Association for Nutrition

Regulating Professionals – Raising Standards – Improving Health

UKVRN Fitness to Practise Rules

V3.5

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Introduction

1.1.The Articles of Association permit Association for Nutrition's governing Council to agree rules for the purpose of carrying into effect any provision of the Articles of Association for regulating the affairs of the body. These rules for the management of complaints or allegations against a UKVRN Registrant or applicants to the Register were approved by the AfN Registration Committee on 12th September 2017, under powers delegated to it by AfN Council in accordance with the Articles of Association (item 4), with amendments approved by AfN Council .

1.2.AfN manages the UK Voluntary Register of Nutritionists (UKVRN), including managing complaints or allegations against a UKVRN Registrant or applicants to the Register. These rules are reviewed regularly to ensure they are fair, robust, reflect best practice and are applied consistently.

1.3.These rules can be determined, amended or rescinded by a simple majority vote of Registration Committee and are always subsidiary to the Articles of Association. If the operation of these rules contradict the Articles in any way, the Articles of Association take precedence.

1.4.This document replaces previous documentation issued by AfN including 'Making a Complaint or Allegation' approved July 2012 and 'Standard Operating Procedures: Registration,' approved July 2012 and revised April 2015 and November 2022. It will remain under review. Feedback and suggestions for improvements are welcome, and should be directed, in the first instance, to the AfN Deputy Chief Executive.

1.5.Supporting these Rules are guidance notes and associated documents to support the good governance of the UKVRN, all of which are published on the AfN website; http://www.associationfornutrition.org/

1.6. The Registration Committee may determine its own additional procedures in accordance with these rules, the guidance published from time to time by AfN and the overriding requirement of fairness. Where these rules prescribe a time limit by which a person must act or after which they may not act, the Registrar, Registration Committee (or its Chair) or Deputy Chief Executive (as the case may be) may, upon application, vary that time limit if satisfied that in all circumstances it is reasonable to do so.

1.7.In this document 'day' or 'working day' means any calendar day except Saturdays, Sundays or UK public holidays.

1.8.Any notice required to be given under these rules will be given in accordance with item 15 in the Articles of Association.

Fitness to Practise

Raising a Concern

2.1.Anyone can raise a concern about the fitness to practise of a UKVRN Registrant, including another Registrant, a member of the public, AfN or another statutory or voluntary regulator, or as a declaration by a Registrant or as part of an application for UKVRN Registration. A fitness to practise concern can also be considered if it is not specifically raised by an individual, for example, an article published on social media or a statement made in the press.

2.2.This section describes how decisions regarding allegations of impairment of a Registrant's or applicant's fitness to practise are made to ensure public confidence is maintained.

2.3.Additional supporting documents including guidance notes and associated documents about what do if there is a concern about a Registrant's fitness to practice are published on AfN's website: http://www.associationfornutrition.org/

Application

3.1.These procedures apply to any:

a. Complaint of impairment of fitness to practice made or raised against a UKVRN Registrant or as part of an application for UKVRN Registration:

or

b. Declaration of a health condition or any prior conduct made by an applicant to the Register or by a UKVRN Registrant or otherwise known to the UKVRN.

3.2. In these procedures, impairment of fitness to practice means an allegation made on one or more of the following grounds:

a. Misconduct (whether in the person's practice of the profession or otherwise)

and/or

b. Lack of competence (or deficient professional performance) in the practice of the profession

and/or

c. Physical or mental ill health

and/or

d. A conviction or caution in the UK for a criminal offence, or a conviction elsewhere for an offence which, if committed in the UK would constitute a criminal offence

and/or

e. A determination by a body in the UK responsible under enactment for the regulation of a health or social care profession to the effect that a Registrant's fitness to practise is impaired, or a determination by a licensing body elsewhere to the same effect

and/or

f. A level of proficiency in the knowledge and use of the English language [1] that is insufficient for the safe and competent practice of the profession.

3.3.In these procedures, a physical or mental ill heath which impairs a Registrant's ability to practise safely on the following grounds:

a.A health condition (mental and/or physical) which might affect the Registrant's ability to practice safely and effectively in accordance with competence and conduct standards.

3.4.A Fitness to Practise (FtP) Referral Panel is established for the purposes set out in section 6.1

3.5.An Investigation Panel is established for the purposes set out in section 7.1

3.6.A Fitness to Practise Panel is established for the purposes set out in section 8.1

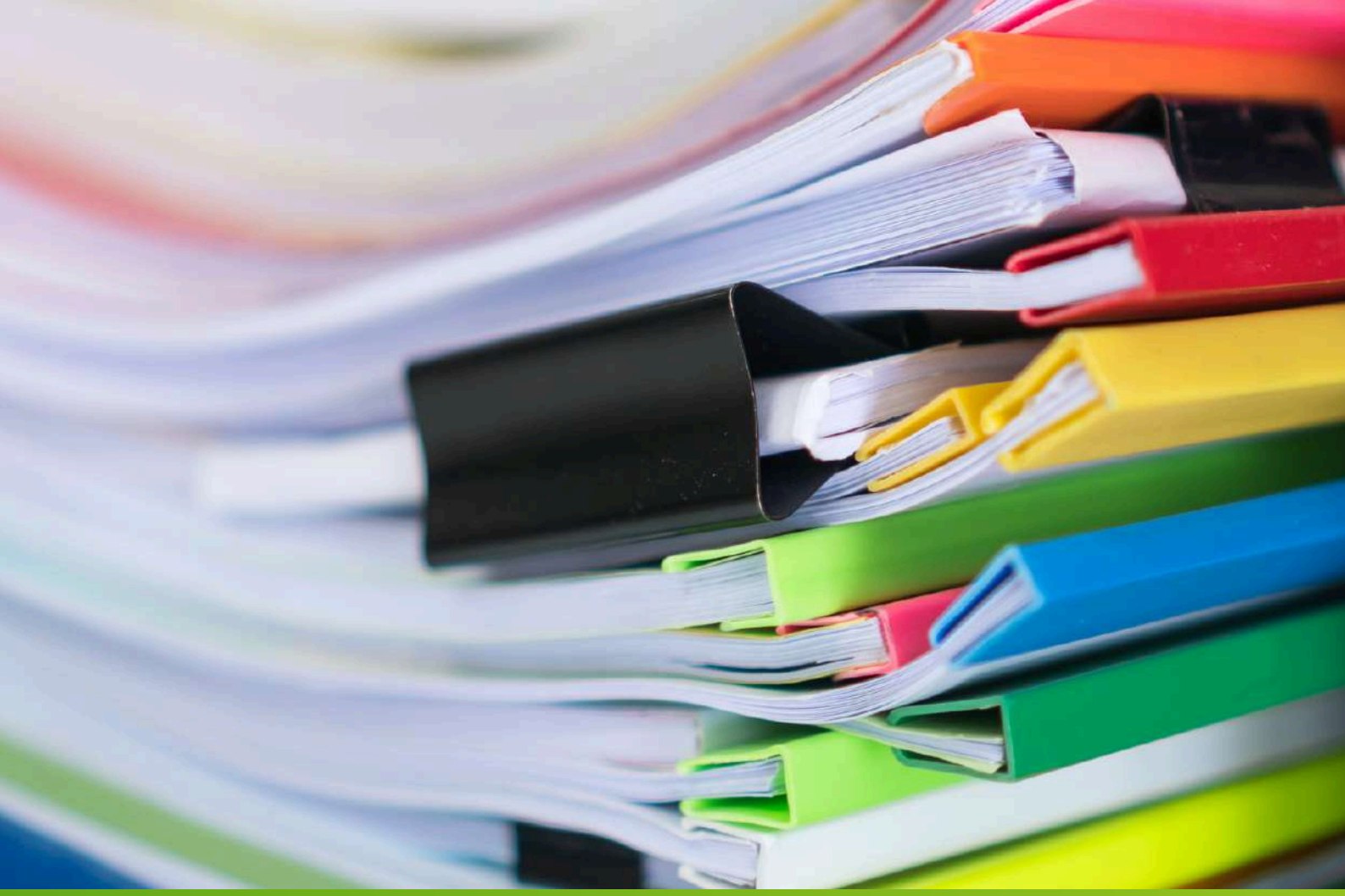
3.7.The Appeal Panel is established for the purposes set out in sections 9.1

Panelists

4.1.The Registration Committee shall according to specifications and terms it establishes appoint and maintain a list of lay and UKVRN Registrants to act as panelists on:

a. The FtP Referral Panel
b. The Investigation Panel
c. The Fitness to Practise Panel
d. The Appeal Panel

[1] Please see guidance produced by Registration Committee regarding language proficiency requirements for Registrants practising overseas.



Investigating Complaints

Stage 1: Initial Investigation

5.1 When the AfN receives a complaint, declaration or any other information concerning a Registrant or as part of an application for UKVRN Registration (the complaint) it shall investigate the complaint in accordance with these procedures.

5.2 A person appointed by AfN will conduct investigations (the investigator). In these procedures the Registrant, person, people or organisation making the complaint or declaration will be referred to as the complainant. The person against whom the complaint or allegation has been made will be referred to as the relevant person.

5.3 The investigator will usually investigate the complaint as follows:

a. Identify the Registrant or applicant who is the subject of the complaint (the relevant person). If they are not a Registrant or applicant, the case will be closed.

b. Establish the nature of the complaint by gathering evidence and information from the complainant. The investigator may also seek information or advice from third parties

c. Establish if the complaint relates to at least one of the categories of impaired fitness to practice in section 3.2

d. Gain the consent of the complainant to provide a copy of the complaint and supporting information to the relevant person (unless the complaint is as a result of a declaration). Anonymous or vexatious complaints will not normally be accepted, except in the most exceptional circumstances where sufficient evidence has been provided and it is in the public interest to investigate.

e. Consider whether there is any further information required to support the investigation

5.4 Unless the complaint is as a result of a declaration, the investigator must within 10 working days of receiving agreement from the complainant to share the complaint details notify the relevant person that a complaint has been made against them. They must provide the relevant person with details of the complaint (including a copy of the complaint or supporting information) and a copy of these procedures, and invite the relevant person to submit written representations to the investigator within 14 days.

5.5 Where the investigator is of the opinion that:

a. There is no credible evidence available to substantiate an allegation of impaired fitness to practise

or

b. The complaint does not disclose any evidence that is capable of amounting to an allegation of impairment of fitness to practice

or c. Association for Nutrition has no jurisdiction to consider the allegation of impaired fitness to practise

or d. The time which has elapsed since the events (or knowledge of these events, if later) giving rise to the complaint is beyond any such period as Registration Committee may prescribe

The investigator may reject the complaint without further reference to the FtP Referral Panel or Investigation Panel and inform the relevant person and complainant accordingly.

5.6 An investigator may determine that no action is to be taken in relation to a declaration or any other information concerning a Registrant or as part of an application for UKVRN (Registration Rules: 'Duty to Declare Prior Conduct and Health') where:

a. The applicant or Registrant has been convicted or accepted a caution for a criminal offence, subject to the Rehabilitation of Offenders Act 1974, which does not impair a Registrant's fitness to practice and there is no evidence of:

i. violence

or

ii. dishonesty

or

iii. inappropriate sexual behaviour

or

iv. substance abuse or the possession or supply of drugs

or

v. racially motivated, homophobic, sexist or similar conduct

or

vi. fraud, misrepresentation, misuse of public funds or conduct related to the administration of justice

and

vii. there is no evidence of a persistent pattern of offending and a custodial or suspended sentence was not imposed

b. The applicant or Registrant has declared they are subject of a judgement in a civil court, is or has been subject to a bankruptcy order or has entered into an arrangement with their creditors and there is no evidence of:

i. persistent or deliberate failure to meet financial obligations

or

ii. a related criminal offence, fraud or deception

or

iii. failure to make arrangements to pay off any debts

c. The applicant or Registrant has declared they are or have been disqualified from acting as a director of a company or removed from office as a member, trustee, director or manager of any public body, including a charity and there is no evidence of:

i. persistent or deliberate failure to meet financial obligations

or

ii. a related criminal offence, fraud or deception

or

iii. failure to make arrangements to pay off any debts

d. The applicant or Registrant has declared a driving offence and:

i. there is no evidence of a persistent pattern of offending

ii. a custodial or suspended sentence was not imposed

iii. the penalty imposed exceeds the minimum mandatory disqualification from driving, with or without a fine

iv. the offence did not occur in the course of the Registrant's professional duties

v. there were no aggravating circumstances connected with the offence, including but not limited to failure to stop, failure to provide a specimen, obstructing police, etc.

e. The applicant or Registrant has declared they have, or have had, a health condition (mental and/or physical) and has provided evidence to demonstrate it is sufficiently well managed to not affect the Registrant's ability to practice safely and effectively in accordance with competence and conduct standards.

f. The declaration is of a kind which the Registration Committee has given the investigator delegated authority to determine.

Investigator Decisions

5.7 An investigator may decline to make a determination under rule 5.5 if, in the opinion of the investigator, it would be more appropriate for the declaration to be referred to the FtP Referral Panel.

5.8 Where the investigator is of the opinion that:

a. There is credible evidence available to substantiate an allegation of impaired fitness to practise

and/or

b. The complaint has disclosed evidence that is capable of amounting to an allegation of impairment of fitness to practice

and/or

c. Association for Nutrition has jurisdiction to consider the allegation of impaired fitness to practise

and/or

d. The time which has elapsed since the events (or knowledge of these events, if later) giving rise to the complaint is within any such period as Registration Committee may prescribe

and/or

e. A declaration is referred to the FtP Referral Panel under 5.7, above

5.9 The investigator will prepare a report (investigation report) containing a summary of the information obtained, the analysis of the issues for consideration, a list of the allegations with evidence and must forward the same to the relevant person and to the complainant and invite them within 14 days to comment in writing on the report.

5.10 Upon the receipt of comments from the relevant person and the complainant or expiry of time allowed for comments, the investigator must consider the evidence and public interest to either determine the matter according to 5.5, 5.6, 5.12 or refer it to the FtP Referral Panel.

5.11 Where new evidence has been included in the complainant's response, the Investigating Officer will determine whether this evidence alters or adds to the allegation(s) made. Where it is determined the new evidence substantially alters or adds to the allegation(s) made, the relevant person will be provided with the additional evidence/allegation and invited to comment in writing on these within 14 days. Upon the receipt of comments

to the additional evidence/allegation from the relevant person, or expiry of time allowed for comments, the investigator must either determine the matter according to 5.5, 5.6, 5.12 or refer it to the FtP Referral Panel

5.12 Where the Investigating Officer determines the registrant's admitted actions resulted in a minor breach, is an isolated incident and resulted in minimal risk to public safety, trust or reputation, they may discharge the case with the issuing of an informal warning and guidance for future actions/CPD, with no further referral to the FtP Referral Panel.

5.13 The relevant person is required to comply with and respond to reasonable enquiries made by the investigator and failure to do so may be treated as misconduct.

Stage 2: FtP Referral Panel

Powers and Order of Proceedings

6.1 Upon receipt of the investigation report the FtP Referral Panel must review all of the documentation, consider the public interest and come to a consensus decision to:

a. Seek determination by consent

or

b. Refer the allegations to an Investigation Panel

or

c. Decline to accept the application to the Register or administratively remove the Registrant from the Register if the investigation report demonstrates the following:

i. The application for registration is incorrectly made or fraudulently procured

or

ii. The applicant or Registrant has failed to disclose pre-existing impairment of fitness to practise

or

iii. Following the commission of a listed offence

or

iv. The applicant or Registrant has not complied with the investigation into a complaint

or

v. The applicant or Registrant has had registration or a license to practise refused by a professional, statutory or regulatory body in the UK or a foreign equivalent

or

vi. The applicant or Registrant has been, or is, suspended or removed by any professional, statutory or regulatory body in the UK of another profession or a foreign equivalent

or

vii. The applicant or Registrant is or has been entered into the violent or sex offenders register or equivalent in a foreign jurisdiction

or

d. Determine that the threshold has not been met for referral to the Investigation Panel.

6.2 The FtP Referral Panel is comprised of six members who are appointed for a term of office of three years, with a maximum of three consecutive terms being able to be served. The quorum for a review/meeting will be at least two independent (lay) members and one UKVRN Registrant, who does not serve on any other AfN standing committees or as a trustee. Additionally, there must not be more participating UKVRN Registrant members than lay members for any decisions to be made.

6.3 One of the lay members of the FtP Referral Panel shall be appointed as the Panel Chair and shall be responsible for reporting the panel's decisions.

6.4 In considering any allegation the FtP Referral Panel must have regard to any guidance published by Association for Nutrition and may seek advice from or refer the matter to the investigator or any Association for Nutrition

committee it considers appropriate. It may request from the relevant person, complainant or Association for Nutrition any such further information as the FtP Referral Panel may reasonably require.

6.5 Meetings of the FtP Referral Panel are to be held in private at a location provided by AfN. The FtP Referral Panel may be conducted electronically or by tele/video-conference.

6.6 The FtP Referral Panel may resolve to consider and determine a matter without a meeting and, in the event, a decision signed by all the members of the FtP Referral Panel is as valid as if it were made at a meeting.

6.7 Decisions of the FtP Referral Panel are to be unanimous. A record of the decisions of the panel must be made by the clerk to the panel.

6.8 If the FtP Referral Panel are unable to come to a unanimous decision, this shall be recorded by the clerk to the panel and the case automatically referred to the Investigation Panel.

6.9 If the decision of the FtP Referral Panel is that there is a (potential) case to answer and either the relevant person has not admitted the allegation or the panel's decision is that the case is not suitable for determination by consent, the allegation will be referred to the Investigation Panel. The relevant person and complainant will be informed accordingly.

6.10 The FtP Referral Panel will annually review all decisions discharged at the Investigator stage to ensure consistency of decisions. Whilst the Stage One decision will stand, the FtP Referral Panel can refer the decision and their recommendation(s) to the Registration Committee for review.

6.11 Registrants cannot remove themselves from the Register whilst there are proceedings against them.

Determination by Consent

6.12 Where, in respect of any allegation the relevant person admits the allegation and it is deemed in the public interest, the FtP Referral Panel and the relevant person may agree to determine the allegation by consent.

6.13 The terms of any determination by consent must include:

a. A statement to the effect that the relevant person admits the allegation and as a result their fitness to practice is impaired

and b. The imposition on the relevant person of one or more of the sanctions available to the Fitness to Practise Panel

and c. A provision that AfN may in its absolute discretion notify any person or publish the terms of the determination by consent

6.14 Failure of a relevant person to comply with the terms of the determination by consent may constitute misconduct.

Stage 3: Investigation Panel

Powers and Order of Proceedings

7.1 The Investigation Panel must consider the investigation report referred to it by the FtP Referral Panel. The investigation report shall contain (but is not limited to) a summary of the information obtained, the analysis of the issues for consideration, a list of the allegations with evidence; and any comments from the relevant person and the complainant obtained under 5.8 and determine whether the relevant person has a case to answer.

7.2 In considering whether there is a case to answer, the Investigation Panel must consider whether, based upon the available evidence, there is a realistic prospect that the allegation of impaired fitness can be proved before the Fitness to Practise Panel and it is in the public interest to pursue the case, taking into account that the burden of proof rests upon the Association for Nutrition.

7.3 Where the Investigation Panel is satisfied that it would not cause unfairness to the relevant person, the Investigation Panel may permit AfN and/or the investigator to add allegations to the matter referred to the Investigation Panel, provided that the relevant person is given an opportunity to comment.

7.4 In respect to an allegation or declaration the panel may determine that:

a. There is no case to answer

or

b. There is a case to answer and:

i. refer the allegation or declaration to the Fitness to Practise Panel

or

ii. with the consent of the relevant person, dispose of the allegation in accordance with section 7.5

7.5 Where the relevant person admits an allegation or declaration and consents to the panel doing so, the Investigation Panel may dispose of the matter. A disposal by consent must not take effect until it has been approved by order of the Investigation Panel. The terms of any disposal by consent must include:

a. A statement to the effect that the relevant person admits the allegation or declaration and as a result their fitness to practise impaired

and

b. The imposition on the relevant person of one or more of the sanctions available to the Fitness to Practise Panel

and

c. A provision that AfN may in its absolute discretion notify any person or publish the terms of the disposal by consent.

7.6 In addition to section 7.5, in considering a declaration of a health condition or prior conduct made by an applicant to the Register or by a UKVRN Registrant, or otherwise known to the UKVRN, the Investigation Panel may:

a. Decide to take no further action

b. Accept or refuse any application for Registration or transfer of category or any other application to which the declaration relates

c. Impose conditions on the relevant person as it may think appropriate in respect to their future conduct and employment

d. Require the relevant person to give an undertaking as to their future conduct

e. Impose on the relevant person of one or more of the sanctions available to the Fitness to Practise Panel

f. Refer the matter to a Fitness to Practise Panel (as if it were an allegation)

7.7 The quorum for a meeting of the Investigation Panel is three members from the list maintained under section 4.1, of whom two members of the panel will be independent (lay) members and one member of the panel will be a UKVRN Registrant from the same section of the register as the relevant person.

7.8 The members of the Investigation Panel shall choose one of their lay member to act as the Chair for the purposes of the meeting. If, during the course of the meeting, a member of the panel is unable to continue to attend, the remaining members may continue with the hearing.

7.9 In considering any allegation the Investigation Panel must have regard to any guidance published by Association for Nutrition and may seek advice from or refer the matter to the investigator or any Association for Nutrition committee it considers appropriate. It may request from the relevant person, complainant or Association for Nutrition any such further information as the Investigation Panel may reasonably require.

7.10 Meetings of the Investigation Panel are to be held in private at a location provided by AfN. The Investigation Panel may be conducted electronically or by tele/video-conference.

7.11 The Investigation Panel may resolve to consider and determine a matter without a meeting and, in the event, a decision signed by the members of the Investigation Panel is as valid as if it were made at a meeting.

7.12 Decisions of the Investigation Panel are to be unanimous. A record of the decisions of the panel must be made by the clerk to the panel. If the Investigation Panel are unable to come to a unanimous decision, this shall be recorded by the clerk to the panel and the case automatically referred to the Fitness to Practise Panel.

7.13 If the decision of the Investigation Panel is that there is a case to answer and it is in the public interest to pursue this, taking into account that the burden of proof rests upon the Association for Nutrition, they will refer the allegation to the Fitness to Practise Panel. The relevant person and complainant will be informed accordingly. In addition, if the Registrant

is also registered with another statutory or voluntary regulator (if known to AfN), that regulator will also be informed.

7. 14 Registrants cannot remove themselves from the Register via resignation whilst there are proceedings against them. If an individual lapses their registration during proceedings, they will be removed from the public register, but the proceedings will continue. The individual may reinstate their registration via the reinstatement procedures stated in the UKVRN Registration Rules, unless the outcome of the proceedings is suspension or removal from the Register.

Interim Orders

7.15 The Investigations Panel may at any time consider it necessary for the protection of the public, in the interests of the relevant person or otherwise in the public interest decide to suspend or restrict a relevant person pending a decision of the Fitness to Practise Panel. The Investigations Panel must give the relevant person not less than 7 days' notice of a meeting to consider the imposition or review of an interim order, unless the panel consider that due to the seriousness or urgency of the case a shorter period of notice is appropriate.

7.16 The notice under section 7.15 must inform the relevant person of the time, date and place of the meeting, brief details of the matters giving rise to the application for an interim order and the right to appear before and be heard by the panel.

7.17 In considering whether to make an interim order, the panel may determine its own procedure in accordance with these procedures, any guidance published by Association for Nutrition and the overriding requirement of fairness.

7.18 The panel may order that the relevant person is, for a maximum period of 18 months or until such time as the Panel might agree and that any such order be reviewed by the panel every three months:

or
a. Suspended from the Register

b. Subject to such restrictions as the panel agrees appropriate

Stage 4: Fitness to Practise Panel

Powers and Order of Proceedings

8.1 The Fitness to Practise Panel must consider matters referred to it by the Investigation Panel. Where these rules do not provide for a particular circumstance or event the panel may determine its own procedure in accordance with these procedures, any guidance published by Association for Nutrition and the overriding requirement of fairness. The burden of proof rests upon Association for Nutrition and the standard of proof is the balance of probabilities.

8.2 The quorum for a meeting of the Fitness to Practise Panel is three members from the list maintained under section 4.1, of whom two members of the panel will be independent (lay) members and one member of the panel will be a UKVRN Registrant.

8.3 The members of the Fitness to Practise Panel shall choose one of their lay member to act as the Chair for the purposes of the meeting. If, during the course of the meeting, a member of the panel is unable to continue to attend, the remaining members may, with the consent of the parties, continue with the hearing.

8.4 In considering any allegation or declaration relating to prior conduct and/ or health conditions the Fitness to Practise Panel must have regard to any guidance published by AfN and may seek advice from or refer the matter to the investigator or any AfN committee it considers appropriate. It may request from the relevant person or Association for Nutrition any such further information as the panel may reasonably require; and request that the relevant person attend a meeting of the Fitness to Practise Panel.

8.5 Where a matter has been referred to the Fitness to Practise Panel the investigator (or other such staff member as nominated by AfN Deputy/Chief Executive) must, as soon as reasonably practicable, notify the parties that the matter has been referred to the panel and establish a date, time and venue for the panel (the hearing date) which shall be held at a venue provided by AfN.

8.6. Meetings of the Fitness to Practise Panel are to be held in private at a location to be determined by AfN. The Fitness to Practise Panel may be conducted electronically or by tele/video-conference.

8.7 The Fitness to Practise Panel may at any time give directions for the management and conduct of the proceedings and determine any preliminary issues raised by any party.

8.8 Where the Fitness to Practise Panel is satisfied that it would not cause unfairness to the relevant person, the panel may permit AfN and/or the investigator to add allegations to the matter referred to the Fitness to Practise Panel, and those additional allegations may be treated as if they were included in the original mater referred to the Fitness to Practise Panel.

8.9 AfN must, not less than 28 days before the hearing date, serve the relevant person a notice setting out the allegations against the relevant person that are to be heard by the Fitness to Practise Panel and the evidence AfN will present to the Fitness to Practise Panel.

8.10 Not less than 14 days before the hearing date, the relevant person will serve AfN copies of any documentary evidence in their possession or control relating to the allegations and any witness statements upon which they intend to rely.

8.11 Not less than 7 days before the hearing date the investigator must provide the panel, AfN and the relevant person with copies of an indexed and paginated bundle comprising but not limited to:

a. The allegations

b. Any documents relied upon by the parties

c. Any witness statements

d. Any relevant notices

8.12 The panel must give AfN and the relevant person and, at its discretion, any other person, the opportunity of being heard. A party may be represented at a hearing by any person, whether or not legally qualified, but the panel may refuse to permit a representative to attend or speak to the panel if the panel is satisfied that there is a good and sufficient reason for doing so.

8.13 The Fitness to Practise Panel may conduct the hearing in such a manner as it considers most suitable to the clarification of issues before it, and generally to the just handling of the proceedings the parties may be heard in such order as the panel determines.

8.14 At the beginning of the hearing the allegation will be put to the relevant person and the relevant person will be asked if they accept the facts, the grounds and/or impairment of their fitness to practise. The panel will hear the case for the AfN, after which the relevant person or their representative will be given the opportunity to give evidence and advance any relevant evidence in support of their case. Closing submissions will follow, with AfN presenting its closing statements first and the relevant person or their representative being offered the opportunity to make submissions in reply.

8.15 The panel may limit cross-examination and may control the evidence by giving directions as to:

a. the issues on which it requires evidence

and/or

b. the nature of the evidence which it requires to decide those issues

and/or

c. the way in which the evidence is to be placed

Hearing Outcomes

8.16 At the end of the hearing the Fitness to Practise Panel will retire to consider its decision on the allegation, and will decide:

a. Has the AfN proved the facts of the allegation on the balance of probabilities?

If not, the case is closed.
If it has:

b. In the judgment of the Fitness to Practise Panel, do the pleaded and proved facts amount to the ground of misconduct?

If they do:

c. As a result of the ground being made out, in the judgment of the Fitness to Practise Panel, is the relevant person's fitness to practice impaired?

If it is not, the case is closed. If it is, then the allegation is deemed well-founded.

8.17 If the decision of the Fitness to Practise Panel is that the relevant person's fitness to practise is impaired, the panel will receive submissions on sanctions from AfN and then in mitigation from the relevant person or their representative.

8.18 Decisions of the Fitness to Practise Panel are to be made by a majority vote of the panellists present. A record of the decisions of the panel must be made by the clerk to the panel. Where the panel finds that one or more of the allegations against the relevant person has been proved and amount to a pleaded ground of impairment of the relevant person's fitness to practise, the panel may:

a. Take no further action

or

b. Impose one or more of the following sanctions upon the relevant person:

i. Informal warning to indicate to the Registrant that their conduct and/or competence, criminal convictions or ability to practise due to a health condition has fallen below acceptable standards, but where it is deemed to be a minor breach, is an isolated incident and where it resulted in a minimal risk to public safety, trust or reputation. The Registrant may be provided with guidance on CPD or practice, but taking action to remove or restrict a registrant's right to practise is not proportionate to the minimal risk to the public.

ii. Warning to indicate to the Registrant, and more widely to the profession and the public that their conduct and/or competence, criminal convictions or ability to practise due to a health condition has fallen below acceptable standards, but where there is no need to take action to remove or restrict a registrant's right to practise.

iii. Conditions of Practice to enable Registrants to take steps to remedy any deficiencies in their practice while placing restrictions on the types of work that the Registrant might undertake. Conditions are appropriate when there is evidence of incomplete or significant shortcomings in a Registrant's conduct and/or competence, ability to practise due to a health condition or relevant criminal convictions but the panel are satisfied that there is potential for the Registrant to respond positively to retaining and supervision. A condition may result in a Registrant changing category of registration.

iv. Suspension from the Register for a defined period of time. The Registrant may apply for restoration to the Register after a defined period of time and after any recommended remedial action is undertaken.

v. Striking Off the Registrant from the Register without the possibility of restoration.

8.19 The panel may:

a. Announce its decision and give reasons at the conclusion of the parties' cases

or

b. Announce its decision at the conclusion of the parties' cases and give its reasons at a later date (as soon as reasonable practicable)

or

c. Reserve its decision and reasons to a later date, in which case the panel must notify the parties of the decision, reasons, and any order as soon as reasonable practicable.

8.20 An order of the panel takes effect 21 days after notification in section 2.64.

8.21 The Fitness to Practise Panel will meet in private and the decision of the panel will be private, unless the decision is to recommend Suspension or Striking Off in which case a notice will be placed on the AfN website.

8.23 The complainant who raised the concern will be notified of the outcome of the hearing whatever the outcome, including the nature and type of sanction (if any) imposed.

Appeals

Appeals Panel

9.1 The relevant person or the Association for Nutrition may appeal the following decisions of the FtP Referral Panel or Fitness to Practise Panel:

a. A finding by the FtP Referral Panel or Fitness to Practise Panel that one or more of the allegations has been proved (i.e. fitness to practice is impaired)

b. Any sanctions imposed

c. A decision not to admit an Applicant to the Register or administratively remove a Registrant

Grounds of Appeal

9.2 The only grounds upon which a registrant or relevant person may appeal a decision of the FtP Referral Panel or Fitness to Practise Panel are as follows:

a. Procedure: that the procedures as published on our website were not followed leading to identifiable prejudice

and/or

b.Decision: a FtP Referral Panel or Fitness to Practise Panel decision under section 2.68 was made based upon a manifest error, is irrational or similarly flawed and/or a sanction imposed is unduly harsh

9.3 The only grounds upon which the Association for Nutrition may appeal a decision of the Fitness to Practise Panel are as follows:

a. The decision of the FtP Referral Panel or Fitness to Practise Panel was made based upon a manifest error, is irrational or similarly flawed; and/or

and/or

b. The sanction imposed is unduly lenient.

Registrant or Relevant Person's Appeal

9.4 An appeal by the relevant person must be made by giving notice to the Registrar in writing and within 21 days of notification of the decision of the Fitness to Practise Panel or Registrar and shall include:

a. The name and address of the Appellant

and

b .The date, nature and other relevant details of the decision which is the subject of the appeal

and

c. A concise statement of the grounds of the appeal

and

d. Copies of any documents on which the appellant proposes to rely for the purposes of the appeal.

9.5 The Association for Nutrition may respond to the appeal notice and any such response will be provided to the Appellant.

AfN Appeal

9.6 An appeal by AfN must be made by giving notice in writing to the Registrar and the relevant person within 21 days of notification of the decision of the Fitness to Practise Panel and include:

a. The name and address of the Appellant;

and

b. The date, nature and other relevant details of the decision which is the subject of the appeal;

and

c. A concise statement of the grounds of the appeal; and

and

d. Copies of any documents on which the appellant proposes to rely for the purposes of the appeal.

9.7 The Registrant may respond to the appeal notice and any such response will be provided to the Appellant.

Appeal Procedure

10.1 Where the appeal is as a result of a decision made by the FtP Referral Panel, the appeal will automatically be referred to an Appeals Panel

10.2 Where the appeal is as a result of a decision made by a Fitness to Practise Panel, the FtP Referral Panel will consider the material that the Appellant and the Respondent have provided and will determine if the grounds are arguable. The FtP Referral Panel may then:

a. Determine that the grounds are arguable and refer the decision to an Appeals Panel for consideration;

or

b. Determine that the grounds are not arguable and decline to accept the appeal.

10.3 The Registrar will provide a written decision to both the Appellant and the Respondent.

10.4 The quorum for a meeting of the Appeals Panel is three members from the list maintained under section 4.1, of whom two members of the panel will be independent (lay) members and one member of the panel will be a UKVRN Registrant, none of whom should have had any previous dealings with the case.

10.5 The members of the Appeals Panel shall choose one of their lay member to act as the Chair for the purposes of the appeal. If, during the course of the meeting, a member of the panel is unable to continue to attend, the remaining members may, with the consent of the parties, continue with the hearing.

10.6 If the Appellant does not wish to be present or does not object the hearing may be conducted electronically or by tele/video-conference.

10.7 At the beginning of the hearing the Chair must explain to the parties the order of proceedings which the Appeals Panel proposes to adopt.

10.8 The Appeals Panel may conduct the hearing in such a manner as it considers most suitable to the clarification of issues before it, and generally to the just handling of the proceedings and the parties may be heard in such order as the panel determines, taking into account the burden of proof rests upon the Appellant.

10.9 The Appeal Panel may sit with a legal assessor but need not.

10.10 In determining an appeal, the Appeals Panel may admit any evidence it considers fair and relevant to the case before it.

10.11 Having considered the appeal, the Appeals Panel may:

a. Dismiss the Appeal and affirm the determination appealed against (in whole or in part)

or

b. Allow the appeal (in whole or in part) and rescind the determination appealed against

or

c.Allow the appeal (in whole or in part) and substitute for the decision appealed against (in whole or in part) for any other decision that the FtP Referral Panel or Fitness to Practise Panel could have made

10.12 Notice of the decision of the Appeals Panel must be given in writing to the appellant and respondent within 21 days. The decision of the Appeals Panel will take effect 21 days after notification of the panel.

10.13 Appeals are normally heard in private unless there is a compelling reason for the Appeal Panel to agree to meet in public.

Association for Nutrition

Regulating Professionals – Raising Standards – Improving Health

www.associationfornutrition.org

Registered Charity No. 1136624

Registered Company No. 6488331

Version	Details	Date
1.0	First version approved by Council	June 2010
2.0	Renamed and amended to 'Making a Complaint or Allegation'. Approved by Council	July 2012
3.0	Renamed and amended with legal advisors to reflect legislative and regulatory changes. Approved by Council	October 2017
3.1	Updated to reflect changes to staff role titles and branding changes	February 2019
3.2	Sanction options amended and approved by Council	November 2022
3.3	FtP Referral Panel approved by Council and added, plus document reformatted to reflect revised document branding style	March 2024
3.4	Clarity added regarding lapsing during open cases and IP referrals. Approved by Council.	November 2025
3.5	Rule added regarding the submission of additional evidence or allegations. Approved by Council.	March 2026