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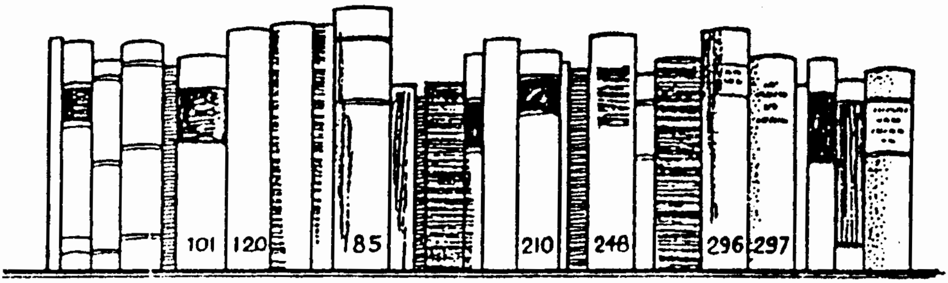

BULLETIN

of the

Association of British Theological and Philosophical Libraries

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The *Bulletin* is published by the Association of British Theological and Philosophical Libraries as a forum for professional exchange and development in the fields of theological and philosophical librarianship. ABTAPL was founded in 1956 to bring together librarians working with or interested in theological and philosophical literature in Great Britain. Twenty four issues of the *Bulletin* were issued between 1956 and 1966. After a period of abeyance, the *Bulletin* was revived in a New Series [Volume 1] by John Howard in 1974. It has been published in its present form, three times a year (March, June and November), since that time. Numbers 1-40 of the New Series (to November 1987) have been construed as Volume 1 of the New Series; Volume 2 began with March 1988 and ended with No 18, November 1994. Volume 3 began with the March 1994 issue to coincide with changing the subscription year to follow the calendar year. The *Bulletin* now has a circulation of over 300 copies, with about a third of that number going to libraries in Europe, North America, Japan and the Commonwealth.

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Bulletin of the Association of British Theological and Philosophical Libraries

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EDITORIAL

The appearance of this edition of the *Bulletin* coincides with the Spring Conference at Regent's Park College, Oxford. Although a full conference report will appear in the next edition, I would like to take this opportunity to extend our thanks to the staff of the College for a very pleasant and comfortable conference. Perhaps owing to the short notice of the event caused by problems with the intended venue at York, numbers were somewhat down of previous years. But I feel that all those that did attend found the mix of visits and presentations valuable; as well as the opportunity to meet old friends, make new ones and chat to others who work in a similar environment and share a common interest in and concern for religious and philosophical librarianship. In particular, I would like to thank Susan Mills, the Librarian of Regent's Park College, not only for her welcome, but for her paper on the history of the College which I hope will be reprinted in a future *Bulletin*, and her tour of the College Library and archive.

This complemented admirably a visit we paid to Pusey House Library and archive, with their wealth of material relating to the Oxford Movement. I must admit one of the high spots of this conference was holding a birthday card from Cardinal Newman to his friend and former colleague Edward Pusey! But the proximity of the Baptists in Regent's Park College and the Anglo-Catholics across the road at Pusey House made me realise the nature of religious pluralism in Oxford. To that extent Oxford is a microcosm of Britain today where different religions and philosophies exist side by side; a fact borne out by the visit to Britain in July of His Holiness the Dalai Lama. The part ABTAPL plays in this wider community was emphasised at the conference by a report on the work of the **International Council of Theological Libraries** by Penelope Hall, and in particular the fact that many associations from the former Communist bloc are now in a position to apply for membership of the Council. This was most welcome news, and ABTAPL was happy to reaffirm its commitment to playing its full part in the international scene.

On a day-to-day basis we are all concerned with the needs and priorities of our particular readers and organisations. What ABTAPL and the conferences and meetings provide is the opportunity to stand back from the detail for a moment and to gain a perspective on where we stand in relation to the whole, and to be reminded that our contribution is of value far beyond what is immediately apparent. We can thus contribute to that diversity which is the sign of any healthy organisation.

Andrew Lacey

DISPOSAL OF PRINTED MATERIAL FROM LIBRARIES - Research Project 1994

Background to the Study

The British National Bibliography Research Fund (BNBRF) has identified considerable concerns within and without the library profession about policies and practices relating to the retention and disposal of printed material. This concern has manifested itself in a number of books and articles in the professional press and elsewhere on this subject in recent years. Some of these documents regretted the loss of what they categorised as important material through stock disposal which appears to have no rationale and is not based on any understandable policy. Others have argued that librarians have little choice when space and financial resources are limited.

In this context the aim of the study, undertaken by Capital Planning Information Ltd. on behalf of BNBRF, was to investigate and analyse the reasons why, and the circumstances in which, libraries dispose of printed materials, especially where this happens on a large scale. In order to do this information was sought on current disposal policies and practices at all types of library. The principal outcomes were:

* **recommendations on a possible future national policy on retention and disposal; and**

* **recommendations for a code of practice or guidelines for individual library and information services.**

The study covered public, academic, national and special libraries including those of privately-funded institutions such as learned societies in the United Kingdom. It was restricted to printed materials including monographs, serials, newspapers, printed music and grey literature and included foreign language material.

Some definitions

In documentation examined in the preparation of the findings of this study a number of (almost) synonymous terms appear. It may be helpful to try and define these more precisely.

The study is about **disposal** which we have taken to mean the complete removal of printed material by destruction, sale, transfer or donation from an individual library or library authority. The terms **discard** and **withdrawal** are also used but, in some cases, these terms can mean redistribution to other service points within the same library network or to some form of reserve stock or store. **Relegation** is also used to signify removal (generally) from open to closed access or to on-site or remote storage. The latter could, in some circumstances, be jointly managed storage with ownership of items maintained by the original purchasing library. **Disposal**, then, involves material becoming unavailable to users of the library to which it originally belonged through a relinquishing of ownership and its removal elsewhere whether for pulping, sale or reallocation to other libraries.

The Current position on the Disposal of Materials from UK Libraries

A major reason for the disposal of printed material is the desire to make collections more relevant to the needs of the communities they serve and the costs associated with maintaining little used reserve collections. Past acquisition and retention policies have a major influence on current disposal policies, where such policies exist.

The subject of disposal suffers from:

* a lack of guidelines, policy and recorded experience;

* a shortage of explicit and documented disposal policies; and

* is a subject rarely taught in schools of librarianship, despite the fact that it often requires higher levels of judgement than the selection and acquisition process.

Some librarians are reluctant to discard material they believe may be of some use to somebody, somewhere, except where it is a duplicate copy or its content has become outdated. Even when books available for loan are issued only rarely the possibility that they may be of value for reference or research use remains.

Relegation, withdrawal and ultimately disposal can in some circumstances be regarded as an admission of failure by librarians who are forced to recognise that some of the items they carefully selected have been little used, not used at all or have been provided in duplicate more than was ultimately justified. In other cases where disposal becomes necessary it can represent a successful outcome because the material has been so heavily used that its poor physical condition necessitates disposal. Where content information has been superseded librarians are obliged to dispose of the material to ensure that their users are not misinformed.

Disposal is highly skilled professional work demanding considerable subject expertise, knowledge of the book world, sale prices and the resources of other libraries which may be potential recipients of discarded material. Reducing stock numbers to economise on space and relying on inter-library lending to make up the shortfall is not always a viable alternative for many libraries because of immediate requirements for availability and because of the increasing costs of interlending.

Lack of space or poor physical condition may not, by themselves, constitute adequate reasons for withdrawal of stock. Items that are duplicate copies, superseded editions, include outdated factual material, are inferior editions of titles already in stock, or books lacking indexes and bibliographies are obvious candidates for withdrawal. The key factor is the relationship of the material to the library's objectives and as these change or modify the collection itself should follow suit.

The Questionnaire Survey

Public libraries dispose of fiction, non-fiction and children's material, most of which is offered directly to the public at book sales. More specialist material (reference, journals etc.) are either donated to other libraries, Book Aid or BookNet. A surprisingly high proportion of public libraries resort to pulping of the material which remains unsold rather than offering the material to charities or BookNet. This may reflect partly their ignorance of the availability of these other options or a lack of resources (staff time) to consider alternative solutions.

Academic libraries dispose of much smaller quantities of material than the public libraries. About 50% of those responding to the questionnaire survey dispose of textbooks (presumably out of date or superseded materials) followed in importance by reference books and journal runs. Academic libraries differ from the public library sector in that disposal is often forced by a change in the courses offered by the institution. Under these circumstances, and particularly if courses are transferred to another institution, the library materials may be transferred. Although a quantity of material is also sold to users and the general public, this is not seen as a necessary income generating opportunity, as is the case with public libraries.

Special libraries appear to be more constrained by a lack of resources and space than the other sectors. These factors are the most important in determining their disposal policies. Their mission, purpose and user groups are more clearly defined than those using public and academic libraries and decisions on disposal are more easily made though finding the time and resources to carry it out systematically presents them with real problems.

Some of the older learned society libraries have important historical collections and are reluctant to dispose of any material. Three libraries claimed that they do not dispose of any stock. Only one library reported the disposal of a significant proportion of their stock within the last ten years in response to a reduction in the space available for the library.

Only one special library reported using BookNet; five others complained that this type of service was necessary but unavailable. Several libraries resort to dumping or pulping material because of what they regard as 'the absence of a clearing house for their unwanted material'. This suggests that few of these libraries are aware of the services of BookNet.

Policies on Disposal

Of the 150 responding libraries surveyed in this study 56 (38%) said they had a written policy with a further 15 (10%) claiming that this topic was receiving attention and that a policy would be forthcoming in the near future. This represents encouraging progress as research carried out in the mid-1980s found that out of 66 libraries surveyed only 5 (8%) had a written policy statement. However, as 145 (98%) of the libraries surveyed routinely dispose of stock, a substantial majority still do not have a policy statement or practical guidelines on how to approach the task.

Twenty public library authorities provided policy information on collection management, withdrawals and disposal. These policies vary enormously both in approach and detail. Of some concern to this study is the fact that only three of these policies specifically refer to BookNet as a possible recipient of their unwanted material. The major emphasis of these policies is principally on the sale of material where possible, and the generation of the greatest amount of income while incurring the least costs. Some policies appear to be concerned only with removing material at the lowest possible cost in terms of resources and staff time.

Disposal of printed material is generally a less routine practice in academic libraries. Fifteen of the libraries responding to the questionnaire claimed that they never routinely discard stock. Several also remarked that they only dispose of stock under special circumstances and then have done so reluctantly. In general terms the academic sector appears to prefer relegation rather than disposal at the present time and therefore documented policy may be less appropriate.

Few special libraries have clearly defined policies on the disposal of printed material although space shortage requires the withdrawal of stock from 50% of those which responded to the questionnaire. One library with a written policy has faced problems with implementation in the face of pressure to dispose of large quantities of material from institutional policy decision makers.

It is clear that many libraries are beginning to recognise the need for clear guidelines on this topic. This reflects the increasing importance of disposal as a means to generate additional income and the budgetary constraints that are forcing libraries to adopt strategies that make the best use of limited resources and space.

It is clear from the survey that in the public, and to a lesser extent, the academic library sectors the three key objectives are:

* to maximise income generation;

* to minimise administration and handling costs; and of less importance,

* to enable library users to have an opportunity to purchase discarded material.

In this context there is a need for exceptional marketing skills and easy to use systems to persuade librarians to consider disposal through direct transfer to other libraries, to BookNet and to BookAid.

The Role of BookNet

The BookNet service is operated by the British Library at Boston Spa. The unit receives material donated by outside organisations, libraries or individuals in considerable quantities. This material is normally collected from donating libraries (at short notice if necessary). The items received are offered initially to the British Library Document Supply Centre. Those titles not required by the British Library are offered for redistribution on a non-profit making basis to other libraries. Lists are published bi-monthly and distributed to potential users who can then order any of the volumes listed. The service is a source of many out-of-print and sought after titles. Revenue to offset some of the costs of BookNet is raised largely through service charges levied on those requesting items from the lists. Some 60,000 titles are listed annually.

Around 900 libraries receive the bi-monthly lists and although requests are received from Europe and elsewhere the service was until recently restricted to UK and Irish libraries. An on-line service began on the 1st September 1994. This provides a scan facility of past and present lists with searching by author or title and allows on-line ordering of material requested. This service was extended to European Union countries on 1st April 1995.

The role of Bookdealers in the Disposal of Library Stock

Some librarians have had suspicions concerning the use of bookdealers in the disposal process in the past. This seems to be misplaced in the light of the evidence provided in this survey. Most exercise considerable care when considering this option but it has proved profitable and successful for a number of library authorities and academic libraries. The consultants were surprised by the number of libraries that call on the expertise of the book trade when assessing the value of certain items and when they require advice on how they might best market this valuable stock.

Library and Information Plans and Regional Library Systems

The development and implementation of local and sectoral Library and Information Plans (LIPs) since 1986 has provided additional opportunities and mechanisms for the systematic disposal of unwanted material to other participant libraries. Additionally some of the regional library systems, including the West Midlands Regional Library Service and North Western Regional Library System have taken recent initiatives to review disposal strategies within their areas, and to introduce new technology to monitor the locations of last copies.

The emergence, usually as an outcome of LIP's, of formalised library agreements as in Hertfordshire, Newcastle, Sheffield and Leicestershire provides an additional mechanism for stock co-ordination. These agreements normally include only the 'major' libraries in an area or subject sector. In Leicestershire supporting documents to the Agreement based on the Library and Information Plan highlighted 'two issues within the broad area of collection policies which still required ... attention'. These were:

* retention policies and procedures and co-operative storage policies; and

* conservation policy.

These developments provide further opportunities for coordinating disposal strategies but to succeed they require, as building blocks, a policy document which is provided by individual libraries and adhered to and which treat the issue as a high priority.

The North West Regional Library System expects to have in place a UNITY database which will enable NWRLS to notify member libraries that they are holding the penultimate or last copy of a title within the region or nationally (to include holdings currently reported). The facility will be available to all Regional and National Library Systems which participate in UNITY.

Conclusions

The study has confirmed that disposal of printed material from libraries in the United Kingdom is an issue of concern to many librarians and that libraries with disposal policies are in a minority. There has, nevertheless, been some significant progress in this area over recent years and library managers are now more concerned with the need to formulate and implement such policies. There is considerable evidence that lack of awareness and its corollary, inadequate marketing may at least be partly responsible for the failure of some libraries to offer their unwanted material to others who could make good use of it. The survey demonstrated that awareness of Book Aid International (formerly Ranfurly) and BookNet (formerly Gifts and Exchanges Service of the British Library) is patchy. Even when the agencies are known about there is evidence that their methods of operation are not.

Our broad conclusions are that:

* all libraries should be encouraged to document their policy on disposals. It may be appropriate to provide advice and assistance to some to bring this about. This could be provided through a national disposals information and advisory service;

* all libraries should make their policy document widely available to all levels of staff;

* all libraries should provide access for their users to their policy documents on request;

* a national disposals information and advisory service should be established to co-ordinate the development of a national disposals strategy. This would provide libraries, regional library systems, LIP's and others with advice, information and training within the framework established;

* the role and function of BookNet should be re-defined to encompass an information and advisory service which individual libraries could call upon when considering decisions on closure of libraries or disposal of major collections; and

* training of library staffs in matters relevant to disposal is an urgent requirement. They need to understand the basic principles of evaluating stock and its fitness of purpose to meet the library objectives, the different options which might be pursued in disposing of stock and the elements of placing a financial value on individual items.

The National Redistribution Agencies

BookAid International is a charitable body which enjoys financial support from the Overseas Development Administration. It has revamped and revitalised its services in recent years and is a highly regarded institution with key objectives to provide printed material for the developing world. Much of its throughput comes from libraries and it is given some priority in a number of the policy statements examined in this research. Book Aid clearly needs to be included in any proposed national strategy. Its relationship with BookNet requires redefining and strengthening for the benefit of both institutions.

The future of BookNet is another factor to be considered. Its existence is dependent on the British Library which provides accommodation and staffing in return for a priority choice from the materials made available to it. It is clear that if a national strategy is to be implemented there is a requirement for BookNet to continue and expand its present role. Its remit at present is to cover as much of its costs as possible through a return on its services, but it obviously still has a marketing problem, as a sizeable number of the survey respondents are either unaware of its existence, or, if they are aware of this they do not appear to know how it operates and what it does. In our view its future therefore lies in the expansion of its current clearing house function as part of a **National Disposal Information and Advisory Service.** We see this service as being responsible for:-

* the co-ordination of a national policy and the preparation and maintenance of guidelines on disposal;
* the marketing of both the BookNet function and Book Aid International's services;
* providing information and advisory services for those wishing to dispose of printed materials from libraries and other agencies, particularly where last copies are likely to be involved; and
* training for librarians in the key areas relevant to disposal.

Recommendations for a National Strategy

If a national strategy is to be put in place the following action plan is needed. This will require:

* the British Library to agree in principle to support and resource a National Disposal Information and Advisory Service (NDIAS) on a similar basis to the National Preservation Office. The current BookNet operation should be incorporated into the NDIAS;
* an advisory group to be established to advise the British Library on how its functions in this area should be undertaken. This

group should include representatives of the National Libraries of Wales and Scotland, LINC, SCONUL, FOLACL and the National Acquisitions Group and other interested organisations. It should advise on a national framework for a disposal strategy adaptable to the needs of local libraries, local and sectoral LIPs and local co-operative organisations;

* improved co-ordination between Book Aid International and the BookNet function of the proposed NDIAS.

An effective and efficient organisation on the lines of the National Preservation Office[1] would require adequate set up and running costs though it is not envisaged as a large-scale enterprise. Some of the NDIAS costs may be recoverable from its training activities and its advisory role in which it could make a charge for drafting internal policy documents. Its information role, we believe, should be freely available to provide maximum encouragement for libraries to use it fully.

The proposed National Disposals Information and Advisory Service would be a legitimate concern for the new National Libraries Commission for England and its corresponding bodies in Scotland, Wales and Northern Ireland. It is recommended that early representations are made to these bodies reminding them of the importance of a national disposal strategy for libraries which embraces all sectors. Implementation may be assisted by an appropriate application to one of the organisations responsible for distributing funding from the National Lottery.

Some outline Guidelines

If a national strategy is to function effectively it will be necessary to encourage all libraries to adopt guidelines for disposal which are compatible with it. The principles of any guidelines are, in our view, essentially simple and straightforward. They should be based on:

* documenting policies which encompass priorities and procedures;

* ensuring that these documents are known about and accessible to all staff at all times;

* extending that awareness of the policies of the library to its users so that they can understand what has to be done and why it is necessary;

* providing much improved training to all those involved in stock

disposal to ensure that they understand the rationale on which it is based and can explain and defend the policy under which it is operated. This training should also encompass a wider appreciation of other libraries and their requirements and the basic techniques of valuing rarer items at least to the level that they can recognise the need to get specialist help. If a national strategy can be agreed staff training should be extended to include an understanding of how it works.

The 'fleshing out' of these principles to meet the needs of individual libraries is seen as one of the functions of the proposed National Disposals Information and Advisory Service.

The final conclusions set out above emerged from the discussions held at the British Library at Boston Spa at a validation seminar. They are based firmly on the research results as interpreted by the consultants. The seminar participants generally concurred with a view that action was needed and it is hoped that the published report will provide a platform from which such action can be launched.

The issue of strategic disposal is clearly a 'heritage issue'. It is about retaining and ensuring on-going access to important collections and individual printed items and reducing the possibility that many of these will end up inaccessible, in private hands or in the worst cases, destroyed.

Reference

1. The National Preservation Office, which was established in 1984, provides a national focus for preservation and security in libraries. It is funded by the British Library but acts independently under the guidance of a National Advisory Committee made up of experts from national, research and public libraries and relevant organizations as is envisaged for the NDIAS.

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ST PETERSBURG THEOLOGICAL ACADEMY LIBRARY: APPEAL FOR ASSISTANCE

I am looking for information relating to retrospective conversion for the St Petersburg Theological Academy Library in Russia. The library of about 500,000 volumes is particularly rich in pre-1917 documents and manuscripts. It currently is 100% paper (card catalogue). For a feasibility study, I need some recommendations which will work in Russia:

1) Software using Cyrillic, Greek, Hebrew, Armenian, Roman fonts to enter into the UNIMARC format, which I understand is the default format for the LIBNET project, where it can be purchased in Russia, or outside Russia and brought into the country.

2) The appropriate hardware configuration (486, Pentium, etc.), what RAM, what hard disk storage, CD-ROM, printers would support the entry and running of the retrospective conversion.

3) Time-line: any experience in terms of how long it would take for this conversion. I expect that most of the catalogue will be entered manually - if you know of repositories of entries in UNIMARC format for theological subjects, I would appreciate knowing about them. I know that for my own school, where we have 30,000 volumes and a very computer literate staff, the conversion took about 5 years.

4) I need to know the important questions which I have not yet asked.

5) I need to know of any "expert" contacts, especially in St Petersburg, who would be sympathetic to this project, and who would understand that the staff at the Academy Library are not very familiar with retrospective conversion but are very willing to learn.

Thank you for any advice or resources which you could forward to me.

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REDUNDANCY: A GUIDE TO THE LAW

Redundancy arises where an **EMPLOYEE** is **DISMISSED** by his employer in circumstances in which the main or only reason is **REDUNDANCY**. Although it will be necessary to look in detail at the meaning of each of those highlighted terms, in essence redundancy occurs where the particular job which that employee was doing has ceased to exist. It is the job, not the person, which is redundant. The person concerned may be made to go compulsorily or decide to take the payment offered, which may be enhanced in some way above the legal minimum, as a matter of separate negotiation between the employer and employee concerned.

The notion of redundancy is to recognise that a long-serving employee has a vested interest in the job into which he has put a part of his life and that therefore he should be entitled to compensation if he loses that job through no fault of his own. A redundancy payment provides monetary compensation for that loss and the redundant employee is entitled to that as soon as the loss occurs. It follows that he remains fully entitled to the redundancy payment even if he walked straight into another better paid job and suffered no monetary loss at all.

At present (although the Treasury may be planning to change the regulations) Unemployment Benefit is not affected by receipt of any redundancy payment. However, since the Department of Social Security introduced a £3,000 capital limit barring entitlement to Income Support, Income Support would be affected until capital fell below that figure. As far as the Inland Revenue is concerned current Revenue Concessions allow the first £30,000 of any Redundancy Payment to be paid tax free.

The original Act of Parliament enshrining the employee's right to redundancy payment, provided he qualified under the provisions of the Act, was the Redundancy Payments Act 1965. This was passed by the British Government as a result of international pressure, in particular from the International Labour Organisation. The Act has now been re-enacted within the Employment Protection (Consolidation) Act 1978 but the principles enshrined within it remain - to entitle qualifying employees dismissed by reason of redundancy to compensation for the loss of their jobs. This compensatory redundancy payment will be calculated in accordance with the Act (unless the employer and employees - whether individually or collectively - voluntarily arrange and agree better terms under a voluntary redundancy scheme as they are entitled to do, the law merely providing a statutory minimum). All of that sounds simple enough at first reading and if it were that would be the end of this article! Needless to say the Courts have been busily engaged since 1965 defining what and whom the Act covers and we will now look at each of those core concepts in turn.

Who is an Employee?

"Employees" are people who are employed by their employers under Contracts of Employment. Their status contrasts with that of Independent Contractors who work in a self-employed capacity under Contracts for Services. Usually the status of a particular individual is blindingly obvious, but not necessarily so, and the Courts have developed a number of tests to judge the question in cases of doubt. Whether someone is an employee or not is a question of law for the Courts to decide. The opinions or beliefs of the individuals concerned are neither here nor there. This is because the Courts are well aware that the unscrupulous employer could dupe someone into losing valuable employment rights, such as redundancy, by telling them they are self-employed and perhaps getting them to sign to that effect. It is the substance of the relationship between the parties in reality which the Courts will have regard to - not the form they used nor the name they called it. Even paying National Insurance or Tax on a self-employed basis is not conclusive evidence of self-employment.

Basically the Courts have developed three tests over the years to see if someone is an employee or not.

> The first attempt was the Control Test. This said simply that a person is an employee if they are told what to do as well as how to do it by their employer. So in one case (Airfix Footwear v Cope [1978] ICR 1210) an employer hired people as homeworkers, telling them they were self-employed. The Court found them to be employees - the employer gave them the equipment and materials to make heels for shoes in accordance with specific instructions. The weakness in the Control Test is its simplicity. This is all very well in the case of relatively unskilled workers but is it really the case that a hospital, say, directs the work of a surgeon - telling him not only to operate on X but how to go about it?
>
> The Courts therefore tried again with the Organisation Test. Here they said someone is an employee if what they do is an integral part of their employer's enterprise, whereas an Independent Contractor comes in for a limited time or for a specific purpose, e.g. to install a new computer system. This has a certain simple logic but at present the Courts are tending to run with their third attempt.
>
> The third test the Courts have developed is the Multiple Test. Here the Courts look at all the factors present and decide overall whether the person is employed or not. Elements looked at have included control (as described above), whether pay is by wages or a fixed

agreed fee, and the power to appoint or dismiss the "employee", whether they are part of the organisation (as in the Organisation Test above), and the traditional structure of the employee's profession - would he usually work as an employee or independent contractor. The most recent word on the subject comes from the House of Lords (the highest Court of Appeal for England and Wales, Scotland and many parts of the Commonwealth) in a case from Hong Kong called Lee v Chung and Shung Shing Construction [1990] 2AC 374. Here the Court said that the fundamental test to be applied was whether or not the person was performing the task in question as part of their own business operations. If the answer was "yes" they were self-employed, if "no" they were an employee. Control is always a factor but other factors too were important such as

- who provides the equipment - employer or employee
- whether there is any financial risk for the employee
- whether he can benefit in any financial way from sound management of his tasks.

It follows from all this that the odds are that the nature of librarianship providing a service within an institutional environment is very unlikely to be deemed to be other than as an employee.

Having established employee status the next question is:

Which Employees are within the scope of the Act?

Firstly to qualify for a Redundancy Payment at all the employee must have worked in the job which they are about to lose for a minimum continuous period of two years. This includes two years on a fixed term contract of that duration and this leads to a point of which to be very wary indeed. It is possible to sign away your rights to a Redundancy Payment. If you are on fixed term contract of two years or more and, before it comes to an end, agree in writing to exclude your rights to redundancy then your eligibility will cease. Once you sign you are deemed to have agreed - regardless of the pressure you were under at the time [See Section 142(2) Employment Protection (Consolidation) Act 1978]. The moral is, of course, clear. Whatever the circumstances, never sign anything unless you are absolutely clear that you wish to agree to what is on offer and the consequences flowing from that agreement. If in doubt, seek independent advice.

Further, on the question of two years' continuous employment, once the employee shows a start date more than two years ago, there will be a presumption of continuity thereafter and it will be for the employer to show otherwise if he disputes this. In cases of doubt, it will always be prudent to seek specific advice, as there are various rules of specific application.

However, the case of Ford v Warwickshire County Council ([1983] 2 AC 71) is perhaps worth mentioning as an example. Here Mrs Ford was a teacher employed on a sessional basis. Her contract ended each July, then in September she was re-engaged on a new contract for the new school year. This went on for 8 years, when she was not re-engaged. She claimed redundancy and won, the Court finding that successive periods of employment with the same employer could be continuous if the intervals between them really amounted to a temporary cessation of work and the reasons for that cessation were irrelevant.

The exclusion of part-time employees working fewer than 16 hours per week has gone as a result of recent decisions of the European Courts.

However, employees who are either over 65 years of age, or the normal retirement age in that job if it is higher, when they are made redundant are excluded from a right to a redundancy payment. The normal retirement age is defined thus: if it is the expectation of employees that they will have to retire at 70, even if their contracts of employment say they retire at 62, then it is 70 which will be applied (Secretary of State for Scotland v Meikle [1986] IRLR 208).

That is probably a convenient point to mention that if on leaving the employee is entitled also to an occupational pension, whether as a lump sum or as so much per week, then his rights to a redundancy payment are now excluded or reduced. If the annual value of that pension equals one-third of the employee's leaving salary, up to a maximum of at present £10,660, and is payable immediately (even if in fact the employee has decided to defer actual receipt), then the right to a redundancy payment is lost. (For further details on this, see Royal Ordnance PLC v Pilkington [1989] ICR 737 and the Redundancy Payments Pensions Regulation 1965, SI 1965/1932).

The eligible employee must be dismissed - which leads to the next question:

What is Dismissal?

An employee will have been dismissed if

i) his contract of employment is terminated by his employer with or without notice; or

ii) a fixed-term contract expires and is not renewed; or

iii) the employer conducts himself in such a way that the employee is entitled to regard that behaviour as so gross as to bring the employment to an end and leaves whether immediately or on notice. The case of Marriott v Oxford and

District Co-operative Society ([1970] 1QB 186) is as good an illustration as any of such a "constructive dismissal". Here Mr Marriott, a foreman, was told he was being demoted to a lower status job on less pay. He resigned instead and claimed compensation for his dismissal. The Court held that he had, in reality, been dismissed. It is worth noting here that such a situation would still be deemed as dismissal if he protested (the key thing to do) but carried on for a short while, for example to seek another job. Obviously if he carries on and on, even under protest, there will come a point when he will have been deemed to have accepted the change. (In such circumstances it is always prudent to check the terms of the contract of employment which, if they permit unilateral variation of terms by the employer, then no dismissal can take place if the employer exercises that right. So, for example, if a term of the contract said the employee should work in another department if so required, then no dismissal would arise if the employee resigned rather than transfer.)

An employer and employee who mutually agree to part will not have a dismissal between them - unless it is their clear intention to so regard the situation as where they part on a voluntary redundancy clearly expressed. However, conversely an agreed early retirement is just that and not a dismissal giving rise to a right to a redundancy payment.

Be alert too to the risks of "jumping the gun" where redundancy is threatened and leaving before it happens. Even if it is the threat of imminent redundancy which has prompted the move to pastures new, the employee will be seen as having resigned not been dismissed and will lose the right to a redundancy payment.

When is Redundancy the Reason for Dismissal?

The simplest situation which we would all recognise as giving rise to redundancy is where the employer has ceased or intends to cease the operations for which he hired his employees.

Then there is the situation where the employer is moving his place of operations. If the employee's contract does not require him to move regardless, this will create a redundancy situation or not, depending on the distance between the old and new places of work and how reasonable it is to expect the employee to travel. Thus, in one case an employee was redundant, having refused to transfer from Liverpool to Barrow-in-Furness, whereas someone who refused to transfer from Holborn to Regents Street was not. All will depend on the particular circumstances.

The third and most common redundancy situation arises where the employer just needs fewer employees. This may be because work has fallen off, or as a result of re-organisation of some sort, or the introduction of new equipment - perhaps requiring employees with different skills, so that those with the old skills are no longer needed.

Once the employee shows he has been dismissed, it will be presumed to be by reason of redundancy. It is for the employer to rebut this if he can [Employment Protection (Consolidation) Act 1978, section 91(2)].

Note also that if A's post is made redundant but the employer transfers him into B's job, thereby bumping B out of a job, B will nonetheless be able to claim redundancy even though it is actually A's job which has disappeared.

What if the job has gone but the employer offers an alternative?

If a redundant employee unreasonably refuses a suitable alternative offered by the employer, he will lose the right to a redundancy payment.

However, the offer must be to take effect at the end of the "redundant" contract or within four weeks thereafter. Further the terms on offer as to

i) the capacity in which you will be employed

ii) the place of employment

iii) all the other terms and conditions

must not differ to an unreasonable degree from those of the "redundant" contract. In other words it would not be reasonable to expect a librarian to start work on the night-shift in the boilerhouse! In many cases an objective appraisal of the new terms will be enough to judge the suitability of them, as in this example, but subjective considerations can be brought into account. For example, the fact that X is working full-time but has domestic commitments, such as caring for an elderly relative, which would put an extra two hours' commuting each day out of the question.

Section 84 of the Employment (Consolidation) Act 1975 enshrines the right of the employee to try out the new terms on offer for a trial period of up to 4 weeks to see if the job is suitable - or such longer period as the parties agree, for example to allow for retraining. If the employee then leaves during the trial period, he will be deemed to have been dismissed at the end of the "old" contract. However, do bear in mind that claims for redundancy have to be brought within six months of the date of dismissal.

The case of Air Canada v Lee ([1978] ICR 1202) is worth bearing in mind too, as it demonstrates the willingness of the Industrial Tribunals to extend the four week period to try things out. Here a telephonist stuck it out for three months on her new contract working in a basement with no natural light, having protested from the start. The tribunal found her to have tried the new terms and found them wanting, so as to be entitled to still claim redundancy three months after the end of her old contract.

Claiming Redundancy

- Claims must be brought in an Industrial Tribunal within 6 months of the date of dismissal

- The tribunal has a discretion to extend this period if it thinks it just to do so but not beyond 12 months after the date of dismissal.

- The claim will be met by the employer following a formula

  No. of years employed x Weeks pay (basic/normal) x Age factor
  (maximum: 20 years) (maximum £205)

  The age factor is:
  ½ if aged 18 - 21
  1 if aged 22 - 40
  1½ if aged 41 - 64
  If over 65 the entitlement is reduced by 1/12 for every month past that 65th birthday.

- Legal aid is not available for Industrial Tribunal claims

- Forms are obtainable (IT1) from local Industrial Tribunal offices. Assistance is obtainable from Citizens Advice Bureaux, trades unions, law centres or local solicitors - but care must be taken to ensure that the solicitor's practice has employment law expertise - many do not.

References

LABOUR RESEARCH DEPARTMENT *Redundancy and Transfer Rights* (LRD Booklet) LRD, 1993
MALONE, Michael *Your Employment Rights* Kogan Page, 1992
MORRIS, Sue *Handling Redundancy* (Employment Law Guides) Industrial Society Press, 1991
SLADE, Elizabeth *Tolley's Employment Handbook* 9th edition Tolley, 1995

Marion Gibson
Birmingham

HEATH, Dale E.: *The Scripture of St. Paul: the Septuagint.* Privately published, 1994, unpriced. pp. xii, 145 ISBN 0-86554-432-8

That this is a somewhat prejudiced book is shown immediately by the subtitle: *A brief Introduction to the Most Influential Version of the Old Testament Ever Published* - whether the Septuagint has been more influential than the Authorised Version begs a considerable question - myself I doubt it! According to the Preface this book purports to provide a "readable introduction to the Septuagint" for the Christian pastoral ministry who are "short-changed by the lack of readable about the scriptural background and foreground of New Testament literary influence".

The first chapter treats the 'Literary History of the Septuagint' covering the letter of Aristeas, Jewish suspicions of the Septuagint and several useful comments on Origen and the Hexapla. The second chapter refers to 2 Timothy 3^{16} ("All inspired scripture has its use for teaching the truth and refuting error, or for the reformation of manners and discipline in right living"), asking which version of Scripture Paul alludes to: as Timothy lived in a Greek-speaking locale, it must be the Septuagint. The next chapter, "The Septuagint Illustrated" (though the running headline on each right-hand page reads 'Septua*gine* '!) contains a rather hysterical plea to treat the Septuagint against the background of its time and culture: after all, it is a product of the idiom of that culture rather than "a product of divine automation" - failure to recognise this leads to "false allegations of error". Surely recognition of different perspectives of ancient writers can only lead to enrichment of one's understanding, he claims. Chapters 4 & 5 show ancient dependence upon the Septuagint with quotations from Jerome and Augustine. Chapter 6 then concentrates on divergent understandings of the significance of the virgin/maiden of Isaiah 7^{14} in early Christianity, covering Trypho and Julian, Aquila, Theodotian, Origen, Irenaeus, Tertullian and Lactantinus, and beyond early Christianity into the Reformation with Reuchlin, Luther and Calvin.

Chapter 7 leaves the specific subject of the Septuagint for Melchizedek and traditions emanating from him, particularly in Philo and at Qumran. When considering the mass of patristic material on Melchizedek collected by the Syriac commentator on Genesis, Ishodad of Merv in the 9th century, one wonders why later writers built so much on this foundation laid by the writer to the Hebrews. Chapter 8 traces the gradual canonisation of the Old Testament, beginning with the authority given to the lawbooks discovered by King Josiah in the 7th century BCE; then follows the legalism of Ezra and the hiding off of the Samaritan Pentateuch. Growing respect for the author ity of the Pentateuch is illustrated through Ben Sira, the Septuagint and Philo; he then includes a useful discussion of the similarity of Philo's thought to that of Plato.

The 3-page Postscript consists of "an appeal to Christian educators of all levels to initiate and implement some explicit recognitions of the most influential version of the Old Testament Scripture ever published: the Septuagint". Here the contentiousness underlying the whole book surfaces when he writes: "In the long chain of literary and historical Bible studies from Reformation to modern times I have been amazed to learn that I am apparently the only one left to discover and publish documented answers to certain millennial questions of biblical historicity."

The contents of the book don't match up with these aims. From what the Preface says, this reviewer thought he was facing a new introduction to the Septuagint to replace Jellicoe's *The Septuagint and modern study*, but only 3 of the 8 essays specifically treat the Septuagint, and even they are not grouped together. The organisation of the book is haphazard (not really surprising as the Preface states that "various chapters have been borrowed" from other works published previously "for the present focused work on the Septuagint." Several chapters seem remarkably unfocused to me! For example, the sixth chapter on "Isaiah's *Almah* in Early Christianity" deals with contributions to the question of the virgin birth from writers such as Justin, Irenaeus, Tertullian, Lactantius, Jerome and Augustine, ending up with Reuchlin, Luther and Calvin! The next chapter then deals with the treatment in the letter to the Hebrews of Melchizedek as a type of Christ, including material on Melchizedek from Qumran. (Incidentally, if this *is* a textbook on the Septuagint, where is any reference to the remarkable agreement on the Qumran Samuel scroll with the Septuagint translation of 1 Samuel?). A useful chapter follows on canonisation of the Old Testament, including a remarkable error on p. 101 where Heath states that "Ben Sirach translated the literary wisdom of his grandfather's academic situation of the early second century BCE" - but Ben Sirach wrote the original Hebrew and it was his grandson who translated it!

There are many good things in this book, but they are hidden away and the unfocussed organisation of the book doesn't help - its too much of a hotchpotch! Further, in spite of the large bibliography, there is no mention of Peter Walter and D.W. Gooding's work *The Text of the Septuagint* (1973) or of the important 20 pages on the Septuagint in the new (1987) edition of Emil Schürer's *History of the Jewish people in the time of Christ*; Sperber's *New Testament and Septuagint* (1940) is ignored too, as is Martin Hengel's *Judaism and Hellenism*, (1973). So, apart from bad organisation, the book does not deal with important literature up to the year of publication (1994).

Had this been published by a reputable publisher, many of these faults would have been picked up by the copy editor and doubtless corrected. Thus, in spite of the good things buried within it, the book poses an awful warning against private publication by an author of his own work. We all need to be open to the advice of other knowledgeable people before we rush into print!

No price is given, either in dollars or sterling, but interested purchasers are asked to write to:

Dr. Dale E. Heath
Eastside Village
Route 12, Box D-188
Lake City
FLORIDA
32055-8110
USA

John G. Snaith
Cambridge University
Faculty of Oriental Studies
Sidgwick Avenue
CAMBRIDGE CB3 9DA

THEOLOGICAL BOOK REVIEW

TBR is published three times a year, in January, May, and October, by Feed The Minds, Robertson House, Leas Road, GUILDFORD, Surrey GU1 4QW. Annual subscription is £15.00.

"This journal is born of the conviction that libraries form an indispensable part of the infrastructure which supports theological education: whether it be education for ministerial candidates, or education for the people of God."

So began the editorial for the first issue of *Theological book review*, in October 1988. The journal is published by the charity Feed The Minds for the benefit of theological librarians worldwide. It aims to help in two parts of their work: (i) book selection, in its reviews, which are brief accounts by competent specialists of the level, reliability and seriousness of purpose of the books under consideration; and (ii) cataloguing and classification, in the catalogue entries, with Dewey classmarks, that are printed at the head of these reviews.

TBR was the brain-child of Patrick Lambe. In the spring of 1985, preparing to give a seminar in Oxford to theological librarians from Eastern Europe, he became aware of what he describes as "a *TBR* shaped hole in resources". The annual *Religion & theology* booklist from SCM was primarily a bookseller's list, geared to supplying the books rather than evaluating them; the one from the Society for OT Studies was comprehensive, and included many valuable reviews, but the books were often out of print by the time these had been spotted. Review journals were intended more for academic readers than for librarians. There was nothing that gave both current information about the availability of publications and at the same time any sort of guidance as to their merit.

Patrick Lambe approached Alec Gilmore, at that time Director of Feed The Minds, with a suggestion for filling this gap. The idea was refined and strengthened in discussions with many other interested parties, and *TBR* was launched in 1988 with a philosophy that stressed not only its usefulness to practising (and often under-resourced and inexperienced) librarians, but also, in view of the liveliness and vibrancy of theological publishing in the Third World, its role in promoting an international exchange of information.

How far does it meet these aims? It is distributed to some 600 libraries around the world: gratis to many in the southern hemisphere, and on a subscription basis to some in richer countries. A survey of users was conducted in 1993. Over 100 returns came in, all told, and an analysis was carried out on the first 67 of them by Dr Clare Sansom of Leeds University. A marked difference emerged between the patterns of use obtaining in the rich world and the poor world. Almost all libraries found *TBR* useful as a tool for book selection, and many added it to their stock. The cataloguing and classification were appreciated by large minorities (41% for classification, 32% for cataloguing) amongst the Third World respondents, whereas their interest to those in the rich world was negligible.

The verbal comments included in these returns were embarrassingly consistent in their praise:

> *I am really very satisfied so far and no other comment except "Thank you"*
>
> — India
>
> *May I say thank you for the help and encouragement you folk are to our ministry of training Christian ministers*
>
> —Sri Lanka
>
> *Since we have no qualified librarian, it has been quite handy and we are very, very grateful*
>
> — Zambia
>
> *For an ecumenical library the TBR is an invaluable tool in selecting books*
>
> — Zimbabwe
>
> *An excellent acquisition tool and well worth the money*
>
> — New Zealand

The suggestions for improvement that were offered concerned mainly the mechanics of classification and cataloguing — a wish to see Library of Congress classmarks included as well as Dewey, and perhaps Library of Congress subject headings as well. But some readers also commented on the second strand to *TBR*'s philosophy, the promotion of an international exchange in knowledge. A seminary librarian in India wanted to see thematic issues, covering such topics as Asian or feminist theology. It has to be admitted that only a very small proportion of the books that are received for review come from the Third World: a few from Zimbabwe, slightly more from Nigeria, another few more from India. Compared with the reliable, consistent, and comprehensive coverage that the journal has notched up for British and North American theological publishing, it has to be said that the promotion of Third World books remains an aim rather than an achievement. But a very worthwhile aim, and working towards it has sharpened the other, more practical, side of what *TBR* does. The journal enters its seventh year with confidence in its proven usefulness to libraries in all parts of the world.

Aidan Baker
Haddon Library
Cambridge

NEWS AND NOTES

Bookshops

SPCK have opened a new branch in Partnership House, 157 Waterloo Road, London.

CD-Rom

The American Theological Library Association recently announced the availability of three bibliographies on CD-Rom: *Catholic and Periodical Literature Index, Old Testament Abstracts,* and *South African Theological Bibliography.* Publication of their *Women and Religion* CD-Rom has been cancelled.

Conferences

As part of the 20th anniversary celebrations, the LIBRARIANS' CHRISTIAN FELLOWSHIP is holding a conference on Saturday 20th April 1996, in the Quiet Room, Connaught Hall, 41 Tavistock Square, London WC1. Dr John Andrews and Richard Waller, President and Chairman of LCF will speak on

"A Vision for the Future: still serving Christ in the Library and the Church". Gospatrick Home, Managing Director of the Christian Resources Exhibition and the Library Resources Exhibition, will speak on "A Publisher in Exhibition Land: a World of Surprises". Enquiries and bookings to Graham Hedges, Secretary, LCF, 34 Thurleston Avenue, Ilford, Essex IG3 9DU, Tel 0181-599 1310 (home) or 018- 870 3100 (work).

The NATFHE Religious Studies Section, in association with the *Journal of Beliefs and Values*, is taking the theme "Religion and Ecology" for its annual conference, to be held 28th - 30th June 1996 at Trinity College, Carmarthen. Key contributions to the conference will be considered for publication in a special edition of the *Journal*.

Copyright

With effect from 1st January 1996 the duration of copyright has been extended to 70 years after the death of the author, under the Duration of Copyright and Rights in Performances Regulations 1995 (Statutory Instrument 1995 no. 3297). Works still in copyright at 31st December 1995 are subject to extensions of copyright; revivals of copyright apply to those whose terms expired before that date in UK but which were still protected in another member state of the European Economic Area on 1st July 1995. Revived copyright belongs to the person who owned the copyright immediately before it expired. The Regulations do not apply to Crown or Parliamentary copyright nor to computer generated works.

Exhibitions

The 1996 CHRISTIAN RESOURCES EXHIBITION is to be held at the Sandown Exhibition Centre, Esher, Surrey from 21st to 24th May.

David Livingstone and the Victorian Encounter with Africa is the title of a major exhibition on at the NATIONAL PORTRAIT GALLERY, until 7th July, 1996 when it transfers to the Scottish National Portrait Gallery (Royal Scottish Academy) Edinburgh from 26th July to 6th October, 1996. This exhibition is a departure from the NPG's normal style of exhibition and is well worth a visit. The extensive (and expensive - at £16.95 paperback, £22.00 cloth - but worth it!) catalogue of the exhibition (ISBN 1-85514-185-X) will be a source of reference for years to come, including as it does six prefatory essays on Livingstone and his culture, a four page bibliography, and superb illustrations. More than 30 outside organisations and collectors loaned items for the exhibition, including The British Library, the British Museum, the Bible

Society, the Council for World Mission, Rhodes House Library and the USPG. For further details contact the NPG 2, St Martin's Place London WC2 0HE, Tel 0171 306 0055

Publishing

ALBAN BOOKS is a new distributor owned by five US publishers: Abingdon, Augsburg/Fortress, Crossroads/Herder, Eerdmans, and Orbis Books.

SUMMIT PUBLISHING is a new company focusing on books for the evangelical Christian market. Contact: Denbigh House, Denbigh Road, Milton Keynes MK1 1YP, Tel 01908-368071, fax 01908-315408.

Research

A two-year research project into the effects of the collapse of the Net Book Agreement is to be undertaken on behalf of Book Trust. Information from Brian Perman at Book Trust, Tel 0181-870 9055.

Biblical Studies in Japan

The JAPANESE BIBLICAL INSTITUTE is attempting to contact all theological institutions in the UK who might be interested in their journal, the *Annual of the Japanese Biblical Institute* which introduces the work of Japanese Biblical scholars to a wider audience. The journal appears to be published "in international languages", and will be donated to any institution requesting it. As the AJBI Secretary, the Revd Tatsuhito Koizumi says in his letter:

> "We Japanese churches and our Biblical studies owe so much to English and Scottish churches and Biblical institutions. And our donation may be the little expression of our hearty thanks"

The Revd Tatsuhito Koizumi may be contacted at The Japanese Biblical Institute, c/o Tomizaka Christian Centre, 2-7-14 Koishikawa, Bunkyo-ku, Tokyo 112, Japan.

Religion in Southern Africa

Issue 53 (1995:2) of *Scriptura*, an international journal of Bible, religion and theology in southern Africa, contains articles under the general heading of "In transition - the study of religion in Southern Africa" and includes articles on Islamic studies in South Africa; a curriculum proposal for the school subject *Religious Studies*; the study of religion in independent Namibia; and reimaging God's Kingdom in Latin America after the crisis of Socialism.

Contact: The Editor, *Scriptura*, Department of Religion, University of Stellenbosch, Private Bag XI, Matieland 7602, South Africa, e-mail Religion@maties.sun.ac.za

His Holiness the Dalai Lama

... will be visiting Britain between 16th - 20th July, 1996. His Holiness has been invited jointly by the Tibet Society of the United Kingdom, the Network of Buddhist Organisations (UK) and the Buddhist Society, and plans to give public talks and Buddhist teachings at the Barbican Centre and the Alexandra Palace, London, and the Free Trade Hall, Manchester.

Further details and booking forms are available from The Tibet Society, Fourth floor, 114-5 Tottenham Court Road, London, W1P 9HL. For the event at the Barbican Centre, contact The Buddhist Publishing Group, Sharpham Coach Yard, Ashprington, Totnes, Devon TQ9 7UT.

Scottish and National Vocational Qualifications

The Information and Library Services Lead Body wrote to Information and Library Services organisations in March, 1996 reminding them that the Scottish and National Vocational Qualifications for Information and Library Services are being launched during 1996. Information coming back through the Awarding Bodies suggests that the RSA Customer Information Bureau is logging more enquiries for this this type of work than any other specific area, and SCOTVEC is reporting a steady stream of enquiries. A short piece **Filling up with skills** appeared in the *Library Association Record*, 97 (11), November, 1995, p.580. For those with World Wide Web access, information can be found at URL **http://www/ilsnvq.org.uk/ilsnvq** The Honorary Secretary has some further information, notably a general marketing leaflet, a case study from Surrey County Libraries and Leisure Services and a view from two people who went to candidate Seminars. Please contact him for copies.

Book and Journal Reviews

The Hon. Editors invite you to offer reviews of books, CD-roms, articles and databases you come across. The review does not need to be very long - half to one side of A4 would suffice - neither does the item being reviewed need to be desperately scholarly! But if you have seen an item concerned with religion, philosophy, theology or librarianship which you think would be of interest to other readers of the *Bulletin*, then send your review to either Marion Smith or Andrew Lacey and it will be included.