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## Student Discipline. The Construction and Use of Warnings Concerning Past Behaviour

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# Student Discipline. The Construction and Use of Warnings Concerning Past Behaviour

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## Abstract

**Purpose:** Warnings are one of the basic methods for giving advice to students, yet there is a dearth of guidance and considerable variation and inconsistency in their content and application. Much of the associated terminology is confusing. To provide clarity, this paper examines the essential ingredients of warnings and their optimal construction and use in higher education, with a focus on students intending a career in one of the health and social care professions.

**Background:** Currently warnings are often poorly designed and unclear. One example is giving a student a 'yellow card warning' without explaining what errors or omissions have occurred, what action needs to be taken, and what could happen if the warning is ignored.

**Terminology:** A range of unhelpful descriptors of warnings are often used, such as 'formal', 'informal', 'verbal', 'written', 'Level 1', 'Level 2', or 'final'. Any warning needs to provide the student with a written and unambiguous explanation of the meaning and implications of any terms used.

**Essential ingredients:** Warnings should be recorded (in writing). They should contain the word 'warning'; a sufficiently detailed explanation of what the student has done wrong; and identification of any rule, regulation or professional guidance that has been transgressed. Warnings should explain what the student needs to do to ensure that the problem does not recur; what the consequences will be or may be if the problem(s) continue unabated or recur; if relevant, what effect the warning will have on the student and their career; the duration a warning will be kept on the student record, and an explanation of what the student can do if they do not agree with the decision to issue a warning.

**Conclusion:** There is an increasing tendency for students to challenge adverse decisions. To respond to such challenges, education providers need to be able to show that they have acted reasonably, including providing the student with appropriate warnings.

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**Keywords:** Expulsion; Legal challenge; Student discipline; Warnings

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## 1. Introduction

### 1.1. Warnings are a generally neglected educational tool

Warnings are one of the basic methods for giving advice and guidance to students. Given their central importance, it is surprising that little attention has been

given to their construction and use. There is considerable variation and inconsistency in the application of warnings, and much of the associated terminology is confusing. To help fill this gap, and provide some clarity, this paper examines the essential ingredients of warnings and their optimal use in higher education, with a focus on students intending a career in one of the health and social care professions.

## 1.2. *The need for consistency and fairness of disciplinary practices*

Concerns have grown recently about the consistency and fairness of disciplinary practices in higher education. This has resulted in the recent publication of “Good Practice Frameworks”<sup>1,2</sup> by the Office of the Independent Adjudicator in Health Education (OIAHE), an independent body set up to review unresolved student complaints about higher education providers in England and Wales.<sup>3</sup>

## 1.3. *Students often exercise their right to challenge adverse decisions*

Owing to the high stakes involved, particularly in students embarking on a professional career, a student is likely to consider using all available routes including legal challenge<sup>4</sup> to avoid the most drastic sanctions such as expulsion or suspension. In recent years the number of challenges to adverse decisions has risen markedly. For example, the OIAHE reported that such challenges in 2019 were 45% higher than in 2017.<sup>5,6</sup>

Universities have a duty to act in a demonstrably fair manner.<sup>7–13</sup> In the event of a challenge, an education provider will be required to show that it has acted reasonably. This includes producing evidence that adequate steps were taken to warn all students at the outset about their expected behaviour and providing them a reasonable opportunity to rectify the situation when problems arose. In a case considered by the Court of Appeal in 1995, concerning a student teacher who was expelled by a university in Sheffield because her behaviour was considered to make her unfit to teach children, the Court made it clear that adequate prior warnings (which had not been given) were a necessary prerequisite to a decision to expel or remove a student.<sup>14</sup> The only exception would be where there was compelling evidence that warnings would have had no effect on the student’s conduct (i.e., where a mental health disorder may prevent full understanding). In the context of education, it should of course be self-evident that when concerns arise regarding a student’s behaviour, students must be promptly informed of their errors and given a clear warning explaining where they have gone astray and what is expected in the future. As was aptly put by the courts in England in 1973 and again in 1995, “There are many situations in which a man’s apparent capabilities may be stretched when he knows what is demanded of him; many do not know that they are

capable of jumping the five-barred gate until the bull is close behind them”.<sup>14,15</sup>

## 1.4. *The word “warnings” has different meanings*

In higher education, the term “warning” can mean one of two things. One is general advice given at the beginning of the programme (or year or semester) to all students, for example expectations about general conduct and engagement, such as class attendance. The other is specific advice given to one or more individual students after a problem or problems have occurred, such as informing them of the consequences if their attendance does not improve. This paper concerns the second category, warnings given to a specific/individual student in response to a finding that a student has transgressed in some relevant regard.

## 1.5. *All students need a framework*

All students need some sort of framework, such as a programme handbook, programme rules and regulations, and expectations that have been clearly set out, along with information about the sources of support available to students. Academic and pastoral support, guidance, direction, and feedback are likely to be needed by all students to a greater or lesser extent, and warnings are one of the tools available to those guiding and supporting students. Whilst a warning might be perceived by a student to be punitive, the overall aim of warnings is supportive; to signpost what has gone wrong, to indicate what sort of changes need to be made, to inform the student of any consequences of failing to respond to the warning and to give any necessary additional advice.

A warning can be defined as a piece of advice that is intended to achieve a change in or prevent a recurrence of some aspect of behaviour. It relates to formal recorded advice rather than a ‘friendly chat’.

## 1.6. *Warnings for health and social care students*

In the context of a student who is undergoing training intending to enter a career as a health or social care professional, and whose behaviour has caused concern, the use and the effects of warnings are more complicated. This is because these students are training to become professionals who will deal with patients, clients, service users and the public, and hence the potential impact of a student’s behaviour — now or in the future — needs to be considered. Whilst there is huge international and inter-professional variation in

the regulation of health and social care professionals and their students,<sup>16–19</sup> one important possible consequence of a warning that could become relevant is to adversely affect the student's ability to register with their regulatory body once they have graduated and could thus have a negative impact on the ability to follow their chosen future career.

### 1.7. Single vs. multiple warnings

In general, warnings either concern a single aspect of student behaviour, or they address multiple concerns. Whether a warning is given by a single member of staff, or by multiple staff at a disciplinary committee hearing, the need for clarity and the general principles set out in this paper are the same.

### 1.8. Purpose of this paper

Considering the importance of warnings as formal advice, where failure to comply can have serious consequences, particularly for health and social care students, this paper aims to increase the clarity of warnings to students. This paper identifies the different components that can be used to construct a warning to students, it considers who should be permitted to provide warnings, and it sets out guidance for education providers on how to construct and operate warnings. The paper draws upon the experiences of the authors in conducting disciplinary hearings and hearings to consider the professional suitability of individual students.

Whilst written with health and social care students in England and Wales in mind, the content of this paper can be adapted to all disciplines in higher education, in particular those where disciplinary findings may have an effect on future professional or career choices, such as education and law. The paper addresses problems associated with the construction and administration of warnings relating to terminology, timing, purpose and practicalities.

## 2. Terminology

### 2.1. Widespread lack of clarity regarding the implications of warnings

The need for this article comes from a widespread lack of clarity in the use of warnings to students which we have noted during our involvement with student disciplinary and fitness to practise matters. It is, for example, common to see students receive so-called

'yellow card' warnings, akin to the warnings given to professional footballers<sup>20</sup> based on the traffic light system (yellow – caution; red – stop). The problem with these so-called 'yellow card' warnings is the failure to provide the student with the information needed to maximise the chances of a change in behaviour. To illustrate a particularly poorly designed warning, an example of the wording of a 'yellow card' warning given to students by several United Kingdom education providers is given below.

### 2.2. Case 1 – an example of a poorly formulated warning

'Professional Attitudes and Behaviour. You have received a yellow card. You should reflect upon why it has been issued. If you want to discuss the reasons for the card being given you should email the member of staff who gave it to you to arrange a meeting'.

This singularly unhelpful form of words fails to state what has been wrong with the student's attitude and behaviour, it fails to explain what specific change or improvement is required, it fails to explain the implications of the warning, it gives no indication as to what will happen if the behaviour is repeated, and it gives no indication that a copy of the warning will be placed in the student's records.

### 2.3. Confusing terms that often lack definition

Some terms associated with warnings are unclear and confusing. For example, some warnings are classified as being either 'verbal' or 'written', 'informal' or 'formal', or described as 'final', terms borrowed from employment law,<sup>21</sup> but the different meanings and implications of these terms are often unclear. Some education providers issue students with either 'Level 1' or 'Level 2' warnings, but the definition, meaning and implication of these warnings is often unclear and/or unstated.

Verbal warnings are commonly documented in student records, and students who receive a verbal warning sometimes subsequently receive a letter stating they have received a verbal warning, which given the written documentation might seem contradictory. Regarding the terms 'verbal' versus 'written', the implied understanding is that written warnings are more serious. However, unless the programme regulations set out the precise definition and implications of these terms, which are commonly omitted, the lack of clarity regarding the difference between 'verbal' and 'written' warnings is unsatisfactory. Verbal warnings,

if truly verbal, i.e., not also documented in writing, are open to misinterpretation or misremembering — particularly if the student is upset. One might ask if a verbal warning means that it is only spoken, and never written down. However, this would run counter to a fundamental requirement to keep proper records of matters relating to student conduct. The usual practice is indeed to make a record that a verbal warning has been given, which immediately begs the question as to the difference between verbal and written warnings.

The differentiation between verbal and written warnings may have implications of which the education provider is unaware. For example, when newly qualified medical students in the UK apply to the General Medical Council (GMC) for provisional registration, the GMC only requires information about written warnings given to students and does not require verbal warnings to be declared.<sup>22</sup>

Another approach is to classify warnings by the level of seriousness, Level 1 being less serious than Level 2. However, the threshold for the use of these or other labels indicating seriousness is often unclear, and the application of these terms varies enormously between different education providers. One education provider defines a Level 1 warning as ‘a statement as to the problem behaviour accompanied by a description of the possible consequences of a recurrence of the problem’ and a Level 2 warning the same as for a Level 1 warning but with the addition of ‘further sanctions or other actions’. This raises questions such as should a Level 2 warning result from a failure to observe a Level 1 warning (even if the breach is not as serious as others that might incur such a sanction)? Can multiple Level 1 warnings be given for different transgressions, or, as with football, should enough yellow cards equate to a red card?

The use of the word ‘formal’ usually implies a degree of seriousness, in contrast to the less commonly used term of ‘informal’ warnings. Sometimes the latter are ‘verbal’ warnings. Sometimes disciplinary procedures are sub-divided into stages such as ‘informal’ or ‘formal’, with these same descriptors being applied to any resulting warnings.

The term ‘final warning’ may have a specific legal meaning in an employment setting, namely that when a final written warning is in place, provided it was issued in good faith and there was a sound basis for imposing it, an employer is generally able to rely on this as meaning that any further acts of misconduct will justify dismissal. In the context of health and social care education, however, the precise meaning of a final written warning often lacks definition and can cause confusion.

If there are further problem behaviours after a final warning has been issued, does that mandate automatic expulsion? Our own view is that it is worth avoiding guaranteed outcomes in the event of further problems, as these would leave no room for the circumstances of the further problem to be considered. The obvious implication of a final warning is that if there is a recurrence of the behaviour in question, then serious consequences will or may result. There is therefore an argument for requiring an exposition of the possible or likely consequences of receiving any warning (not just a final warning), rather than leaving it to the student to interpret the warning. An example of a final written warning is given below in Case 4.

The imprecise and inconsistent use of attempts to classify the seriousness of warnings suggests that trying to do so may be unhelpful. In practice, there are two simple ways to impart the seriousness of a warning. One is to explicitly emphasise the seriousness of the matter, giving a reason such as that the behaviour in question has been repeated despite one or more previous warnings. The other way to emphasise the seriousness of a case is not to rely on the warning as a vehicle, but to apply one or more additional sanctions. The name given to the warning may be less important than the clarity of the explanation.

### 3. The threshold for giving a warning

It is impossible to define a threshold for giving a warning given that warnings to students can span the range of extremes, from little more than a piece of advice to a warning that could be the precursor to expulsion. It is self-evident that the degree of concern needs to be matched by the seriousness of the student’s behaviour.

The situation is entirely different from that which applies to fully trained, registered and practising health and social care professionals. In the context of professional regulation, there may be strict rules controlling the threshold that must be crossed before a warning can be given. An example is the guidance given by the GMC to those investigating doctors or conducting tribunals to consider a doctor’s FTP.<sup>23</sup> This provides clear and detailed guidance on the purpose of giving warnings, the test for issuing a warning, factors to consider when deciding whether or not to issue a warning, guidance on the application of warnings to doctors convicted of a criminal offence, or when a case involves dishonesty. Guidance is also provided on the construction of warnings. There are good reasons for such precise controls, as warnings to a professional

may well be available to the public and have adverse professional implications. This is an entirely different situation from the student education, where education providers should be able to give warnings without special restrictions, often as little more than a form of support and guidance.

#### 4. What are the essential components of a warning?

##### 4.1. Matters that need to be set out in a warning

Considering the importance of warnings, which need to set out clearly to students the reason for the warning, how to remedy their actions or conduct, and what the consequence of non-compliance are, we propose the following as essential components of warnings. We recommend that any warning should be put in writing, so as to comply with requirements for proper documentation, and that the seriousness of a warning is not left to be implied in the descriptive terminology used (such as level 1 or 2, written or final warning) but is instead set out explicitly in the detail contained in the text.

##### 4.2. The anatomy of a warning

We argue that a warning is incomplete unless it contains the following components, each of which will be discussed below:

- the word “warning”;
- a sufficiently detailed explanation of what the student has done wrong and when this occurred;
- if relevant, identification of any rule, regulation or professional guidance that has been transgressed;
- what the student needs to do to ensure that the problem does not recur, and a direction as to which behaviour(s) must not be repeated;
- timescale of expected improvement;
- if the problem behaviour is a repetition of previous behaviour that led to a warning;
- what the consequences will or may be, if the problem or problems recur or continue unabated;
- if relevant, what effect the warning will or might have on the student, their studies and their future career;

- the duration that a warning will be kept on a student record; and
- an explanation of what the student can do if they do not agree with the decision to issue a warning.

##### 4.3. The need to include the word “warning”

There is no absolute rule about this, and one could argue that a piece of advice that says ‘if your level of attendance does not greatly improve you may be expelled’ should deliver a powerful message. However, for a variety of reasons, students are sometimes uncertain, either at the time of being issued with a warning or subsequently, that they have received a warning or the status of the intervention. In order to minimise uncertainty and ensure clarity it makes sense to ensure that the word ‘warning’ is always included when a student is given a warning.

We suggest that the warning should be written/in writing and provided both by email and in hard copy.

##### 4.4. Explanation of what the student has done wrong

There is a need to give reasons for decisions concerning students, and there is a need for precision. Warnings that are couched in broad terms such as “misconduct”, “unprofessional behaviour”, “poor attendance” or “bad attitude”, and which contain no further particulars of the problem, are unhelpful and unsatisfactory because they leave an element of doubt or uncertainty. The warning about “level of attendance” in a previous section (5.2) is poorly constructed in part because it lacks precision, clarity and evidence. It is therefore helpful to provide facts and figures where relevant/possible — see Case 2 below.

##### 4.5. Case 2 — example of warning about poor attendance

‘During Semester 2, from 5.2.18 to 31.3.18, you only attended 7 of 24 (29%) scheduled tutorials, your attendance thus falling well below the 80% minimum attendance required by the programme regulations’.

This form of words provides useful factual<sup>c</sup> information about the problem that has necessitated a warning. Some situations lend themselves to provision of factual data more than others; helpful anchor points

<sup>c</sup> We are assuming for now that absence data has been correctly recorded.



can include a date and time when something happened. There is usually no need for a lengthy essay to be incorporated into a warning, and it ought to be possible to provide the key facts in a few sentences.

To illustrate our point, ‘plagiarism’ is a broad term which encompasses a spectrum of seriousness. This ranges at one extreme from simple incorrect referencing as a result of poor understanding about how to reference the work of others, to the other extreme, copying and then submitting the work of another student pretending it was one’s own work. A well written warning would provide specific detail on the type of plagiarism observed, and the extent to which it was present in the piece of work.

#### *4.6. If relevant, identification of any rule or regulation that has been transgressed*

If a student has failed to adhere to regulations or guidance (from the programme, the education provider or a relevant professional body) this should be stated.

#### *4.7. Explanation of what the student needs to do to ensure the problem does not recur*

A warning should contain a clear statement as to the expected, desired or required future behaviour. In a case of poor attendance, a warning would specify the level of attendance that will be required (and potentially how this will be evidenced or monitored) and would also include information about the expected consequences if attendance does not improve — see Case 3.

#### *4.8. Case 3 — example of information about continuing poor attendance*

‘Students on the BSc Physiotherapy programme are expected to have an attendance of 100% on each module. Attendance that falls below 80% during a module will require the module to be repeated in its entirety. Your attendance on the autogenic drainage module from 1.11.19 to 30.11.19 at 64% fell below the required level, and you will need to repeat this module. You will be required to provide the signature of your supervisor for each morning (9 am–12 midday) and afternoon (2 pm–5 pm) session during the repeat module, your attendance sheets to be handed in to the Education Office at the end of each week. Arrival after a session has commenced will be regarded as non-attendance at that session. Attendance below 80% on

a repeat module would result in termination of your studies’.

Note that general advice of this sort ought also to have been provided at the outset in a programme handbook, but advice will need to be repeated when a student fails to comply.

#### *4.9. What the consequences will be, or may be, if the problem or problems continue unabated*

A warning must contain a clear indication of possible consequences if the problem(s) continue. The key word is ‘possible’. Only rarely is it possible to guarantee with certainty a particular consequence of further problems, because the future outcome may well depend on several unpredictable variables. However, a warning can and should spell out, in some detail, the possible consequences of further problem behaviours. Case 4 (below) is an example of the wording one might use when giving a warning to a UK medical student who, despite numerous warnings, had continued to exhibit an array of repeated problem behaviours including poor attendance, failure to follow absence reporting regulations, failure to respond to communications from the education provider, failure to attend meetings with staff, and failure to co-operate with assessments of the student’s health.

#### *4.10. Case 4 — example of a final warning given to a UK medical student*

“The behaviours that resulted in numerous complaints against you, as detailed above in this letter, are, if they are continued, not compatible with a medical career. You must ensure that there are no recurrences. This is a final written warning that such behaviours must cease. A failure to overcome your difficulties is likely to put your whole future medical career at risk. Further unprofessional behaviours are likely to lead to your case being reconsidered by this University’s Fitness to Practise Committee, possibly leading to your expulsion from the University. Furthermore, you need to be aware that when considering applications for provisional registration, the GMC pays close attention to whether a student has responded to advice and warnings and has demonstrated both insight and remediation. A failure to overcome these difficulties could result in the GMC refusing to grant you provisional registration, even if you manage to complete the programme, pass all the examinations, fulfil all the requirements of the programme, and graduate with a medical degree”.



#### 4.11. *If relevant, what effect the warning will have on the student and their career?*

The above example of a warning illustrates that the dangers that lie ahead are not restricted to actions by the education provider,<sup>24</sup> and students need to be aware of how and why they may be putting at risk their whole future career.

In certain situations, a student or former student may be required to disclose any warnings that were given whilst the individual was a student. To give an example, in the United Kingdom newly qualified doctors if they wish to practise medicine must apply to the national regulator for doctors, the GMC, for provisional registration. The application process requires the newly qualified doctor to declare, amongst other things, any warnings that were given when a student. This means that it is important that when students are given warnings, they are in no doubt that they have indeed received a warning, and that any possible future implications are clearly explained to the student.

Another example is that students wanting to be barristers in England and Wales are asked on application to Inns of Court if they have ‘been found guilty of an academic offence by a higher education institution’. Similarly, the Solicitors Regulation Authority in its ‘Standards and Regulations’ indicates that it has “a duty to consider the character and suitability of anyone who wishes to enter the profession. We must make sure that any individual admitted as a solicitor has, and maintains, the level of honesty, integrity and professionalism expected by the public and other stakeholders and professionals and does not pose a risk to the public or the profession”.

#### 4.12. *The duration that a warning will be kept on a student record*

Universities have different policies for the duration of warnings and the retention of student records, and there is therefore much variation between education providers in this respect. The important point is that students who receive a warning should be informed at the outset how long the warning will remain active and how long a record of the warning will be kept. The documentation should specify in clear terms the time, day and date on which the warning is to commence, and the time, day and date on which it is to expire. This precision is needed to avoid subsequent confusion and argument as to whether a warning was or was not “live” at the time a particular subsequent behaviour occurred.

#### 4.13. *Advice on what to do if student disagrees with the warning*

There should be an explanation of what the student can do if they do not agree with the decision to issue a warning. This is in line with the need to give students a right of appeal against any significant/impactful decision — see section 7 for further detail.

### 5. Who should administer warnings to students?

There are opposing arguments as to whether warnings can be given by any member of staff or only by selected staff.

On the one hand, since warnings are essentially supportive, and given to provide guidance, one might feel that any member of staff of an education provider who is supervising or teaching a health or social care student should have the power to give a warning to a student.

On the other hand, there is an argument that members of staff whose main role is to give support to students should not be permitted to administer warnings to students. Separation of functions may be useful as students may be reluctant to confide in a staff member who has issued a warning, but this separation requires there to be a standardised process that indicates which categories of staff may issue warnings.

Where the concerns about a student’s behaviour are particularly serious, or there are many different concerns, the matter may be dealt with by a committee with the power to decide what further action is required, not limited to issuing a warning. In such situations the committee is likely to have written terms of reference, including setting out its powers.

### 6. The need to document warnings

Health and social care professionals appreciate the need to keep careful records of their professional interactions with patients, clients or service users, and it is no less important for teaching staff to maintain records of professional interactions with students. This process should certainly include student warnings, which we recommend should always be written and thus recorded in part to help the detection and management of continuing problems.

An important part of the educational process is to provide to the student with a copy of a written entry or file note. This serves clearly to document clearly that the student was made aware of the warning, and it provides an opportunity for a student to offer

corrections to factual errors or raise queries about the process followed by the education provider, and possibly to appeal against the warning (if the programme regulations provide for this, a topic that is discussed below).

## 7. The right to appeal against a warning

The applicability of a right to appeal will in general depend upon the relative gravity of the matter, whether or not the warning was administered by an individual member of staff or a committee-based process, and the extent to which the warning could be detrimental to the student's future career. Whether or not a student has a right to appeal should be clearly set out in the regulations of the programme and/or the education provider; this should also be clearly stated in the warning that is issued to the student in writing and then kept on record. Whether or not a student should have a right of appeal may be less than straightforward and is a general topic that lies outside the theme of this paper. However, it is considered best practice that when decisions are made that can have an adverse effect on a student then there should be a right to appeal the decision.

## 8. Discussion

### 8.1. Legal duty to give warnings to students

In England and Wales, it is widely accepted that in higher education there is a legal duty to give warnings to students. To provide a simple example, if a student on a 3 month placement is found from the very outset to have very poor attendance, it would be regarded as poor practice to do nothing, wait until the placement had concluded, and then deal with the matter by awarding the student with a 'fail' or 'unsatisfactory' grade, possibly leading to, or contributing to, expulsion. An education provider would find it difficult to defend such a supine approach, and the agreed best practice is for the placement supervisor to meet with the student at an early stage, for example after say 2 weeks of poor attendance, to explore the problem and its reasons, to offer support and, where appropriate, to provide a clear warning of the possible negative consequences if the problem continues unabated. The issuing and recording of such a warning in the manner outlined in this paper becomes particularly relevant when the student does not comply and improve their behaviour, and further action needs to be taken, the most serious of which may be suspension or indeed expulsion from the programme of study.

### 8.2. Acting against a student risks legal challenge to the education provider

In the event of challenge against warnings and particularly more serious consequences, the education provider will need to show that it has acted reasonably. This includes providing evidence that adequate steps were taken to warn the student about their actions, and give the student the opportunity to explain any problems and to respond to a direction to change or improve some aspect of behaviour, other than in cases of gross misconduct. The education provider will need to be able to provide documentary evidence to show that it has fulfilled its obligations, this being one reason why this article has stressed the need for good documentation of matters relating to students. Any major decision taken against a student requires early identification of concerns and adequate warning to enable the student to fully understand their predicament and know what is expected. Failure to provide an adequate warning may be regarded as unfair by the courts, and any decision adverse to a student (whether failure of an assessment or expulsion) that follows such an oversight is at risk of successful legal challenge. The main exception to the legal need for warnings would be where there is clear evidence that a warning would have been futile because the student suffered from a mental health disorder that prevented them from understanding the situation.

### 8.3. Warnings are one of many tools available to guide problem students

Students who exhibit inappropriate or unprofessional behaviour comprise a heterogeneous group who present a broad array of challenges to educators, whose task it is to help students to address and overcome their problems. For health and social care students, warnings offer early mechanisms and documentation to identify a very small minority who are unsuitable to enter professional practice.

### 8.4. Willingness to confront reality

The recognition of problems requires systems for their monitoring and detection.<sup>25</sup> Staff must feel that reporting student difficulties will not be ignored, is worthwhile, and will lead to useful intervention.

Prerequisites to the use of warnings are the ability to recognise problem behaviour, coupled with a willingness to confront reality. The unwillingness to confront reality remains a problem, with continuing reports of

students being allowed to graduate as health or social care professionals in the face of grave concerns on the part of education staff who agreed that they would never allow that graduate to treat a relative of theirs.<sup>26</sup> Such staff have been described as ‘silent witnesses’.<sup>27</sup> Failing to address unprofessional behaviour simply promotes more of it<sup>28</sup> and imperils patient safety.<sup>29</sup> ‘Failure to fail’ has long been recognised and researched but is difficult to confront and continues to thrive.<sup>25–28,30–35</sup>

## 9. Conclusion

Clear guidance to students about what is expected of them whilst in higher education is important. This guidance takes the form of general advice aimed at all students, as, for example, set out in university, course and programme handbooks which are aimed at groups of students, and specific advice for students who have failed to comply with general guidance and requirements for the programme. This specific advice can include, for students who have departed from required behaviours, focused guidance in the form of warnings aimed at individual students. The use of warnings requires as a starting point the recognition that there is a problem, which can be a considerable hurdle for some educators. If warnings are to achieve their potential for helping students to improve, they need to be built on a clear and transparent framework of programme regulations, to be constructed with care and applied with consistency, and this paper sets out the essential components of warnings.

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