



# Fitness to Practice Panel Pool Members

Terms of Reference



## Contents

Purpose of the Panel Pool	1
Responsibility and Reporting Requirements	2
Panel Pool Eligibility	2
Composition of a Panel	3
Figure 1: Complaint Journey	4
Role of the Panels	5
About the Role of a Pool Member	6
Terms of Appointment	7
Person Specification	8





## **Fitness to Practise Panel Pool**

### **Purpose**

The purpose of the Fitness to Practise Panel Pool is to form the membership from which a panel can be selected to assess substantive concerns regarding a registrant's Fitness to Practise.

All cases will have already been reviewed by an investigator to determine they are within the scope for assessment and referred by the FtP Referral Panel following a decision that full investigation is/was warranted or a unanimous decision on this was not achieved.



## Responsibility & Reporting Requirements

The AfN wishes to appoint and maintain a 'pool' of independent (lay) members and professional members (UKVRN Registrant) to act as panellists on Investigation, Fitness to Practise or Appeal Panels.

Panels will be formed when a case is referred, as indicated in Figure 1. Panels shall report their final decision regarding the case to the Registration Office for required administration actions.

Members of the pool/panels are expected to abide by AfN policies on Equal Opportunities, Health and Safety, Confidentiality, Declarations of Interest, Payment of Expenses, Conduct of Council & Committee Members and any other such policies as agreed by AfN Council.

## Panel Pool Eligibility

Application for membership of the pool of individuals who can be selected for form a panel is open to lay persons and UKVRN R Nutr registrants who are able to demonstrate they meet the person specification stated in this document.

In accordance with the Association for Nutrition and Rules, eligibility for lay members is restricted to persons who are not or have never been a member of the Association, are not eligible for membership of the Association or other food/nutrition related regulatory bodies, are not employed within food/nutrition roles or sectors, are not disqualified or declared unfit from being a trustee or company director or disqualified under item 43 of AfN Articles of Association.





## Composition of a Panel

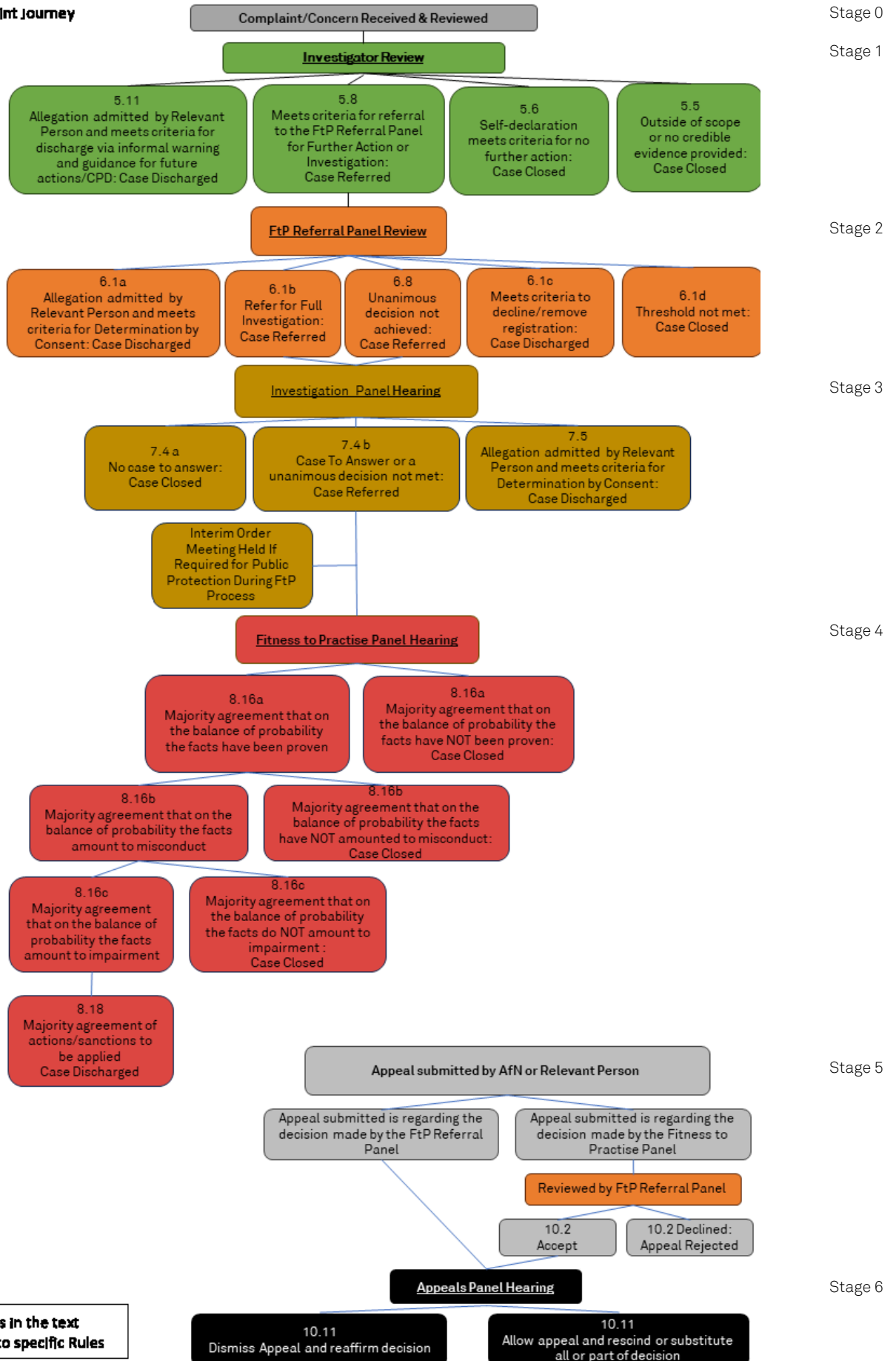
The Panels shall normally comprise of three members which shall include:

- Two lay persons (one of whom will be Chair)
- A UKVRN RNutr registrant

Panel members:

- Should have relevant experience, for example, of the regulation of another profession or of the adjudication or membership of a tribunal within their employment in higher education, research management or industry
- Be familiar with the Procedures
- Must have independence of the Relevant Person and Complainant, to be identified through declaration of interest

**Fig. 1: Complaint Journey**



**NB: Numbers in the text boxes refer to specific Rules**



## Role of the Panels

Cases requiring a panel review/hearing will be referred in accordance with the procedures detailed in the AfN Fitness to Practise Rules, and summarised in Figure 1.

Panel members will consider the evidence and representations presented by AfN and the Relevant Person, and come to an agreement regarding an outcome decision, in accordance with the procedures stated in the AfN Fitness to Practise Rules.

Pool members can be asked to be part of an Investigation Panel (stage 3), Fitness to Practice Panel (stage 4), or Appeals Panel (stage 6).

An Investigation Panel will consider the Initial Investigation Report and determine whether there is a case to answer. If so, this is referred to a Fitness to Practise Panel Hearing. The Investigation Panel may also hold and decide on an Interim Order to be applied whilst the case progresses, if this is required for public protection.

A Fitness to Practise Panel will hold a hearing to review and assess the allegations, documents relied upon by the parties, witness statements, relevant notices and any representations made by the relevant person or AfN to make a majority decision based on the balance of probability as to whether the facts of the allegation have or have not been proven. If proven the panel will determine whether this amounts to misconduct and impairment, and any action or sanction to be applied.

An Appeals Panel will hold a hearing to hear to appeals regarding the decision or procedural actions of the FtP Referral Panel or to referred appeals against the decision or procedural actions of the Fitness to Practise Panel.



## About the Role of a Pool Member

Members of the Pool are required to consider arguments and distil facts to reach a conclusion on cases referred to them. They should be able to analyse complex information, follow procedures and guidelines to arrive at sound, defensible judgments.

Members of the Pool have the following duties:

- consider the provided papers relating to cases
- consider and take into account evidence, information, representations and advice in connection with cases
- make impartial and objective assessments of such evidence, information, representations and advice
- make determinations and apply powers given under the AfN Fitness to Practise rules and terms of reference impartially and objectively
- inform the AfN as soon as reasonably practicable if conflict of interest arises from the circumstances of the case which may adversely affect the ability to consider the case impartially and objectively

and

- treat as confidential any information, facts or circumstances which become known to the member in connection to any cases which they are reviewing.





## Terms of Appointment

The term of service for a Panel member is normally three years, subject to annual re-appointment. Members are eligible for reappointment for two subsequent term (or a total of nine years) and then for subsequent terms provided that at least one year shall have elapsed between the expiry of three consecutive terms and the beginning of the fourth.

Members of panels are required to:

- Participate actively and responsibly.
- Help ensure that Panels fulfil their role according to the Terms of Reference and AfN Fitness to Practise Rules, by taking part in completing reviews, discussions and auditing decisions.
- Participate in case reviews/hearings and help ensure that Panels fulfil their responsibilities in monitoring activities undertaken on their behalf.
- Always uphold AfN's core values of trust and honesty, ethical behaviour, integrity, high standards, quality and professionalism.
- Act as ambassador for AfN by actively promoting our core messages when in relevant and appropriate situations.
- Participate in relevant training provided by the AfN.

This is a voluntary role, but travel and subsistence expenses will be reimbursed according to our expenses policy if face-to-face meetings or trainings are required. A £280 day fee may be claimed by a Panel Member when attending a hearing.



# Person Specification

## Essential Criteria

Successful candidates must be able to demonstrate the following:

- A commitment to protecting, promoting and maintaining the health, safety and wellbeing of the public.
- The ability to look forward, see the bigger picture and make balanced decisions in an open, collaborative and constructive manner.
- The ability to challenge and question constructively, with a sense of collective responsibility.
- An understanding of the contribution and impact made by voluntary regulation of Registered Nutritionists, the furtherance of nutrition science and the fostering professional expertise in the UK and overseas.
- An understanding and commitment to good governance and to the Nolan Principles of public life.



## Person Specification cont.

### Desirable Criteria

Candidates with skills or experience in one or more of the following areas:

- Experience of participating in investigation hearings, human resources, fitness to practice proceedings, adjudication, complaints or appeals in the public, private or voluntary sector.

### Competencies for panel members

#### ***A. Intellectual Flexibility***

Able to analyse complex information, following procedures and guidelines to arrive at sound, defensible judgments.

#### ***B. Personal Qualities***

High level of probity, integrity, objectivity and fairness, ability to maintain confidentiality, commitment to equality and diversity

#### ***C. Credibility***

Ability to display across and beyond the nutrition profession

#### ***D. Influencing and Communicating***

Can influence and persuade others using evidence and well-reasoned arguments; able to test and probe constructively to achieve best outcomes for AfN and its regulatory functions.

#### ***E. Effective Team Working***

Understands and maintains the separation between executive and adjudicative functions, actively seeks differing views of others and respects those views, builds constructive relationships to work effectively as a team.



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