

*Government Notice No. 119 of 2022***THE ALLIED HEALTH PROFESSIONALS COUNCIL ACT****Regulations made by the Minister, after consultation with
the Allied Health Professionals Council, under section 39
of the Allied Health Professionals Council Act**

1. These regulations may be cited as the Allied Health Professionals Council (Nutritionist) Regulations 2022.
2. In these regulations –
“Act” means the Allied Health Professionals Council Act.
3. For the purpose of section 5(d) of the Act, the Code of Practice for a nutritionist shall be the Code set out in the Schedule.
4. Every nutritionist shall comply with the Code of Practice.
5. (1) Where a nutritionist fails to comply with the Code of Practice, the Council may, by notice in writing served on him, require him to comply with the Code of Practice.

(2) A nutritionist who fails to comply with the Code of Practice may be called by the Council to explain his non-compliance with the Code of Practice.
6. These regulations shall come into operation on 1 June 2022.

Made by the Minister, after consultation with the Allied Health Professionals Council, on 16 May 2022.

SCHEDULE

[Regulation 3]

CODE OF PRACTICE

NUTRITIONISTS

PART I – GLOSSARY

Accountable

As an accountable health professional, you will be responsible for the decisions you make and you may also be asked to justify them.

Autonomous

As an autonomous health professional, you make your own decisions based on your own judgement.

Declaration

Official or formal announcement.

Delegate, delegation

When a health professional asks someone else (such as a colleague, student or support worker) to carry out a task on their behalf.

Nutrition

The intake of food, considered in relation to the body's dietary needs (WHO).

Nutritionist

Nutritionists are qualified health professionals who provide information about food and healthy eating. [In French: *Nutritionniste*]

Professional Conduct

The way in which a person behaves.

Registration

The action which is officially recorded or listed.

Referral

Where a health professional asks another practitioner to take over the care of a service user because it is beyond his scope of practice or because the service user has asked for a second opinion.

Scope of practice

The area or areas of a health professional's profession where he has the knowledge, skills and experience to practise safely and effectively.

Service user

Anyone who uses or is affected by the services of registrants.

Standards of proficiency

Standards which make sure each profession practises safely and effectively. Health professionals must meet these standards to become registered.

PART II – CODE OF ETHICS

Introduction

The Allied Health Professionals Council decided that the code of ethics and professional conduct for nutritionists should be based on –

- (a) focus, where possible, on providing guidance to registrants base on our expectations of their behaviour;
- (b) over-arching principles with some more detail on important points (with more detailed guidance available elsewhere, if necessary);
- (c) apply to all registrants (as far as possible), including those involved in research, education and roles in industry; and
- (d) be written in broad terms to be able to take account of changes in best practice, technology, the law and wider society in the future.

Your duties as a registrant

The Code of ethics and professional conduct you must keep to –

- (a) you must act in the best interests of service users;
- (b) you must act within the limits of your knowledge, skills and experience and, if necessary, refer the matter to another practitioner;
- (c) you must respect the confidentiality of service users;
- (d) you must keep high standards of personal conduct;
- (e) you must provide (to us and any other relevant regulators) any important information about your conduct and competence;

- (f) you must keep your professional knowledge and skills up to date;
- (g) you must communicate properly and effectively with service users and other practitioners;
- (h) you must effectively supervise tasks that you have asked other people to carry out;
- (i) you must keep accurate records;
- (j) you must deal fairly and safely with the risks of infection;
- (k) you must limit your work or stop practising if your performance or judgement is affected by your health;
- (l) you must behave with honesty and integrity and make sure that your behaviour does not damage the public's confidence in you or your profession; and
- (m) you must make sure that any advertising you do is accurate.

This document sets out the code of ethics and professional conduct we expect from the health professionals we register.

The standards also apply to people who are applying to become registered.

If you are registered, you must make sure that you are familiar with the code and that you keep to them. If you are applying to be registered, you will be asked to sign a declaration to confirm that you have read and will keep to the code once you are registered.

We also publish standards of proficiency, which are standards we use to make sure the professions we regulate work safely and effectively. We set these standards at a level we think is necessary to protect members of the public.

What we expect of you

The code of ethics and professional conduct play an important role in helping us make decisions about the character of the people who apply to our Register, and also in cases where we decide whether someone is fit to practise.

It is important that you read and understand this document. If someone raises concerns about your practice, we will consider this code (and our standards of proficiency) when we decide whether we need to take any action.

The standards and your practice

The code is written in broad terms and designed to apply to all registrants as far as possible.

If we receive a complaint about you, the Allied Health Professionals Council will consider the individual circumstances of the case (for example, the profession you work in and your scope of practice).

Meeting the standards

You must meet the standards and are able to practice safely and effectively. We also want to make sure that you maintain high standards of personal conduct and do not do anything which might affect the public's confidence in you or your profession. However, we do not dictate how you should meet our standards.

Each standard can normally be met in more than one way. The way in which you meet our standards might change overtime because of improvements in technology or changes in your practice.

As an autonomous and accountable professional, you need to make informed and reasonable decisions about your practice to make

sure that you meet the standards that are relevant to your practice. This might include getting advice and support from education providers, employers, professional bodies, colleagues and other people to make sure that you protect the wellbeing of service users at all times.

In particular, we recognise the valuable role professional bodies play in representing and promoting the interests of their members. This often includes providing guidance and advice about good practice, which can help you meet the standards in this document.

Making informed and reasonable decisions

If you make informed, reasonable and professional judgments about your practice, with the best interests of your service users as your prime concern, and you can justify your decisions if you are asked to, it is very unlikely that you will not meet our standards.

By ‘informed’, we mean that you have enough information to make a decision. This would include reading these standards and taking account of any other relevant guidance or laws. By ‘reasonable’ we mean that you need to make sensible, practical decisions about your practice, taking account of all relevant information and the best interests of the people who use or are affected by your services. You should also be able to justify your decisions if you are asked to.

Language

Our registrants work in a range of different settings, which include education, information, research and roles in industry. We have tried to use terms which are as broad as possible and which everyone can understand.

Throughout these standards, we have used the term ‘service user’ to refer to anyone who uses or is affected by a registrant’s services. Who your service users are will depend on how and where you work. For example, your service users might be organisations or

group of individuals. The term also includes other people who might be affected by your practice, such as carers and relatives.

Code of Ethics and Professional Conduct

1. You must act in the best interests of service users

(1) You are personally responsible for making sure that you promote and protect the best interests of your service users. You must respect and take account of these factors when providing care or a service, and must not abuse the relationship you have with a service user. You must not allow your views about a service user's sex, age, colour, race, disability, sexuality, social or economic status, lifestyle, culture, religion or beliefs to affect the way you treat them or the professional advice you give. You must treat service users with respect and dignity.

(2) You must not do anything, or allow someone else to do anything, that you have good reason to believe will put the health or safety of a service user in danger. This includes both your own actions and those of other people. You should take appropriate action to protect the rights of children and vulnerable adults if you believe they are at risk, including following national and local policies.

(3) You are responsible for your professional conduct, any advice you provide, and any failure to act. You are responsible for the appropriateness of your decision to delegate a task. You must be able to justify your decisions if asked to.

(4) You must protect service users if you believe that any situation puts them in danger. This includes the conduct, performance or health of a colleague. The safety of service users must come before any personal or professional loyalties at all times. As soon as you become aware of a situation that puts a service user in danger,

you should discuss the matter with a senior colleague or another appropriate person.

2. You must act within the limits of your knowledge, skills and experience and, if necessary, refer the matter to another practitioner

(1) You must keep within your scope of practice. This means that you should only work in the areas in which you have appropriate education, training and experience. You can provide information about food and healthy eating but cannot treat patients.

(2) If it becomes clear that the task is beyond your own scope of practice you have the duty to refer them for further treatment. If you refer a service user to another practitioner, you must make sure that the referral is appropriate and that the service user understands why you are making the referral.

(3) In most circumstances, a person is entitled to be referred to another practitioner for a second opinion. In these cases, you must accept the request and make the referral as soon as you can.

(4) If you accept a referral from another practitioner, you must make sure that you fully understand the request. You should only provide the treatment if you believe that this is appropriate. If this is not the case, you must discuss the referral with the practitioner who made the referral, and also the service user, before you begin any treatment or provide any advice.

3. You must respect the confidentiality of service users

(1) You must treat information about service users as confidential and use it only for the purposes they have provided it for. You must not knowingly release any personal or confidential

information to anyone who is not entitled to it, and you should check that people who ask for information are entitled to it.

(2) You must only use information about a service user for purposes where that person has given you specific permission to use the information.

(3) You must also keep to the conditions of any relevant data protection laws and always follow best practice for handling confidential information. Best practice is likely to change over time, and you must stay up to date.

4. You must keep high standards of personal conduct.

You must keep high standards of personal conduct, as well as professional conduct. You should be aware that poor conduct outside of your professional life may still affect someone's confidence in you and your profession.

5. You must provide (to us and any other relevant regulators) any important information about your conduct and competence

(1) You must tell us (and any other relevant regulators) if you have important information about your conduct or competence, or about other registrants and health professionals you work with. In particular, you must let us know straight away if you are –

- (a) convicted of a criminal offence, receive a conditional discharge for an offence, or if you accept a police caution;
- (b) disciplined by any organisation responsible for regulating or licensing a health-care or social-care profession; or

- (c) suspended or placed under a practice restriction by an employer or similar organisation because of concerns about your conduct or competence.

(2) You should co-operate with any investigation or formal inquiry into your professional conduct, the conduct of any other health-care provider or the treatment of a service user, where appropriate. If anyone asks for relevant information in connection with your conduct or competence, and they are entitled to it, you should provide the information.

(3) We can take action against you if you are convicted of a criminal offence or have accepted a police caution. We will always consider each case individually to decide whether we need to take any action to protect the public.

(4) (1) However, we will consider rejecting an application for registration, or removing you from the Register if you are already registered, if you are convicted of a criminal offence or accept a police caution that involves one of the following types of behaviour –

- (a) violence;
- (b) abuse;
- (c) sexual misconduct;
- (d) supplying drugs illegally;
- (e) child pornography;
- (f) offences involving dishonesty; or
- (g) offences for which you received a prison sentence.

(2) This is not a full list. We will always look at any convictions or cautions we find out about, and we have arrangements in place to be told about convictions and cautions involving registrants.

6. You must keep your professional knowledge and skills up to date

(1) You must make sure that your knowledge, skills and performance are of a good quality, up to date, and relevant to your scope of practice.

(2) You must be capable of meeting the standards of proficiency that apply to your scope of practice.

(3) We acknowledge that our registrants work in a range of different settings, including education, information, industry, and research. You need to make sure that whatever your area of practice, you are capable of practising safely and effectively.

(4) Our standards for continuing professional development link your learning and development to your continued registration. You also need to meet these standards.

7. You must communicate properly and effectively with service users and other practitioners

You must take all reasonable steps to make sure that you can communicate properly and effectively with service users including social media. You must communicate appropriately, co-operate, and share your knowledge and expertise with other practitioners, for the benefit of service users.

8. You must effectively supervise tasks you have asked other people to carry out

(1) People who consult you or receive treatment or services from you are entitled to assume that a person with appropriate knowledge and skills will carry out their treatment or provide services.

(2) Whenever you give tasks to another person to carry out on your behalf, you must be sure that they have the knowledge, skills and experience to carry out the tasks safely and effectively. You must not ask them to do work which is outside their scope of practice.

(3) You must always continue to give appropriate supervision to whoever you ask to carry out a task. You will still be responsible for the appropriateness of the decision to delegate. If someone tells you that they are unwilling to carry out a task because they do not think they are capable of doing so safely and effectively, you must not force them to carry out the task anyway. If their refusal raises a disciplinary or training issue, you must deal with that separately, but you should not put the safety of the service user in danger.

9. You must keep accurate records

(1) Making and keeping records is an essential part of care and you must keep records for everyone who asks for your advice or services. You must complete all records promptly. If you are using paper-based records, they must be clearly written and easy to read, and you should write, sign and date all entries.

(2) You must protect information in records from being lost, damaged, accessed by someone without appropriate authority, or tampered with. If you update a record, you must not delete information that was previously there, or make that information difficult to read.

Instead, you must mark it in some way (for example, by drawing a line through the old information).

10. You must limit your work or stop practising if your performance or judgement is affected by your health

You have a duty to take action if your physical or mental health could be harming your fitness to practise. You should get advice from a consultant in occupational health or another suitably qualified medical practitioner and act on it. This advice should consider whether, and in what ways, you should change your practice, including stopping practising if this is necessary.

11. You must behave with honesty and integrity and make sure that your behaviour does not damage the public's confidence in you or your profession

You must justify the trust that other people place in you by acting with honesty and integrity at all times. You must not get involved in any behaviour or activity which is likely to damage the public's confidence in you or your profession.

12. You must make sure that any advertising you do is accurate

Any advertising you do in relation to your professional activities must be accurate, must not be misleading, false, unfair or exaggerated. In particular, you should not claim your personal skills, equipment or facilities are better than anyone else's, unless you can prove this is true. If you are involved in advertising or promoting any product or service, you must make sure that you use your knowledge, skills and experience in an accurate and responsible way. You must not make or support unjustifiable statements relating to particular products. Any potential financial reward should not play a part in the advice or recommendations of products and services you give.

PART III –STANDARDS OF PROFICIENCY

1. Introduction

(1) These standards are produced for the safe and effective practice of nutritionists. They are the minimum standards considered necessary to protect members of the public.

(2) Once you are registered you must meet these standards. Thereafter, every time you renew your registration you will be asked to sign a declaration that you continue to meet the Standards of Proficiency that apply to your scope of practice.

(3) You are also expected to keep to our Code of Ethics and Professional Conduct, which is published in this document. The standards of Proficiency apply to all registered nutritionists.

2. A note about our expectations of you

(1) The standards of proficiency play a central role in how you can gain admission to, and retain on, the Register and thereby gain the right to use the protected title.

(2) It is important that you read and understand this document. If your practice is called into question we will consider these standards (and the Code of Ethics and Professional Conduct) in deciding what action, if any, we need to take. The standards set out in this document complement information and guidance issued by other organisations, such as your professional body or your employer.

3. Scope of practice

(1) Your scope of practice is the area or areas of your profession in which you have the knowledge, skills and experience to practice lawfully, safely and effectively, in a way that meets our standards and does not pose any danger to the public or to yourself.

(2) As long as you make sure that you are practising safely and effectively within your given scope of practice and do not practise in the areas where you are not proficient to do so, this will not be a problem. If you want to move outside of your scope of practice you should be certain that you are capable of working lawfully, safely and effectively. This means that you need to exercise personal judgement by undertaking any necessary training and experience.

4. Meeting the standards

It is important that our registrants meet our standards and are able to practise lawfully, safely and effectively. However, we don't dictate how you should meet our standards. There is normally more than one way in which each standard can be met and the way in which you meet our standards might change over time because of improvements in technology or changes in your practice. As an autonomous professional you need to make informed, reasoned decisions about your practice to ensure that you meet the standards that apply to you. This includes seeking advice and support from education providers, employers, colleagues and others to ensure that the wellbeing of service users is safeguarded at all times. In particular, we recognise the valuable role played by professional bodies in representing and promoting the interests of their members. This often includes guidance and advice about good practice which can help you meet the standards laid out in this document.

5. Service users

(1) We recognise that our registrants work in a range of different settings, which include education, information, research and roles in industry. We recognise that different professions sometimes use different terms to refer to those who use or who are affected by their practice and that the use of terminology can be an emotive issue.

(2) We have tried to use a term in the generic standards which is as inclusive as possible. Throughout the generic standards we have used the term “service users” to refer to anyone who uses or is affected by the services of registrants. Who your service users are will depend on how and where you work. For example, your service users might be organisations or group of individuals. The term also includes other people who might be affected by your practice, such as carers and relatives.

6. Expectations of a health professional

(1) Professional autonomy and accountability

(a) Registrant nutritionist must –

- (i) be able to practise within the legal and ethical boundaries of their profession;
- (ii) understand the need to act in the best interests of service users at all times;
- (iii) understand what is required of them by the Allied Health Professionals Council (AHPC);
- (iv) understand the need to respect, and so far as possible uphold, the rights, dignity, values and autonomy of every service user including their role in maintaining health and wellbeing;
- (v) be aware of current legislation applicable to the work of their profession;
- (vi) be able to practise in a non-discriminatory manner;
- (vii) understand the importance of and be able to maintain confidentiality;
- (viii) be able to exercise a professional duty of care;

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- (ix) be able to practise as an autonomous professional, exercising their own professional judgement;
 - (x) be able to assess a situation, determine the nature and severity of the problem and call upon the required knowledge and experience to deal with the problem;
 - (xi) be able to initiate resolution of problems and be able to exercise personal initiative;
 - (xii) know the limits of their practice and when to seek advice or refer to another professional;
 - (xii) recognise that they are personally responsible for and must be able to justify their decisions;
 - (xiii) recognise the need for effective self-management of workload and resources and be able to practice accordingly;
 - (xiv) understand the obligation to maintain fitness to practise;
 - (xv) understand the need to practise safely and effectively within their scope of practice;
 - (xvi) understand the need to maintain high standards of personal conduct;
 - (xvii) understand the importance of maintaining their own health; and
 - (xviii) understand both the need to keep skills and knowledge up to date and the importance of career-long learning.

(2) Professional relationships

(a) Registrant nutritionists must –

- (i) be able to work, where appropriate, in partnership with other professionals, support staff, service users and their relatives and carers;
- (ii) understand the need to build and sustain professional relationships as both an independent practitioner and collaboratively as a member of a team;
- (iii) understand the need to engage service users and carers in planning and evaluating diagnostics, treatments and interventions to meet their needs and goals;
- (iv) be able to make appropriate referrals;
- (v) be able to contribute effectively to work undertaken as part of a multi-disciplinary team;
- (vi) be able to demonstrate effective and appropriate skills in communicating information, advice, instruction and professional opinion to colleagues, service users, their relatives and carers;
- (vii) be able to communicate in English, French, Creole or any other appropriate language understood by the service user;
- (viii) understand how communication skills affect the assessment of service users and how the means of communication should be modified to address and take account of factors such as age, physical ability and learning ability;

- (ix) be able to select, move between and use appropriate forms of verbal and non-verbal communication with service users and others;
 - (x) be aware of the characteristics and consequences of non-verbal communication and how this can be affected by culture, age, ethnicity, gender, religious beliefs and socio-economic status;
 - (xi) understand the need to provide service users (or people acting on their behalf) with the information necessary to enable them to make informed decisions;
 - (xii) understand the need to use an appropriate interpreter, whenever required;
 - (xiii) recognise that relationships with service users should be based on mutual respect and trust, and be able to maintain high standards of care even in situations of personal incompatibility;
 - (xiv) understand the need for effective communication throughout the care of the service user; and
 - (xv) recognise the need to use interpersonal skills to encourage the active participation of service users.
- (3) Skills required for the application of practice
- (a) Assessment and dissemination of information
 - (i) Registrant nutritionists must –
 - (A) be able to gather appropriate information;

- (B) be able to critically assess nutrition or nutrition related information; and
 - (C) be able to provide information to service users in an objective and non misleading way.
- (b) Formulation and delivery of plans for meeting nutritional and social needs
- (i) Registrant nutritionists must –
 - (A) be able to use research, reasoning and problem-solving skills to determine appropriate actions;
 - (B) recognise the value of research to the critical evaluation of practice;
 - (C) be able to engage in evidence-based practice, evaluate practice systematically and participate in audit procedures;
 - (D) be aware of a range of research methodologies;
 - (E) be able to demonstrate a logical and systematic approach to problem solving;
 - (F) be able to evaluate research and other evidence to inform their own practice;
 - (G) be able to use statistical, epidemiological and research skills to gather and interpret evidence in order to make reasoned conclusions and judgements;
 - (H) be able to draw on appropriate knowledge and skills in order to make professional judgements;

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- (I) be able to change their practice as needed to take account of new developments;
 - (J) be able to demonstrate a level of skill in the use of information technology appropriate to their practice;
 - (K) be able to choose the most appropriate strategy to influence nutritional behaviour and choice;
 - (L) be able to provide nutrition information, having regard to current knowledge and evidence-based practice;
 - (M) be able to advise on safe procedures for food preparation and handling, food processing and menu planning, and the resulting impact on nutritional quality and menu planning;
 - (N) be able to interpret nutritional information including food labels which may have nutritional implications;
 - (O) be able to assess the requirement of different groups and provide appropriate information;
 - (P) understand the requirement to adapt practice to meet the needs of different groups distinguished by, for example, physical, psychological, environmental, cultural or socio-economic factors;
 - (Q) understand the need to be sensitive to social, economic and cultural factors that affect diet, lifestyle and health;

- (R) understand the significance and potential impact of non-nutritional factors when helping groups and communities to make informed choices about their dietary treatment and health care;
 - (S) be able to assist groups and communities to undertake and to become committed to self-care activities including diet, physical activity and other lifestyle adjustments;
 - (T) be able to keep accurate, legible records and recognise the need to handle these records and all other information in accordance with applicable legislation, protocols and guidelines; and
 - (U) understand the need to use only accepted terminology in making records.
- (c) Critical evaluation of the impact of, or response to, the registrant's actions
- (i) Registrant nutritionist must –
 - (A) be able to gather, monitor and review the information related to planned activity and modify it accordingly;
 - (B) be able to audit, reflect on and review practice;
 - (C) understand the principles of quality control and quality assurance;
 - (D) be aware of the role of audit and review in quality management, including quality

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- control, quality assurance and the use of appropriate outcome measures;
 - (E) be able to maintain an effective audit trail and work towards continual improvement;
 - (F) participate in quality assurance programmes, where appropriate;
 - (G) recognise the value of conferences; and
 - (H) be able to evaluate nutritional information critically. and
- (d) Knowledge, understanding and skills
- (i) Registrant nutritionists must –
 - (A) know and understand the key concepts of the bodies of knowledge which are relevant to their profession specific practice;
 - (B) understand the structure and function of the human body, relevant to their practice, together with knowledge of health, disease, disorder and dysfunction;
 - (C) be aware of the principles and applications of scientific enquiry;
 - (D) recognise the role of other professions in health and social care;
 - (E) understand, in the context of nutrition –
 - (i) biochemistry;
 - (ii) physiology;

- (iii) food hygiene;
 - (iv) food science;
 - (v) genetics;
 - (vi) immunology;
 - (vii) microbiology;
 - (viii) nutritional sciences;
- (F) be aware of catering and administration;
 - (G) understand sociology, social policy, psychology, public health and educational methods relevant to groups or communities;
 - (H) understand the methods commonly used in nutrition research and be able to evaluate research papers critically;
 - (I) know how professional principles are expressed and translated into action through a number of different approaches to practice, and how to select or modify approaches to meet the needs of groups or communities;
 - (J) understand the need to establish and maintain a safe practice environment;
 - (K) be aware of applicable health and safety legislation, and any relevant safety policies and procedures in force at the workplace, such as incident reporting, and be able to act in accordance with these;

- (L) be able to work safely, including being able to select appropriate hazard control and risk management, reduction or elimination techniques in a safe manner in accordance with health and safety legislation;
 - (M) be able to select appropriate personal protective equipment and use it correctly—be able to establish safe environments for practice, which minimize risks to service users, those treating them, and others, including the use of hazard control and particularly infection control; and
 - (N) be able to advise on safe procedures for food preparation.
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