

SHIATSU SOCIETY (UK)

Minutes of the Annual General Meeting (AGM)

DRAFT

Saturday 4th April 2009, 1.30pm

Bristol Buddhist Centre, 162 Gloucester Road, Bishopston, Bristol BS7 89T

Chair: Tamsin Grainger
Directors Present: Mick Duncan
Elizabeth Davies
David Home
Catherine Scanlon
Minutes: Samantha Haywood
Present: 53 members (the meeting was quorate)

Keith Phillips opened the proceedings with a blessing and dedicated the AGM to the late Chris Jarmey who had dedicated his life to Shiatsu.

All were in favour that Tamsin Grainger Chair the meeting.

(1) APOLOGIES

Cliff Andrews, Celia Little, Anne Roy, Sylvie Marshall, Char Scrivener, Kim Lovelace, Artemis Papert, Mary Parr, Richard Blair, Elaine Liechti, Donna Willis, Laura Davison, David Chatterley, Nicholas Millington, Charles Reece, Sibs Walter, Ettaline Hill, Mary Macfarlane, Daniela Coronelli

(2) MINUTES OF THE AGM 2008

Sara Hooley proposed that the minutes were a true and accurate record of the meeting and should be approved as such. Anne Palmer seconded. All in favour.

(3) MATTERS ARISING FROM THE MINUTES OF THE AGM 2008

There were no matters arising.

(4) THE ANNUAL REPORT OF THE DIRECTORS

Chairs report

Written question received from Cliff Jenkinson:-

Q. The statement of intent within your report mentions that "...a discussion document is available....". Where from?

A. from Tamsin Grainger;

Contrary to what was written in the Chair's report, an informal discussion document will not be available for the AGM. We find ourselves going through an unusual financial situation in Britain (and the world); and in the Society we are still unsure of the role of the CNHC (Complementary & Natural Healthcare Council). Both these things have thrown earlier deliberations into a new light and whilst we stand firm by our Statement of Intent, it will not be until our half-yearly budget reviews in May that we will be able to look further ahead in more detail.

I would also like to engage in further substantial debate with all members around the key issues of:

1. A potential major change in the format of the Society where the actual membership fees are balanced with the available resources, both people and material. This relies on what members are prepared to, and can, afford in the current climate, and what level of involvement members are prepared to have without financial recompense;

2. The future of the MRSS and whether, with the CNHC taking over the role of ratifying schools, the Society will still have a role to play in overseeing the maintenance of standards;

3. How many members will join the CNHC and remain members of the Society, or who will not join the CNHC but stay as Society members. The numbers will have a very real effect on our current staffing and budgets. It will also remain to be seen whether, if we have members who are not CNHC members, we will need to continue our ethics role which is time consuming, and potentially very expensive should our insurance policy not cover us for anything in the future.

Many, many exciting plans have been hatched by one or more of you, and are on the back-boiler for want of time and money. If we had more of the latter, for example, we might be able to buy a Shiatsu bus and drive around the country taking Shiatsu to the high street; we could launch a journal with more heavyweight articles; we could rent a building from which we could host International conferences and offer stimulating workshops, we could finance new research projects; we could set up an extra website giving GPs and other health professionals information about Shiatsu in a language they and the public could perhaps

better understand; and we could undoubtedly raise the profile of our valuable work.

But we are too small just now. We must talk, talk, talk together about what we want and can realistically afford: to be a larger organisation with more staff, that can do more but will either cost each member more or require a greater time commitment for free from each of us? or, conversely, to scale right down and become an informal group, leaving the ethics representation and standards to the CNHC, and doing what some feel we do best, supporting each other at a grassroots level.

I know that there are members who feel passionately about each of these scenarios, but as a Board we do not believe that there is yet a consensus and before major changes can be made a consensus must indeed be reached.

Written question received from Tim Mason:

Q. Can the appropriate Director please update the AGM on the current advice for ensuring that we do not run the risk of infringing the ASA's rules. Have there been any problems since the 'asthma advertorial' in Virgin Trains Magazine (2005)? When I make public written statements about the efficacy of Shiatsu I just use the wording from the Shiatsu Society Website about what Shiatsu can "be beneficial for". I assume that is satisfactory as far as the ASA is concerned? Any other comments on this issue would be welcome.

A. from Tamsin Grainger;

Thank you for your enquiry. Here is the current position on advertising that does not run the risk of infringing the Advertising Standards Authority (ASA) rules: The ASA currently accept that Shiatsu is good for stress, back pain, neck pain and sports injuries. We believe that Shiatsu leads the way in the Complementary and Alternative Medicine (CAM) field, in being able to state that Shiatsu is good for these four things, which is great, and it means that the recent European Shiatsu Federation (and Leeds University) research, which provide scientifically proven findings were vital in our promotion of Shiatsu. To our knowledge there have been no further problems in this areas since the occasion you cited.

Written question received from Tim Mason:

Q. This structure for the discussion board is not very flexible if a member wants to start up a new issue for discussion. If you do put something under one of the existing main heads then it doesn't provide a clear sub-sub heading that would let others know that there is a new subject being broached. For example I had a specific query and when I couldn't find an obvious place to put it I used the 'Chewing the Fat' sub-section (this was 9th Feb 2009). As expected I have got no replies. A similar point was made by Andrew Scott who posted the only other previous comment under this section of the discussion board. Can something be done to enable new topics initiated by 'ordinary members' to be more clearly highlighted to other members who are browsing the discussion board?

A. from Tamsin Grainger;

When the discussion boards were set up a number of topics were deemed useful, others have since been added at the request of members. More can be added at any time. The topics can only be added by the board's administrator because if any member could start a new (main) topic the boards would very soon be reduced to anarchy. Within the main topics anyone can start a new thread or sub thread. Like many aspects of the website the discussion boards need a thorough overhaul and reappraisal of the function and content. This should be a priority for the Society in the next couple of months.

Cliff Jenkinson asked for clarity on the Statement of Intent for the next 5 years and wanted to know if by accepting the report we were accepting the statement. Tamsin Grainger gave her reassurance that this was a discussion document and nothing will be put into action until the proposals had been agreed at an AGM by the members. Mick Duncan suggested this be discussed further at the EGM. The report was accepted by majority.

Treasurers report

Cliff Jenkinson pointed out 3 errors in the report with the accounts which will be corrected. The report was accepted by majority.

ESF report

The report was accepted by majority.

Regulation report

The report was accepted by majority.

Ethics report

Written questions had been received from Cliff Jenkinson:-

Q. Did the interpretation of the Society's rules actually go to Judicial Review?

A. from Elizabeth Davies;

We were advised by our solicitor that the way our rules were applied at the tribunal, and subsequently upheld by the Society, was in breach of the member's human right to have his representative solicitor present at the complainants' testimony. It was the fact that the tribunal and the Society blocked the solicitor from attending the interview of the complainant, and presenting his questions, or even suggesting video-link, that was in breach. The complainant had the right to refuse to attend or to be cross-questioned, but the society did not have the right to refuse to consider this request, as it was actually in breach of the member's right to a fair representation to do so.

Q. My understanding is that the Society accepted its Rules to be in breach of Natural Justice and the European Convention of Human Rights and so avoided a Judicial Review. What steps has the Society taken to amend its rules so that we do not continue to be in breach of Natural Justice and Human Rights?

A. from Elizabeth Davies;

We are considering this now, and changing the rules accordingly, so that there is no misunderstanding. We have drafted some amendments to parts of the code.

Q. Has the Board met to formally define the meaning, within the terms of the Human Rights Act, of the offending lines in our rules so that the Adjudication sub committee, the complainant, the complaine and their respective legal teams know how the re-hearing will proceed?

A. from Elizabeth Davies;

We discussed some of these issues in a teleconference, prior to the call for a judicial review. We will check with our solicitor as to whether the changes we suggest will be adequate. They are very minor, and it is rather a question of interpretation. In this case our interpretation was inadequate.

Q. One of the stumbling blocks that gave rise to the call for Judicial Review was a definition of the "burden of proof". Has the Board met to either amend the rules or formally define what the "burden of proof" needs to be?

A. from Elizabeth Davies;

We have been advised that the normal burden of proof in a non-legal setting is a common sense consideration of probability.

Q. When all members of the Society have to understand and abide by the Codes of Conduct and Ethics why haven't the Board disseminated this information as a matter of urgency?

A. from Elizabeth Davies;

The Board is conferring about how best to deal with this unfortunate episode, and the failure of the tribunal and the Society to deal adequately, at the time, with the solicitor's initial requests for his client's fair representation. In hindsight it is easy to see where we went wrong, as we now have the benefit of extended specialist legal advice. For the future, we are intending to run a specialist training workshop for all our ethics sub-committee panel members and directors, so we can be more aware of the legal issues involved. The ethics sub committee members will be informed about all of this in due course, when the immediate problem has been resolved. We are working with the solicitor on this, and members will of course be informed should there be a need to change any wording of the Rules and Regulations, or to interpret the existing code differently.

Elizabeth Davies gave an overview of the current ethics case at the member's request. Tamsin Grainger asked that the membership trust the Board to behave in the correct manner on behalf of the membership.

The report was accepted by majority.

Education report

Written questions had been received from Cliff Jenkinson:

Q. What has been the increase in numbers of MRSS from Graduate status as a result of the implementation of the 4 year rule? Please give the number and the % of Graduates that this represents. The answer to these 2 questions will then allow us to see the overall effect that the 4 year rule has had so that we, as members, can make an informed decision on the proposed rule changes which are on the agenda of the AGM.

A. from Catherine Scanlon

68 graduates have become MRSS via the PGY route since 2006. Of the current graduate numbers that is 19%. MRSS assessment candidates averaged at 30 p.a. from 2005 to 2008. This spring we have just one applicant and this is a resit. Last Autumn there were just 4 applicants and one of those was a resit. It must be noted that overall student numbers have fallen during this period - something that many schools have stated.

Thus it can be seen that 18 people are known to have lapsed membership between 2006 and 2009, and of the students who have moved towards MRSS in the last year, the majority have chosen the PGY route.

Q. How many Graduates have left the Society as a direct consequence of the 4-year rule? Please specify the number, the total number of Graduates and the % loss that has occurred.

A. from Catherine Scanlon

Exact figures cannot be stated as many graduates have lapsed their membership and not given us a reason why. Percentages would therefore be inaccurate. However, we do know that:-

At the end of 2006 we had 411 graduates.

At the end of 2007 we had 425 graduates. Increase of 14 from 2006.

At the end of 2008 we had 389 graduates. Reduction of 36 from 2007. We know 14 of these were definitely because of the 4 year rule.

At the end of March 2009 we have 358 graduates. Reduction of 31 from 2008. We know 4 of these were definitely because of the 4 year rule.

Some members (approx. 70) have stated their concern about this rule to the office and Directors, and some of those are considering whether to renew at the end of the year when the deadline arrives.

8 graduates have downgraded their membership to Associate due to the 4 year rule, and 2 have become readers as they no longer wish to be members.

The report was accepted by majority.

Newsletter report

The report was accepted by majority.

Rules & Regulations report

The report was accepted by majority.

(5) THE BOARD OF DIRECTORS PROPOSAL TO INCREASE THE MEMBERSHIP FEES

Proposed by: David Home, MRSS(T)

Seconded by: Elizabeth Davies

The Board of Directors propose that there be no increase in membership fees for 2010.

David Home spoke for the proposal saying that no increase has been proposed due to us as we do not know the outcome of the regulator later in the year and also due to the current financial climate.

The proposal was passed by majority.

(6) AUDIT SUB COMMITTEE PROPOSALS

Proposed by: David Home, MRSS(T)

Seconded by: Carol Dean, MRSS(T)

The Audit Sub Committee propose that the Directors' fees and expenses budget remain the same as last year at £20,000.

David Home spoke for the proposal saying that no increase has been proposed due to us not knowing the outcome of the regulator later in the year and the current financial climate.

The proposal was passed by majority.

(7) CHANGES TO THE RULES & REGULATIONS MADE BY THE BOARD DURING THE YEAR

Proposed by: Mick Duncan

Seconded by: David Home, MRSS(T)

Rules and Regulations Section 5)b)vi)2)

Current text :

vi) *Animals*

(2) *The rendering of emergency first aid to animals is, however, permissible for the purpose of saving life or relieving pain. What constitutes an emergency must be a question for the judgement of the individual Member. **The Protection of Animals Act 1911** lays down as an obligation that if an animal needs treatment from a veterinary surgeon the owner must be advised to obtain this.*

The 'Protection of Animals Act 1911' has been replaced with 'the Animal Welfare Act 2006' so should be replaced with that.

New text to read:-

vi) *Animals*

(2) *The rendering of emergency first aid to animals is, however, permissible for the purpose of saving life or relieving pain. What constitutes an emergency must be a question for the judgement of the individual Member. **The Animal Welfare Act 2006** lays down as an obligation that if an animal needs treatment from a veterinary surgeon the owner must be advised to obtain this.*

These changes were made at the Board meeting on 16th December 2008.

The proposal was passed by majority.

(8) ELECTION OF DIRECTORS

Three places are available and nominations had been received from:

Rochelle Wilson, proposed by Dinah John, MRSS(T), seconded by Cliff Andrews, MRSS(T)
Philip Brown, proposed by Paul McNicholls, MRSS(T), seconded by Carla-Jo Geraghty

Both candidates gave a hustings statement and answered questions from members.

The election was overseen by the Electoral Reform Society and ballot papers were counted.

Rochelle – 53 ballot forms completed, none spoiled, 52 for, 1 against. Rochelle was elected as a Director.
Philip – 53 ballot forms completed, none spoiled, 52 for, 1 against. Philip was elected as a Director.

(9) CHANGES TO THE RULES AND REGULATIONS

(i) Proposal to delete Rules & Regulations 3)c)iii) (3) and (4)

Proposed by: Catherine Scanlon, MRSS
Seconded by: Elizabeth Davies

Proposal to remove the 4-year maximum rule for Graduate Members.

Rationale: In view of the way regulation is developing, via the Complementary and Natural Healthcare Council (CNHC) it seems appropriate to remove the 4-year time limit necessary for Graduates to join the professional register (MRSS) within four years.

Proposal:

“The Board propose to remove the Rules and Regulations section 3)c)iii) (3) and (4).”

(3) Members may only be in this category for a total of 4 years. If membership in this category is interrupted by a period as an Associate Member, the calculation of the total number of years as a *Graduate Member will resume from the point where Graduate membership was ceased. See Rules and Regulations Section 14.*

(4) Members may be in this category for a maximum of 3 years before commencing their Post Graduate Year or a maximum of 4 years before successfully passing the Society’s MRSS Assessment if the Post Graduate Year route is not available to them. The 4-year period starts from January 2006 for those already in this category. If, at the point of application, a Graduate member is not accepted as a MRSS and becomes an Associate member but continues to work on aspects of their practice before re-presenting themselves for MRSS, then the three year period of 3)c)ii)4) does not apply.

(re-number sections 5 – 7, as 4 - 6).

For: 44
Against: 4
Abstentions: 5 The proposal failed as a 7/8ths majority vote was needed.

(ii) Change to Rules & Regulations 3)iv)

Proposed by: David Home, MRSS(T)
Seconded by: Bryony Williams, MRSS(T)

3)vi). To add the following paragraph to the Rules and Regulations:

“(3) Or have been a graduate member of the Shiatsu Society, commencing before December 2006 and can present evidence of a minimum number of 100 treatments for the year prior to application with a letter of recommendation from a member of the current SSUK assessment pool, unknown to the applicant. The letter must clearly state that a safe and appropriate treatment has been received by the assessment pool member and that there is satisfactory knowledge of the ethics code of the Shiatsu Society has occurred. (The member of the assessment pool can reserve the right to ask for a second opinion and ask for another pool member to be involved in the process).”

Amendment to proposal:-

Proposed by: Laura Davison, MRSS(T)
Seconded by: Chris Harris, MRSS

3)vi). To add the following paragraph to the Rules and Regulations:

“(a) Or have been a graduate member of the Shiatsu Society, commencing before December 2006 and can present **a) evidence of a minimum number of 100 treatments for the year prior to application; b) evidence of appropriate CPD for the same period, and c) with** a letter of recommendation from a member of the current SSUK assessment pool, unknown to the applicant. The letter must

clearly state that a safe and appropriate treatment has been received by the assessment pool member and that there is satisfactory knowledge of the ethics code of the Shiatsu Society has occurred. (The member of the assessment pool can reserve the right to ask for a second opinion and ask for another pool member to be involved in the process).”

David Home accepted the amendment and spoke to the proposal.

For: 31
Against: 9
Abstentions: 13 The proposal with the amendment failed as a 7/8ths majority vote was needed.

(iii) Change to Rules & Regulations 3)iv)

Proposed by: David Home, MRSS(T)
Seconded by: Bryony Williams, MRSS(T)

3)vi)To add the following paragraph to the Rules and Regulations:

“(4) Or have been a practitioner abroad for a minimum of 3 years and can present evidence of a minimum number of 100 treatments for the year prior to application with a letter of recommendation from a member of the current SSUK assessment pool, unknown to the applicant. The letter must clearly state that a safe and appropriate treatment has been received by the assessment pool member and that there is satisfactory knowledge of the ethics code of the Shiatsu Society has occurred. (The member of the assessment pool can reserve the right to ask for a second opinion and ask for another pool member to be involved in the process). “

Amendment to proposal:-

Proposed by: Laura Davison, MSRSS(T)
Seconded by: Chris Harris, MRSS

3)vi)To add the following paragraph to the Rules and Regulations:

“(2a) Or have been a practitioner abroad for a minimum of 3 years and can **a) provide a copy of their Curriculum Vitae (CV); b) present evidence of a minimum number of 100 treatments for the year prior to application and c) ~~with~~** a letter of recommendation from a member of the current SSUK assessment pool, unknown to the applicant. The letter must clearly state that a safe and appropriate treatment has been received by the assessment pool member and that there is satisfactory knowledge of the ethics code of the Shiatsu Society has occurred. (The member of the assessment pool can reserve the right to ask for a second opinion and ask for another pool member to be involved in the process). “

A second amendment was proposed:-

Proposed by: Dinah John, MSRSS(T)
Seconded by: David Home, MRSS(T)

“(2a) Or have been a **Professional** practitioner abroad for a minimum of 3 years and can a) provide a copy of their Curriculum Vitae (CV); b) present evidence of a minimum number of 100 treatments for the year prior to application and c) a letter of recommendation from a member of the current SSUK assessment pool, unknown to the applicant. The letter must clearly state that a safe and appropriate treatment has been received by the assessment pool member and that there is satisfactory knowledge of the ethics code of the Shiatsu Society has occurred. (The member of the assessment pool can reserve the right to ask for a second opinion and ask for another pool member to be involved in the process).

David Home accepted both amendments and spoke to the proposal.

For: 41
Against: 3
Abstentions: 9 The proposal with the amendments failed as a 7/8ths majority vote was needed.

(10) ANY OTHER BUSINESS

Thea Bailey MRSS(T) stated that the Society had spent the last 10 years maintaining the Rules with regards to ethics and felt that many of the membership did not know this. Tamsin Grainger will look into this and make a statement for the newsletter.

Tamsin Grainger announced that Mick Duncan would be resigning as Director from today and thanked him for all his hard work over the past years. Mick was presented with a card and present from the Society.

The meeting closed at 3.09pm.