

BAAT Council meeting
12 - 4.30 pm, 1 December 2018
24 - 27 White Lion Street, London N1 9PD
Approved minutes

Present

Council members. Liz Ashby, Emer Douglas, Claire Louise Leyland, Jayne McConkey, Simon Richardson (Hon. Secretary), Michael Scott, Richard Whitaker, Tim Wright (Chair), Frances Walton

SIG Representatives. Natalie Chesterman (Art Therapists working with Personality Disorders), Kate Meadowcroft (Neurological Conditions), Julie Watson (Sessional, Independent and Private Practice)

In attendance. Val Huet (Chief Executive Officer, BAAT), Joan Woddis (Vice-President, BAAT)

1. Apologies for absence and approval of minutes

1.1. Apologies. Susan Carr, Alex McDonald (Social Media and Advertising Officer, BAAT), Nicki Power (Vice-Chair), Caryl Sibbett, and Ami Woods (who has stood down from Council).

1.2. Corrections to the Minutes for the Council meeting on 22 September 2018.

Point 13.4. was amended to say that Caryl Sibbett, Northern Ireland representative, had sent her apologies for the business section of the meeting.

2. Matters arising

Minutes for the Council meeting on 22 September 2018.

2.1. Extraordinary Council Meeting, 27 October 2018 (update). Following a letter from solicitors representing Catherine Stevens and BAAT then having sought advice from Russell and Cooke solicitors, the ECM set for 27 October had been postponed.

2.2. Code of Conduct for the AGM (point 3.1.3). The American Art Therapy Association (AATA) has sent BAAT its conferences Code of Conduct. This will be used at the International Art Therapy Practice Research Conference in July 2019 and covers relevant issues like not posting photos of confidential images in presentations on social media.

2.3. Newly qualified survey (point 5.6). Val Huet will contact Unite about the issue of BAAT members who are doing sessional work for organisations then being asked to go on to PAYE. People are often being financially disadvantaged by this as the salaries they are offered do not match the sessional rate they were being paid. BAAT is planning to run workshops for newly qualified art therapists in Autumn 2019, which will cover issues like this.

2.4. Regional Group / SIG communications with members (point 6.1, Action 1). Tim Wright reported that this Action has not been progressed yet but was discussed during the SIG Co-ordinators meeting held immediately before the Council meeting.

2.5. General Data Protection Regulation (GDPR) (point 6.1, Action 2). BAAT is to clarify with the Information Commissioner's Office (ICO) whether freedom of information requests can be made to art therapists in private practice. It has been generally assumed that anyone holding data on a person does have a duty to reveal / share that data if requested.

2.6. Scoping for new Board structure (point 7). Tim Wright updated Council on the planned consultation process that will take place around developing new board structure for BAAT and updating the Memorandum of Association.

2.7. Further development of roles and responsibilities (point 7.3). A draft document has been completed and will be circulated to Council members by e-mail for feedback.

2.8. Service user involvement (point 11). Jayne McConkey asked Val Huet if anyone has expressed interest in taking over the service user involvement / dual experience roles that Amy Woods had covered before she stood down from Council? Val responded that both lead areas are currently vacant and encouraged elected Council members to consider taking on one or both of them.

3. Chair's report - Tim Wright

3.1. BAAT Psychosis Task and Finish Group. The group is currently completing a draft guidelines document to be sent out for consultation with BAAT members, service users, and other stakeholders. The planned start date for the consultation is 14 January 2019.

3.2. BAAT's Whistleblowing and Conflict of Interest policies. The Whistleblowing policy is now ready for Council to approve. Council will discuss aspects of the draft Conflict of Interest policy in the Elected Members section today.

3.3. Meeting of the arts therapies associations. On 14 November Val Huet and Tim met with leads from the British Association of Dramatherapists and British Association of Music Therapists. The issues discussed included:

- the announcement of the outcome of the review of Health and Care Professions regulation, which is now expected to be in February 2019
- the arts therapies associations supporting the UKCP's campaign to challenge the medical bias in the NICE evidence criteria
- a possible joint campaign for employers to make relevant posts open to people who are HCPC registered and not exclude them if they are not UKCP or BACP members
- concerns about the level of service the HCPC offers. The arts therapies will not be campaigning against the HCPC's proposal to raise annual fees by £16 but will be raising concerns about issues like the length of time fitness to practice proceedings take and poor communication with registrants.
- the possibility of a shared, paid, part-time post to represent the arts therapies in Wales

3.4. Special Interest Groups. Tim has contacted the SIG co-ordinators, as Council requested, about how to increase the number of SIG representatives attending Council meetings.

4. Vice Chair's report - Nicki Power

Nicki had sent her report prior to the meeting, which was circulated in the Council pack.

5. Chief Executive Officer's report - Val Huet

5.1. CPD and certificated courses. The short courses and one-week Foundation course are recruiting well. People seem to prefer the one-week option for the Foundation course to doing it as an evening course. The IT issues with the e-Learning courses have now been resolved and access to the system has been made easier.

5.2. International Art Therapy Practice Research Conference. Over 250 submissions were received and 219 papers have been accepted. Keynote speakers will include Rodney Adenyi-Jones, Ephrat Haas, Lord Alan Howarth, Lynn Kapitan, and Iain McGilchrist. There will be 3-day and 1-day tickets available. BAAT is working on how best to publish the proceedings of the conference and there will be online updates. The aim is for it to become a regular event. There will be an extra free event on 10 July to bring together people developing art therapy trainings around the world, many in quite challenging circumstances.

5.3. Financial report. The report was circulated as part of the Council meeting pack. BAAT is running with a small surplus at present which should continue after the December bills are paid. Val explained that Region 16 has a surplus in the accounts because if Regional Groups or SIGs raise money from events, as it had done, then that is kept in the group's account.

5.4. Representation of Wales (Region 7) on Council. Val has talked with the Region 7 co-ordinator about the lack of a Wales representative on Council. They discussed the possibility of there being a regional officer for the arts therapies in Wales (see also point 3.3 above). This would be a self-employed post for 12 hours per month, as with the BAAT Scotland Officer, and each of the arts therapies bodies would fund 4 hours per month at £25 per hour. With travel expenses, the cost to BAAT would be no more than £150 per month. Val asked elected Council members to vote on whether to support this proposal in principle. The vote was carried unanimously.

5.5. Workforce survey. There have been 320 responses to the survey so far and it will remain open until 30 January 2019.

6. AGM 2019 planning

The 2019 AGM will be in Scotland and the BAAT Scotland Officer, Alison Wren, and BAAT Scotland Chair, Kerry Ramsey, will be leading on organising it. The AGM will be held in either Edinburgh or Glasgow, depending on the availability and cost of venues. This year the BAAT Honorary Secretary and Honorary Treasurer posts are up for election. Val Huet encouraged Council members to consider standing for the Honorary Treasurer post, which has been vacant for several years. She would be consulting with art therapy colleagues in Scotland on what the theme for the AGM should be. There will also be a lot of business to be discussed and voted on at the AGM. Claire Louise Leyland suggested utilising digital media, possibly short videos or podcasts, to help explain issues at the AGM rather than simply providing delegates with a lot of documents to read. Richard Whittaker seconded this idea, especially given the high incidence of dyslexia in the profession.

7. Update on Governance Documents – Tim Wright

Tim introduced this section by explaining that BAAT would be consulting with external bodies with relevant expertise to help conduct the governance review. The aim is to ensure BAAT has the policies it needs to adhere to current legal requirements. As part of this, changes to the structure of Council and the roles of Council members are being looked at. This will potentially require changes to BAAT's Memorandum of Association. It will include developing a competency framework for executive directors (voting / BAAT members) and non-executive directors (non-voting / lay members). Having input from people from outside of the profession will enable access to a range of expertise and other perspectives. The way these potential changes are presented to the membership will need careful preparation. Tim then opened the discussion for comments from Council members.

Emer Douglas felt Council members, who are volunteers, take on a huge responsibility at present, as they assume the role of employers of BAAT staff. Reviewing the roles of Council members was therefore about protecting the organisation and its members. Michael Scott asked if Council is currently at full strength and what is the route onto Council? Tim Wright agreed consideration should be given to there being a more active process of recruiting BAAT members to stand for Council, possibly a CPD day. Joan Woddis asked if non-executive directors would be paid? Claire Louise Leyland said that in her experience small to medium sized organisations or charities generally do not provide payment, as they are not be able to provide 'market-rate' fees for legal or financial professionals. People tend to take on non-executive directorships as a way of volunteering their time and expertise or in some cases for CV-building. In conclusion, Tim noted that other allied health professions, such as the Dieticians, are working on a similar process of updating their governance.

8. Update on Conflict of Interest and Whistleblowing policies - Tim Wright

8.1 Conflict of Interest draft policy. A draft set of guidelines was circulated for discussion as part of the Council meeting pack. Tim gave an initial overview and then the main areas of the draft guidelines were discussed. It was agreed that Council members could further review the draft guidelines through e-mail discussion.

Action: Tim to complete the draft policy (including comments / track changes from Council members) and submit them for ratification at the next Council meeting.

8.2. BAAT Whistleblowing policy. Before a vote was taken on the policy Richard Whitaker suggested BAAT should partner with an external organisation, such as another arts therapy association, so an external person is available to investigate if a complaint goes to stage two or three. BAAT could reciprocate on this arrangement. Val Huet also suggested the policy be regularly reviewed, with legal advice taken, so it could be amended as necessary.

Action: Council voted to approve the Whistleblowing policy.

9. Newsbriefing

Val Huet reported to Council that work is proceeding to schedule on the next issue of Newsbriefing, which will be sent out to members later in the month.

10. IJAT Inscape - Susan Carr and Alex McDonald

Susan and Alex had sent their apologies prior to the meeting. A report on the work being done on IJAT Inscape was circulated with the Council meeting pack.

11. Service user involvement - Ami Woods

Ami has informed BAAT she is standing down from Council for personal reasons. The service user involvement lead post is currently vacant.

12. BAAT Website and Social Media - Alex McDonald

Alex had sent her apologies and her report was circulated in the Council meeting pack.

13. Regional Groups and Countries

13.1. Regional Group Network Co-ordinator. Jayne McConkey is arranging a Regional Group co-ordinators meeting on 2 March 2019.

13.2. Scotland. A report from Alison Wren, BAAT Scotland Officer, was circulated with the Council meeting pack.

13.3. Wales. The post of representative for Wales is currently vacant (see point 5.4 above).

13.4. Northern Ireland. Caryl Sibbett had sent her apologies prior to the meeting.

14. Special Interest Groups

14.1. Sessional, Independent and Private Practice SIG. Julie Watson reported on the SIG's activities, including planning for a meeting in Leeds in 2019. Lively discussion around various issues relating to private practice continues on the SIG's google group.

14.2. Neurological Conditions. Kate Meadowcroft highlighted points from the SIG's report that had been circulated as part of the Council meeting pack.

14.3. SIG names review. Tim Wright mentioned there had been a discussion over whether the names of some SIGs should be reviewed, particularly those categorising clients with terms from medical diagnosis. Frances Walton, the new Special Interest Groups Co-ordinator, is planning a SIG co-ordinators meeting at which issues like this can be addressed. It would also be a good opportunity to update information about the SIGs, such as contact details for each group's current co-ordinator(s).

Action: Frances Walton to organise a SIG co-ordinators meeting day for Autumn 2019.

15. Dates of the next Council meetings

16 March 2019

18 May 2019 (AGM)

22 June 2019

21 September 2019

7 December 2019

16. Any Other Business

Arising from point 5.2 above, Joan Woddis raised a concern about the relationship between BAAT and the Foundation course run at the Dubai Art Therapy International Centre. She was concerned about the potential reputational damage to BAAT, given the poor human rights record of the United Arab Emirates (UAE) and felt BAAT should sever any links it has with the course. Val Huet responded that BAAT is one of many partners the Dubai course has, and its involvement is solely about standards of practice and does not imply any support for the UAE or its government.

17. Elected Council members

17.1. Update on legal advice. Tim Wright updated Council on the advice received from Russell Cooke Solicitors regarding the ECM with Catherine Stevens that was to have been held on 27 October. Ms Stevens had been invited to the ECM, in line with Article 13(b) in BAAT's Memorandum of Association, to respond to the points Council had raised about her conduct as a Director of BAAT (see point 17.4, minutes of BAAT Council meeting on 22 September 2018). However, Russell Cooke's view was that Article 13(b) as currently drafted is intended to cover an individual's capability to practice as an art therapist rather than their conduct as a member of BAAT. They advised that BAAT consider the following actions.

17.1.1. Update of BAAT governance. This should include looking at the grounds under which a person's membership of BAAT could be terminated. Russell Cooke advised that a court would tend to look on 'professional conduct', the term used in the current Memorandum of Association, as the ability to practice as an art therapist. Termination of BAAT membership would then be argued as preventing a person from practicing their profession and thus impacting their livelihood. Although such an argument would be weakened because the HCPC is the registering body not BAAT, Russell Cooke advised BAAT to update its governance so that a breach of its code of conduct could be grounds for termination of membership. They would be able to guide BAAT on how to proceed with this.

17.1.2. Revise criteria for standing for Council. If a Council member breaches their duties as a Director of BAAT there is nothing in the Memorandum of Association at present to prevent them from standing for Council again. Russell Cooke felt this anomaly could be included as part of the governance review.

17.1.3. BAAT to consider applying to become a charity. Russell Cooke suggested that BAAT consider this as it would then fall under charity law and the Charity Commission would audit the Memorandum of Association to ensure it was fit for purpose.

Council then discussed the advice from Russell Cooke. Val Huet felt there would be a problem with point 17.1.3. as being a charity can limit an organisation's financial activities, such as the kind of fundraising it can do. This led into a discussion as to whether BAAT might divide into two sections, such as BAAT Membership and BAAT Business. Val said the British Association of Music Therapists have become a charity and could offer advice on how BAAT should proceed if Council wanted to explore this. Council members felt that BAAT should talk further with Russell Cooke about working together on an update of its governance.

Action: Tim Wright to gain a quote from Russell Cooke on the fees they would charge to work with BAAT on its governance update and report back at the next Council meeting.

Rescheduling of the ECM with Catherine Stevens. Tim Wright said that BAAT will wait until it is contacted by Ms Stevens' solicitors to decide if and when to reschedule the meeting.

18/09/2020 Correction: This statement is incorrect. The grievances against Catherine Stevens raised by BAAT staff were not still outstanding in December 2018.

17.3. Criteria for standing for Council. Relating to point 17.1.2 above, Council discussed how to proceed with the issue of a Council member / Director of BAAT who has breached the code of conduct and stands again for Council. It was felt that a review of the routes into Council was needed along with a clear set of criteria of what is expected of people who stand for election. Council members agreed this should be part of the update of governance proposed above by Russell Cooke Solicitors.

17.4. Conflict of Interest draft policy. Council members agreed that the draft policy (see point 8.1 above) should to be taken to BAAT's solicitors for legal advice as part of the consultation process.

17.5. BAAT CEO appraisal. Val Huet left the room before this section of the meeting. Tim Wright reported to Council on the appraisal he and Nicki Power had carried out with Val on 9 November 2018. In the discussion that followed Council members suggested that in future the appraisal process should include:

1. a link to remuneration, so that any changes to the CEO's salary as a result of the appraisal could be demonstrated and accounted for
2. a career development section, in which training that would help the CEO could be discussed and, where necessary, financial support to access it could be agreed
3. introduce a rating system, to provide an objective scoring system for the appraisal
4. invite 360 degree feedback from BAAT staff and other stakeholders

Following this discussion, Val was invited back into the room to hear Council's feedback. She said that, with regard to point 1, her remuneration will stay the same until the end of 2019, as previously discussed in Council. With regard to point 2, Val said she would be interested in doing courses on research and development methodology at Canterbury Christchurch University.