

CAFAS Update

17th November 1994

Next Meeting:

Saturday 26th November 1:30pm
Room MB 307
Birkbeck College,
Malet Street, London WC1
Nearest Tube: Goodge Street

Danny Gaskell Case

Danny is a lecturer in construction at Lambeth College, London. On 28th September he appeared on Channel Four's educational programme, Class Action, where he expressed the view that there are pressures to pass people who are not up to standard and that the system of external verification does little to prevent this. At his request, the programme did not name Lambeth as his place of work. On 20th October, Lambeth charged him with gross misconduct for "bringing the college into disrepute" by making "potentially damaging allegations about the NVQ verification process."

The proceedings against Danny are the most monstrous attack on academic freedom we have so far encountered. He is not accused of acting wrongfully merely by appearing on the programme; Lambeth plans to sack him for his views, and those views are shared by *CAFAS*, and by a great many others too. The college is acting ultra vires, because its Articles of Government guarantee staff the right to express controversial or unpopular opinions without putting their jobs in jeopardy; and it is seeking to deny the ordinary civil liberty to take part in what is currently a national debate about NVQ standards.

We must pull out all the stops to support Danny. His hearing is timetabled for the 25th November, the day before our next meeting. *CAFAS* is trying to prevent the hearing. But, if Lambeth decide to go ahead, our London members should organise a lobby; and if Danny is sacked, we should play an active part in mounting a national protest. The case will of course be on the agenda of our meeting of 26th.

For further details contact *CAFAS*: Tel 0792-205678 ext 4770/3/4

The Davies Report

This important document has now been published by Thoemmes Press. *CAFAS* members should obtain copies for themselves and make sure that their libraries

order copies. The commercial price of the book is £4, but copies bought through *CAFAS* are only £3. Copies may be ordered by telephoning 0792-205678 ext 4770/4; publication details for your library are available on the same numbers.

Prospects of promotion CAFAS Report no 3

This *CAFAS* report which gives a comparison of the promotions processes for academic staff in British Universities to assist in the process toward a common code of practice has been well received. Requests for copies have been received from Africa & Asia in addition to Europe. The CVCP has distributed copies to every Vice Chancellor in the UK.

Letters, news items and short articles for CAFAS Update should be addressed to:

39 College Street,
Grimsby DN34 4TN

CAFAS Update can provide you with an opportunity to air your views on matters of Academic Freedom and Standards. It is an opportunity to discuss the changes in Higher and Further education. Many of the changes now being introduced in Higher Education were firstly introduced at the Further education level. We can gain by the sharing of experiences.

Freedom of Speech in Universities, Polytechnics & Colleges

At an open court hearing of 9 September 1994 in the High Court of Justice, Queen's Bench Division, Crown Office List, an application for leave to apply for Judicial Review was refused by Mr Justice Sedley. However, the judgement was a step forward in that it confirmed:

- that universities are "public bodies" and as such amenable to Judicial Review;

b. that s. 43 of the Education (No. 2) Act 1986, which comes under the rubric "Freedom of speech in universities, polytechnics and colleges", and which reads,

(1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.

(2) The duty imposed by subsection (1) above includes (in particular) the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with -

- (a) the beliefs or views of that individual or of any member of that body; or
- (b) the policy or objectives of that body.

is justiciable under the public law procedure of Judicial Review in appropriate circumstances relating to a member of a university or college. The importance of this judgement resides in the fact that there is, as yet, no precedent of a successful application for leave to apply for Judicial Review of a university's denial of the freedom of speech and failure to comply with the duty imposed by s. 43 of the Act with regard to a teacher of the university. The above-mentioned application for leave is now being renewed to the Court of Appeal. A copy of the judgement transcript (6 pages, Crown copyright) can be ordered from

John Larking,
Verbatim Reporters,
53/54 Chancery House,
Chancery Lane,
London WC2A 1QX
Tel. 071-404-7464 Fax 071-404-7443

under the reference "ex parte Ursula Riniker, open court hearing of 9/9/94, Royal Courts of Justice, Queen's Bench, Crown Office List".

Patrons

CAFAS is bringing together a body of eminent academic patrons willing to associate their names with our objectives and to assist in specific cases of victimisation. Those who have so far agreed are Professors John Griffith (LSE), Michael Dummett (Oxford), John Westergaard (Sheffield), Peter Geach (Leeds), Elizabeth Anscombe (Cambridge), Noam Chomsky (MIT), John Saville (Hull), David McLellan (Kent), Geoffrey Alderman (London), Steven Rose (Open), David Howell (Manchester), Richard Hyman (Warwick), Hilary Rose (Bradford), Terry Eagleton (Oxford), Stan Smith (Dundee), Michèle Barrett (London), J F Lamb (St Andrews), Jennifer Birkett (Birmingham), G A Cohen (Oxford), Ray Dils (Reading), J B Deregowski (Aberdeen), T J Reed (Oxford), Chris Freeman (Sussex) and Phil Scraton (Edge Hill).

Membership Fees & Affiliation

Photocopy this application for membership and distribute it among your colleagues. If you haven't yet joined yourself, could you pay your membership fees.
Try to get your local AUT or NATFHE to affiliate to CAFAS. Please complete the form below.

Send to CAFAS Membership Secretaries, 7 Benn Street, London E9 5SU

Name.....Address.....

.....Post Code.....Date.....

I/we wish to join/affiliate to CAFAS and enclose a cheque for.....

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