of the reluctance of management and other employees to come to the aid of Black people when harassed. Yet, Gates had taken advantage of whatever he may have picked up about racism; and used it to abuse, intimidate and harass her in the knowledge that support and assistance would not be available to her as a Black person. * What possible reason was there other than racism to explain Gates' actions towards the only Black person in the college when he had provided no other?

She further illustrated this assessment with an example of a perpetrator using the racism of others, or the reluctance of others to assist a Black person against a White person, in order to pursue his/her individual interests. In her situation, Gates' initial objective was to remove her from her post by using other people (staff and management) and a union regional official in an attempt to achieve this aim. When this did not succeed and she would not 'toe-the-line' and accept a cover up by the regional official, Gates played on the attitudes of others to continue the pressure on her. In presenting this explanation she did not accuse Cave and Hartland directly of racism, instead she attributed Cave's involvement to his being apparently weak and easily influenced. Hartland was described as being inexperienced - a newcomer to teaching in his probationary year at the time, who also appeared to be easily influenced. However, that did not mean she excluded racism as a motive for them because why had they collaborated with Gates against the only Black/Asian member of the lecturing staff. What other reasons did they put forward for collaborating with Gates?

The late addition to the panel and 'negotiator' with Day over procedures, Ron Jones, asked if she thought the behaviour of the three would be unacceptable if it happened to a White woman. The question seemed irrelevant - harassment was unacceptable to any victim irrespective of ethnic origin and she made that clear to him but, as she pointed out, "it had not happened to anyone else it happened to [her] and [she was] the only Black member of staff in the college." In the light of what NATFHE officialdom and regional officers tried to promote later, which was to imply Bis Weaver accused everyone of racism, was Jones' question prompted by his discussions with a NATFHE official and was he searching for a reply other than the one he received? Hall then asked her what management had done for her during those months and it took very little time to supply an answer - it did nothing; eliciting from Hall the remark that from what he had read and heard, Gates appeared to have been running

* This assessment of Gates' knowledge of the situation was confirmed by the action of branch members and management to Bis Weaver's difficulties, and her problems were reinforced by the actions of NATFHE officialdom

the college. Hall had, in fact, hit the nail firmly on the head.

Geoff Hall then turned to the present situation and asked if the dispute with NATFHE was creating difficulties in the college and could she carry out her obligations to the college and to Birmingham city council. He explained his reason for asking this question, which was not for seeking a quick solution but a decisive one and the latter meant a full investigation of the college. If there were present difficulties for her n he would opt for a quick solution whatever that solution happened to be. She confirmed there were few problems with Gates now out of the college and, although unsaid at the hearing, she had suggested, as equal opportunities race coordinator, an investigation of the college in her letter of grievance. Geoff Hall informed her of his intention to report shortly on her particular grievance and the report would deal more comprehensively with the grievance than had NATFHE's. At the end, he disclosed that NATFHE's regional official had requested copies of the notes taken at the enquiry for all the parties and, as he had agreed to that request, he would also provide copies for her. Day was undoubtedly keen to have the notes relating to Bis Weaver's follow up evidence at the hearing and Bournville management's submissions because he knew what the trio had said. Was Day looking for something to use in NATFHE's Industrial Tribunal submission? Just before leaving, she let the committee know that she was taking NATFHE to an Industrial Tribunal for racial discrimination with the case likely to be heard in November or December.

The grievance hearing was like a breath of fresh air to Bis Weaver unlike the stale and fetid atmosphere generated by the gross partisanship of Day and Triesman. Geoff Hall had approached the hearing in a manner deserving the description of fair and impartial. She had high hopes when she left the hearing that justice would be done and the wider issue of NATFHE's duplicitous dealings and discriminatory policy could be tackled in a wider public arena.

The next to appear before the panel were members of Bournville senior management, who spoke to their submission. Geoff Hall asked management, with a touch of irony, where it had been when events at the college were unfolding and, apparently, gave management a rough ride for failing to protect Mrs Weaver's position; for allowing the situation to get to the stage it had reached; and for letting Gates jeopardise college policies. Management failed to come up with anything to convince Geoff Hall, other than to confirm that Bis Weaver's personal difficulties in the college had abated now Gates was on secondment and the difficulties with the union were 'contained.' The Principal's 'sweetener' of self-exoneration

and the offer of insider information on NATFHE's intentions, did not impress Geoff Hall and she was asked to compile a list showing what management had done to support Mrs Weaver.

The Principal produced a post-January 1986 list of the support given to Bis Weaver after the trio had marked her out for their version of what constituted aiding Black staff members in a hostile workplace environment. The items on the list citing the assistance given were asinine. They covered: allocating funds to purchase pictures of leading Black figures placed at the college entrances; assisting her in obtaining statistics; inviting her to attend a conference; arranging for her to meet candidates prior to job interviews; producing an equal opportunity statement; career counselling for her; providing advice on her daughter's career.

None of this 'assistance' was of a calibre to protect an employee from harassment. However, the Principal did provide one instant with some relevance to Bis Weaver's plight, which was to move her office to another part of the college away from the 'troubled areas'. This decision was obviously to avoid taking action against those causing those difficulties and even this had no practical value since Bis Weaver performed a cross college role and had no choice but to venture into 'troubled areas' complete with walking stick. Nonetheless, this confirmed that her problems continued right up until June 1986 - a significant admission in the light of what the Labour-controlled city council would subsequently try to claim.⁵⁵

With the evidence available to the panel, the grievance was as good as proven under one heading – the harassment of Bis Weaver. The incidents cited in her grievance, which were apparently not denied by Gates, Cave or Hartland, constituted harassment in any trade union or local authority manual on harassment. This was gross professional misconduct with an outcome usually consisting of severe penalties, including dismissal – the apparent reason for NATFHE's eagerness to cover up the complaint when in its hands and then in seeking to gain control over the statutory grievance procedures after the complaint went outside the union. The only outstanding issue was the motive for the harassment and since racism was cited in the grievance it became a matter for the CRE to investigate, including a full investigation of the college under the agreement between the city council and the CRE.⁵⁶ The trio's claims of being anti-racists and then failing to provide reasons for their behaviour carried little weight and this limb of their defence might well fail. However, steps were being taken to ignore the CRE and prevent the outcome of the hearing being revealed.

(e) NATFHE – Labour Group Collusion Appears

Within a short time of leaving the hearing, Bis Weaver became aware of the attempts to interfere with the outcome of the grievance. Her expectation of a just resolution, prompted by the way the hearing was conducted, was short-lived, barely long enough to reach home. When she arrived a city council officer phoned her suggesting, as a matter of urgency, she met him at his house after dark. The 'cloak and dagger' approach heightened her curiosity and, after consulting me, she agreed to go and took me along. The purpose of the meeting was due to the decision being a forgone conclusion and an effort was being made to bring the proceedings to a halt by discouraging her from pursuing the grievance any further. This seemed a bit late in the day bearing in mind the enquiry had just been concluded.

What transpired was that local unnamed union officers on the liaison committee had threatened not to co-operate with the city council's equal opportunities programme in the event of an adverse finding against the three, which the officer confided was a likely outcome. He also alleged that Geoff Hall was at the receiving end of a considerable amount of pressure from NATFHE officers and officials, locally and nationally, as well as from Labour politicians urging that no action should be taken against the three. Bis Weaver was alerted to the unfavourable attitude held by some city council officers and Labour politicians against her for pursuing the grievance.

Disturbed but not daunted, she pointed out that Geoff Hall and the others now knew what her experiences had been over the past eighteen months. The officer then disclosed a sinister piece of news. City council officers, acting on behalf of Labour Party councillors, had been checking on her out-of-college movements during working hours. This particular officer had been contacted to ask if permission was granted to her to leave the conference at Matthew Boulton College on the 11th September to meet the EEC delegation. Furthermore, Bournville College management was due to be contacted about her attendance at the city's Race Committee meeting on the 19th September. She had heard enough and left.⁵⁷

She was not altogether sure why he contacted her. Was it to warn her of the manoeuvrings by vested interests in the union and in the Birmingham Labour Party; and the problems she would face if the LEA did nothing and she decided to take on the city council as she did the union? Was it to find out her level of determination to pursue the grievance should the LEA follow the line of the 'power-brokers' in the Labour Party? Was he trying to warn her off to prevent the union from carrying out its threat of non-compliance with the city

council's policies if things did not go the union's way? Did he have his own agenda in not wishing to upset any union-city council collaboration?

The only way of unthreading the new web being woven around her was to show whoever had the needle and thread that there was a weaver on hand to unpick this *schmutter* however long it took to ensure the outcome was not another shop-soiled version of right and justice. She also wanted to inform, via the LEA, those in the Labour Group showing an unhealthy interest in an employment issue (the grievance) that she knew they were monitoring her movements. In furtherance of these objectives, she wrote to both Geoff Hall and John Crawford. In the letter to Geoff Hall, not mentioning the conversation with the city officer, she wanted to confirm to interested parties that she was "able to carry out [her] contractual obligations to the City." She also mentioned Geoff Hall's intention to have "a fuller investigation into matters relating to the treatment" she experienced at Bournville College as being "consistent with the City's declared policy." This also corresponded with her request for a wider investigation of the college "so that staff at all levels are aware that the City takes a serious view of the kind of behaviour demonstrated against a Black member of staff." As a precaution, should her conversation with the city officer been at the instigation of the panel, she sent copies to the chair and vice-chair of the city's Race Committee; the Race Relations Officer and the Multi-cultural Adviser, all of whom had asked to be kept informed of developments.⁵⁸

The letter to John Crawford let him know she was aware "someone in the Chief Executive's Office was interested in [her] attendance" at meetings on the 11th and 19th September and had contacted Bournville management and the city's Multi-cultural Adviser "to establish whether [she] had legitimate time off to attend..." As he "must now be aware, [she] had permission to attend from the respective authorities..." She put on record that there were "only two occasions...when [she had] attended such meetings" and expressed concern that "her movements are so closely monitored...at a time when [she is] under considerable pressure as a result of taking a complaint...[against] a Senior Officer of NATFHE." A link was made between the LEA hearing and the monitoring and she suggested that "the reasonable person" might see this "as an attempt to put [her] under additional strain and pressure...[at] an extremely difficult time."⁵⁹

Events on the next day showed these disclosures to be *bona fide* because, as forecast, Bournville College was contacted by an LEA officer asking "why Bis [Weaver] went to the meeting" on the 19th September. She was summoned to explain her attendance and she reminded management that she had given to management "all the papers relating to that

meeting...when [she] arrived back at college.”⁶⁰ There could be little doubt that her informant was alerting her to what she was up against from NATFHE and the Labour group.

The branch committee, by priming the branch to support the ‘trio,’ had already confirmed which way the wind was blowing – a southerly direction towards NATFHE headquarters as it had been for a long time. With this in mind, she looked to cover her back; unsure of what NATFHE’s armoury of loose cannons might release on her. However, with the prospect of an Industrial Tribunal hanging over NATFHE’s head, she thought someone, not necessarily in NATFHE but associated with it – NATFHE’s solicitor for example, might advise NATFHE to spike these unstable cannons rather than jeopardise its interests by putting duress on a litigant. Nonetheless, reasoned restraint, even in its own interest, played no part in the *esprit de corps* of the NATFHE head office brigade and the guns were already being loaded. It would take a couple of weeks for Bis Weaver to realise the depths to which NATFHE’s brigadiers would sink at all levels of combat.

In an attempt to curb the partisan actions of the branch committee, Bis Weaver decided to invoke Rule 8 procedures against ‘Sue Pattinson, on behalf of the Bournville Branch Committee.’ With the whole of the April 1986 branch committee identified as co-accused, we thought ‘preferring charges’ might make it difficult for the committee to launch a campaign in favour of the three and by implication against Bis Weaver as it would be additional evidence for a Rule 8 tribunal.

The first five points dealt with the publication of unfounded, inaccurate, prejudicial and confidential ‘information’ in a statement released to the branch. Point six concerned publicising the branch’s decision “to give authority to the Branch Executive to take action against [her] without any formal charge being brought..., without a hearing, without [her] having any representation...and without NATFHE procedures for withdrawing services and facilities from a member being followed.” Point seven described how “the statement was distributed to non-NATFHE people outside of Bournville CFE” including Black community groups, who brought the issue to the attention of a Bournville college governor and to a Birmingham city councillor. The result of this action brought “what was, up until then, an “internal NATFHE issue...into the public domain and [was]...responsible for bringing these issues to the attention of Bournville CFE Governors, Birmingham City Councillors and other non-NATFHE people in Birmingham.” This publicity revealed to “non-NATFHE members, who know [her] personally, that NATFHE officers are prepared to make unfounded statements against those Black members, who are prepared to seek redress for their grievances...” and as a consequence these officers have “brought NATFHE into disrepute.”

Using a charge of disrepute was the only formal means to get redress as no other means were available under NATFHE's rules to bring action to what might be tantamount to racist discrimination. Possible racist discrimination was implied as she described herself as a Black woman member and "no member of Bournville Branch, prior to the 29th April 1986, has ever had removed from them, those facilities and services...without the appropriate procedures being followed." * Gordon Weaver, her representative, had similar rights removed at the same time on the grounds "that issues raised by this colleague were linked to [hers], a Black woman."

In conclusion, she drew attention to the CRE's Code of Practice for Trade Unions and hoped NATFHE would observe these guidelines.⁶¹ This concluding point was shown to be nothing more than a pious hope when NATFHE's submission to the Industrial Tribunal arrived two days after Triesman acknowledged the Rule 8 complaint. Triesman, in accordance with the rules, referred it to the Finance and General Purposes Committee.⁶² Like everything associated with NATFHE, the Rule 8 complaint had no effect in curbing the malevolence of NATFHE's officials and branch committee members in putting additional pressure on her.

Bis Weaver was not getting any backing from the wider labour movement either, despite the efforts of Muff Sourani. NATFHE took advantage of the non-intervention role of the TUC in the affairs of affiliated unions to prevent trade union support for her. The decision on her appeal for support to the TUC Race Relations Committee was assigned to Muff Sourani, the committee's secretary, who wrote to her on the 13th October to tell her the outcome. The secretary had read her letter to the committee but "It was decided not to discuss [her] report as it concerns an internal issue within NATFHE." Apparently, NATFHE's representative at that meeting "indicated he was aware of the problem and he advised that [the Secretary] wrote to [her] explaining the difficulties the Committee faced in discussing the matter and advising [her] to pursue the issue through [her] own Union."⁶³ The NATFHE representative on the committee was NATFHE's anti-racism officer, Sardul Dhesi, to whom Muff Sourani sent a copy of his letter.

She could see that the TUC West Midlands race committee, with the exception of Muff Sourani, was little different from NATFHE's West Midlands race committee – concerned with policy and bureaucratic procedures but without any direct involvement in actual cases of racism. She wrote to Muff Sourani to thank him for raising the issue and to

* In fact, no other member had those rights removed from them – full stop

make a few observations on the outcome. Concern was expressed for herself and for other Black trade unionists about the TUC race committee. When the committee was made aware of an affiliated trade union's lack of concern for a member's trade union rights, it was suggested to her to pursue it "through that same trade union's structure" – a union responsible for making it necessary for the complainant to approach the TUC for assistance. She also referred to NATFHE's refusal to provide advice and assistance to her when taking a complaint to the employer, which has now become "a matter...taken to an Industrial Tribunal as racial discrimination." She also revealed that due to the Bournville branch committee's actions against her, she had taken a Rule 8 complaint against the committee but added that "any reasonable person would undoubtedly consider as understandable, the scepticism, [she has] about how this complaint will be dealt with." She brought up the issue of raising complaints against union officials, who were members of a different union – the problem being that NATFHE has no procedures and the ASTMS do not entertain complaints against members from non-ASTMS members, which meant the victim had no redress against NATFHE officials. The final observation was in having "been forced to seek redress through the LEA, and an Industrial Tribunal...for what the trade union movement should have resolved..."⁶⁴

Bis Weaver tried to contact NATFHE's anti-racism officer by telephone about his alleged response in the committee but was unable to reach him over the next two weeks despite leaving several messages.

On the 14th October, another combatant was confirmed to be in the field when it was revealed that a city officer, visiting the college had asked management if Bis Weaver had permission to attend both meetings on the 19th September. Management verified she had and then summoned her to describe the contents of the meetings. She repeated her account and reminded management that she had given the papers concerning the meeting to management when she arrived back at the college on the day in question.⁶⁵ This was only the tip of the iceberg as this city officer told her, in a discussion they had, that Crawford, and other local authority officers, had expressed concern at the "tremendous pressure coming on to Geoff Hall from NATFHE nationally" and of the pressure Bis Weaver was under from the union and the (Birmingham) Labour party. Geoff Hall also realised the amount of pressure NATFHE had been exerting on Bis Weaver.⁶⁶

We were already aware of the rumours passed off as fact circulating around NATFHE in the West Midlands by one liaison committee officer, who had not been unsympathetic to Bis Weaver's situation earlier in the year but had changed tack in a demonstration of union

patriotism.* Now was the time for the ‘Johnsonian’ union patriots to show their loyalty to the *patrie*.

One story going the rounds was that the LEA had transferred Bis Weaver to its main office in Margaret Street to separate the pair of us because we were the cause of the trouble at Bournville College. Another rumour describing me as a trouble maker, which may have some substance in NATFHE’s lexicon of definitions, was of Bournville management reprimanding me by for my behaviour, which had no substance in anyone’s dictionary. The main story was that Bis Weaver did not get union representation because she did not ask for it,⁶⁷ which showed that the rumour-monger’s knowledge was completely at odds with the reality of the situation. These were the lines fed to NATFHE and non-NATFHE recipients even to those few members supportive of Bis Weaver, who passed on this and other information to her. No doubt NATFHE’s principal local lobbyist justified his actions on grounds of protecting the wider interest of the union. **

This kind of rumour-mongering was small-scale and did not pass muster for serious consideration. The rumour machine was a NATFHE equal opportunities practice not discriminating against anyone on any basis whatsoever – it disseminated false information to Black and White, male or female, radical or reactionary. However, Bis Weaver was about to meet the full force of NATFHE’s non-discriminatory practice when the vanguard of the NATFHE proletariat made its submission to the Office of Industrial Tribunals containing a whole range of false allegations and false claims.

* At the time when this officer was giving snippets of information to Bis Weaver, we suspected that the information was given in the knowledge that she would take up those issues with local committees and head office. It seemed to be part of the internal struggle within the NATFHE ‘Left’ to undermine the clique associated with Gates, which was abandoned when informants had to act in full view of the Broad Left faction and officialdom

** This officer was a campaigner as was Bis Weaver and I in opposition to the Vietnam War in the late 1960s/early 1970s. We later met him in Portugal in 1975 in the wake of the overthrow of fascism, when he was reporting for a ‘left-wing’ newspaper but we did not meet him again until the Weaver case erupted. To our knowledge he had been associated with the anti-racism movement for at least seventeen years. His attempt to denigrate a Black woman’s struggle against racism showed that having a long history in the anti-racism movement did not stop him from shedding his ‘anti-racism’ when it came into conflict with other political or personal considerations

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- ¹ City of Birmingham Education Policy Statement 20 June 1986 Appendix B
- ² GH To BW, DG, NC, BH 16 July 1986 BW IT Bundle 84-87
- ³ TGP – FET p2 s (ii) SH 15/88 LEA Notes for Guidance of Colleges App 23
- ⁴ AD to RJ 11 Aug 1986, NATFHE IT Bundle 185
- ⁵ Day's Report p3 pt 3(ii) BW IT Bundle 14
- ⁶ NATFHE's reply to the CRE Questionnaire 15 Oct 1986 p2 pt 6 (i) in Weaver v NATFHE at www.theplebeian.net p 189
- ⁷ AD to RJ 11 Aug 1986 NATFHE IT Bundle 185
- ⁸ THES 22 Jul 1983
- ⁹ CRE to BW 21 Aug 1986
- ¹⁰ CRE Originating Application 2 Sep 1986 NATFHE IT Bundle 1- 2
- ¹¹ BW to OIT 2 Sep 1986 rec'd del 027221 NATFHE IT Bundle 1- 2
- ¹² OIT to BW 4 Sep 1986
- ¹³ DTr to BW 18 Feb 1986 BW IT Bundle 42
- ¹⁴ BW to NEC 5 Sep 1986 NATFHE IT Bundle 187
- ¹⁵ KC to BW 18 Sep 1986 File E 3
- ¹⁶ NATFHE to OIT 10 Sep 1986 (received by BW 14 Sep 1986) NATFHE IT Bundle 4
- ¹⁷ Race Relations Act Questionnaire 17 Sep 1986 BW IT Bundle 89
- ¹⁸ GH to BW 11 Sep 1986 BW IT Bundle 88
- ¹⁹ BW to GH 14 Sep 1986 File N 11 - 12
- ²⁰ BW to GH 20 Sep 1986 File N 14
- ²¹ Conv BW & B/V Mgt 6 Oct 1986 File V 27
- ²² B/V Mgt to BW 19 Sep 1986 File N 13
- ²³ EMLC & RRC Mtgs 19 Sep 1986 File Y 5
- ²⁴ Conv BW, GW & SWP member, 25 June 1986 File Y 4
- ²⁵ Conv BW, GW & DP, 8 Sep 1986 File Y 4
- ²⁶ WMWP Mtg 30 Jun 1986 File X 11 - 12
- ²⁷ Notes & Mins WMARC Mtg 17 Sep 1986 File Z 11 & File U 17 - 18
- ²⁸ Notes BCtte Mtg 19 Sep 1986 File R 21
- ²⁹ Mgt to DG, NC, BH, DH 9 Jul 1986 File D 50
- ³⁰ BW to BSec/BCtte 19 Sep 1986 File E 5 - 6
- ³¹ Conv GW & HS 18 Sep 1986 File Y 5
- ³² GW to Br Sec 20 Oct 1986 File M 19
- ³³ HS to DTr 3 Nov 1986 File E 22
- ³⁴ Conv DS & GW 7 Nov 1986 File Y 6
- ³⁵ MS to BW 22 Sep 1986 File E 8
- ³⁶ BW to SN 22 Sep 1986 File E 7
- ³⁷ NATFHE Anti-Racism Conference, Middx Poly Dec 1985
- ³⁸ Conv BW & SN 24 Sep 1986 File R 22
- ³⁹ NJ Mar 1984
- ⁴⁰ Agenda & Mins WMWP Mtg 29 Sep 1986 File Z 12 - 14
- ⁴¹ PMT to GH 1 Oct 1986 File N 20 - 24
- ⁴² Mgt submissions to the LEA 23 Sep 1986 File N 16 - 19
- ⁴³ T/p conv LEA to BW 25 Sep 1986 File Y 5
- ⁴⁴ LEA to BW 29 Sep 1986 File N 15
- ⁴⁵ BW to SMT members 4 Jun 1985 File V 1 - 7
- ⁴⁶ BW to PMT 1 Jun 1986 File N 1 - 2
- ⁴⁷ PMT to GH 1 Oct 1986 File N 20 - 24
- ⁴⁸ (1) Reed and (2) Bull Information Systems Ltd v Stedman [1999] IRLR 299
- ⁴⁹ Mins and Notes BCMtg 2 Oct 1986 File R 23 - 24; BW to BSec 4 Jan 1987 File F 1
- ⁵⁰ BH, Verb Notes, Beider Enquiry, 10 Dec 1986, p4 File S 2 - 34
- ⁵¹ BW to SS 6 Oct 1986 File N 27
- ⁵² Report p6 pt 4 (viii) BW IT Bundle 14
- ⁵³ Wallace v South Eastern Education and Library Board, 1980, IRLR 193, NICA; Moberly v Commonwealth Hall (University of London), [1977] I.C.R. 791; Brunt v NIES [1979] 2 NIJB
- ⁵⁴ Neill LJ in King v Great Britain-China Centre [1992] ICR 516, [1991] IRLR 513 at 528-9
- ⁵⁵ PMT to GH undated, (between 3-9 Oct 1986) File W 38 - 39
- ⁵⁶ BhLC mins 4 Dec 1984 pt 8.3 File V 43
- ⁵⁷ Conv LEA contact & BW/GW 3 Oct 1986

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- ⁵⁸ BW to GH 5 Oct 1986 File N 25
⁵⁹ BW to JC 5 Oct 1986 File N 26
⁶⁰ BW & Mgt Mtg 6 Oct 1986 File V 27
⁶¹ BW to PD 8 Oct 1986 Rec'd Del V404275 File E 10 - 11
⁶² DTr to BW 13 Oct 1986 File E 12
⁶³ MS to BW 13 Oct 1986 File E 13
⁶⁴ BW to MS 15 Oct 1986 File E 14 - 15
⁶⁵ B/V Mgt to BW 14 Oct 1986 File V 27
⁶⁶ Conv LES to BCFE Mgt & BW 15 Oct 1986 File Y 6
⁶⁷ Conv REC/BhLC member to KS told by KS to GW 15 Oct 1986 File Y 6