Warnings

What is a warning?

A warning is a way of publicly recording that a nurse or midwife’s past conduct was unacceptable without the need for the Fitness to Practise Committee to make a decision about the case.

Resolving a case by warnings

We would likely resolve a case by warnings if:

- the seriousness of the past events means there’s a real possibility that the committee would find the nurse or midwife’s fitness to practise currently impaired, but
- there’s no current need to restrict their practice because the nurse or midwife has accepted the regulatory concern, shown insight, and has put any problems in their practice right through remediation, where relevant.

This would be appropriate in cases where the regulatory concern is about:

- serious clinical errors or failings, where clinical problems have been addressed
- incidents which might affect the public confidence in nurses or midwives which are not directly related to clinical practice
- minor offending resulting in criminal convictions or cautions.

If the regulatory concern is about minor issues which aren’t serious enough on their own to call into question the nurse or midwife’s fitness to practise, it may be more appropriate to close the case or issue advice.

It also wouldn’t be appropriate to resolve a case by warnings if:

- the nurse or midwife would pose a risk to patient safety if they were able to practise without restriction
- there’s doubt about the level of the nurse or midwife’s insight into the unacceptable nature of their past conduct
- the incidents are so serious (even if they happened away from the nurse or midwife’s clinical practice) that we would need to take action to restrict their practise to maintain the public’s trust in all nurses and midwives, or uphold professional standards
- the regulatory concern is related to the nurse or midwife’s health.

Publication of warnings

We’ll publish the decision to issue a warning on our website seven days after the decision has been made.

The record of the warning sets out the:

- statement of regulatory concern,
- relevant standards of practice and behaviour under the Code, and
- reason for issuing the warning.
The fact that warnings are only issued in cases where the nurse or midwife’s practice does not present a risk to patients is clearly explained as part of the definition of a warning. This is accessible from the online record of the warning itself.

Warnings stay on the nurse or midwife’s register entry for 12 months.

**Reviewing warnings**

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We can review decisions to issue warnings on the grounds that the decision may be materially flawed, or where there is new information which may have led to a different decision.

However, the Registrar must also decide that a review is in the public interest, or is necessary to prevent injustice to the nurse or midwife. Where these criteria are met, the public record of the warning will be amended to show the decision is under review.