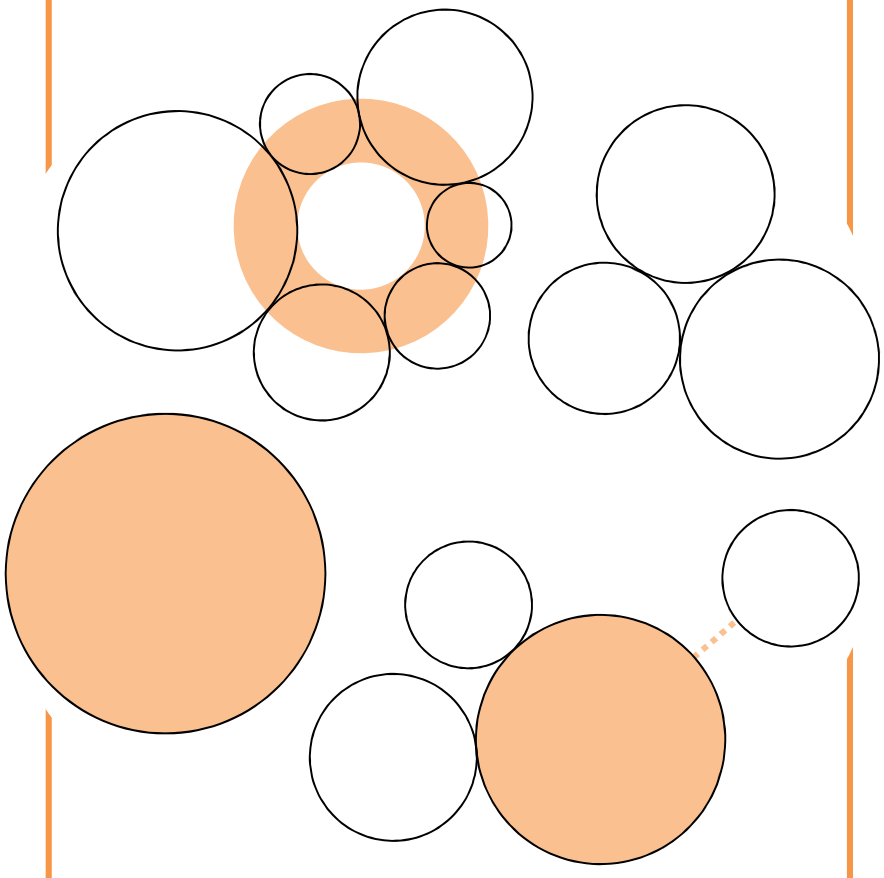
ASSOCIATION AND SELF-REGULATION

IN SMALLER UK PROFESSIONS



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Dr Stan Lester has worked since 1993 as a consultant, researcher and developer in professional and work-related education. He has advised and assisted several professions, including those described here, to develop or revise professional standards, accreditation and self-regulatory processes, and carried out research into professional entry-routes, qualifying requirements and competence standards. He has also worked on a number of European development and consultancy projects and is a visiting academic at Middlesex University's Institute of Work Based Learning. He can be contacted via www.devmts.co.uk.

PREFACE

This publication came about largely in response to two issues that I have encountered in working with different professional groups, and with public bodies and educational institutions who work with them, both in the United Kingdom and in mainland Europe. The first stems from a tendency for professionalising groups to want to compare themselves with established professions, and to take from them characteristics and ways of working that are thought to be a necessary part of 'being a profession'. Sometimes comparators are chosen because they are thought to reflect ideal models of profession, regardless of differences in operating contexts and in the factors that have contributed to their shaping. In particular, medicine and law are often cited as archetypal professions, when they have many characteristics which if not unique are atypical in relation to the majority of UK professions. More often the comparators are reasonable ones, but the possibility that there could be different and more appropriate ways for the emerging group to operate can be overlooked.

The second issue relates to understandings of how self-regulating associations operate, and stems from two sources. One is organisations whose work impinges on professions but who are unfamiliar with the degree of variety and complexity present in the professional sector, sometimes to the point of assuming that all professional bodies are (or should be) able to control their constituencies through formal licensing. The other is a tendency for observers from outside the UK to be puzzled by the nominally free-market context and self-regulated way in which many British professions operate, along with the relatively limited role played by state recognition and registration.

According to the Professional Associations' Research Network, there are around 400 professional bodies of one form or another in the UK. This paper focuses on four professions – currently represented by a dozen or so organisations – and puts them in the context of wider trends and developments in the professional sector. The result cannot claim to be representative in any way, but it does illustrate how some smaller and less conspicuous professions have evolved and shaped themselves in response to the contexts, challenges and changes that they face.

1 INTRODUCTION AND BACKGROUND

In the United Kingdom the idea of 'profession' is well-developed and at least mildly compelling. In most English-speaking countries being a profession suggests being part of an influential grouping that stands largely outside of state or corporate control, provides professionals with collective influence over their terms of engagement and their ongoing development, and accrues a certain amount of social status. Despite the widely-used quote from George Bernard Shaw's *Doctor's Dilemma* (1906) that professions are 'a conspiracy against the laity', public perception of professions remains generally positive (e.g. Ipsos MORI 2013), even if there is less automatic respect for professionals' expertise than might once have been the case, along with more cynicism about professions' propensity to act for the public good. Nevertheless, if this amounts to an erosion of trust it is significantly less than that which has occurred in respect of groups such as elected politicians, major corporations or the press. It is unsurprising therefore that occupational groups continue to seek to distinguish themselves as being professional, and in doing so take on elements of the formal association and self-regulation which characterise many established professions.

In this account I focus on association and self-regulation in four smaller UK professional communities. Two date back to the nineteenth century and before as distinct occupations, with one now a well-established profession and the other having recently created an authoritative membership institute after decades of fragmentation. The other two emerged as occupations in their own right in the final quarter of the twentieth century, and are in different stages of becoming recognisable professions. I explore how these groups – landscape architecture, heritage conservation, family mediation and vocational rehabilitation – have taken on various attributes associated with professions in response to internal and external pressures. While the four professions differ in terms of operating, legal and political contexts and in their specific arcs and timelines of development, all can be considered relatively small in the UK context, accounting collectively for less than 12,000 practitioners.

Becoming a profession

The word 'profession' stems from the Latin verb *profiteri*, to profess, in the sense of making a formal commitment or vow (as in taking a monastic oath). This can be interpreted as suggesting that joining a profession requires a commitment to acquiring its knowledge and skills, and to adopting its ethos. If there is any agreement on what is needed for an occupation to be a profession (using the term in its more restrictive

Anglophone sense) it remains close to this etymological root. Drawing on Hoyle and John (1995) and Freidson (2001), characteristics that gain fairly wide acceptance are the need for expert knowledge, normally drawing on some form of theoretical base; the presence of an ethos that serves the public good; and independence of thought and judgement that transcends any employment or contractual relationship. Beyond that, the process of becoming a profession has variously been described as involving putting in place a definable set of characteristics or artefacts, including national associations, exclusive training processes and controlled requirements for entry (the 'trait' perspective, e.g. Millerson 1964); creating a monopoly over a market for services (Larson 1977); creating occupational control over work, as distinct from bureaucratic or market control (Freidson 2001); accruing cultural capital and increased socioeconomic status (Bledstein 1976); gaining state recognition and legislative support (Collins 1990), generally a weaker theme in the UK than in some other parts of Europe (e.g. Fleischmann 1970); or exerting at least partial control over an area of work in competition with other occupations (Abbott 1988). More recently, sociological studies of professions have tended to focus less on professionalisation as a process and instead consider themes such as gender, class and social mobility (see for instance Beach 2010), examine the colonisation of the professional ideal for managerial or political ends (e.g. Evetts 2009), or analyse how professions work internationally (e.g. Allsop *et al* 2009). There has also been an increase in pragmatic, comparative studies of specific aspects of professions' functioning, such as those carried out by the Professional Associations' Research Network (e.g. Friedman and Mason 2003, Friedman 2007) as well as studies by individual groups of professions (e.g. Howarth 2006). In practice, professionalising groups will vary in which of these perspectives they find apposite and useful, depending on the aims of professionalisation and the context in which it is taking place.

The majority of the literature on professions either focuses on, or uses as its main evidence-base, a relatively small number of occupations: in English-language accounts medicine, law and teaching are particularly prominent, followed by nursing, accountancy, social work, to some extent engineering and the construction professions, and (though rarely in terms of exploring factors of formal professionalisation) business management. While these amount to a diverse and eclectic grouping, they are all large and well-established occupations most of which can be described as 'professionalised', if having achieved this in different ways and (depending on the standpoint taken) to different extents. A particular danger of this bias is that it holds out a limited set of examples of profession that have become regarded, explicitly (e.g. Glazer 1974) or more implicitly, as exemplars. The use of medicine and law as archetypes, both of them operating in contexts and being organised and regulated in ways that are highly atypical of UK professions as a whole, is a particular case in point.

For smaller occupational groups, including those that are emerging as professions early in the twenty-first century, the circumstances and factors shaping their professional-

isation can be substantially different from those that were significant for the large established professions. There are however several factors that have exerted a fairly general influence on the evolution of professions over the last two to three decades, even if their relative importance and level of influence varies between different occupational areas. The first of these is an underlying factor that more often than not goes unremarked in professions themselves, but nevertheless has had a pervasive influence on both the way that they conceptualise themselves and how they frame education, development and standards. Over most of the twentieth century a dominant approach to professional knowledge and practice grew up that can be described as positivistically-influenced, technically-oriented and based on an assumption of expert power (Schön 1983, Eraut 1994). This technocratic or technical-rational model represents professional knowledge as deriving from scientific knowledge and being applied to solve practical problems. It supports a model of training and updating where professions can control both the curriculum for entry and the knowledge that practitioners are assumed to need in order to remain up-to-date; and it assumes that the professional's job is to produce expert solutions to problems presented by the client, as illustrated in the traditional doctor-patient relationship. Even as this perspective was reaching its zenith in the 1970s there was gradual realisation that it was both too limited on its own to support appropriately competent professional practice, and an uncomfortable fit with professions that were not characterised by technical knowledge and procedures. Alternative perspectives gradually took hold to challenge it, perhaps most notably the idea of the practitioner as interpreter and creator of knowledge as reflected in the work of Donald Schön (Schön 1983, 1987) as well as that of proponents of action learning (Revans 1980) and action research (e.g. Carr and Kemmis 1986). Alongside this a more facilitative model for professional practice began to emerge, represented by notions such as realisation systems (Schiff 1970) and co-production (Reeves and Knell 2006), where professionals are encouraged to work with clients in a more collaborative and power-neutral way to achieve outcomes that are 'owned' by the client. This newer perspective has by no means overturned the technical-rational one, though it has displaced its unquestioned dominance and provided alternative conceptions that professions now draw on routinely.

A second major influence has been the growth of the 'risk society' (Beck 1992), where societies and governments seek to understand and work with the risks that they face. For professions, this has tended to create a focus on standards and regulation, and bring in concerns with ensuring quality at points additional to the traditional one of exit from formal training; typically this will include sign-off as ready to practise, maintenance of competence, and the ongoing standard of practice. This direction is characterised by a number of tensions concerned with, on the one hand, ensuring high-quality, evolving practice, and on the other minimising risks in a way that is visible and auditable. Increased political emphasis on transparency and measurability has created something of an obsession with audit and control (Power 1997, Strathern 2000), which particularly in

the public sector can produce pressures for professions to submit to tighter forms of organisational control and external regulation, and for individual professionals to work within more heavily-managed organisational frameworks. When combined with the British predilection for markets and competition that has been evident since the early 1980s, this has created new demands for oversight to replace or reinforce the traditional ones that were based on professions gaining a measure of market monopoly in return for self-regulation in the public interest (Marquand 1997). In some cases this has led to complex interrelationships between multiple agencies and interests that seek to influence how professionals operate (e.g. Kuhlmann and Allsop 2008). In practical terms, these tensions can produce an emphasis on education and training that seeks to develop broader capability, adaptability and ethical literacy (O'Reilly *et al* 1999, Lunt 2008), while at the same time creating pressures to revert to more purely technocratic and ultimately less effective models for setting practice standards or ensuring updating.

A further factor that has recently had an impact on professions is societal concern with equality of opportunity, and more specifically in this context with fair access to professional careers and increasing the diversity of the professional workforce. Early routes to entering professions could be more a matter of recommendation and patronage than anything resembling an objective admission and qualifying process. While these were gradually eroded by the growth of explicit training and credentialling processes during the late nineteenth and twentieth centuries, various factors (including barriers to access to the mandated education and training routes) continued to exert discriminatory effects, resulting in some professions recruiting from relatively homogeneous pools even into the current century. Political imperatives and initiatives (e.g. Milburn 2009) as well as efforts by professions themselves to broaden their intake have gradually worked to open up entry-routes, providing for instance easier access for experienced but unqualified workers as well as non-graduates and career-change entrants; these 'non-standard' pathways have not however always been exploited as well as they could be (Lester 2009). More recently, the cost to students of higher education has at least threatened to create an additional entry-barrier, against which there has been increasing interest in high-level entry-routes that bypass full-time university education. These have been supported by the government in the form of high-level apprenticeships, some of which incorporate degrees and lead directly to professional status, as well as by some professional bodies and professional services firms (e.g. Hamnett and Baker 2012) in creating their own work-based routes to qualified level.

Finally, professions in the UK and elsewhere are increasingly working in an international context, both through collaboration and what might be called meta-association, and in terms of agreeing common or at least mutually acceptable standards. Three main aspects of this are commonly present. One is where professional service firms operate internationally or in international markets, a notable feature in accountancy and to a lesser degree law, creating pressures for international compatibility of procedures and

standards. This can create a challenge for national professional associations and regulators, particularly where there are divergent legal systems and a lack of wider frameworks for professional collaboration such as those present in the European Union (EU); this is magnified where the profession aims to regulate firms as well as individuals (e.g. Suddaby *et al* 2007, Flood 2011). The second is where actions are taken to aid the recognition of practitioners across countries, either through legislative means such as EU directives, multi- or more often bilateral agreements between the professions in individual countries, or unilateral agreement to accept approved foreign qualifications as meeting some or all of the home country's requirements. In addition to simple matters of recognition, this can create movement towards common standards of qualification and admission, though as yet this rarely extends to affect other aspects of professions' activities. In the UK this has become a significant phenomenon in relation to other EU countries, although for some professions agreements with other, mainly Commonwealth or English-speaking, countries are also important. The third dimension concerns standards, agreement and general collaboration on the profession's work, which may be driven by common interest among the relevant practitioner communities or by legislative or other external pressure. This is more likely to result in some form of meta-association or standing conference, such structures becoming fairly common in the established professions at a European level. A fourth dimension may also be present where the professional body creates an international market for its qualifications and membership, as has been done successfully for instance by the Royal Institution of Chartered Surveyors and the Association of Chartered Certified Accountants.

Professions as associations and self-regulating bodies

In the UK, an archetypal or ideal model of professional association can be posited that is self-organising, takes responsibility for various aspects of its members' competence and standard of practice, and operates in a largely free service or employment market: the profession's success depends on its ability to convince both potential members and their employers or clients that there are advantages to be gained from working within its framework. In this model, practitioners join the association and submit to its regulations partly for the rewards of belonging to a community of practice, and partly in the expectation of greater benefits than would be obtained from operating outside, particularly in terms of things such as improved access to employment, remuneration, status, influence over the field, and job satisfaction. Service users and employers freely choose members of the profession in expectation of high quality, fair (not necessarily the lowest) costs, and redress via the association (or at least its requirement for practitioners to carry insurance) if things should go wrong. In practice, while this is a fair description of some professions' operating contexts, the picture is often modified by a variety of other factors including the presence of competing groupings and associations within the same occupational arena, alternative frameworks provided by employing organisations or major clients, practitioners and clients or employers gaining benefits (which can be

legitimate or otherwise, and mutual or at each other's expense) from working outside of the profession's framework, and various legal and organisational influences on how and by whom the occupation's work is carried out.

The basis of regulation in UK professions varies from fully-voluntary models where practitioners are free (if at the risk of losing some advantages) to operate outside of any professional framework, through to those where it is illegal to practise unqualified and unregulated. A legal basis for professional regulation is present when there is either a reserved function, i.e. an activity that is restricted by Act of Parliament to members of the profession (for instance the requirement for company financial audits to be carried out by members of specified accounting bodies), or a reserved title (such as 'dentist' or 'architect') that can only be used as stated in the relevant Act. Practitioners who wish to carry out these functions, or use reserved titles, are by extension required to conform to the regulations of the relevant governing body. Only a minority of UK professions have legislation protecting titles or functions, and in some of these the protection is no more than partial; for instance several of the functions commonly performed by solicitors and most of those by accountants are open to alternatively-qualified or unqualified practitioners, and reserved titles on their own do not prevent people who do not hold or use the title from carrying out the work normally associated with it. Historically in the UK there has been a reluctance to legislate in relation to professions unless an overriding matter of public interest can be demonstrated; although what constituted an overriding concern became more widely interpreted under the 1997-2010 Labour government, a more traditional position was restored under its Conservative-Liberal coalition successor (the principle of 'one-in, one-out' regulation, i.e. ensuring that any new regulatory requirements are balanced by a reciprocal cut in others, is explained in Department for Business, Innovation and Skills 2011, and a short summary of current thinking in the health and social care sector, the professional field most subject to government intervention, is given in Department of Health 2011).

In addition to reserved titles and functions, there are other measures that can place mandatory requirements on a proportion of professionals in any particular field; these include requirements for practitioners working in the public sector (for instance teachers in state schools), regulations that create *de facto* reserved functions (e.g. the sign-off of structural surveys by surveyors or structural engineers), and situations where insurers require professional membership in order to underwrite liability for particular activities. The expectations of major stakeholders can in some cases have a similar effect, for instance mortgage lenders requiring property valuations to be carried out by surveyors or valuers, or banks requiring business plans to be approved by a qualified accountant. A further strategy open to established professions, provided that they are widely supported as having authority in their fields and meet minimum requirements for both the number of members and the level at which they are qualified, is to apply for a Royal Charter. Subject to certain conditions this gives the profession the exclusive right to award an

agreed chartered title; it then becomes illegal to use the full title (e.g. Chartered Engineer) unless it has been conferred by the authorised body. Finally, there are fields where although there are no legal or quasi-legal restrictions on title or practice, the advantages in terms of employment or access to clients provided by professional membership can be considerable, creating a strong incentive to join the relevant association and be subject to whatever oversight it provides.

The way in which professional standards and regulatory frameworks are overseen can be considered on a spectrum from self-regulating to externally regulated. At one end is the archetypal model referred to above, where a fully independent membership body represents the profession, provides services to members, and regulates them to a greater or lesser degree. This is the predominant model outside of the health and social care, education, and legal services sectors, and while it is more often associated with areas where public protection issues are less critical, it encompasses major professions such as engineering, accountancy, veterinary medicine, and surveying. Legislative standards may be applied to relevant aspects of the profession's work (for instance via animal welfare legislation, building regulations and tax law), but these are a separate matter from regulation of the profession itself. At the other end of the spectrum is external regulation, where the regulator is independent of any membership body. While occasionally the *de facto* regulator is a government department (as has been the case over the last few years for teachers in English state schools), a more usual arrangement for the UK is for an independent regulatory and registration body to be set up with a mix of professional and lay representation. This can either cover a single profession or group of closely-related professions (as with the General Dental Council or Nursing and Midwifery Council), or less commonly a range of broadly related occupations (as in the case of the Health and Care Professions Council).

The distinction between self- and external regulation is not a precise one, as although regulation can be separated constitutionally from representation and membership services by ensuring there are no formal ties between the regulator and the membership association, the regulator can still be subject to substantial influence from the professional community. The complex nature of much professional work necessitates regulators drawing on members of the profession in order to set and monitor appropriate standards, and it is common for their governing bodies to be composed of a majority of people from, or trained in, the profession. A case in point is provided by the General Medical Council (GMC), which while independent from both the British Medical Association and the various Royal Colleges that govern medical and surgical specialisms, has a smaller proportion of lay members on its governing council than is for instance proposed for the professional standards board of the would-be self-regulating body for family mediation (discussed in the next chapter). The GMC is often regarded as part of the profession and as a tool of *self*-regulation (e.g. Irvine 2007), and subject to the same type of accusations of bias in favour of its members as have been made of some

self-regulating associations (Davies 2000). An examination of the functions and mode of operation of established professional regulators provides at least some evidence to suggest that as they grow in power, are accepted by their professional communities, and undertake a wider range of functions, they become drawn into the profession and – short of differences in constitution – fulfil a similar role to that of membership associations. Part of the rationale for introducing public bodies providing oversight of professional regulators, as has been done in the health and legal services sectors and (in a more limited form and in relation to self-regulating associations) for financial reporting, is to seek to ensure that regulation is carried out impartially and effectively.

Intermediate between self- and external regulation is a model that involves a pairing of a membership body and a semi-independent regulator, constituted so that the former is constitutionally unable to influence the day-to-day decisions of the latter. This model has evolved to free regulatory decisions from potential vested interests, typically where there has been government or public perception that the profession may place the interests of its members above those of the public or create unwarranted restrictions on practice. The most prominent examples are in the legal sector, where the paired approach has been promoted by the Legal Services Act of 2007 (and see Clementi 2004). Under the provisions of this legislation, six such pairings and two additional regulators are overseen by the Legal Services Board, a non-departmental public body with overall responsibility for legal services standards in England and Wales. The paired model has a longer history in architecture, dating back to 1931 when the Architects' Registration Council (now Board) was formed to take responsibility for the protected title of 'architect'. Somewhat confusingly, the Royal Institute of British Architects, which is a more visible and longer-standing chartered body, governs the regulations for the title of Chartered Architect. Paired arrangements can be the subject of ongoing friction and debate, including in terms of their necessity, financial and resource implications, the degree of independence and interdependence between the two bodies, and which functions should be handled by which organisation (e.g. Ball 2009, Solicitors Regulation Authority 2013). There is also a danger in these arrangements that over time the membership body becomes voluntary and atrophies, again leaving the regulatory arm under pressure to act as a substitute professional association.

An additional aspect of organisation that has some bearing on self-regulation is the presence in some professions of umbrella organisations. These are usually voluntary bodies composed of all or some of the membership associations in their field. Their function is normally to provide common standards and sometimes other functions that the associations judge are better managed jointly; these can include setting and overseeing codes of practice, standards of competence, and criteria for gaining and maintaining qualified status. The most prominent example in the UK is the Engineering Council, set up in 1981 and now comprising over thirty engineering bodies; one of its main functions is to oversee the criteria for Technician, Incorporated

and Chartered Engineer. While many of the Engineering Council's members are chartered bodies in their own right, an advantage of this approach is that it enables members of smaller associations that lack this status to have access to chartered titles as well as to a common professional standards framework. Similar functions are performed in their respective fields by the Science Council and the Society for the Environment, and examples of smaller umbrella bodies are discussed in the next chapter.

The principal mechanisms of professional (self-)regulation include specified entry criteria and training requirements; criteria for the award of qualified status; a code of practice or ethics; requirements for updating and maintaining an adequate level of competence; and processes for responding to complaints, requiring practitioners to improve their practice, and if needed withdrawing their membership or qualified status. A number of trends can be observed in relation to these mechanisms, of which the major ones relate to entry-routes and assessment for qualified status (Lester 2009), and continuing development (Friedman 2011). Over the last twenty years or so there has been in many professions a gradual backing-off from the late twentieth-century trend to normalise entry through full-time university study, so that a more varied range of entry-routes have become available (if not always well-used or adequately supported). As noted in relation to access and diversity, this has in recent years has gained greater importance due to the high cost of higher education, and work-based entry-routes, sometimes incorporating part-time degrees, are reappearing as an alternative to the traditional sequential route of full-time higher education followed by a period of supervised practice (cf Bines 1992). Alongside this, many professions have implemented clearer standards for sign-off to practise as well as more rigorous final assessments (Lester 2014a). In relation to continuing development, there has been an overall movement away from updating requirements based on hours spent on courses and other approved activities to systems where practitioners are encouraged to plan and manage their ongoing development using learning from a much wider range of sources, with the professional body focusing on the outcomes and value of the learning rather than the methods used. A less common trend is to require active reapplication on a periodic basis, with additional evidence of a minimum level of practice and sometimes ongoing competence needing to be produced (see UK Interprofessional Group 2008).

2 THE CASE-STUDIES

The case-studies that follow – landscape architecture, conservation of cultural heritage, family mediation and vocational rehabilitation – represent relatively small occupations, with currently the first accounting for just under 6,000 practitioners, and the remaining three for a similar number collectively (excluding in the last-mentioned several thousand who undertake aspects of vocational rehabilitation as members of another profession). The four have been selected to illustrate a spectrum in terms of age as a distinct occupation, current stage of development, and general approach. Landscape architecture is a well-established and now chartered self-regulating profession that can be regarded as close to the voluntary, free-market archetype posited in the opening chapter. Conservation is of similar vintage, but until recently it has been less formally organised. Family mediation and vocational rehabilitation are much newer as recognisable occupations, and can be considered emergent professions; the former has grown up in a high-profile legal and political environment where association and a measure of regulation have had to occur relatively quickly, while the latter has developed more informally and has only recently put in place a code of ethics and professional standards.

The four examples also differ in respect of entry-routes and practitioner careers. Landscape architecture and conservation are primary professions that are commonly entered via full-time higher education, as well as being attractive to mature entrants who typically will have gained some of the relevant skills in a related occupation. Family mediation can be considered a secondary profession in that it is premised on entrants already having experience of working with families, typically as a family lawyer, social worker or counsellor; it is also practised as a supplementary activity alongside these and other occupations. Vocational rehabilitation is typically part of the work of professionals in other fields, generally health-related although also in areas such as careers guidance, employment services and personnel management; while some of these go on to make it their full-time occupation, it can be viewed as much as a professional function as a discrete profession.

Finally, the degree of compulsion to come under a regulatory framework varies across the four occupations. Family mediation has one reserved function relating to a relatively small (if important) area of its work, and a set of contractual requirements and quality standards applying to firms (including sole practitioners) who work with publicly-funded clients. Landscape architecture lacks reserved functions and much of its work is in principle accessible to members of adjacent professions, but there is still a significant advantage to achieving and maintaining qualified status as a landscape architect rather than for instance taking a relevant degree and then working outside of the professional

association. In conservation, qualifying with the professional institute is voluntary, while providing advantages for career progression, gaining public- and voluntary-sector contracts and promoting private-sector services. As described above, vocational rehabilitation currently lacks a qualified status and therefore joining the relevant association is more a matter of personal inclination and perceived benefit.

The evidence-base for the case-studies has come primarily from my engagement with all four occupations as a consultant to develop various aspects of professional organisation and self-regulation. In conservation this has included setting up and later reviewing the qualifying and continuing development processes, as well as advising on matters relating to the formation of a new professional institute and reviewing how self-regulatory activities had transferred into it; in family mediation, undertaking a systemic review and restructuring of self-regulation processes, standards and governance; in landscape architecture, guiding the development of professional standards along with the assessment criteria for chartership; in vocational rehabilitation, revising professional standards and advising on the development of a competence framework, as well as providing expertise as a partner in a European project to develop a paraprofessional qualification. These pieces of work, each spanning between two and ten years, enabled me to develop a rich picture of each field through multiple means including examining the profession's published and unpublished literature, formal and informal discussions with practitioners, working and focus group meetings, and various reviews, consultations and evaluations. In addition I invited key people in each field to comment on drafts of the case-studies as presented here.

My approach is essentially transdisciplinary, in the sense that it takes the practice context as its starting-point and is concerned with making sense of it for practical purposes rather than studying it from for instance a sociological or organisation theory perspective. The aim to produce what Nowotny *et al* (2003) term Mode 2 or transdisciplinary knowledge, i.e. knowledge that is intended for use in practice contexts, though with the benefit of engaging with literature and practice from beyond the examples being studied. In compiling the case-studies I have taken an approach that combines a phenomenological philosophy, in particular a desire to understand contexts from the standpoints of those situated in them, with a systems perspective, concerned with how activities and artefacts combine into an emergent whole, in order to build up the description of each field.

Landscape architecture

Landscape architecture is concerned with the design, planning, science and management of landscapes, placing it in an arena that includes the construction, land-based and environmental sectors. Designed landscapes can be traced back to the earliest civilisations, and by the seventeenth and eighteenth centuries professional landscape designers were in evidence in Europe and elsewhere, shaping the grounds of great estates

and urban parks and gardens alike. The term 'landscape architect' was coined in the late 1850s by Olmsted and Vaux, the designers of Central Park in New York, and it appeared in the UK towards the end of the nineteenth century. Associations of landscape architects were formed in the USA in 1899 and Germany in 1913, with the UK's Institute of Landscape Architects (ILA) being founded in 1929. While the term 'landscape gardening' had been used throughout the nineteenth century and beyond to refer to the creation of even the largest-scale designed landscapes, landscape architecture as an emerging profession drew as much on architecture and planning as on horticulture. Although early ILA members included notable garden designers, the profession became particularly geared to the layout of public space. In Britain this had come into public consciousness through the Victorian era of urban park building (the first parks designed specifically for the public were laid out in London and Birkenhead in the 1840s), grew in significance through the 'garden city' movement of the early twentieth century, and reached maturity in the post-war construction of the new towns. The legislation accompanying the development of the latter provided a significant boost to the role of landscape architects in urban planning through requiring each new development to have a detailed landscape master plan.

During the second half of the twentieth century, the development of new towns and the wider recognition of the importance of 'green space' led to an expanding profession, with much of the growth coming from the public sector; from an initial emphasis on private practices, the bulk of employment moved to local authorities and other public agencies. Since the 1980s this trend has reversed with around half the workforce now in the private sector, including a proportion in multiprofessional built environment or environmental firms; employment in voluntary organisations connected with the environment has also increased. The role of landscape architects evolved from an initial conception principally concerned with design and implementation to a more systemic consideration of landscape that includes planning, land use, science, ecology, and ongoing management (Motloch 2001). This wider remit was recognised through the ILA renaming itself to the Landscape Institute (LI) in 1972, and accepting members who were not trained as designers; initially three divisions, for landscape architects, landscape scientists, and landscape managers were created, subsequently expanding to further specialisms with the term 'landscape architect' reinstated as a generic title for all.

The process of professionalisation in landscape architecture was relatively straightforward, particularly when compared with the three professions described later in the chapter; describing its development in the USA, one commentator could, if with a certain amount of naïve optimism, claim that it had reached a point of closure with the publication of its code of ethics in 1927 (Vernon 1987). The presence of more mature professions in the same arena in the form of architecture and to a lesser extent town planning provided established models on which it could draw, and to a large extent the ILA's approach to education and entry mirrored that of architecture. As with the latter profession, entry-routes were staged in four parts, each examined by the Institute, with

the final part comprising a written examination and an interview on professional practice. As the number of university courses in landscape architecture grew, internal examination for the first three stages was replaced in the 1980s by accredited degrees. These were normally followed by two years of supervised practice culminating in the final professional practice examination, which led to fully-qualified membership. Currently (2014) there are 31 accredited bachelor's and postgraduate degrees, plus a well-used facility to consider applications on merit from individuals who have taken non-accredited courses or (exceptionally) lack relevant qualifications at university level. Of the four case-study professions, landscape architecture is currently the only one to have a degree benchmark statement published by the Quality Assurance Agency for Higher Education, the UK body responsible for overseeing degree standards.

The profession's development towards the end of the twentieth century was marked by increased recognition of the importance of environmental matters in relation to the landscape, as well as by the LI gaining a Royal Charter in 1997, giving it a similar level of recognition to other built environment professions such as architecture, planning and surveying. A 1985 European directive on environmental impact assessment gradually led to a rising demand for practitioners able to work on environmental matters, raising the profile of this aspect of the profession's work; although the LI was not the only association active in this area (the long-standing Chartered Institution of Water and Environmental Management and newly-formed Institute of Ecology and Environmental Management overlapped into the same territory), the effect of this and related legislation and developments was both to create new specialist opportunities and to increase the extent to which environmental matters permeated through landscape architects' work. The interdisciplinary and inter-specialist nature of the profession was recognised through a change in emphasis from discrete divisions, with the implication of needing reaccreditation to transfer from one to another, to a more holistic view of the profession with more but less rigidly defined specialisms.

More recently, the UK profession has worked to update its entry-routes post-degree. Following completion of an accredited course or individually-approved alternative, new entrants now enter on to the Pathway to Chartership, a period of mentored and supervised practice that involves ongoing assessment and building up a portfolio of projects. There is now no fixed length for this period, and it can be completed in less than two years particularly if the candidate has had previous relevant experience. The final assessment is an interview which explores the areas that the candidate has worked in as well as general aspects of professional practice; there is no longer a written examination, and assessment criteria are based on a professional standards framework that was introduced in 2012. The LI was also one of the earlier professional bodies to recognise the value of self-managed continuing development, rather than attendance on approved courses and other prescribed activities; from 1992 continuing development policy recognised that for many practitioners, self-managed learning would play a larger role than courses and conferences, with the Institute recognising and encouraging this.

The number of landscape architects has grown steadily throughout the life of the LI and its predecessor, with membership now totalling just under 6,000 including 3,300 qualified to chartered level. There has however been a recent decline in the number of students at a time when there is already anecdotal evidence of a shortage of landscape architects, and a current priority is to increase recruitment into the profession.

Landscape architecture as a profession has a significant global presence, with very roughly north American and western European associations dating from the first half of the twentieth century and most of those in the remainder of the world from the 1950s and later. An international federation, IFLA, now based in Brussels, was inaugurated in Cambridge in 1948 with fifteen countries as members; it now has 71. A European network of associations was also set up, subsequently merging into IFLA. A major aim of European collaboration has been to agree on mutual recognition of qualifications between countries, but because of differing requirements and approaches this has not yet come to fruition; currently the LI has shared recognition agreements with a small number of English-speaking and Nordic countries.

Landscape architecture is a relatively small if now well-established profession that has created a significant niche for itself alongside other built and natural environment professions. It has had the advantage of growing up alongside more mature comparators, which while overlapping with it have never provided a serious threat to its core territory; it has also been well-placed to benefit from the surge in environmental concerns over the last few decades. Although much of the work of landscape architects takes place in a public context, the profession itself operates successfully in a largely open market without significant protection or interference from public bodies. While not commanding the same level of public awareness (or remuneration, at least at the upper end) that has been achieved by architects, it has gained a high level of recognition among adjacent professions, public bodies and environmental organisations. In terms of self-regulation, it can be seen as successful in terms of operating a regime that is effective without placing particularly onerous measures on individual practitioners; it has also avoided any calls for more complex regulatory structures. Landscape architecture can therefore be considered to be close to the archetypal model of self-governing profession posited in the introduction, and it also suggests a certain amount of closure in terms of its professionalisation project, particularly when compared with the case-studies that follow. However, factors such as its response to the raised emphasis on environmental matters, increasing transprofessionality, changes to entry-routes (an area where further attention may be required if the goal of expanding the profession is to be achieved), and the issue of international recognition and mobility illustrate its continuing need for evolution in the light of external change.

Conservation of cultural heritage

Conservation, the activity of preserving and preventing the decay of material heritage and works of art, has taken place as long as cultural artefacts have been valued, with records of artist-restorers going back over two thousand years. In Europe, formal apprenticeship-type training for paintings restorers had appeared by the end of the eighteenth century, and the first university courses were established in the 1930s including one at the University of London in 1937 (Scheißl 2000). The UK Institute of Conservation (UKIC) was formed in 1958, a decade after the earliest international conservation bodies, and other associations followed both to represent specialist interests (paintings, paper, photographic materials, preventive conservation and so on) and individual countries (a Scottish association and a body covering both the north and south of Ireland). Most of these organisations were initially closer in style to learned societies than what would now be thought of as professional bodies, with two in particular also taking on some of the functions of a trade association or guild in relation to restorers in private practice. Significant milestones in the development of conservation as a profession came with the Charter of Venice in 1964, effectively a rudimentary international code of practice, and the development of an influential definition of conservation by the International Council of Museums in 1984. These two decades also saw substantial expansion of university courses and wider recognition of conservation as an activity grounded in art history and materials science as well as in the craft of the artist-restorer. At the same time, a certain amount of tension became apparent between approaches to conservation that drew on craft and restorative traditions, emphasising interventive skills and the return of objects to something like their original condition, and more archaeological and preventive approaches, which emphasised minimal intervention and the preservation of objects substantially as found (Hassard 2006).

By the beginning of the 1990s, eleven conservators' and restorers' associations had become established in the UK and Ireland, the largest being the UKIC and the specialist Institute of Paper Conservation (IPC), and in addition bodies such as the Society of Archivists, Museums Association and British Horological Institute included conservators in their membership. The history of these associations over the preceding three decades had been one of alliance and fragmentation, leaving a situation where less than 3500 practitioners were represented by more than a dozen bodies, and several of the specialist associations were mirrored by special interest groups within the UKIC. Perhaps unsurprisingly conservation was unable to act as a coherent profession, and some form of meta-association became almost inevitable; this was formed in 1993 with twelve associations as members, and became known as the National Council for Conservation-Restoration (NCCR).

Several interrelated factors influenced conservation's drift from a learned society and trade association model to a more formally professionalised one. Firstly, conservators

perceived themselves as having a weaker voice than other occupational groups involved in the cultural heritage sector, such as curators, archivists and architects; these more visible professionals tended to make the strategic decisions about heritage, with conservators taking the role of the back-room operators who implemented the instructions. As a direct consequence of this, there was a view that heritage was being damaged by decisions at both national and local level that prioritised its display and use rather than its care. Secondly, rates of pay for conservators (at least in the public and voluntary sectors) were typically below those of the above-mentioned groups, so that while a curator or archivist might be placed on a professional grade, a conservator with comparable training and experience could be on a lower-paid technician grade. Thirdly, while a private market for conservation and restoration services had always existed, this expanded significantly in the last two decades of the twentieth century largely due to museums and heritage organisations reducing their conservation workforces and contracting work out; as private practices and freelance conservators expanded to account for around half the workforce, interest mounted both from within the profession and from some of its client groups to have a qualified or registered status to distinguish *bona-fide* conservators.

The idea of some form of qualified status had been explored as far back as the 1970s, but discussions about setting up a common qualified designation were largely unsuccessful; the British Antique Furniture Restorers' Association established an accreditation scheme in 1979, though it was restricted to business principals and was as much a register of practices as a professional qualification, and a scheme for paintings conservators and restorers was set up in 1995. In the same year the Irish association put in place an accreditation system for conservators from all specialisms, based on an assessment of practice in the workplace. In the UK, three associations within the NCCR – UKIC, IPC and the Society of Archivists – set up a joint group in 1998 to work on an accreditation scheme roughly along the lines of the Irish model. This group was partly funded by the public agencies English Heritage, Historic Scotland and the Museums and Galleries Commission; the first two of these had already worked with the UKIC to set up a register of practices, and they wanted to follow this up with some form of accreditation of individuals. While there was no hint of government regulation, in the absence of a recognisable qualified status the agencies were prepared if necessary to establish a register of individual conservators sufficient to meet their own sourcing requirements.

A formal qualified designation, ACR (Accredited Conservator-Restorer), was introduced in 1999, and was taken up initially by approximately 700 practitioners (around a third of those thought to be potentially eligible); the numbers qualifying have subsequently only just exceeded those retiring, with around 800 active ACRs qualified by 2014. Achievement of ACR is based on a thorough assessment of practice in two stages. In the first, the applicant submits a structured written application including several project narratives, which is reviewed by an accreditation committee. The second stage involves

a day-long workplace-based assessment and discussion by two assessors, including one from the candidate's area of specialism, according to the conservation professional standards. This approach was partly influenced by the UK's National Vocational Qualifications (see Mitchell and Mansfield 1996), but with significant differences both in the design of the standards and the mode of assessment (Lester 2001). Retention of ACR is subject to working in accordance with the profession's code of practice, was well as undertaking and reflecting on self-managed continuing development according to the needs and aspirations of the practitioner; an aim of the conservation community has been to promote continuing learning that has longer-term developmental value as well as that which supports continuing competence. Subsequent reviews have indicated that ACR has a good level of recognition in the heritage community and both the process and the standards are highly robust.

At this point it should be noted that the approach taken by the UK and Irish conservation communities to qualifying practitioners is substantially different from that advocated in most of mainland Europe. The European confederation of conservation organisations, ECCO, adopted a model where conservators are expected to enter via "a period of full-time study in conservation-restoration of no less than five years at a university (or at a recognised equivalent level) … includ(ing) well-structured practical internships" (ECCO 2004, II), but without any form of final assessment as a practitioner. While this fits with in particular French, Italian and up to a point German models of professional preparation, it was not accepted in the UK for two reasons. Some areas of conservation had a tradition of work-based entry, and the conservation community wanted (in line with trends in UK professions more generally) to maintain these and create more accessible routes particularly for mature entrants. Secondly, and in the vanguard of what has now become a broader trend in the UK (Lester 2009), the conservation associations maintained that fully qualified status should not be granted without a demonstration of the ability to practise proficiently. In reality the gap between the UK and continental European positions is not as wide as sometimes depicted (e.g. ECCO 2011), as the assessment for ACR status is taken some time after starting work rather than as an alternative to higher education, and the majority – around 70% according to a 2007 internal survey – of recent-entrant ACR applicants have conservation masters' degrees, with 90% qualified in conservation to at least first degree level.

At present, as has been noted, ACR status is held by just over a third of conservators with the requisite level of experience. It is required of heads of practice to go on the register of practices, several heritage organisations ask for it for conservation contracts, and it is increasingly a desirable credential for middle- and senior-level jobs. Compared qualified status or licensing in other UK professions, it is generally taken much later after completing training; the 2007 survey indicated that the recommended five years' experience was a minimum, and most conservators taking it had been working in the profession for over ten years. While there is a minimal element of regulation applicable

to non-accredited conservators who join a professional association – they may, for instance, have their membership revoked for contravening the code of practice – this means that effectively only a minority of conservators are subject to professional oversight, although anecdotal evidence suggests that of those who head conservation firms or departments the proportion holding ACR is considerably higher.

Initially, the processes supporting ACR status were overseen by a joint board drawn from the three (later four) participating bodies under the umbrella of the NCCR, with responsibilities split between the central board and the individual associations. This model proved workable and reasonably efficient, and in principle could have continued permanently. However, the establishment of a common qualified status and associated self-regulatory processes provided the conservation community with a degree of impetus to work together on other matters, and – with energetic leadership from a small group of volunteers and stakeholders – in 2004 the umbrella structure represented by the NCCR was dissolved in favour of what was intended to be a single professional body, the Institute of Conservation (Icon). In practice only five of the nine UK associations (in addition to NCCR) merged to form Icon; two were effectively prevented from doing so by having the majority of their members outside conservation, while the antique furniture and paintings associations (those that had traditionally been closest in mode of operation to trade associations) opted to remain independent and continue with their established accreditation schemes. The Institute of Conservation Scientists, not previously an NCCR member, subsequently also merged into Icon. Despite the failure of Icon to draw in all the conservation associations, it quickly gained recognition as the pre-eminent UK conservation body and brought together a number of previously uncoordinated functions, including management of the accreditation framework, the register of practices, an internship scheme financed by the Heritage Lottery Fund, an employer-led technician qualification, and standing conferences on conservation education and crafts. As at 2014 the profession is investigating the possibility of applying for a Royal Charter.

While conservation has a heritage of comparable antiquity to that of landscape architecture and similarly started to develop as a profession in the modern sense early in the twentieth century, its evolutionary path has been substantially different. In particular it is notable that university courses pre-dated formal association, and the profession's qualifying process emerged at a much later date and was of a radically different type (although as discussed in more depth in Lester 2008a it can be compared with an extended version of the final practising assessment operated by the LI and other built environment professions). Without obvious comparator or competitor professions, there were initially no particular pressures on conservation either to organise coherently or to make more than a rudimentary attempt at self-regulation. Nevertheless, conservation can be considered an example of successful, if initially slow, professionalisation in a sector which has principally free-market characteristics. There has been a certain amount of public intervention, but this was relatively light and was

exercised via contractual requirements by public bodies acting as clients; it represents a significant contrast with the situation in for instance Italy and France, where there is more national control over movable heritage and scope for regulating those who work on it. The agencies did play a role in precipitating the birth both of the ACR framework and of Icon, but it was more a nudge in a direction that conservators were already taking rather than anything coercive. Incentives for individual practitioners to come within the profession's self-regulatory framework are largely based on advantages for gaining work with public- and voluntary-sector heritage organisations, credibility with employers and with private clients, and individual responsibility and sense of achievement. The more coherent basis of association provided by Icon has provided conservators with enhanced recognition and a stronger voice, both nationally and in relation to adjacent professions. There is also at least anecdotal evidence that the relative status and remuneration of conservators has increased in the fifteen years since the introduction of the accreditation framework, even if new frustrations have emerged in the public sector with the rise of generalist managers in museums, galleries and other heritage organisations. Interest in the UK conservation community's approach has come from Germany, Portugal, the USA and Israel, although at present none of these countries have established a comparable framework.

Family mediation

Family mediation can be described as the facilitated and non-adversarial resolution of disputes and differences relating to divorces, separations and other family matters. In the UK its history is closely bound up with that of divorce procedures, as although family mediation can and does take place outside of the context of marriage breakdown, the impetus for its development has come largely from the desire to find efficient, effective and non-acrimonious ways of overcoming issues arising out of separation and divorce. Informally, family mediation has a history that, like conservation, stretches back to ancient times, but as a distinct occupation it was largely unheard of in the UK until the latter half of the twentieth century. Changes to UK divorce law brought about by the Divorce Reform Act of 1969 allowed for negotiated settlements; previously, any agreement between the parties could be regarded as evidence that the marriage had not broken down irretrievably, and could therefore be salvaged. The subsequent Finer report (Finer 1974) introduced the concept of conciliatory approaches that would support the divorcing couple to settle matters by agreement. Initially this encouraged the development of conciliation or mediation services linked to the divorce courts, generally provided by court welfare officers as well as out-of-court mediation services (Cretney 2004).

The first significant attempt at providing a dedicated mediation service was made in Bristol through a pilot project initiated in 1977, leading to the formation of the Bristol Courts Family Conciliation Service – which despite its name was not part of the court,

though working closely with it. This service was initially provided on a largely voluntary basis by a small number of social workers and marriage guidance counsellors, taking referrals from the court and from solicitors. Although the Bristol service was frequently short of funds and threatened with closure, it produced successful results and provided a stimulus for some of the other services that quickly emerged throughout the country (see Westcott 2004). By 1981 there were enough not-for-profit mediation services in the UK to support a national conference and the foundation of an umbrella organisation, the National Family Conciliation Council (later National Family Mediation, NFM). Initially, mediators came mainly from social work and counselling backgrounds and dealt principally with matters concerning children, leaving finance and assets to solicitors. The legal profession itself was divided in its reaction to the emergence of family mediators, with some lawyers being openly hostile to what were seen as interlopers in the profession's sphere of interest, while others saw mediators as complementary and were happy to provide referrals. A few family lawyers also began to become involved in mediation themselves, although due to the rules of their own association (the Law Society) this initially had to be separated from the practice of law. In 1985 a small-scale project called Solicitors in Mediation was set up to explore the use of 'all-issues' mediation (i.e. covering finance and assets as well as children). This project provided the impetus for the formation of the Family Mediators' Association (FMA) in 1988 as a practitioner body and training provider. Subsequently the number of lawyers acting as mediators increased substantially, and the distinction between mediators with social services or guidance backgrounds and those qualified in law also began to blur, with both starting to provide all-issues mediation.

Family mediation was boosted in the 1990s by further changes to legislation which made it incumbent on courts to avoid delays in cases involving children, resulting in increased referrals to mediators, and also provided public funding in the form of legal aid. Alongside the latter, the body responsible for administering legal aid introduced a set of contractual requirements for firms taking publicly-funded cases, including a basic qualification – achieved via a competence assessment – for individual mediators. In parallel, family mediation was also gaining a hold in other parts of Europe, and in 1998 the Council of Europe made a formal recommendation on adopting mediation in relation to divorce. The emergent profession also began to develop its own theoretical base with a number of key texts emerging in the UK, as well as more note being taken of practices from elsewhere, particularly the United States where family mediation was in a slightly more advanced state of development.

The timescale between the establishment of the first dedicated mediation services and the beginnings of professional association was relatively short; as discussed above, the forerunner of NFM was set up four years after the Bristol project was initiated, a parallel organisation was formed in Scotland in 1987, and the FMA was founded at the end of the embryonic profession's first decade. In the mid-1990s these three bodies collaborated with government support to launch a further organisation, the UK College

of Family Mediators, that was intended to become a fully functional professional institute responsible for self-regulation. This body was given (along with the Law Society) the role of carrying out the assessment required for mediators to work with legal-aided cases. Despite this, the College struggled to be accepted across the practitioner community, and its membership fell from a thousand at its peak to 700 by 2004, notwithstanding a gradual increase in the total number of practising mediators. The College's background and operating context is outlined by Roberts (2005), and England (2007) discusses some of the flaws in its constitution and the issues it faced. Beset by falling membership and having failed in establishing itself as an authoritative professional institute, the College was wound up in 2007. While a new organisation, the College of Mediators (CoM), grew out of the defunct UK College, this was an individual membership organisation of similar type to the FMA but open to mediators in all fields of practice.

Following the demise of the UK College, the Family Mediation Council (FMC), an umbrella organisation for family mediation associations in England and Wales, was set up in 2007. The FMC included six organisations, namely Resolution (the association for family lawyers, accounting for around half of family mediators), the FMA, NFM, the Law Society, College of Mediators, and the ADR Group; the last-mentioned had been formed in the early 1990s as a membership body for practitioners in all branches of 'alternative' (i.e. non-adversarial) dispute resolution. Currently (2014) these bodies account for approximately 1450 practitioners, who are variously family mediators only, also practise as family lawyers or in a related area such as marriage guidance or counselling, or also mediate community, civil or commercial disputes. The FMC took on the responsibility of representing family mediation as a profession and carrying out certain self-regulatory functions, including taking over the assessment scheme from the UK College, negotiating a single code of ethics, and developing a common approach to continuing development. It was however beset with tensions as it effectively had to carve out the space to operate from its own member organisations, most of which viewed themselves as the appropriate organs to exercise the responsibilities of a professional body. While the FMC has provided an effective forum for the different bodies representing family mediation to exchange views and (up to a point) present a common position to external stakeholders, it was less effective as the lead organisation for a would-be self-regulating profession.

These inadequacies were picked up in a government-commissioned review of the family justice system in England and Wales (Norgrove 2011), which while highly supportive of family mediation as a process, implied the need for a common, qualified standard for mediators that extended beyond the requirements for legal-aided work; it also hinted at a certain amount of exasperation that this had not already been achieved, and pointed to the possibility of external regulation if the practitioner community was unable to work in concert to self-regulate effectively. In response the FMC commissioned its own independent review (McEldowney 2012) which highlighted the need to improve a

number of aspects of self-regulation and ensure a more consistent approach across the six member bodies; this was followed by a scoping study (Lester 2013) to identify how this could be tackled. Leading on from these studies, a work programme was initiated to design and implement a robust qualified status and self-regulatory system, drawing on and updating existing accreditation schemes and member organisations' procedures. This programme was supported by the Ministry of Justice, with development work carried out in 2014 and changes due to be implemented from the beginning of 2015.

The main components of the FMC self-regulatory framework are a code of ethics; a set of professional (competence) standards; minimum standards for initial training, along with a course approval process; requirements for post-training support and supervision; an assessment and accreditation process, as well as a process for renewal at three-yearly intervals; and a complaints and disciplinary procedure, which will at least initially be operated individually by the member organisations with oversight from the FMC. The framework recognises that family mediators typically enter after having qualified and practised as a family lawyer, social worker, or in counselling and guidance, while accepting that entrants need not be restricted to coming from these occupations. As a result, family mediation training acts effectively as a conversion course and is relatively short; the minimum has been set at 60 hours of training typically in three blocks, with independent study between. Following training, new mediators are supported and observed by a professional practice consultant (PPC, an accredited mediator who is approved by the FMC to act as a mentor and supervisor) to gain mediation experience, before submitting a portfolio of case commentaries, observation records and other evidence to gain accredited status. Post-accreditation, mediators must plan, undertake and demonstrate the benefits of continuing development activities, continue with a minimum level of PPC support, and practise for a specified minimum number of hours annually.

The FMC's framework aims to strike a realistic balance between public protection and what is feasible in the context of family mediation practice. In particular, the post-training requirements reflect the fact that many potential mediators would be unable to qualify if a more stringent process – such as needing to co-mediate a number of cases or work under direct supervision before acting alone – were imposed. There is a certain amount of uneasiness within parts of the profession and among some of its stakeholders at the short training courses (see Parkinson 2011 for a discussion in the context of other European programmes), the lack of a formally supervised period of work-based training, along with the level of responsibility placed on PPCs to oversee new practitioners. However, current uncertainties about the volume of mediation work available (restrictions on legal aid introduced in 2013 led to the closure or scaling back of several mediation services) has made it difficult to plan ahead or to convince potential mediators of the value of greater restrictions and expense before becoming fully qualified. In addition, the absolute requirement for practitioners to register for accreditation, and therefore come within the scope of FMC regulation, is currently

limited to the provision of legal-aided mediation as described above, to carrying out formal pre-mediation assessments (reserved under the Children and Families Act 2014), and to signing court documents to say that a divorcing couple has attempted or been assessed for mediation; the intention in the Norgrove report that all family mediators would need to qualify was not reflected by any additional stipulations in the Children and Families Act, leaving a substantial area of practice where mediators can continue to work outside the framework. Currently, given the UK government's reluctance to create formally reserved functions unless there is a high level of public risk, this places the FMC in the difficult position of being expected to regulate the entire profession but with only a partial incentive for practitioners to come within its remit.

Under the 2014-15 reforms it is proposed that the FMC will oversee the self-regulatory framework via an arm's-length professional standards board, which will also take on some of the functions that were previously carried out with greater or lesser degrees of consistency by the member organisations. In principle this model could provide a long-term structure for managing the framework, although it is unlikely to be particularly cost-efficient given the small number of practitioners. There has already been a desire from some individual mediators to have a more direct relationship with the FMC, and this is likely to increase once the FMC's role in registering and accrediting practitioners is more apparent. Experience from other fragmented professions (including conservation and chiropody in the UK and family mediation in Australia) that have implemented a compulsory or voluntary regulatory framework suggests several possible directions of future evolution. One potential model mirrors that of conservation, where the FMC could merge with two or three of the membership bodies to become a strong central professional body. This would however leave in particular the Law Society and more significantly Resolution outside, presenting their members with a need for dual membership as well as a temptation to set up a rival system; in the short to medium term it may also be opposed in principle given the still-recent experience of the UK College.

A more likely option is for the FMC to become a more distinct regulatory body, with the remaining self-regulating functions transferring to it from the membership bodies. This is currently the most practical arrangement, but it will raise questions as to whether the FMC can continue to act as a forum and representative body for the associations, or whether its professional standards board will need to move further from the main council as a quasi-independent regulatory arm, roughly mirroring the situation in the legal professions. An alternative is for the standards board to become, or be replaced by, a separate organisation possibly with oversight from the Legal Services Board; this would take over the regulatory functions and leave the FMC to dissolve or become a standing conference. Which if any of these options is realised will depend on a number of factors including the perceived success of the current reforms among the practitioner community and in the eyes of the government and its advisers, the future direction of

family justice legislation, and the viability of the various models (which in turn depends on the level and profitability of family mediation work).

In the UK, family mediation is a relatively young occupation that has largely been created by needs arising out of changes in attitudes and thence legislation relating to divorce, which have opened up a space for a new form of practice that sits between the role of lawyers acting as lawyers, and that of counsellors and guidance workers. In this environment it has experienced substantial pressure to professionalise, not least to protect its operating space, gain official support, and create an identity distinct from the professions from which it has sprung. The first phase of this development, association, occurred very rapidly partly for these reasons. The second, the emergence of consistent training programmes, a qualified status and other aspects of self-regulation, has been variously frustratingly slow and uncomfortably pressured in pace, partly driven by government requirements. This reactive and piecemeal approach to self-regulation largely underpinned the unsatisfactory situation commented on in the Norgrove, McEldowney and Lester reviews. While the current reforms have produced a more coherent framework, the nascent family mediation profession is still largely responding to external pressures, and it remains to be seen how successful it will be in emerging as an influential and self-directed grouping.

Vocational rehabilitation

Vocational or occupational rehabilitation (VR) is concerned with enabling people who are disabled or have long-term health problems, or have had major injuries or illnesses, to return to or remain in economic activity. Vocational rehabilitation in the UK can be traced back to the Poor Laws and workhouses of the nineteenth century, and as a function it has multiple roots including charitable support for people with disabilities, health-related interventions to restore or compensate for functions affected by illness or injury, specific measures for the rehabilitation of injured combatants, and vocational training, careers and employment support for people classified as disabled (Elliott and Leung 2005 provide a brief history for the USA, which is partly relevant to the situation in the UK). The National Health Service (NHS), formed in 1948, has always had functional rehabilitation as part of its remit, extending to some aspects of return-to-work; many health professionals have therefore had variable levels of involvement in VR, while normally not becoming involved in the detail of aiding patients to find or retain employment. Similarly, although the social welfare system originally emphasised providing benefits to (among others) people who were out of work, the departments and agencies responsible for it have sought to minimise the numbers claiming benefits both through return to the general employment market and at least initially through supported employment designed specifically for people with disabilities and health problems. Other sources of VR support include employers themselves, both for economic reasons and to meet disability employment regulations; the careers service; and specialist and generalist further education colleges and training organisations that

provide retraining, updating and individual support for people who have been out of the labour market, who can no longer work in their original occupation, or who have specific functional limitations.

The financial crisis and rising unemployment of the late 1970s and early 1980s had a two-fold impact on vocational rehabilitation. On one hand pressures on the NHS reduced the resource available to provide rehabilitation, leading to the closure of some rehabilitation units and limiting the support available beyond basic functional rehabilitation. On the other, the level of unemployment created a political imperative (as has reappeared thirty years later) to maximise return-to-work, engaging the benefits agencies in a certain amount of VR work. Particularly from the 1990s onwards the private sector has also played an increasingly important role in VR, most significantly in the form of insurers providing income protection cover; for these organisations it can be cheaper to provide or fund professional support for job retention and return-to-work than to pay out benefits indefinitely. Private-sector service providers have also become significant players in supporting the return to work of people receiving welfare benefits, including more recently (and controversially) making assessments for disability benefit. As a function, vocational rehabilitation therefore draws on a wide range of professionals including medical doctors, occupational therapists, psychologists, nurses, physiotherapists, social workers, careers advisers, vocational teachers and trainers, employment advisers, personnel managers and insurance claims managers, with correspondingly different perspectives on what rehabilitation involves. A health-based viewpoint for instance will tend to emphasise restoring function and therefore medical, physiological and psychological measures, while an employment or insurance viewpoint may be more concerned with what the person can do in his or her present condition with if necessary appropriate guidance, training, job design and workplace adaptation.

The appearance of distinct vocational rehabilitation practitioners, as opposed to those involved in VR as part of their work in a related profession, can be linked to the emergence of a case management approach which in the UK took place largely from the early 1990s onwards. Case management involves a transprofessional perspective that starts with the individual and their situation, needs and aspirations, and works to assemble and co-ordinate the support and interventions that are appropriate at different points. Both British and international evidence (e.g. Shaw *et al* 2001, Shima *et al* 2008, Waddell *et al* 2013) indicates that there is significant variation in VR outcomes between different countries and systems, with integration and case management playing a major role in achieving higher rates of return-to-work and sustainable employment, including where appropriate moving people from subsidised jobs to open-market ones. The UK has lagged behind the best international examples of VR, and recent advances have drawn on practice from the Nordic countries, North America and Australia among others. It is perhaps notable that the adoption of a case management approach in the UK has been driven as much by insurers and employers as by the public sector.

Insofar as VR's development is concerned as a profession, VR-specific associations have been slow to form in the UK. This is perhaps unsurprising given the tendency for most practitioners involved in VR to identify with their primary profession and to associate within its boundaries, even for VR-specific matters (so organisations such as the British Society for Rehabilitation Medicine, the College of Occupational Therapists and the Chartered Institute of Personnel and Development have all made contributions to the theory and practice of vocational rehabilitation). The first broad VR-specific practitioner body, the Vocational Rehabilitation Association (VRA, initially National VRA) was formed in 1993 by a graduate of the UK's first master's programme in VR. The VRA had (and retains) a health-centric emphasis, with around 80% of members from health and health-related professions, the remainder coming principally from employment and personnel management backgrounds. Two further associations relevant to VR were formed over the next decade: the British Association of Brain Injury Case Managers (BABICM) in 1996, mainly health professionals concerned with rehabilitation (functional and domestic as well as work-related) following brain injury, and the Case Management Society of the UK (CMSUK) in 2001, principally to represent practitioners working in the insurance industry. Each of these associations has memberships in the low hundreds, compared with potentially tens of thousands of practitioners who have some involvement in VR work.

As yet there is no concept of a qualified status in vocational rehabilitation. Various courses, mainly postgraduate modules and certificates, are available in a small number of UK universities, including the University of Salford which has recently set up a master's programme available through full- or part-time study (the first such course, at City University in London, opened in 1992 but closed due to funding changes just under a decade later). Outside of the universities, two certificates – purely based on knowledge assessments – are offered internationally by the National Institute of Disability Management and Research (NIDMAR) in Canada, while a transnational European project (TRAVORS2, Training for Vocational Rehabilitation Services) attempted in 2010-12 to establish a practice-based qualification for disability employment workers at what might be termed paraprofessional level. While the NIDMAR certificates have achieved some success in the UK market, neither these nor the TRAVORS qualification – which in the UK is validated by the vocational awarding body Edexcel and has largely been confined to one major insurance employer – have been regarded by the VR community as particularly appropriate for professional certification. Discussion within the VRA has indicated that there is support from members for setting up some form of qualifying process that identifies practitioners as VR professionals, although further investigation is needed both to identify how this might work and to quantify the likely demand.

To date, the main steps that have been taken by the VR bodies have been to establish codes of practice and professional standards. Each of the bodies above have produced their own standards and codes, and service standards have also been developed by the

UK Rehabilitation Council, a mixed group of professionals, providers and clients set up in 2008, and within the British standards system (British Standards Institute 2010). Recent work has focused on producing tools and guidance to help practitioners to use the standards, along with a joint project involving the three membership associations in producing a competence framework for case management. A logical next step if the demand justifies it is to build an assessment and certification process around these standards, which could then lead into some form of qualified status along with rules for maintenance and revocation. The way that VR intersects with related professions means that any self-regulation will be fully voluntary, at least until employers and organisational clients start to recognise the potential benefits of practitioners qualified specifically in VR; in the short term its main benefit is therefore likely to be personal satisfaction and any perceived marketing advantages of being able to advertise as a formally qualified VR practitioner.

Vocational rehabilitation is currently in the formative stage of becoming a distinct profession. Like family mediation it is a secondary profession, with practitioners generally focusing on VR after qualifying and gaining experience in an associated area. Unlike family mediation, the boundaries between being a VR professional and for instance being an occupational therapist involved in VR are necessarily fuzzy, and there is a continuing expectation that a wide range of professionals have involvement in the VR process and have at least some VR knowledge and skills; for most practitioners it will therefore remain a part of their overall role rather than becoming their main occupation. Potentially it could also be possible to train as a VR practitioner or case-manager without coming in via one of the feeder occupations, although in the UK this would be currently be extremely difficult other than training for instance as an occupational therapist or psychologist and immediately following this with a VR course and VR-specific role; again as with family mediation, there is also a question about the level of maturity and general experience needed to support individuals at what can be a difficult time in their lives. Consequently, while VR is likely to continue along the path of establishing itself as a recognisable profession, it is far less likely to emulate family mediation in setting functional boundaries between itself and its 'feeder' professions. A more realistic aspiration is that the associations concerned with VR grow their authority as standard-setters and disseminators of good practice, so that they become seen as the primary source of VR 'canon' for all the professions involved.

3 DISCUSSION: ASSOCIATION AND SELF-REGULATION

A notable feature of the case-study professions is the length of time between the appearance of each occupational group, the emergence of the first association(s), and the establishment of a broadly accepted qualified status. Landscape architecture (although not then known as such) had certainly become a recognisable area of work by the beginning of the nineteenth century, after which it took well over a century for a national association to be formed. Similarly, although conservation (or at least restoration) was an identifiable occupation in the UK by Victorian times, the first national association didn't appear until 1958, over twenty years after the first university course. From that point it took a further two decades before a limited accreditation scheme was set up and the same amount of time again to institute a generally-recognised qualified status. For family mediation, the gaps between appearance as an occupation, the first practitioner association, and a limited form of licence to practise were each roughly a decade, although a further two decades then elapsed before the latter was developed into a more general qualified status. In vocational rehabilitation an association was set up fairly quickly after VR emerged as an occupation in its own right, though over twenty years later a qualified status or widely-accepted form of certification has yet to appear. While landscape architecture dates from a period when there was less incentive to professionalise in the formal sense that would be recognised now, timescales for the other occupations do not appear to be atypical for emerging professions.

The development paths of the latter three occupations illustrate some of the difficulties involved in becoming a coherent profession, and suggest that a certain amount of fragmentation can be the norm until circumstances favour greater cohesion. In conservation, initial co-ordination followed a need for better representation, with a pre-eminent institute being formed only after a measure of voluntary self-regulation had been introduced. In family mediation, initial attempts to organise self-regulation had been only partly successful until greater collaboration was prompted by government pressure. Vocational rehabilitation is at an earlier stage of professionalisation and remains fragmented, although there is collaboration between several of the groups involved. Far from being unique to these small professions, comparable issues can be seen in areas as diverse as coaching, where different associations emphasise different markets, perspectives and approaches; chiropody and podiatry, where there are multiple practitioner associations despite the profession now coming under the regulatory remit of the Health and Care Professions Council; and accountancy, where five major, well-established, but partly competing and overlapping chartered professional institutes continue to co-exist.

In some respects an initial lack of coherence may matter little, particularly where associations are small, largely run by volunteers, and any need for representation or regulation is weak. Improving coherence becomes more critical when matters of self-regulation, representation and lobbying come to the fore; the need to provide a wider range of services, or to deepen the profession's intellectual presence, can also be factors that influence more formal organisation. The actual model that emerges is likely to be as much a result of circumstances, histories and established interests as of the functions to be fulfilled, so that while for instance conservation was able to set up a leading institute, at least in the short term an umbrella body is a more apt solution for family mediation.

Models and drivers

The case-studies suggest that the motivations for occupations to associate and take on functions of self-regulation can be diverse. Initially this may be no more than a desire to meet with others working in the same field, to share methods and exchange information, and to start to organise training and resources. There may or may not be a need to represent the profession in the sense of improving conditions or influencing policy; this can be seen as a strong driver in conservation, and a slightly weaker one in family mediation. For moving beyond this basic level of association into developing professional standards and processes for self-regulation, three main motivations can be distinguished. The first of these is largely internally driven, by a sense of responsibility along with the desire to be, and be seen as, appropriately qualified or part of a formally distinguishable group. This appears most strongly in conservation and landscape architecture and potentially also in vocational rehabilitation, and is probably a significant factor in family mediation although it is currently overshadowed by other influences. Nevertheless, the evidence from these and other professions (Friedman *et al* 2002, Lester 2008b) suggests that on its own this will at most result in a full professional membership grade being distinguished, with entry criteria based typically on external certificates and relevant experience.

The second factor driving standards and self-regulation in the case-study professions is a desire to improve status and identity in order to influence the environment in which the profession's work is carried out. This partly reflects the classic agendas described by Abbott, Freidson, Larson and others (*ops cit*), where professionalisation aims to create a measure of control over the employment or services market, carving out a niche where the profession can operate effectively. The motivation in landscape architecture and conservation to gain recognition or improve conditions *vis-à-vis* associated professions, and in family mediation to create a space to operate that is both recognised by legislators and distinct from family law and guidance or counselling, both sit in this territory. In addition however there can be a desire by practitioners to take control of standards and work processes in order to improve outcomes, particularly where they perceive that other influences – employers, the state, adjacent professions or the market in general – are

failing to uphold quality or are blocking potential advances in practice. This was a particularly strong motivation in conservation, where there was a fairly widely-held view that the profession's limited ability to influence strategic decisions was having a detrimental effect on cultural heritage. In landscape architecture, although not an influence in the initial stages of professionalisation, a not dissimilar agenda can be seen in relation to urban planning, concerned with moving from a view of the landscape as the bits left over when the buildings and services have been laid out towards treating it as a coherent whole. It can also be seen in family mediation and VR, where the practitioner associations have claimed the right to set standards for their specific areas of practice, implicitly seeking to take precedence over other professions and organisations that might traditionally have considered themselves to have authority in these areas of work.

The third major factor relates to external pressure or encouragement to establish regulatory mechanisms, generally driven by public protection, accountability or trading standards concerns. This has been a major driver in family mediation, where the government first established a loose form of regulation for practitioners receiving public funds, then partly handed it over to the profession but with subsequent admonition to create a clearer and more universally applicable system. It was also a secondary influence in conservation, where the profession was potentially threatened with some of its major public-sector clients overtaking part of what it saw as its own initiative. The experience of family mediation suggests that this type of pressure can create an uncomfortably fast pace of development (at least from the profession's viewpoint) and may result in solutions that are less than ideal, but it can also precipitate progress where the profession has been experiencing difficulties or has simply been reluctant to move forward. In conservation its effect was more subtle, and it simply accelerated a process that the profession was already engaged with. The more negative aspects of external pressures of this type are discussed in the final section of this chapter.

The case-studies also illustrate differences in how the professions have come to conceptualise their territories. In conservation, the profession is built around an ethos and set of core principles and activities that define what it is to 'do' conservation, leaving open the exact nature of the fields that practitioners work in and the roles they undertake. Although the number of major specialisms in conservation runs into double figures, practitioners hold qualified status as a conservator rather than in a specialism, and the potential problem of straying into areas of incompetence is dealt with via the code of practice and if necessary disciplinary procedures rather than through licensing. In this type of core-peripheral professional model, the profession is concerned with ensuring that central principles are followed rather than with defining the range of activities that practitioners can undertake as members of the profession. This can be regarded as an archetype reflecting a professional rather than an occupational or functional ethos (Lester 2014b), but it also depends on the profession having enough maturity and confidence to let go of more prescriptive approaches to practice.

Landscape architecture, having abandoned its former three divisions in favour of recognising key specialisms in a similar way to conservation, follows a similar approach. A substantial advantage of the core-peripheral model is that it allows specialisms and areas of practice to emerge, develop, merge and if necessary die out, as well as enabling practitioners to develop more individually-defined areas of practice within the profession.

The way that family mediation is conceptualised on the other hand is considerably more bounded, so that while there is still emphasis on the underlying ethos and principles, the profession's work is set out around a series of fairly well-defined activities. This more functionally-oriented approach supports a focus on reserved and similar functions and on defining boundaries in relation to other professions, but it can also be restrictive; for instance, the premise on which family mediation's self-regulatory framework is built largely assumes a context of separation and divorce, when family mediators also address other kinds of dispute such as disagreements about elder care. It also betrays an issue about whether family mediation can be regarded as a discrete profession, or whether it is an application of mediation that has been raised in prominence due to the nature of the family justice system. Vocational rehabilitation currently sits between the two, as while it focuses on core capability and principles it is also concerned to set a boundary not so much to keep other professions out, but to stake a claim to an area in which it can legitimately set standards. A rough idea of the position in VR until recently can be seen by examining its professional standards, which in their earlier (2008) form amounted to over a hundred pages of detail (now substantially reduced); by contrast the contemporaneous conservation framework comprised less than a dozen pages.

Working with universities

A major aspect of the professionalisation of many occupations has been their engagement with educational institutions, which at one time would for most have meant establishing programmes in technical and specialist colleges, but now almost exclusively means working with universities. This has partly been associated with establishing a knowledge-base and formal curriculum in the technical-rational tradition (e.g. Schön 1983), but it also concerns developing centres of research, attracting entrants into the profession, outsourcing education and at least the initial stages of assessment, and gaining the credibility associated with graduate entry. With the movement of training in social work and nursing to degree courses since the beginning of the century, very few formalised British professions now set their qualifying requirements below first degree level even if they do not insist on a university degree for qualification. This has coincided with close to a four-fold increase in the proportion of young people going into higher education over the thirty years up to 2010; until the first few years of the twenty-first century government policy has supported the continuing expansion of full-time higher education and its role as the primary entry-route to professions. More recently, both policymakers and many professions themselves have recognised the need for

alternative pathways to higher-level careers, resulting in initiatives such as Higher Apprenticeships (see Hall *et al* 2010) as well as professions' own versions of work-based entry-routes.

The case-study professions divide into two pairs in terms of the way they engage with higher education. Landscape architecture and conservation are both career-choices for school leavers and to a larger extent graduates, and both have undergraduate and postgraduate (or first- and second-cycle) entry-routes with the latter in particular available on a part-time as well as a full-time basis. The Landscape Institute has a relationship with universities that is common for many larger professions, in that university courses form part of the official entry-route and are subject to accreditation by the profession in order to allow graduates to progress smoothly to the next stage of qualifying. Conservation's qualifying process on the other hand is independent of entry-route, and while the Institute of Conservation has a good relationship with its academic community and promotes higher education to would-be entrants, it does not formally approve programmes. On balance, neither approach appears to have significant advantages over the other; landscape architecture has more direct control over course content, while at least in theory conservation offers more flexible routes in to the profession and easier access for mature entrants. Both are vulnerable to declining student numbers and course closures, and neither has as yet been able to develop an easily-accessible, mainstream work-based route into the profession.

As described in chapter 2, both vocational rehabilitation and family mediation are 'secondary' professions in that they are normally entered after qualifying and practising in a related area. Both this and their relative youth as recognisable occupations have worked against a strong presence in the academy. Vocational rehabilitation has benefitted from relevant research having been carried out in related disciplines, and pockets of VR-specific research and postgraduate provision are now reasonably well established. Although a VR master's degree has only recently been re-established after a gap of more than ten years, postgraduate short courses now provide a significant source of training for VR practitioners. Family mediation on the other hand has a more fragmented and limited presence in universities, and lacks a dedicated research centre or a postgraduate course; although the profession is more formalised than VR, it has a history of providing training from within its own associations. The short duration of family mediation training is something that has been commented on in the profession's recent review, and in the medium term it is reasonable to expect both the strengthening of courses and a move to university validation, providing an additional means of bringing the profession and the academic community closer together.

Two main points can be extracted from the case-studies. The first is that while the relationship between professions and universities is no longer so concerned with establishing credibility and building a monolithic knowledge-base, it is still highly relevant. Emerging professions will gain significant benefits from engaging with

universities, even if initially it can be slow and time-consuming to do so. Areas where university-profession collaboration appears particularly relevant to modern, developing professions include building and validating training programmes (which need not be full degrees); carrying out research that draws on and informs practice; and engaging practitioners in research, critical reflection and contributing to taking practice forward. In dialogue with the profession, universities are often well-placed to contribute to the former's theoretical grounding, underlying ethos, and operating perspectives, and to prevent them from ossifying. The second point is that this kind of collaboration may be slower or more difficult to achieve in small secondary professions, where the limited role for full degree programmes can impede universities' ability to resource and develop expertise focused on the profession's area of work. In principle the flexibility provided by some universities under the heading of work-based learning or employer engagement can provide a straightforward (if sometimes seemingly expensive) solution to developing validated training programmes; however, this may not however always result in other types of engagement between profession and university, as validation is typically led by a transdisciplinary unit and the external partner is often expected to supply the subject expertise (e.g. Lester and Costley 2010).

Finally, although there is now a trend for professions to develop alternatives to recruiting graduates, for small professions these can prove difficult to resource and set up and they tend to remain small-scale and sometimes difficult for entrants to negotiate or even become aware of (Lester 2008b). As mentioned above, both conservation and landscape architecture are in a good position to benefit from formalised, university-linked work-based routes, but beyond a small-scale externally-funded internship programme in conservation, neither has made any substantial moves in this direction to date. Recent changes to the requirements for developing apprenticeships (see Department for Business, Innovation and Skills 2014) have removed some of the earlier barriers to involvement, introduced apprenticeships that can incorporate master's degrees and lead to full professional status, and encouraged employer, profession and university partnerships to develop apprenticeship specifications. The facility to create apprenticeships that support subsequent career development may also mean that they can be used as a vehicle for transition into secondary professions. These changes are currently too new to have had any noticeable effect on smaller professions, and the extent of their impact remains to be seen.

International engagement

Among the case-study professions there are no blanket international agreements or specific EU mutual recognition directives. Of the four only landscape architecture has a particularly high level of formal international engagement, though so far with more success in the profession's substantive field than in securing common agreements about mutual recognition. Conservation can also be described as internationally-oriented in terms of substantive matters, with international collaboration dating back to at least the

1960s, a European meta-association (ECCO) being formed in 1991, and a European association of education providers appearing in 1997. British engagement with these associations has been intermittent and remains somewhat ambivalent, with for instance no current UK representation on ECCO; as described in the case-study, different perspectives on entry-routes have been partly responsible. At present, it is potentially difficult for non-graduate but professionally qualified UK conservators to be recognised in jurisdictions that operate formal licensing based on academic qualifications, while apart from in Ireland the lack of an equivalent to the qualified status operated by Icon means that overseas conservators need to take the full practising assessment if they wish to gain recognition in the UK.

In family mediation, collaboration has generally been informal at the level of meetings and conferences; a European forum on training standards has emerged but with no specific authority, and a practitioner network and common training course was set up in 2012 to deal with mediation between partners from, or living in, different countries. A European directive on mediation was implemented in 2011, but its influence on the way family mediation works as a profession has been insignificant. The recent FMC reforms will introduce processes to recognise the qualifications of practitioners from outside of England and Wales (the FMC's area of jurisdiction), although compared with many other professions the near-native level of language that can be required to mediate is expected to dampen cross-border movement between the UK and mainland Europe. Civil and commercial mediators are currently at a more advanced stage of collaboration within Europe, and it is likely that family mediation will move further in this direction once the reforms have been implemented and the organisation of the profession has stabilised. The less-developed nature of UK vocational rehabilitation as a profession means that while there is now a fair level of exchange of ideas, theory and practice at a substantive level, formal collaboration relating to qualifications and recognition is largely absent.

It is difficult to draw conclusions in relation to international collaboration from the experiences of these four relatively small groups, but it is not unreasonable to suggest that where resources are relatively limited, collaboration will tend to be informal and piecemeal unless there are specific legislative issues or pressing practical needs to be addressed. As a part of the wider European community, the UK is also a relative outlier in terms of how the majority of professions are organised – with an emphasis on voluntary association rather than state recognition – and how qualified status is granted, as well as to some extent its more outcome-driven approach to training. These differences may work to inhibit collaboration either because of genuine divergences in approach, or because of differences in what is emphasised and communicated.

Limits and caveats

The case-studies support the proposition, made in the introductory section, that there is not a single appropriate model of association or regulation that can be applied across professions, and that the form of professionalisation that is appropriate depends on the particular circumstances of the occupation concerned. There are however similarities between the four occupations, the most obvious being that all have associated as professions and adopted some form of self-regulation or (in the case of vocational rehabilitation) are planning to do so. The idea that all occupations that view themselves as professions need to develop to this point is debatable, and some may be better served by looser forms of association or by models that are closer in form to learned societies, trade associations or trades unions. This is particularly likely to be the case where the main objectives are to develop a community of practice and enhance the profession's intellectual and evidence-base, where a learned society model with a broadly-defined professional membership grade may be as effective without the need for detailed regulations, standards and administrative procedures. Alternatively, in professions where members are largely employed in public services and other large heterogeneous organisations, gaining recognition and a measure of control over work will emphasise representation rather than regulation, and explicitly professional forms of organisation may struggle to develop or, if they do, they may have some of the characteristics of unions.

The case-studies also illustrate that emerging professions can overestimate both the extent to which they are able to put in place comprehensive systems of regulation, and how desirable these actually are. In part this can be influenced by the use of inappropriate comparators, but it can also stem from a limited view of the profession's own operating context as well as an optimistic view of the political will to support regulation. The assertion that modern professions need to be backed by law (as made by Landman and Wootton 2007 for nutritionists) is possibly valid in the health sector, but within the UK's legislative framework and political traditions it is difficult to justify elsewhere. In conservation, the most widely-cited comparator during the period leading up to introduction of the qualifying framework was medicine, and a significant minority view was that the end-game of introducing a self-regulatory process would be a set of reserved functions, notwithstanding the lack of political interest along with the fact that no easy way existed to define the artefacts that should only be worked on by members of the profession. The ease with which conservators could work outside the professional associations, particularly for private clients and in less senior employed posts, was also underestimated, leading to insufficient attention to promoting qualified status once it had been established. Not dissimilarly, in family mediation there was an unspoken assumption that the new system only had to be applicable to all practitioners for it to bring them within its oversight. While the FMC member bodies have had a partly captive membership due to the requirements for carrying out publicly-funded work, the

presence of mediators outside of the FMC umbrella and their continuing freedom to operate was given little attention.

Two further matters are linked to the above. The first of these is a tendency to aim for too much specificity of regulation. This has generally appeared in two areas, first in attempting to define what it is that practitioners need to do too closely via detailed professional standards and descriptions of work processes (the initial VR standards are a case in point), and secondly in creating regimes for continuing development that are more geared to showing that the professional body is taking action than actually encouraging practitioners to do anything useful. The standards issue can partly reflect an underlying technocratic view of practice, extending in some cases to embracing a Taylorist standpoint that would reduce professional work to that of a technician following a set of predefined rules. It can also be influenced in the UK by (national) occupational standards (NOS), which particularly in their original form tended to be overdetailed and inflexible with little room for professional judgement and contextual negotiation (Lester 2014b). A certain amount of desire to create highly prescriptive standards was present in both conservation and vocational rehabilitation, although this was largely countered before the standards were put into an assessable form, while in family mediation there has been less an issue of being overspecific than one of assuming what is probably too narrow a context of work (i.e. restricted to separation and divorce).

Over-regulation of continuing development revolves around two main issues. The first of these concerns quantitative approaches where practitioners are expected to spend a number of hours (or accrue points) on approved activities, sometimes restricted to courses, conferences and other activities organised by the professional body itself. Despite evidence that the most valuable activities for maintaining effectiveness are often practitioner-driven (e.g. Gear *et al* 1994, Eraut and Hirsh 2007), some professions have been slow to move away from prescribing the methods of learning that they will recognise, creating a fracture between what practitioners find relevant and useful and what their institute regards as valid or at least promotes (Lester 1999). While it is now less common for new 'points and hours' approaches to be introduced, some professions have been reluctant to abandon them and they have sometimes been picked up from comparators as a default option; in family mediation for instance the accumulation of points from approved courses and other activities was written in to the FMC's constitution until the recent changes came into effect.

The second issue relating to continuing development has appeared when practitioner-led approaches are backed by expectations or monitoring systems that encourage, or at least do nothing to discourage, learning that is still more geared to outward presentation than having real benefits for the practitioner. Following Gear *et al* (1994), ongoing learning can be divided into *specific learning*, relating to things that directly support day-to-day practice; *general learning*, involving updating and maintaining competence; and *developmental learning*, supporting the practitioner to move forward in a career or

business, realise aspirations, develop various forms of extended professionalism, or pursue new areas of interest. Typically, professions emphasise general learning, expecting the specific type to take care of itself and seeing their role as more concerned with competence and performance than personally-defined future development (Lindsay 2013). In the case-studies, the approach taken by conservation – with as much emphasis on development as on updating – can be contrasted with that taken by family mediation, which has a narrower, more regulatory concern with continuing competence. This can be reinforced if methods of recording and monitoring make it easier for practitioners to concentrate on more easily audited or explained activities, or encourage reflection on discrete events rather than overall development (Harris 2006). Perhaps interestingly, in all four case-study professions what pressures existed for detailed regulation, both in terms of practising standards and for ongoing development, came from a small if sometimes influential minority of practitioners rather than from external stakeholders.

The second matter concerns the extent of regulation that is actually desirable. This has two dimensions, one concerned with public interest, and the other with what is reasonable and proportionate for practitioners. Public interest suggests that regulation needs to be appropriate to the potential for harm and the level of risk involved, but it also means avoiding restricting professional services through overregulation; this can manifest itself either by discouraging practitioners from working in the profession at all (and therefore creating scarcity and potentially driving up costs), or restricting practice in a way that does not benefit the public and is not justified by the risks involved. Both these factors are illustrated in family mediation, one in the need to balance an ideal level of initial training and supervised practice with one that would avoid unduly restricting entry, and the other in the decision to set the minimum requirement for annual hours of practice at a relatively low level (against the views of practitioners who favoured a 'pure' family mediation profession); this is geared to ensuring for instance that solicitors and barristers who are also qualified mediators can continue to offer mediation services alongside their mainstream family law work. The practitioner dimension concerns the effect of regulation on professionals themselves, so that while oversight is effective in ensuring that the least competent and conscientious members of the profession, the 'laggards' (Rogers and Shoemaker 1971), either bring their work up to an acceptable standard or leave, it does not become a disproportionate burden or drag on the 'innovators' or 'pacesetters' (*ibid*) – while providing adequate safeguards against practices that are either marginally ethical or innovative but unacceptably risky. Professions are presented with the need for a delicate balance in this regard, with a particular need to build capability, responsibility and ethical literacy alongside adequate quality assurance, rather than attempting to control-in quality through excessive prescription and monitoring.

Imposed professionalisation and 'new public management'

A concern that is hinted at in the case-studies is the potential for external pressures for regulation to subvert the professional ideal to bureaucratic ends, and create a sort of quasi-professionalisation where the profession effectively becomes a tool of public or organisational management. This has become associated particularly with public services in market-oriented environments via what has been termed 'new public management' (Kirkpatrick *et al* 2005, Evetts 2009). In family mediation and to a much lesser extent conservation, part of the pressure for a regulatory framework has come from public-sector interest in ensuring that funds are wisely spent and properly accounted for. A critical reading of government or public-agency involvement in the respective professionalisation projects might conclude that part of the motivation is to offload the responsibility and future cost of quality monitoring on to the profession. While this perspective has some validity, in these specific cases public intervention has worked in parallel with efforts by the profession to move in broadly the same direction, with the increased ongoing costs generally perceived as a worthwhile trade-off for the additional benefits of having a robust, recognised qualified status.

To see this issue more clearly it is necessary to examine more explicit examples. One of these can be found in further education, which in the UK can be defined very roughly as publicly-funded education and training for over-16s outside of the school and university systems. In this sector legislation was initially introduced requiring teachers and trainers to gain relevant qualifications, followed in 2007 by a qualified status maintained through compulsory membership of a previously voluntary association, the Institute for Learning (IfL). In an occupation where the great majority of practitioners were employed, and which lacked a history of professional association (as opposed to union membership), the IfL's new role as a self-regulating institute was both welcomed and resisted. The removal of an initial government subsidy for IfL membership fees tipped the balance towards resistance, and coupled with a change of government to one less in favour of regulation in general, this led to the legislation being repealed in 2012 (removing, more controversially, the need to qualify in teaching or training at all). IfL membership, which was less than 2000 before it was made mandatory, rose to over 100,000 at its peak and quickly declined to a third of that following deregulation; having transferred its most important responsibilities to a new employer-led body, the IfL dissolved itself in 2014. Although this kind of externally-initiated or imposed professionalisation is often regarded as a deprofessionalising force (e.g. Fournier 1999), in practice its effects are likely to be more nuanced, with practitioners subject to a mix of professional, bureaucratic and market influences (Evetts 2012).

A second case is presented by recent proposals for the police service, where a 2011 review of leadership and training (Neyroud 2011) used the rhetoric and structures of professionalisation to underpin proposals for a radical new model of police training and responsibility. Certain aspects of a formally professionalised workforce, including more

standardised training and qualifying structures, a more research-based approach to practice and (more controversially) personal investment in development, appeared as applicable for policing as for further education; however, implications such as greater occupational control over work, loyalty to the profession as much as to the service, and the effect of qualification-based entrance requirements on the diversity of the workforce, received less attention. In rejecting the introduction of the structure proposed in the Neyroud report, the service's main union commented (reflecting the point made earlier in this chapter in relation to public service occupations) that a professional body is not necessary or necessarily appropriate for maintaining professionalism in every context (Police Federation 2011).

A final concern that is relevant across professional contexts, but which can be particularly acute in the public sector, concerns the shift in emphasis from education, training and enculturation, or what might be referred to as 'becoming', to practice and performance, or 'doing'. This has created benefits for clients and service-users, as well as for practitioners particularly in terms of access and transparency, but it has also led to more attention being placed on describing, managing and auditing practice. This becomes particularly problematic when applied to complex, non-standard work, doubly so when a lack of sufficient resource and expertise favours insufficiently sophisticated standards and methods of oversight. There is substantial evidence to suggest that the well-known phenomenon of 'optimising to the measures' (Schön 1983) that tends to result from crude output targets or audit standards has negative consequences for innovation, professional independence, and the quality and appropriateness of practice, as well as having the potential to undermine and alienate practitioners (e.g. McGivern *et al* 2009, Evetts 2012). In the case-study professions the evidence suggests that although on balance the emphasis is on the 'doing' aspect of professionalism, the models that have been adopted by the professions themselves are on the whole not unduly intrusive or conducive of distorted practice; tentatively, this suggests that it should be possible to design practice-oriented systems that are effective without undermining the quality of practice or placing an excessive burden on practitioners.

4 CONCLUSIONS

I have examined four relatively small professions, two identifiable as distinct occupations from at least the nineteenth century and the others having long histories as activities although not becoming recognisable occupations in the UK until the last thirty or forty years. Classic theories of professionalisation still have relevance to these communities to varying degrees, with their development paths variously involving them in creating partial monopolies or market niches, sometimes in competition with other occupations; creating a certain amount of occupational control over their work, in a dynamic with bureaucratic and market control; gaining informal state recognition and in one case a certain amount of legislative support, though to a far lesser extent than might be the case for comparable occupations in for instance France, Italy or Germany, or for that matter professions in the UK health and social care sector; and gaining a measure of socioeconomic status, or at least fair recompense and recognition in relation to realistic comparator groups. There is also a strong element in all four cases concerned with improving the nature and quality of work in the relevant field for public benefit as much as for self-actualisation. While this more altruistic aspect of professionalisation is rarely now a major theme in the study of professions, it is very much in evidence here as a driving-force in emerging professions. The other aims outlined above have parallels with those of corporations or organised labour, but this desire for wider benefits has greater resonance with the idea of profession based on value-commitment and suggests that seeking to become 'a profession' is necessarily more than a project to gain influence over an employment or services market.

The cases also suggest that regardless of the specific evolutionary path that a profession may take, a number of characteristics or artefacts will normally emerge. Association, even of the relatively informal kind, requires answers about what the profession is or aims to be, its ethos (not necessarily at this point refined to a code of ethics), and the criteria for membership. The latter hints at a loose form of regulation, as it requires a basis on which prospective members can be denied entry (or assigned to an affiliate grade) and existing ones expelled, even if in practice the latter only takes place when subscriptions aren't paid. If this moves into more formal self-regulation, three further things appear: an entry-gate based on specific criteria (as conservation demonstrates, this need not be an entry-*route* in the sense of prescribed courses and training processes, although there need to be clear means for entrants to arrive at the gate); a code of ethics or practice; and a formal means of taking sanctions against defaulting members, including the ability to withdraw their membership. A rough order to development is also suggested, with in most cases associations coming first, supported or quickly followed by some form of definition of what the profession is and does, then expansion

of that into codes and standards, and finally formal processes concerned with entry, qualification, maintenance of competence, and sanctions. Notably, and in contrast with the still quoted (and misused) sequence posited by Wilensky (1964) in the United States, association does not require common training programmes to be put in place first (although the presence of a growing population of graduates in the area concerned can be a spur to association if it has not occurred already), and legal protection is much less in evidence as a necessary (or even necessarily desirable) outcome.

Equally, the case-studies do not suggest that there needs to be a standard model for each component, a uniform process of development, or that all components are needed by all professions; depending on context and history, which are developed, at what speed, and in what form will all vary, and at times the process may appear to go into reverse as needs change or earlier standards, rules and agreements become (or become recognised as being) too limiting. Experience from working with the case-study and other professions repeatedly points to the dangers of making assumptions based on once common but now obsolescent practices (the persistence of 'hours and points' approaches to continuing development is a case in point), as well as the uncritical benchmarking of, or appropriation of decontextualised evidence from, other professions. Perhaps interestingly, none of the case-study communities other than maybe landscape architecture in its earlier stages have been particularly concerned with one of the major planks of professionalisation in the technocratic tradition, that of developing a distinctive body of knowledge associated with their work. Instead, they have placed greater emphasis on defining what might be called a body of practice, in the form of practising or competence standards as well as more tacit notions of what it involves to work as a practitioner in the relevant field. This has however generally been underpinned by a distinct ethos, philosophy and set of theoretical principles, or what might be called the discipline of the profession; it is noticeable that in family mediation, where this disciplinary aspect has not yet fully emerged or at least become pervasive across the practitioner community, the body of practice is described in fairly utilitarian terms. At least for the more developed professions this suggests a move to a creative-interpretive or post-technocratic view of practice (Bines 1992, Lester 1995).

In relation to more general studies of professions and professionalism (the latter a term that needs to be used with particular caution because of its multiple meanings in the English language), the cases can be seen as providing a counterpoint to some recent accounts; notably, some of the issues raised in discussions of old-established and public service professions are barely recognisable among the case-study groups. While concerns such as imposed professionalisation, deprofessionalisation, barriers to entry and progression, lack of membership diversity, and reassertion of bureaucratic or market dominance are not irrelevant to small or emerging professions, they do not loom as large as they do for many of their larger, longer-established counterparts. They are also likely to be more apparent in occupations that are situated in or engaging with a bureaucratic environment within which they are trying to establish recognition and control over

standards (as with nutritionists) or maintain a claim to professional identity (further education teachers). The cases emphasise that generalisations based on atypical 'reference' professions such as medicine and law, or on specific contexts such as the health or education sectors, are likely to be highly limited in terms of their applicability to professions as a whole. The converse will also apply, in that factors and strategies present in the case-studies will not necessarily translate to other professions whose contexts are significantly different.

To conclude, there have been many assertions, from the 'crisis of the professions' (Houle 1980) through the 'end of the professions' (Broadbent, Dietrich and Roberts 1997) to concerns in established professions of deprofessionalisation due to government, market and organisational pressures (e.g. Rogowski 2010), that the ideal and perhaps even idea of 'profession' is under attack. Ideas about what professions are and how they might develop and act have developed and widened, but the practical evidence suggests that the trend for members of knowledgeable occupations to associate and seek to regulate themselves in one way or another is continuing unabated, while the cases described here indicate that this can be a successful strategy if pursued thoughtfully and with consideration for the specific context of the occupation concerned.

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