

The UK Inter-Professional Group

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THE EDUCATIONAL ROLE OF PROFESSIONAL REGULATORY BODIES

A Position Statement by the UK Inter Professional Group

Introduction

In 1999, the United Kingdom Inter Professional Group (UKIPG) published a Position Statement on Professional Regulation. This was included in that year's Annual Report and followed wide-ranging debates about professional services, consumer protection and how professionals are regulated.

The UKIPG exists as a forum for the regulated professions and is itself concerned with the effective regulation of those providing professional services. In considering the nature of a profession, the UKIPG concluded that a profession must have a governing body which sets standards of education and professional achievement for entry, and which sets ethical standards and professional rules which are to be observed in perpetuity by its members. This system is intended primarily for the benefit of the public both generally and individually. The process has, however, beneficial side effects for the standing of the professions and for the protection of their members.

A person seeking the services of a member of a profession does so primarily because the profession incorporates a unique body of knowledge, and requires understanding and skill in its application, which greatly exceeds that of the lay person who needs it. Moreover, that knowledge is often counter-intuitive, and not easily accessed simply by the application of diligence, common sense and a visit to an internet site. Clients must have confidence that professional practitioners are competent in their fields of work. Clients must also be assured of commitment by members of the professions both to maintain that competence, as relevant technology and best practice develop, and always to act with integrity and honour.

The function of the professional regulatory bodies is to provide a structure through which that competence and commitment can be publicly affirmed and validated. This professional regulatory structure complements those which:

- Maintain technical standards for products and services, particularly in the maintenance of public health and safety;

- Ensure that reasonable value is obtained for public and private expenditure;
- Enforce the relevant civil and criminal law.

The UK Regulatory Tradition

The UK regulatory tradition is no longer unique, in that it has been emulated in many parts of the world. On the other hand, it is very different from the structures often found elsewhere, particularly among the continental member states of the European Union.

Most Governments recognise a duty to regulate those professional services which, if improperly provided, could adversely affect the health, safety and wellbeing of individual citizens and the overall economic and political stability of the state. Over many years, UK Government has recognised that, whilst regulation is required, primary legislation is an inconvenient and incompetent tool for the purpose. At best, it can lock what should be world-class practice into a time warp; at worst it can legislate for incompetence through the lack of scientific or other understanding of legislators, legal draftsmen or officials.

To avoid these traps, the Government chooses one of several models to introduce peer judgement and self-regulation into a form of Government-supervised regulation, either by:

- The erection of independent statutory regulatory bodies for the purpose;

or by

- Regulating non-statutory professional associations, either by Statute or Royal Charter, and using the Privy Council as the regulating agency.

Whilst most administrations recognise the former, it has been necessary for Government Departments to dispel the erroneous view that the latter bodies are ‘private clubs’. A DTI letter¹ relating to Directive 89/48/EEC (commonly known as the ‘first general directive’ on mutual recognition) states that:

“These bodies function simultaneously as professional associations and as authorities appointed by the Government to award designatory letters and professional titles to those of its members which meet the specified standard of education and training. An important point to note is that this standard is set in conjunction with the relevant Government Departments and may not be changed without their agreement. This is the essential way in which these Chartered bodies differ from an ordinary professional association, and the feature of their constitution from which they derive their status as competent authorities for the professional titles and designatory letters listed in the implementing regulations.”

Over more recent years, in many fields, these traditional approaches have been supplemented, and arguably challenged or supplanted, by other mechanisms which reflect the corporate nature of responsibility either for vast projects or for multi-disciplinary team processes. The focus has swung away from individual practitioners and on to the 'safe systems of work' and 'liability for products and services' of their employers. As examples:

¹ Department of Trade and Industry, UK Co-ordinator, Directive 89/48/EEC 26 August 1999

- In aircraft maintenance engineering, whilst the single Licensed Aircraft Maintenance Engineer can reasonably certify the fitness for flight of a single light aircraft, it only the corporate management systems which can really assure the successful completion of a major check on a large aircraft. So the regulatory focus properly shifts to the ‘approved company’.
- In nursing, midwifery and health visiting area, individual registered practitioners are accountable for their practice in relation to individual patients. On the other hand, the quality of their practice is determined by the resources made available, by the protocols and procedures defined for a multi-disciplinary healthcare team, and by the staffing mix provided by their NHS or private employer.
- Members of many professions are being incorporated into corporate business management teams, with responsibilities for the ‘bottom line’ whilst, at the same time, retaining personal obligations to Codes of Professional Conduct and sometimes particular statutory duties.

The same evolution can be seen in the educational world at all levels. At one time individual professional practitioners (teachers, lecturers, professors, academic registrars etc) were left alone and expected to do a good job. Many years ago, as the State took more interest in education, Her Majesty’s Inspectorate was formed. This was later reformed into OFSTED, and other methods of quality assurance in FE and HE were required by legislation in 1992. Later and broader forms of ‘quality assurance systems’ emerged, often with a wide range of aims. For example, they address issues of:

- Accountability for the spending of public funds;
- Consumer protection, particularly of the ‘lay consumer’ who might not be expected to know the questions to ask, prior to being educated;
- Child protection, for the youngest in education;
- Equality of access and opportunity for all citizens;
- Achievement in basic skills needed for adult life in society;
- Servicing the industrial and business labour market in a world class and competitive manner;
- Provision of society with competent technical practitioners, especially for the provision of goods and services which influence the public’s health, safety, environment or economic sustainability;
- Provision of clients, patients, customers (etc) with an efficient, effective, reliable and ‘best practice’ service, especially in areas where the ‘professional person’ is consulted because the task relies upon a special body of knowledge;
- The competitive position of UK providers in a global ‘education market’.

From their earliest times, the UK professional bodies have had a position in this milieu. Most exist primarily ‘for the public benefit’. Where a body is essentially a trade association or trade union, there exists a complementary body charged solely with public protection. Some professional regulatory bodies are clearly that; they are established by statute for the purpose (GMC, GDC, UKCC etc).

Other regulatory professional bodies, which might appear only to be ‘private clubs’, are in fact regulated by Government through their Royal Charters, and appointed by Government for regulatory purposes, as already described. This point has regularly to be made to non-UK bodies when dealing with the mutual recognition of qualifications. Bodies with names such as ‘Society’, ‘Association’ and ‘Institution’ appear as ‘designated authorities’ in Statutory Instruments implementing relevant EU Directives.^{2,3}

Whilst many of these bodies exercise their educational role through influence on the content and standard of vocational Further and Higher Education, others retain a long-standing role as an ‘examination board’ for the discipline concerned. This role is often retained, when it might otherwise appear to be redundant within the UK context, because many non-UK educational institutions and regulatory bodies rely upon the UK qualifications system.

Standards, Expectations and Outcomes

All professional and statutory regulatory bodies must first do what their constitutional authority tells them to do. If that is no longer appropriate, there are ways and means of getting it changed, whether by legislation or petition to the Privy Council. However, the process is not expeditious, even when the need for change is clearly recognised.

The primary duty of these bodies is most often set out as being ‘for the public benefit’. It is arguable that all of the points listed above are ‘for the public benefit’. However, most professional bodies would argue for a tighter definition tied to competent and committed professional practice, delivered with integrity and honour to clients, patients or customers.

The emphasis on competence ensures that a professional body looks upon education and training provision from a particular perspective. Whilst it is **interested in seeing** best educational practice, attractive learning environments, imaginative teaching, social inclusion etc, it is **absolutely concerned** with learning outcomes. Those outcomes are not just narrowly defined lists of current factual knowledge, although they embrace a thorough understanding of the ‘first principles’ that underpin the science as well as their applications, but include the personal and professional development necessary to inculcate high ethical standards and professional attitudes and values.

A key feature of a professional or statutory regulatory body is that it has members or registrants who intend to stay in membership, or stay registered, for some period into the future. It is not concerned simply with ‘snapshot’ assessments of competence, valid only on the day of assessment. It is concerned with the commitment of the member or registrant to continued professional competence, as the needs of practice change with time, research, innovation, new technology, new business structures (etc).

² Statutory Instrument (SI) 1991 No 824 (The European Communities (Recognition of Professional Qualifications) Regulations 1991)

³ Statutory Instrument (SI) 1996 No 2374 (The European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996)

As a consequence, a professionally-accredited higher education course⁴ would be expected to:

- Provide a foundation for a wide range of subsequent study and develop a positive attitude towards lifelong learning;
- Motivate students towards the practice of their intended profession and stimulate their learning about that field of work;
- Set the underlying body of knowledge within the context of real professional applications;
- Be taught in a way which shows that there is an integrating theme, which exposes students to a proper mixture of analysis, synthesis, and conceptual innovation;
- Present an intellectual challenge, whilst integrating theory with current professional practice;
- Ensure that the social, legal economic and political contexts, within which the particular professionals operate are understood;
- Contribute to the personal and professional development of students in the context of the particular professional applications, and the need of modern businesses and public services for articulate, problem solving and aware graduates.

This framework is more than the basis for a period of initial further or higher education. It is the basis for the continuing profession education and development which is of the essence of a true member of a learned profession.

Within this framework, a particular profession will have its own specific requirements for knowledge, understanding, skills and abilities, and for more general awareness of related domains. However, many of the generic qualities and expectations are consistent with the definition of 'graduate standards' developed by the former HEQC's Graduate Standards Programme, and the current QAA's work on subject benchmarking and programme specifications.

These are the essential outcomes sought by professional and statutory regulatory bodies from the education and training systems with which they are associated. They provide an important focus for links between Further and Higher Education, National Training Organisations and the Professions.

Working Together or Standing Alone?

There are two broad areas in which there are opportunities for professional and statutory regulatory bodies to work together with other organisations in the field. These are:

- In the specification of intended learning outcomes;

⁴ Based on the Engineering Council's 'Standards and Routes to Registration' (3rd Ed Part 2)

- In the quality assurance of providers.

Success in the second will be greatly dependent upon some prior accommodation of views on the first. The specification of outcomes will vary between the **final outcomes required for full professional practice**, and **those required of an education course** (degree, HND) which leads to, and provides an educational base for, subsequent professional development.

In many areas, the requirements for full professional practice will be co-incident in content (if not in presentation and style) with the National Occupational Standards for the sector. Where such standards exist, and are well regarded by employing organisations and professional practitioners alike, the professional body will have worked closely with the National Training Organisation and others in their formulation. If standards exist, and there is disagreement on their essential content, then that disagreement first needs to be resolved by co-operation, mutual understanding and problem solving. If in a sector, there is no overriding demand for ‘national occupational standards’, it will be because their *de facto* equivalent exists, most often through the prior work of the statutory and professional bodies concerned. This applies to a number of health-related professions.

In all professional education, there should be some overt relationship to the standards for full professional practice. However, except in those few areas where the HE Award **is** the full professional qualification, there is unlikely to be full compliance. Many may take a vocational course (such as law or engineering) and never go on to practice, having used it as an excellent general education. Also, except where professional practice is incorporated into an extended educational programme (as in some clinical courses), there is significantly more learning to be done in a different environment before acceptable professional competence is achieved.

The professional and statutory regulatory bodies have the potential to work together with others involved in course specification and design, and in quality assurance of provision. There is also a strong motivation to do so. Most academics in professional and vocational areas are directly related to the relevant professional bodies. Indeed, it would be a significant cause for concern if they were not. The professional bodies want to serve the interest of those members by protecting them from unnecessary documentation, preparation for inspection, and the disruption and stress of repeated visitations.

However, successful working together is dependent upon a number of factors being present. These place demands on all parties:

- The professional body must be open minded in its approach, accepting that, whilst it may be expert in its technical field, it need not necessarily be so in pedagogy and educational administration.
- The professional body must be able to provide appropriately skilled, willing and available members not just to turn up at the occasional event, but to build partnerships, develop understanding and demonstrate the key skill of ‘working with others’.

There must be a clear understanding that the professional body is ultimately concerned with ‘outcomes’ and the capabilities of individual students and graduates. It matters not what could have been achieved, given diligence, effort, best use of resources etc. What matters to those regulating the professions is what did and does happen.

There must be a clear understanding that other bodies have 'briefs' which may require them to 'audit' the use of public funds, assess the competence of educational administration, provide for equality of opportunity and access, develop new approaches to teaching and learning. Professional bodies *per se*, from areas not directly concerned with the processes of education, can make only a 'lay' contribution to these processes, although individual members may themselves have great personal expertise.

Others processes may be concerned with ranking, with value for money, with relative success in overcoming the disadvantages of a poor intake quality or under-resourcing. In contrast, the professional and statutory regulatory bodies have to provide ultimately a 'GO/NO GO gauge' to the outcome of the educational provision, for public protection.

Because of their fundamental 'public protection' role, professional and statutory regulatory bodies would expect to see professional assessors who themselves demonstrate their commitment to the profession's ethics, value and Codes of Conduct. These are manifest by current registration or membership, and active participation in professional activities, and the maintenance of good standing within their profession and its regulatory body.

Conclusion

This statement by the professional and statutory regulatory bodies in membership of the United Kingdom Inter-Professional Group has put their interest in education and training in the context of their historical and continuing role for the regulation of the professions, for the public benefit, but under Government delegation.

The role of professional and statutory regulatory bodies in education, training and continuing professional development is not something which is subordinate to, or even complementary to, their duty to regulate the profession in the public interest. It is of the essence.

The criminal law protects from, and deals with, wrongdoers. Contract, consumer protection and health and safety law protects commercial and customer interests. Individuals have the protection of employment and counter-discriminatory law. But none of these can protect against the charlatan. The very nature of the professional relationship is that the professional person possesses a unique body of knowledge, understanding, skill, capability and relationships, which are neither generally available outside the profession, nor amenable to 'common sense' acquisition.

It is the professions' systems which assure the fitness for purpose of professional education, training and competence to practice, and which verify the continuing competence of professionals to practice, that are at the heart of professional regulation and public protection.

It is the professions' insistence on adherence to a Code of Professional Conduct, both on admission and continuously thereafter, which ensures that not only are members properly educated and trained at the outset, but continue to practice only in areas in which they have maintained their competence as standards and expectations have progressed with time.