
Investigatory and Disciplinary Bylaws for the Sport and Exercise Nutrition Register



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Section 1 Introduction

- 1.1 These Bylaws enable The BDA to address allegations raising concern about the actions or behaviour of its members. Complaints about BDA employees are considered in accordance with the BDA's relevant employment policies.
- 1.2 Separate bylaws deal with complaints about dietitians.
- 1.3 The BDA hosts and administers The Sport and Exercise Nutrition Register (the Register), which is open to anyone with suitable sports nutrition or dietetic qualifications and experience. The Register sets standards of education, training and competence in the field of sports nutrition. The BDA regulates anyone who joins the register (registrants), in any grade of registration or membership, to protect the users of sports nutrition services and to maintain appropriately high level of standards and practice.
- 1.4 An application to join the register implies acceptance of, and a duty of compliance with, the relevant Code of Conduct, professional guidelines and standards, as well as these Bylaws. In addition, registrants are required to declare each year that they continue to abide by relevant Codes or guidelines, continue to maintain their CPD and that there are no matters of concern raised elsewhere, that question whether their registration should continue.
- 1.5 Breaches of any Code of Conduct, professional guidelines or standards are serious matters. They indicate behaviour or standards of practice which fall below the threshold requirements for registration. A breach of any Code of Conduct, professional guidelines or standards may be regarded as professional misconduct, depending on the severity of the issues identified.
- 1.6 A complaint may be made if a registrant is believed to have breached any relevant Code of Conduct, professional guidelines or standards. If the registrant is also registered with the Health and Care Professions Council (HCPC), the complaint will normally be considered by the HCPC. If it is, then the outcome of any HCPC investigation will be referred for consideration under the BDA's Bylaws for the Investigation of Complaints against Members of the British Dietetic Association. If the registrant is not HCPC registered, or the matter is not considered appropriate for referral to the HCPC, the complaint will be considered in accordance with these Bylaws.
- 1.7 The Register is responsible for investigating complaints, gathering evidence and bringing allegations of breaches to the Investigatory and Disciplinary Committee (IDC). The BDA and IDC, on behalf of the Register, manage the process of investigating complaints and, if appropriate, pursuing them to a disciplinary hearing.
- 1.8 The IDC Chair (the BDA Honorary Secretary) acts on behalf of Council to investigate complaints against SENr Registrants and members within any membership category.
- 1.9 Members are elected and invited to join the Investigatory and Disciplinary Committee (IDC) on the basis of their knowledge, experience and skills in investigation and disciplinary procedures. Information from complaints and their outcomes may subsequently be anonymised and used to improve the quality of BDA activities and provide guidance to members.
- 1.10 The processes aim to be transparent, fair, supportive to the member and consistent in addressing any concerns about a member found acting unprofessionally, or contrary to the interests of the BDA.
- 1.11 The IDC will avoid overlapping investigations with those of the Health and Care Professions Council, other regulators, the Police, Crown Prosecution Service or employing authorities. Other investigations or pending actions will take precedence and the BDA will consider complaints only when any actions have been completed elsewhere.

Section 2 Complaints Process

Stage 1 Initial Complaint and Informal Resolution

- 2.1 The IDC will be appointed by Council to consider complaints about registrants, investigate complaints where appropriate and make relevant decisions.
- 2.2 Complaints which have been submitted to the police, or where court action is pending, or referred to a statutory regulator (such as the HCPC), or sent to any other national regulatory body will not be investigated by the Register until the conclusion of action elsewhere. Where, in the opinion of the IDC, complaints should be referred to the police, to the HCPC or to another regulatory body prior to investigation, the complainant will be advised to do so before any investigation commences.
- 2.3 If a complaint cannot be resolved locally, and a serious breach of a code of conduct is alleged, the complaint must be made to the IDC Chair in writing. The Register does not accept complaints made by telephone. The Register has the right to seek additional information about a complaint or additional information to assist the investigation of a complaint or an IDC hearing. Anonymous complaints will not be accepted: all complaints must identify the name, address and contact details of the complainant. Unless there are exceptional circumstances, complaints must be submitted within six months of the complainant first becoming aware of the matter being complained about.
- 2.4 The Chair of the IDC will select an Investigatory Panel (IP) and a panel chair from members of the IDC (as outlined in the appendix Terms of Reference), to investigate the complaint. The IDC may appoint a member of BDA staff or a suitable third party to act as clerk and provide administration, carry out investigations or take preliminary actions on behalf of the IP. The IDC Chair, BDA staff member or third party may, for example, gather additional information prior to submitting a complaint to the Panel; or advise a complainant on process or resolution of a complaint. References to administrative actions which are the responsibility of the IDC Chair, throughout these Bylaws, may be interpreted as capable of being carried out by a suitable member of BDA staff, nominated by the IDC Chair. However all complaints will be submitted to the IDC for decision.
- 2.5 The IP will decide if a complaint may constitute a breach of a code of conduct or any other relevant standards or guidance. The absence of any relevant written code, standards or guidance does not remove the IP's ability to consider a complaint or for a complaint to amount to professional misconduct. However any complaint must have sufficient evidence to support it, to allow the IP to reach a decision that the complaint may constitute professional misconduct; that it is likely to result in such a finding by a Disciplinary Panel; and that it is in the public interest to pursue.
- 2.6 The IP may refer to decisions on previous complaints and/or take professional advice, if required, before making a decision. The IP may make enquiries or obtain evidence from whoever it feels may reasonably assist it with its investigation.
- 2.7 If the facts do not constitute a breach of any Code of Conduct, standards or guidelines; do not amount to professional misconduct; are unlikely to result in such a decision by a disciplinary panel; or are not in the public interest to pursue, the Committee may decide not to pursue the matter further. The IDC Chair will then inform all parties that the matter is closed. This will normally be within 30 working days of the receipt of the original complaint letter. The complainant will be informed that their complaint will be considered further if new evidence is presented.

2.8 Informal Resolution

If the IP is satisfied that there is a case to answer in respect of a breach of the Code of Conduct or other relevant standards or guidelines, but that the complaint could be resolved without the need for it to be considered by a Disciplinary Panel (because, for example, the alleged offence is relatively minor and it is unlikely that a Disciplinary Panel would agree the matter is professional misconduct) the IP may suggest to the complainant that:

- a) Mediation may be a suitable solution; or
- b) Advice to the registrant about their future behaviour may be a suitable outcome; or
- c) A suitable remedy could be negotiated without the need for a formal hearing.

The complainant and the registrant must both agree to any process of mediation and the IP shall identify suitably qualified individuals, from an approved list, who may provide that service. The IP shall determine if the costs shall be paid totally by the BDA or whether the complainant be asked to pay a contribution towards such costs.

- 2.9 If the IP considers that informal advice should be given to the registrant it shall inform the complainant and consider any further comment or evidence before reaching a final decision. The IP may then issue advice to the registrant advising them on their conduct. This shall not be a finding of professional misconduct and shall remain confidential between the IP and the registrant.
- 2.10 If the IP considers that it may be able to provide an informal resolution to the complaint it shall seek the agreement of the complainant and registrant to do so. It shall take whatever independent advice it considers appropriate and seek to suggest solutions to both parties which recognise the seriousness of the complaint; fulfil the public protection responsibilities of the Register; are considered satisfactory by both parties; and avoid the need for the matter to be considered further under these Bylaws.
- 2.11 Both the complainant and the registrant should enter into this stage of the process with the aim of reaching agreement and, if necessary, accepting there may be a need to compromise. They must agree to co-operate with the informal process and provide reasonable responses to queries or requests for additional information.
- 2.12 The process of informal resolution is confidential. The outcome of the process may however be a formal agreement, requiring the complainant and the registrant to confirm their agreement with the IP's solution. It will be for the IP to determine the appropriate process for resolving complaints informally as long as the following key principles are adhered to:
 - a) If the complainant or the registrant withdraws from the informal process then the process shall end. Equally, if the IP considers that it cannot assist the complainant and registrant in coming to an agreement, it shall say so and the process shall end. No blame shall be attributed to any person.
 - b) The Committee cannot force either side to agree on a solution but will make sure the process is fair and that both sides show each other respect.
 - c) If the Committee decides the matter can best be dealt with by providing informal advice or guidance to the registrant, it shall explain this to the complainant, provide reasons why and make clear that their decision fully recognises the impact of the matter being complained about.

Stage 2 Investigation

- 2.13 If the complaint may constitute a breach, and it is not appropriate or possible to resolve the matter informally, the IDC Chair will:
- a) Contact the complainant within 10 days of the referral or end of informal resolution process and
 - provide them with details of the process to be followed for investigations
 - inform them that full details of their complaint will be shared with the registrant and that they may need to provide additional information before all the papers are considered by the IP and any decision made.
 - b) Contact the registrant within 10 days and
 - inform them that a complaint against them has been received, provide the details of the complaint and the possible sections of any code of conduct, standards or guideline that they are alleged to have breached
 - provide details of the process to be followed for investigations
 - request a response to the complaint within 15 working days
 - inform them that their response will be shared with the complainant and that they will have a further opportunity to respond to any additional evidence or information before any final decision is taken on whether the matter should be considered by the IP.
- 2.14 Unreasonable delay or a failure by a registrant to respond to a complaint will not prevent the complaint being referred to an IDC panel, if the IDC Chair considers it appropriate to do so.
- 2.15 The complaint and the registrant's response will be considered by the IDC Chair normally within 5 working days of the response deadline. The IDC Chair will determine whether any additional information or evidence should be sought from the complainant, or from any other relevant person who may assist in considering the complaint. If so, any new information will be sent to the registrant who will have the opportunity to comment on it before any final decision is taken by the IP.
- 2.16 The IP will review all the evidence and advice from the registrant, the complainant and any other party. If the evidence shows there is potentially professional misconduct and a case to answer in respect of a breach of a code of conduct, standards or guidelines, a Disciplinary Panel (DP) will be convened to deal with the matter.
- 2.17 The Register shall draft charges, detailing the allegations against the registrant, identifying:
- a) any relevant dates or specifics relating to each charge
 - b) the elements of a code of conduct of which a breach is alleged to have occurred
 - c) how the alleged breach may amount to professional misconduct.

These specific charges, supported by relevant evidence, shall constitute the basis for any hearing before a DP.

- 2.18 If the IP concludes there is no case to answer in relation to the allegation; or the evidence indicates there is little realistic prospect of a DP reaching a finding of professional misconduct, the complainant and registrant will be informed.
- 2.19 If, at any point after the receipt of a complaint, the IP considers that the nature of the allegations suggests the registrant's registration should be suspended, without prejudice, pending the outcome of the complaint, the IP Chair shall ask the IDC Chair to sanction such a decision. The period of suspension shall last until either the complaint is dismissed; or a DP hearing rules that the suspension shall be lifted.

- 2.20 The registrant may appeal a decision to suspend their registration suspension by appealing, in writing, to the IDC Chair. The appeal will be considered by an IDC member who has had no prior knowledge of the complaint. That member may lift the suspension or reject the appeal. All applications and decisions on suspensions shall be made in writing. The decision of the IDC member shall be final.

Stage 3 Disciplinary Panel Hearing

- 2.21 All complaints, as determined by the IP, will be dealt with by a DP at a formal hearing. The IDC shall provide at least three of its members for the Disciplinary Panel, excluding anyone:

- a) who has previously been involved in the complaint, or
- b) who has any prior knowledge of the complaint, or
- c) has a close personal or professional connection with the registrant,

insofar as their involvement would bring into question the fairness of any hearing or would undermine the public's faith in the ability of the Register to consider complaints about registrants.

- 2.22 One of the members of the DP will be chosen, by their number, to chair proceedings at the hearing. The DP will have the power to obtain or refer to further professional expertise if it deems this to be necessary. This may include professional or expert witnesses. The DP will have the power to instruct an independent legal assessor (solicitor or barrister) to advise them on process or procedure. The IDC Chair will facilitate any requests from the DP.
- 2.23 The IDC Chair shall inform whoever shall be presenting the case on behalf of the Register all parties of the date of any hearing, giving at least 20 working days' notice. The notice to the registrant shall include a full list of all the charges or allegations to be presented at the hearing along with all the evidence to be relied on by the Register. All subsequent evidence or information which arises shall be sent to the registrant immediately. All correspondence relating to the hearing shall be sent to all relevant parties by registered, recorded or special delivery mail. The registrant shall be written to at the address which the registrant last provided to the register.
- 2.24 The registrant shall provide the IDC Chair with a copy of all evidence, statements or documents he or she intends to rely on, within 10 working days of receipt of the notice of hearing. All subsequent evidence or information which arises shall be sent to the Honorary Secretary or the BDA office immediately.
- 2.25 Any party to a hearing may request disclosure of any document(s) they believe to be in the possession of another party. If any party to a hearing has declined or failed to produce the document(s) requested above, they shall not, without leave of the DP Chair, be permitted to introduce the document or call any witness whose statement they have failed to disclose, unless they have provided it to the other party at least 20 working days prior to any hearing.
- 2.26 The DP will hear the complaint and consider all the available evidence. It shall follow the procedures set out above.
- 2.27 Disciplinary hearings are not usually held in public, unless the IDC Chair determines it is in the public interest to do so. The registrant shall be invited to attend any hearings to present their case. They may be accompanied by a friend, relative, professional advisor or colleague for advice and support, but that person will not be allowed to speak on their behalf. The registrant may be legally represented and, if so, the solicitor or barrister acting for them is entitled to speak on their behalf. However the registrant will be responsible for meeting any financial costs incurred. Complainants and witnesses may also be asked to attend to give evidence on behalf of the register.

- 2.28 The registrant may, instead of appearing in person at the hearing, be represented by a solicitor or barrister. A person who is represented shall be treated for the purposes of these procedures as having attended. The registrant may also submit a written defence and/or mitigation, without attending in person. The Disciplinary Panel shall consider a written response as part of the hearing and determine what weight to attach to such a response.
- 2.29 The Register may appoint a member of staff, solicitor, barrister or another suitable person to present its case to the DP.
- 2.30 At the start of the hearing the Chair of the DP may, on behalf of the Panel or upon the application of any party, at any stage of the hearing postpone the hearing to a later date.
- 2.31 If, upon application or upon legal advice, it appears to the Chair of the DP that a charge should be amended, the Chair shall give such directions for the amendment of the charge as they think necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without unduly prejudicing the registrant's case.
- 2.32 At the start of each hearing: -
- a) The charge or charges shall be read to the Panel
 - b) After the charges have been read the registrant, if they or their legal representative is in attendance, shall be asked whether the facts alleged are admitted in each charge.

A. Uncontested Charges

- 2.33 Where at a hearing the registrant admits all alleged facts in any charge or charges, the Disciplinary Panel shall determine that the facts alleged in such a charge or charges have been proved.
- 2.34 The Register shall provide evidence of the circumstances leading to the charges and the character and any relevant previous history of the registrant. Only one such address to the Panel may be made at this point in the proceedings.
- 2.35 The registrant or his or her legal representative shall then be invited to address the DP by way of mitigation and may present evidence as to the circumstances leading up to the relevant facts, the extent to which such facts relate to the matters set out in the charges, and his or her character and previous history. Only one such address to the Panel may be made at this point in the proceedings.

B. Contested Charges – with the Registrant Present

- 2.36 In a case where a registrant does not admit the charges, the following order of proceedings shall be observed.
- 2.37 The Register shall outline and summarise the case against the registrant, present the facts and present evidence on which the complaint or information is based. Witnesses may be called to provide evidence. The registrant shall have the opportunity to cross examine any witnesses. The register will then have the opportunity to re-examine any witnesses on issues raised in cross examination.
- 2.38 If in respect of any charge, no evidence is presented, the DP shall announce a finding that the charge shall be dismissed.

- 2.39 At the close of the Register's case, the registrant or their legal representative may make the following submission relating to any charge:
- a) That insufficient evidence has been presented upon which the DP could find that the facts alleged in the charge have been proved, or
 - b) A procedural flaw or error has been committed which should result in a charge, or charges, being dismissed, or
 - c) Case law or other legal guidance suggests that a charge, or charges, should be dismissed.
- 2.40 If such a submission is made, the DP shall invite the Register to respond to the submission, seek any relevant legal advice, consider and determine whether the submission should be upheld and, if they agree, shall record a finding that the relevant charge shall be dismissed.
- 2.41 The registrant or his or her representative may then open their case upon any charge which remains outstanding. The registrant may present evidence in answer to any such charge. Witnesses may be called to provide evidence. The Register shall have the opportunity to cross examine any witnesses. The registrant will then have the opportunity to re-examine any witnesses on issues raised in cross examination.
- 2.42 The DP shall have the right to ask questions of witnesses giving evidence before them. Usually the Panel shall ask questions after the witness has been cross examined.
- 2.43 At the close of evidence for the registrant the Register may, with the leave of the DP, provide evidence to rebut any evidence presented by the registrant.
- 2.44 The Register may then address the DP to summarise the facts or the case as presented by the Register.
- 2.45 The registrant or their representative may then address the DP to summarise the facts or the case as presented on the registrant's behalf.

C. Contested and Uncontested Charges - without the Registrant Present

- 2.46 Where the registrant does not appear and is not represented, the Chair of the DP shall ask the Register to satisfy the Panel that a letter has been sent to the registrant as required, informing them of the hearing. If it appears to have been properly sent the hearing shall proceed unless the Panel directs to the contrary. If it does not appear to have been properly sent, the Panel may adjourn the hearing to another date.
- 2.47 Where the registrant does not appear and is not represented, and the DP has decided to proceed with the hearing, it shall hear evidence of the case presented by the Register and any written submissions or evidence submitted by the registrant. The Panel shall decide whether the evidence supports the charges.

D. After the Evidence – Considering the Charges

- 2.48 The DP shall deliberate all matters in private.
- 2.49 If these Bylaws are silent on any aspect of procedure or there is a requirement to interpret the Bylaws, the DP may ask the parties in the hearing to comment on interpretations of the Bylaws or procedures. The DP has the right, following the taking of any relevant legal advice, to reach such decisions on interpretations of the Bylaws or procedures as it sees fit.
- 2.50 At the conclusion of the proceedings above, the DP shall come to an agreement on each outstanding charge as to whether the evidence presented supports the charge.

- 2.51 The DP must consider whether each of the allegations or charges is supported by the evidence and dismiss those charges which are not. The Standard of Proof to be used when weighing the evidence is the Civil Standard. This is that 'on the balance of probabilities' the allegations are supported by the evidence. If the definition of the Civil Standard of Proof should change, any new and revised interpretation shall be used.
- 2.52 If one or more allegations are found proved, the DP must then decide whether the registrant's actions, behaviour or performance amount to professional misconduct.
- 2.53 Professional misconduct is evident where the registrant has behaved unprofessionally, acts deliberately or negligently, or falls short of standards expected of them as a registrant.
- 2.54 The Chair of the DP shall then invite the registrant or their representative to address the Panel by way of mitigation and to provide evidence in support of mitigation if they so wish.
- 2.55 At the conclusion of the hearing the DP has the following options:
- a) Reject the complaint on the grounds that the evidence does not support the charges. No record of the complaint or the hearing will be kept
 - b) Uphold the complaint without taking disciplinary action if, for example, the breach of any code of conduct was of insufficient severity to warrant any penalty
 - c) Uphold the complaint and issue one or a combination of the following sanctions:
 - A formal written warning indicating ways in which similar breaches may be viewed in future
 - Conditions on continued membership
 - A written requirement to undertake appropriate training or remedial action, detailing what action is required
 - A suspension from the Register for a period to be determined by the DP of up to twelve months
 - Removal from the Register
 - Suspension from BDA membership for a period, to be determined by the DP, of up to twelve months
 - Removal from any elected/appointed position at the BDA
 - Removal from membership of the BDA.
- 2.56 Where a registrant has previous adverse findings following previous complaints on file, the DP will be informed of this after they have upheld the complaint but before they consider which sanction (at c above) to apply.
- 2.57 If the DP is considering imposing requirements to undertake remedial action or training it shall inform the registrant and consider any representations he or she may make as to such requirements before making such a decision.
- 2.58 The DP Chair will normally provide the registrant with a verbal summary of the findings on the final day of the hearing. The DP may however adjourn its decision on any relevant sanction to another date, in which case the registrant and any other parties will be informed of the sanction by recorded, registered or special delivery mail.
- 2.59 The Panel shall direct the IDC Chair or the relevant member of BDA staff as to the persons to be informed of their decision.
- 2.60 The DP Chair will send a written report to the IDC Chair summarising the case, outlining the decision made and sanctions imposed (if any). On receipt of the report the IDC Chair, or a member of BDA staff, will inform the complainant and the registrant of the DP's findings and provide the written report by registered, recorded or special delivery mail. Normally this will be within ten working days of the decision being taken.

- 2.61 Sanctions issued in response to upheld complaints will be published on the Sport and Exercise Nutrition Register website and a record will be kept on file. The name of the registrant and a summary of the details of the findings will be published, but not details of the complainant or of any other witnesses.

Stage 4 Appeals Committee

- 2.62 If the registrant is not satisfied with the DP's decision and wishes to appeal, he or she must appeal within twenty working days of the date of communication of the outcome of the decision. Such an appeal shall be notified, by letter or email to the IDC Chair or the relevant member of the BDA staff, stating the grounds for appeal.
- 2.63 Grounds for appeal are:
- a) Errors in the procedure or conduct of the Disciplinary Panel hearing; or
 - b) Availability of substantial and relevant new evidence, which was not considered at the first hearing.
- 2.64 All appeals shall be considered by a member of the IDC who has no prior knowledge of the complaint within 1 week of the notice of the appeal. If that member determines, following any relevant advice, that there are no grounds for appeal which fall within clauses 2.63a or 2.63b above, the registrant will be informed. If the Committee member determines grounds of appeal do fit within clauses 2.63a or 2.63b, the matter will be referred to an Appeals Panels. The decision of the IDC member shall be final.
- 2.65 The IDC Chair will convene an Appeals Panel and Chair consisting of three members of the IDC who have no prior knowledge of the complaint. The Appeals Panel will be constituted in accordance with the criteria in clauses 2.21a, b & c.
- 2.66 The Appeals Panel will, normally, consider the appeal within two months of the receipt of the referral from the DP (para 2.62 above). The registrant making the appeal may be invited to submit further information prior to the case being considered by the Appeals Panel.
- 2.67 The Appeals Panel is not required to re-consider all the allegations completely or re-hear the whole case. The Appeals Panel may determine which elements of the evidence to review, or which witnesses it wishes to hear from. The registrant may be represented in the same way as for the original hearing.
- 2.68 The Appeals Panel will hear the appeal and may:
- a) find in favour of the appellant and overturn the original Panel decision; or
 - b) uphold the original Panel decision but, where relevant, change the sanction imposed; or
 - c) uphold the original Panel decision and, where relevant, the sanction imposed.
- 2.69 Within ten working days of the Appeal hearing, the Appeals Panel Chair will send a report to the IDC Chair stating the outcome of the appeal and any changes to the sanctions imposed where relevant. Within five working days of receiving such a report the IDC Chair will inform all parties to the complaint of the decision, and take any action that is required concerning the registrant's registration status.
- 2.70 Following the decision of the Appeals Panel the registrant's file will be amended as appropriate.

Failure to Comply with Sanctions

- 2.71 Where a registrant does not reasonably comply with any sanctions issued by a DP, the IDC Chair will refer the matter to the Chair of the original Disciplinary Panel (or in their absence another member of the original Disciplinary Panel). A failure to comply with sanctions issued by a DP will normally be considered as professional misconduct. The registrant will have the opportunity to provide written reasons why they have not complied with the DP's sanctions. The member of the DP will decide if the matter shall be referred for another Disciplinary Panel hearing to be considered as a breach of the DP's directions.
- 2.74 If a second DP finds that the registrant did not reasonably comply with the sanctions imposed at the previous hearing, it shall find the registrant guilty of professional misconduct. It shall consider what sanction to apply, in accordance with the sanctions available in 2.55 c above.

Appendix

1. The Investigatory and Disciplinary Committee – Terms of Reference

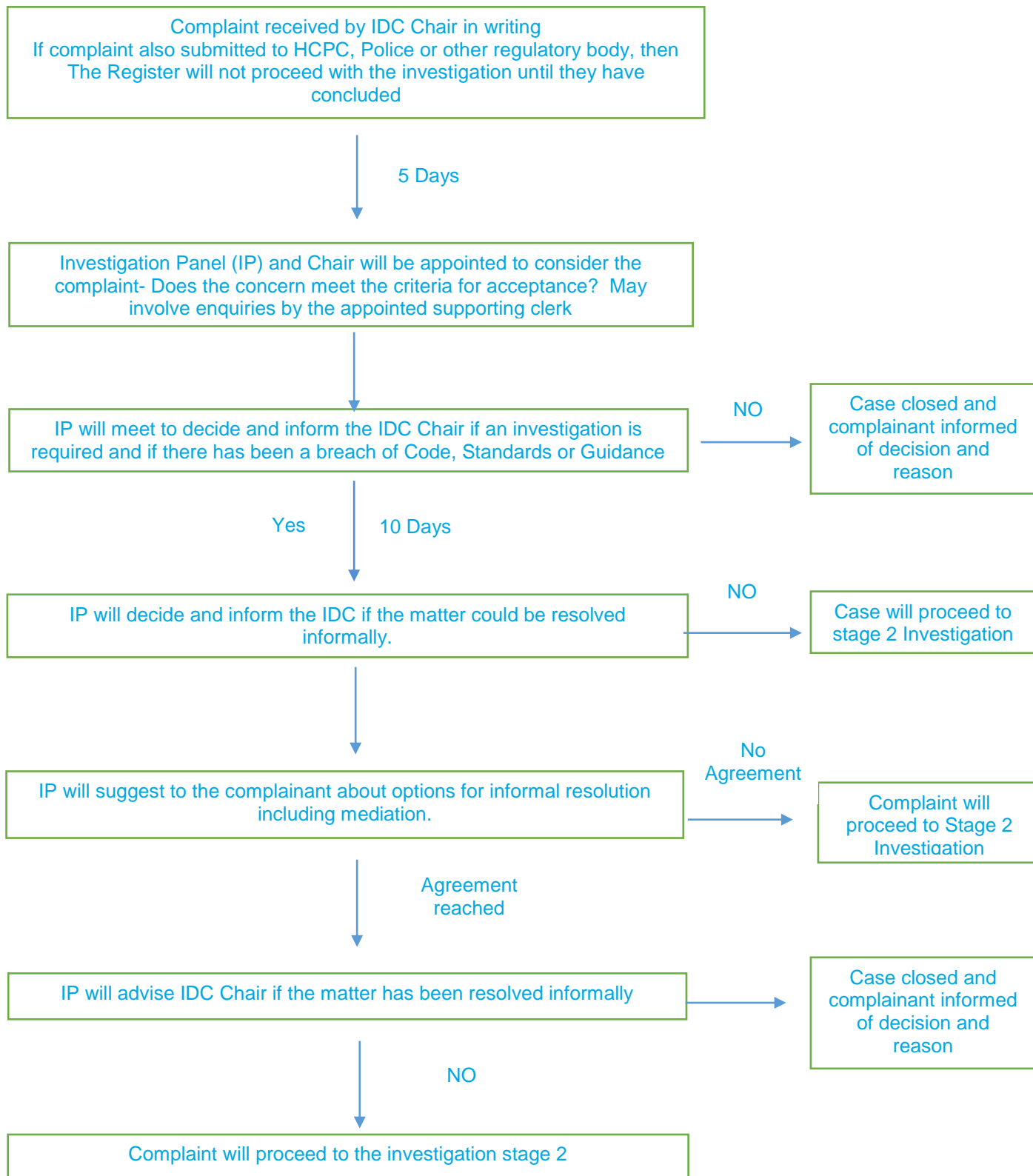
- 1.1. The Council of the BDA shall appoint people to its Investigatory and Disciplinary Committee (IDC). The purpose of the IDC shall be to consider concerns, complaints or allegations against BDA members, brought under either of the Bylaws which relate to handling matters of concern against BDA members.
- 1.2. The Chairman of the IDC shall be the Honorary Secretary of the Association.
- 1.3. Members of the IDC shall be appointed from both the membership and outside the membership. On any appointed panel required under the Bylaws there shall be at least one non-BDA member and one full BDA member. There shall be a third member who will, normally, be a BDA member.
- 1.4. Members of the IDC shall be appointed based on a) their standing and expertise within the membership, b) their standing and expertise within specific areas of professional BDA activity or c) their standing and expertise in the handling of complaints.
- 1.5. Members of the IDC will be appointed for a term of office of 3 years and may serve a maximum of 3 consecutive terms of office. There shall be a minimum of 8 members of the IDC (not including the Honorary Secretary).
- 1.6. The Chair of the IDC will select panels from members of the IDC when necessary.
- 1.7. The quorum for the IDC meetings and conference calls shall be three.
- 1.8. The Council shall appoint one or more people who may be members of the staff of the Association, to serve as Clerk to the IDC and/or its hearings.
- 1.9. Meetings of Panels of the IDC under the Bylaws for members registered with the HCPC shall normally be by teleconference, Skype or other 'virtual' means, unless the Panel considers that a face to face meeting will be necessary. Meetings of Investigatory Panels under the other Bylaws will normally be by 'virtual' means and Disciplinary Panels shall be face to face.
- 1.10. The IDC shall normally meet, as a complete group of people, at least once a year. It shall be provided with suitable training and development as needed from time to time.
- 1.11. The Chairman of the IDC will prepare an annual report to Council detailing the allegations, reports of investigations and results of hearings during the preceding year.
- 1.12. The IDC Committee will investigate:
 - a) Any self-declaration by a member which is relevant
 - b) Any written complaint that a member, of any category of membership, has brought the profession into disrepute through a breach of any relevant Codes of Conduct, professional misconduct or any action that is likely to reflect badly upon the profession or the BDA or any of its members; or
 - c) The outcomes of another formal investigation (e.g. HCPC, employment, etc.) which may be relevant to the Investigatory and Disciplinary Committee.

Relevant matters could include criminal or inappropriate behaviour, any allegation that a member, of any category of membership, is unfit to be a member for reasons of ill health, incapacity or for any other reason.

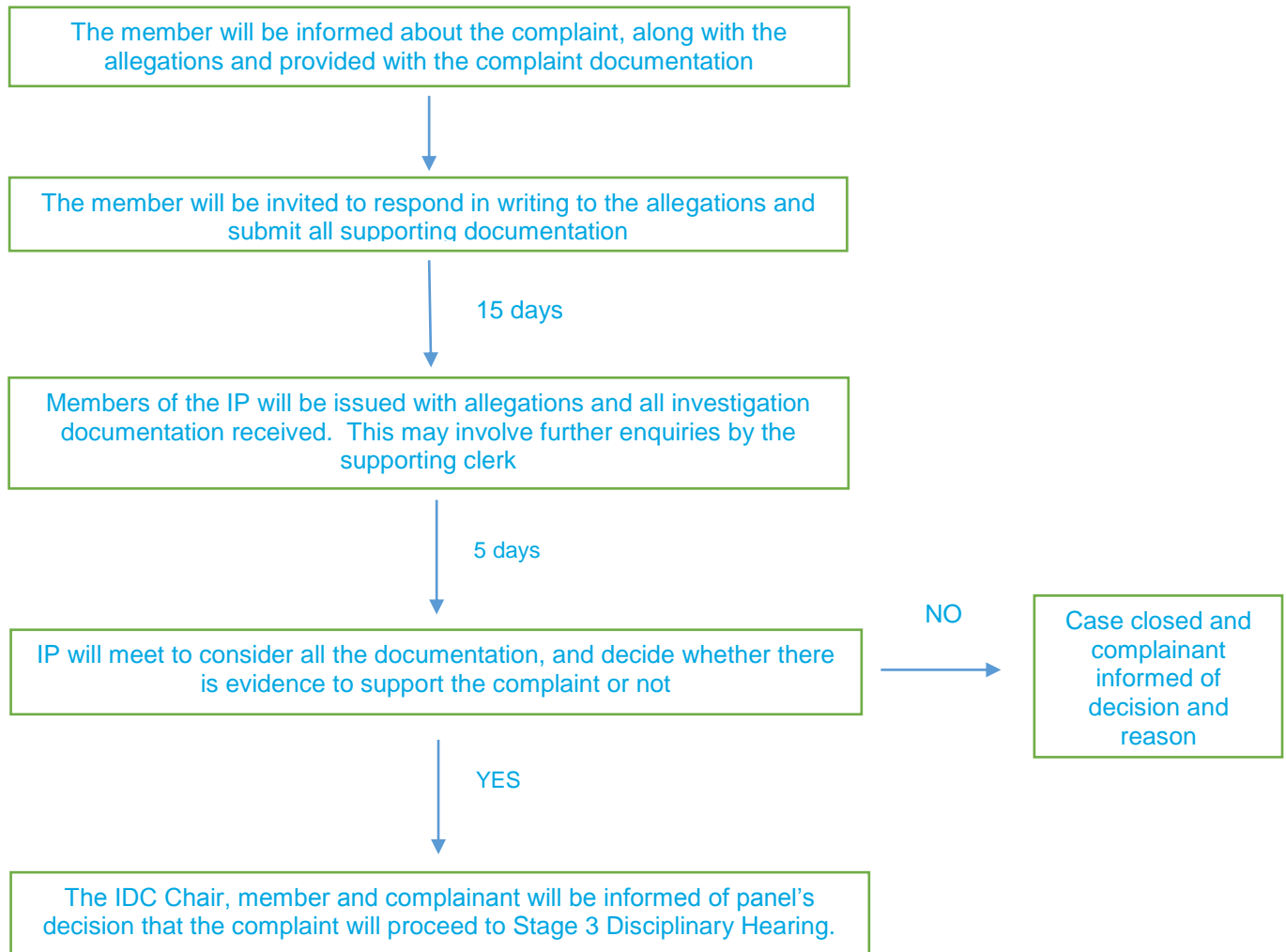
- 1.13. In the case of complaints considered by the IDC, according to the Bylaws for the Investigation of Complaints about Members of the BDA, the member shall not be entitled to be represented by a solicitor, barrister or colleague. They may take legal or professional advice and be accompanied, if they so wish, at their own expense. However only they shall be able to respond to questions or requests for information or comment. In the case of complaints considered by the IDC, according to the Investigatory and Disciplinary Bylaws for the Sport and Exercise Nutrition Register, the registrant may be legally represented, at their own expense.
- 1.14. The Committee must be mindful of malicious allegations and the need for thorough and fair procedures. An individual member making malicious accusations may be investigated by the Committee and may be subject to disciplinary action.
- 1.15. All members of the IDC shall declare any potential conflicts of interest as soon as they become apparent. The Chairman of the IDC, having taken advice where necessary, shall advise them as to whether they can continue to consider the complaint or whether they should exclude themselves from considering the complaint further. They shall be replaced by another member of the IDC.
- 1.16. The IDC shall (at its annual meeting) consider all written allegations and information brought to its attention, establishing facts, maintaining a log of all actions and correspondence, monitoring complaints and reporting to the Council, as any changes in practice resulting from complaints may need to be shared with the membership.
- 1.17. All complaints and allegations must be in writing. The individual making the complaint must be named as in no circumstances will anonymous complaints be considered for investigation.
- 1.18. The Chair of the IDC will return any complaint to the complainant should there be a need to report the member to the HCPC, Police or to the employing authority as this is not within the remit of the Investigatory Committee.
- 1.19. The Chair of the IDC will not normally pursue any investigation once it has confirmed that the member is being referred to HCPC or already under investigation by HCPC, Police, employer, etc. unless there is an urgent need to consider the complaint to protect the standing and reputation of the BDA. The Chair will normally defer calling a meeting of the Committee until the outcome of any such investigation has been completed. The complainant and member will be informed of such a decision and the member will be asked to update the Clerk on a regular basis.

Investigation and Disciplinary Process for Informal Resolution

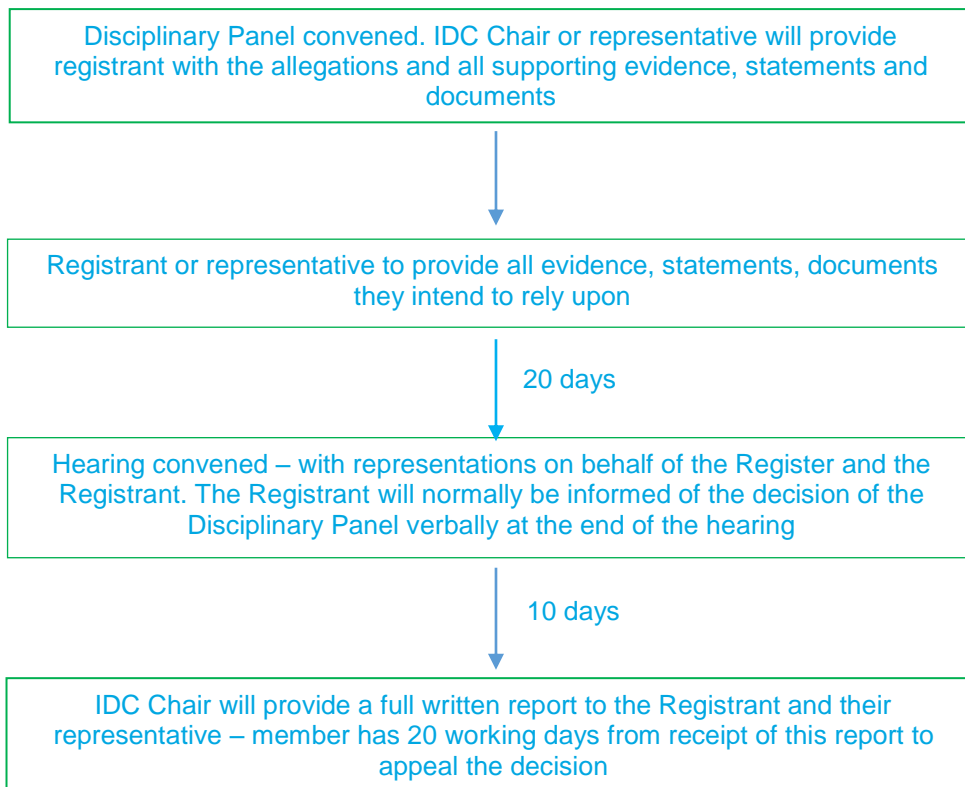
Stage 1



Stage 2 Investigation



Stage 3 Disciplinary Panel Hearing



Stage 4 Appeals Process

