



# Fitness to Practice Referral Panel

Terms of Reference



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## FtP Referral Panel

### Purpose

The purpose of the FtP Referral Panel is to assess whether concerns raised regarding a registrant's Fitness to Practise should or should not be escalated to the Fitness to Practise Investigation Panel.

All cases will have already been initially reviewed by an investigator to determine they are within the scope for assessment by AfN.



## Responsibility & Reporting Requirements

The FtP Referral Panel is responsible to the AfN Council. The FtP Referral Panel shall report periodically to the Council in relation to its decisions regarding complaints or information concerning UKVRN registrants and provide an annual report to the Registration Committee to support development of Registrant standards and guidance activities.

The FtP Referral Panel shall review referred complaint/concern cases and complete a report with outcome recommendation. When a unanimous decision has not been reached on the outcome recommendation, an online meeting will be held to obtain a consensus of agreement.

When a unanimous outcome decision is not reached by the FtP Referral Panel, the case will be automatically referred to an Investigation Panel. The FtP Referral Panel will also meet at least annually to review and audit the outcome decision of all complaint/concern cases (referred and non-referred).

Members of the Panel 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.



## Time Commitment

Members will attend one annual meeting to audit cases and outcome decisions in order to produce annual reports. The meeting will be held online for 2 – 3 hours and the Panel will normally require about half a day's preparation/reading time. Additional time may be required to follow-up/ feedback.

The number of referrals a year vary, and no guarantee can be given as to the number of cases a panel member might be required to review. Each review will normally require 2-4hrs for reading and report submission. A consensus meeting, if required, will normally take place online for 1-2hrs.

## FtP Referral Panel Eligibility

Application for membership of the FtP Referral 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 and are not excluded under either of the criteria detailed below.

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.

To ensure independence, FtP Referral Panel Members cannot be a member of AfN Council, AfN Committees or AfN Working Groups, nor act as an AfN Assessor (Registration or QA).



## Composition of a Panel

The FtP Referral Panel 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 FtP Referral Panel

Cases requiring review by the FtP Referral Panel (Figure 1 - Stage 2) will be referred in accordance with the procedures detailed in the AfN Fitness to Practise Rules.

The complaint/concern, the results of the initial investigation carried out by the Registration Office and any supporting documentation will be circulated to members of the FtP Referral Panel. Review reports should be completed within ten working days.

When a consensus meeting is required, documentation will be circulated normally seven days before each meeting. Meetings must be quorate to proceed and so all three members of the panel must be present. An outcome decision notice will be prepared and circulated to the panel members, normally within five working days of a meeting for approval and will be passed to the Registration Team for processing.

The same process will be followed for the review of appeal submissions (Figure 1 - Stage 5).

For the annual review/audit meeting, papers and supporting documentation will be circulated to members of the FtP Referral Panel normally seven days before the meeting for pre-reading. The meeting must be quorate to proceed and so all three members of the panel must be present. Minutes of the meeting and Reports to Council and Registration Committee will be prepared and circulated to the panel members, normally within two weeks of a meeting for approval. The Chair will be invited to present the Reports to Council and Registration Committee.





## About the Role of an FtP Referral Panel Member

Members of the Panel are required to consider argument and distil facts to reach a conclusion on cases which are brought to them by the AfN. They should be able to analyse complex information, follow procedures and guidelines to arrive at sound, defensible judgments.

Members of the FtP Referral Panel 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
- attend one annual meeting to audit cases and outcome decisions, and produce annual reports
- 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 the FtP Referral Panel fulfils its role according to its Terms of Reference and the AfN Fitness to Practise Rules, by taking part in completing reviews, discussions and auditing decisions.
- Participate in and help ensure that the FtP Referral Panel fulfils its responsibilities in monitoring activities undertaken on its 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, unremunerated role, but travel and subsistence expenses will be reimbursed according to our expenses policy if face-to-face meetings or trainings are required.



## FtP Referral Panel Decision Outcomes

The FtP Referral Panel must consider the evidence and come to an agreement regarding the final decision on the referral outcome. When consensus cannot be achieved this will be noted in accordance to the AfN Fitness to Practise Rules and the case referred to an Investigation Panel (Figure 1 - Stage 3).

### 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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