

The development of self-regulation in four UK professional communities

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Abstract

Professional self-regulation is often conceptualised as involving the delegation of state powers to professional groups. An examination of four groups in the United Kingdom provides examples of self-regulation that have developed, with one partial exception, without the support of any statutory framework. Some common aspects of self-regulation are identified along with some differences that relate to how the professions have evolved, and to their operating contexts; significant influences include how the profession is situated among adjacent groups, the degree of demand from clients and employers for qualified practitioners, and potentially whether the occupation is suitable as an initial career or requires a measure of maturity and prior experience. An argument is made for greater recognition, both through practical examples and in academic discourse, of self-regulation that is initiated and furthered voluntarily through negotiation between professions, their members and their clients rather than via legislative powers.

Introduction

Professional self-regulation has been described as part of an arrangement in which “societies grant professional communities freedom from external regulation in return for their commitment to regulate their members’ conduct” (Gorman, 2014, p491). In turn this can be seen as part of the broader social contract that allows professions a degree of monopoly over their employment or services markets in return for conducting themselves in the public interest (Marquand, 1997). In this conception, self-regulation is regarded as involving the delegation of public powers to professional communities via a formal authority that is generally conferred by statute (Adams, 2009). This may follow if self-regulation is viewed as necessarily total, i.e. practitioners are legally required to come under its scope, but otherwise it provides only a partial picture.

In the United Kingdom, the extent to which the state has an interest in regulating professions – or delegating legal authority to professional groups – varies by context. From the Thatcher era onwards the UK has been described as having a nominally free-market capitalist economy, but also strong central mechanisms of state (Gamble, 1988). For professions, at one end of a spectrum this translates to an aversion to legislation that restricts competition, militating against measures that endorse particular groups. Moving to the middle of the spectrum where there are sufficient matters of public interest to justify some form of intervention, this is commonly enabled by statutes creating ‘reserved functions’ (activities that only a qualified member of the relevant profession is allowed to carry out) and ‘reserved titles’ (such as ‘architect’ or ‘solicitor’, again restricted to suitably-qualified persons).

Oversight of reserved titles and functions has commonly been delegated to some form of self-regulatory body, whether a membership association or a separate (but generally practitioner-dominated) regulator such as the General Medical Council or Architects' Registration Board. At the opposite end of the spectrum a considerably more interventionist stance is apparent in relation to some public-sector professions, where stronger and more direct regulatory measures are common. The rise of 'new public management' (Kirkpatrick, Ackroyd & Walker, 2005), alongside high-profile and sometimes chronic instances of self-regulatory failure (e.g. Dixon-Woods, Yeung & Bosk, 2011), have in this sector created movement to greater state oversight both via additional administrative arrangements and through rebalancing regulators' governing bodies in favour of lay members. Alongside this, particularly in the legal and financial sectors, traditional means of self-regulation through national professional bodies have struggled to keep pace with the evolution of multinational, often multi-professional firms (Quack & Schübler, 2015). These factors have led some authors to posit a substantial curtailing or reframing of professional self-regulation as a phenomenon (e.g. Evetts, 2002, and Kuhlmann & Allsopp, 2008), or at least its transformation into what Spada (2009) has called 'regulated self-regulation'.

Nevertheless, of the 400 or so professional groups present in the UK (PARN, 2015), the majority (and particularly many of the smaller groups) fall towards the first end of the spectrum where the state has no interest in regulation whether directly or by proxy, or (as in the case of engineering) is satisfied that professions' voluntary systems are robust enough not to warrant public intervention (Jordan, 1992). In these situations groups that want to influence how work in their field is carried out will aim to extend their authority via various kinds of non-legislative recognition. Typically, self-regulation is first worked out within the professional community in a soft form as the rules for 'joining the club', later becoming more formal, negotiated with wider stakeholders and promoted in the public sphere as the nascent profession seeks to extend its influence. Drawing on Ogus (2000), it becomes a kind of 'private ordering' where the self-regulatory regime aims to provide benefits both to practitioners and to their clients or employers beyond those available through the laws of contract and employment. In this context, self-regulation can be defined as action by the profession itself to put in place, operate and gain acceptance for standards and processes that are designed to ensure the quality of practice. The extent to which practitioners are obliged to come under the umbrella of this kind of self-regulation depends on the scope for making a living outside of it, which in turn will relate to a variety of factors stemming from the market, sociopolitical and legislative environments in which they work (and which are sometimes open to the profession to influence).

A form of peculiarly British recognition open to at least the larger of these groups is to apply for a Royal Charter. A charter is a form of legal incorporation granted by the Privy Council, a committee of Members of Parliament, that gives the profession a status similar to that of a public body; in some respects it plays a parallel role to state recognition in some other countries. The principal attraction of a charter for professions is that they can (after certain conditions have been met) award a chartered title to members, which is exclusive to and governed by the body that confers it, i.e. it is a *de facto* reserved title. The charter is not in itself a form of regulation and it does not confer any privileges in the labour market, although it can be revoked if the organisation acts in a way that is inconsistent with the public interest.

The professions

The four professional groups that are described below have been selected from an informed or ‘information-oriented’ perspective (Flyvbjerg, 2006) to illustrate the phenomenon of self-regulation towards the open market end of the spectrum described above. In all cases, even if some of the group’s activity is in the public sector or (in one instance) includes a reserved function, a substantial proportion consists of otherwise unregulated interaction between practitioners or professional firms and private, commercial or voluntary-sector clients and employers. The main factor influencing the choice of occupations was the desire, at a practical level, to provide a set of examples that taken together would offer insights relevant to other groups considering, or in the process of developing, means of self-regulation. My experience of working with such groups indicates that they can be overly influenced by large well-established occupations whose own processes of professionalisation took place in substantially different circumstances, leading to unrealistic expectations of state support, regulatory reach and level of influence. This is mirrored in the academic literature where studies of professions are dominated by a relatively small range of occupations, with medicine, law and sometimes engineering or accountancy serving as archetypes, while predominantly public-sector professions such as teaching, nursing and social work are widely discussed but also treated as problematic due to the level of government and organisational control over their work (Evetts, 2009). Discussions of self-regulation also tend to focus on these larger and more prominent groups, with a few exceptions such as Adams’ comparative account of software engineering (Adams, 2007); small groups that are beginning to negotiate matters of self-regulation among their members and stakeholders appear very rarely. The cases discussed here are, while deliberately selected from outside of the more widely studied professions, likely to be fairly typical of the majority of British professional communities that rarely feature in the literature or as exemplars.

The four professional communities provide a spectrum in terms of the era in which significant self-regulatory measures were introduced and the extent to which they have become established. Landscape architecture as an organised profession dates from the 1920s, and has a well-established system of qualification and self-regulation, as well as now a Royal Charter. Conservation (of cultural heritage) is at least as old, though formal organisation dates from the 1950s and an authoritative institute was not formed until 2004. Family mediation is much newer as a distinct occupation, appearing in recognisable form only in the 1970s and still fragmented in its organisation; however, of the four, it is the only one with a reserved function or where there is any significant level of compulsion for practitioners to be regulated. Finally, vocational rehabilitation has largely been regarded as a function carried out by practitioners from a number of professions, and has only recently begun to develop an identity of its own. These last two might be considered nascent professions as, although they lack some features often (though not universally) associated with professions such as university-based entry-routes and authoritative governing bodies, they both embody what can be considered a professional rather than a purely occupational ethos (Lester, 2014a), and are communities of professionals the great majority of whom have trained and qualified in related fields. A summary is provided in Table 1.

The evidence-base for the descriptions that follow come from my involvement with each of the four groups in assisting them to develop or enhance self-regulatory functions. Part of this involvement included building a ‘rich picture’ (Checkland, 1981) of the profession and its operating context, based variously on documentary research, interviews, group discussion and consultation, most intensively at the beginning of my involvement but in all cases

evolving over a period of between three years and a decade. For the two examples where my involvement was not current at the time of writing, I updated the information from documentary sources and discussions in early 2014. Drafts of the case-studies, which are presented in more detail in Lester (2104b), were also checked with key people in each of the relevant professional bodies. Beyond the soft systems-influenced approach adopted for the project work itself, my standpoint has been transdisciplinary in the sense of starting from the practice context rather than from the perspective of any particular academic discipline, and seeking to develop knowledge for application in practice (Gibbs, 2015). I have also aimed to maintain a phenomenological orientation in the sense of attempting to understand the professions from the viewpoints of those situated in and working with them, and presenting a story of each group that, while it is told from the perspective of its attempts at organising and regulating itself, avoids too much further analysis.

Table 1. The professional communities.

	Landscape architecture	Conservation	Family mediation	Vocational rehabilitation
First university degree or diploma	1930 ¹	1937	None	1992
First association	1929	1958	1988	1993
Qualified status	1930s	1979/1999 ²	1996/2015 ²	--
Number of members	6000 ³	3500	1500 ⁴	1000
Percentage with qualified status	55%	23%	60%	--
Legal protection	None ⁵	None	One reserved function	None
Current structure	Single chartered association	Leading plus smaller associations	Umbrella body with standards board, six associations	Three small associations
Main markets and employers	Public authorities; environmental organisations; developers; landowners	Museums, galleries, archives; heritage organisations; private individuals and collections	Individuals both privately and publicly funded	Employers; insurers; benefits agencies; health service; individuals
Career point	Mainly primary professional field	Mainly primary professional field, significant mature entry	Entered from or practised alongside a related profession	Entered from or practised alongside (or as part of) a related profession
Dominant view of field	Overlapping specialisms with significant common ground	Professional field with many specialist applications	Closely-defined functional activity	Area of activity and expertise into which practitioners bring different existing perspectives

¹ All dates and figures relate to the United Kingdom

² First partial scheme/Mainstream qualified status

³ Includes students

⁴ Under the umbrella of the Family Mediation Council

⁵ The term 'landscape architect' is permitted as an exception under the Architect's Act 1997.

Landscape architecture

The profession of landscape architecture accounts for just over 6000 practitioners and students in the UK, of whom 3300 are qualified at chartered level. As an activity it has a documented history going back over two millennia. In Europe, professional ‘landscape gardeners’ (i.e. designers and project managers) came to prominence from the seventeenth century onwards. The term ‘landscape architect’ was coined in the mid-nineteenth century in New York, appearing in the UK by the end of the century. Associations of landscape architects were formed in the United States in 1899, Germany in 1913, and the UK in 1929, the last largely due to the efforts of a small group of leading practitioners, some of whom were also architects or members of the emerging town planning profession. Although the early landscape gardeners largely laid out private estates, nineteenth- and twentieth-century landscape architecture was increasingly associated with public projects such as the great era of Victorian park-building, the development of the ‘garden cities’, and later the ‘new towns’. More recently the balance of employment has moved back into private, sometimes multiprofessional practices and a growing voluntary sector. The profession’s conception of its role has also evolved, so that while landscape architecture was initially almost synonymous with design, later conceptions included concern with land use, planning, ecology, and landscape management (Motloch, 2001). This change was reflected in the UK association changing its title from the Institute of Landscape Architects to the Landscape Institute (LI) in 1972, and creating three divisions concerned with design, ecology and management.

The development of self-regulation in landscape architecture was aided by the presence of adjacent but largely non-competing professions, particularly architecture. Initially, the profession followed a similar pattern of training and qualification to architects, with entry-routes staged in four parts, all examined directly by the Institute; the first three parts were discontinued in the 1980s, having fallen into disuse in favour of degree courses. Following graduation, trainee landscape architects were required to spend two years in supervised practice before taking the Part 4 examination leading to qualified membership (from 1997 chartered status). The relatively rapid and painless introduction in landscape architecture of classic artefacts of professionalisation such as an authoritative association, code of ethics, recognised degree-level training route, and a clear qualified status suggests a certain amount of closure of its professionalisation ‘project’ (cf. Vernon, 1987), particularly when compared with the occupations discussed in the next sections. Nevertheless, the profession’s systems and processes have continued to evolve in response to a variety of external changes and trends.

The main external influence on landscape architecture in recent years has been the growth in importance of environmental matters. Although this has brought the profession into closer contact and competition with adjacent professional groups in the environmental field, on balance it has expanded both its outlook and the level of demand for landscape architects. Currently there are 31 LI-approved university degrees in the UK, as well as a process for the Institute to consider applications from graduates of non-accredited or sub-degree courses. Recent changes to its regulatory framework include replacement of the three membership divisions with a looser set of specialisms, and a number of measures designed to update post-degree entry routes. These include a professional standards framework that underpins both course accreditation and final assessment of practitioners, and a training period based on meeting the standards rather than serving a specific length of time. The LI was also one of the earlier professional bodies to adopt a practitioner-driven model of continuing

development, recognising from the early 1990s that self-managed activities were playing a larger role in practitioners' updating and ongoing development than courses organised by the Institute or by educational institutions.

Landscape architecture can be regarded as an archetypal self-regulating profession in that it does not have any legally reserved functions, it is governed by a voluntary professional association without interference from public bodies, and has a unitary governance structure (i.e. member-oriented and regulatory functions are undertaken by the same body). The profession has created a significant niche for itself on a level with, though distinct from, adjacent professions such as architecture, environmental management, surveying and planning. Its success both as a practising profession and in its links to the academy ensure that it continues to attract practitioners to join and qualify with the Institute, despite the fact that the activities carried out by landscape architects are generally open to practitioners in related fields with similar or lesser levels of qualification. The profession is also widely recognised internationally, with an international federation dating from 1948 and now numbering over 70 countries in its membership.

The conservation of cultural heritage

The activity of conserving and restoring movable material heritage accounts for an estimated 3500 practitioners in the UK, of whom a little over 800 hold qualified status through the main professional body, the Institute of Conservation. Like landscape architecture it can be traced back over two millennia, although for most of its history it was practised by artists and craftspeople who were not specifically conservators or restorers. It was somewhat slower to become established as a formal profession; apprenticeship-type training for restorers appeared in the eighteenth century and university courses in conservation in the 1930s (Scheißl, 2000), but formal associations were only established around the middle of the century including one in the UK in 1958. Unlike in landscape architecture, several competing associations quickly followed so that by the 1980s there were twelve membership bodies operating wholly or partly in the UK that were concerned with, or had a major interest in, conservation. Most of these were closer in style to learned societies or trade associations than professional bodies.

Major events in the crystallisation of conservation as a profession took place in 1964, when an international conference of practitioners drew up a basic code of practice, and 1984, with the agreement by the museums community of an influential definition of conservation. The same era saw rapid growth in university courses and research, grounding conservation as much in materials science and art history as in the craft of the artist-restorer. While the UK associations developed codes of practice and rough notions of what it was to be a professional conservator, formal self-regulation was slow to appear partly because an authoritative body had failed to emerge that could take forward developments, and partly because of a the lack of stable employment for novice conservators, making it difficult to set up post-university professional training (Jagger & Aston, 1999). The organisational problem was partly resolved in 1993 with the voluntary coming together of twelve associations under an umbrella organisation, the National Council for Conservation-Restoration (NCCR), which among other things set itself the task of developing a means of distinguishing *bona-fide* conservators. Pressure for this had come from practitioners to help remedy what was seen as a lack of status, voice and remuneration for conservators, as well as from some client bodies who wanted a register of qualified practitioners, something that became more urgent as many

moved away from employing conservators directly to engaging them as consultants and contractors.

The first registration schemes were set up outside the NCCR initiative in two specialist areas of conservation, but a more concerted joint effort was made to establish a qualified status towards the end of the 1990s. This aimed to bridge between the different traditions present in conservation, accommodate graduate and non-graduate entry, be workable in the absence of structured early-career training, and provide access for existing practitioners some of whom were highly proficient but had no relevant formal qualifications. A professional practice assessment was introduced in 1999 leading to a qualified status (Accredited Conservator-Restorer, ACR) roughly at master's level, though not depending on academic qualifications. This approach was influenced by three main sources: the final post-degree, post-experience practising assessment common in the built environment professions (including landscape architecture); the UK's then system of competence-based vocational qualifications; and a European project which aimed to agree common standards of practice for conservators (Foley & Scholten, 1998). Initially, the governance of this system was shared between NCCR and the three (later four) member bodies that subscribed to it, and delegated to an accreditation panel overseen by a more strategic professional standards board. This arrangement continued until 2004 when, reflecting the desire of many conservators to build on the momentum gained to date and increase the influence of their profession further, several of the conservation associations merged with NCCR to form a pre-eminent professional body, the Institute of Conservation (Icon), which was able to resource a complement of permanent staff.

The introduction of ACR status and the formation of Icon as the profession's leading institute have proved significant in enabling conservation to establish itself as a credible profession. Icon has also been able to address other matters including promoting practice-based training opportunities and developing a technician-level qualification; it is currently (2015) investigating the possibility of applying for a Royal Charter. Conservation, like landscape architecture, operates in an otherwise unregulated environment and there is no real pressure for early-career conservators to become professionally qualified; given that the assessment assumes around five years of practical experience, ACR status is understandably seen as a necessity only for independent practice and senior roles, where it tends to be required or favoured by large clients and employers. A 2013 independent review of the ACR framework has indicated that it is both well-recognised and highly robust, though with scope for better promotion among the conservation community.

Family mediation

Family mediation, the facilitated and non-adversarial resolution of disputes relating to separation, divorce, childcare arrangements and other family matters, is currently the primary or substantial occupation of around 1500 practitioners in England and Wales, of whom around 900 can be regarded as fully qualified (due to differences in legal systems, Scotland and Northern Ireland have different arrangements for mediators which will not be covered here). While as an activity it goes back far longer, family mediation emerged as a recognisable occupation only in the 1970s; its history in the UK is largely bound up with the liberalisation of divorce laws from 1969 onwards.

The first family mediation services were voluntary initiatives associated with the divorce courts and funded on an experimental basis in the late 1970s, employing often volunteer mediators drawn from the social work and marriage guidance professions (Cretney, 2004). A

national association (of services, though keeping a register of practitioners), now National Family Mediation (NFM), was formed in 1981. Mediation provoked a mixed reaction among the legal profession, with some lawyers seeing it as encroaching on their sphere of interest and others as complementary; a few started to become involved themselves, and some of these formed an embryonic practitioner association, the Family Mediators' Association (FMA), in 1988. Although the distinction between legally-trained mediators (initially the main constituency of the FMA) and those from a social work, guidance or counselling background (typically registered with the NFM) persisted for some time, the training and activities of both groups gradually converged.

The question of regulation came to the fore in the early 1990s, when public funding in the form of legal aid was made available directly for mediation. The agency responsible for administering the funding wanted a means of identifying mediators with whom it would be confident to work, and it set up an assessment of mediator competence that could be taken after gaining basic experience. The Law Society, the then qualifying body for solicitors, was also recognised as able to run an equivalent assessment. This established a pattern of initial training (which could be no more than the equivalent of a week), support by a mentor, and finally the competence assessment. In an attempt to institute a regime of self-regulation, NFM, FMA and the NFM's Scottish counterpart collaborated with government support to set up a body (the UK College of Family Mediators) that was intended to operate as a fully-functioning professional institute, and which took over the competence assessment from the legal aid agency. This body never attracted more than a small majority of practising mediators, and it was effectively disbanded in 2007.

Following the demise of the College, the (now six) associations that could count family mediators as members set up an umbrella body, the Family Mediation Council (FMC), to provide a standing conference and nominally common voice for the profession. While this enabled a modicum of common action, it was as often riven by debate and disagreement between associations of radically different size (from the Law Society with over 100,000 members and the mediator bodies with numbers in the low hundreds) and perspective (e.g. the voluntary-sector NFM and lawyer-based Resolution) (cf. Adams, 2007). The FMC inherited a situation where there were effectively four accreditation schemes for family mediators, only nominal standardisation of training, and confusion about who could be regarded as a 'qualified family mediator' and on what basis. In addition a very specific reserved function had been created by family justice legislation, relating to providing initial assessments of clients' suitability for mediation; a separate status, with less stringent requirements than full accreditation, was initiated to authorise mediators for this purpose. The FMC was initially ineffective at resolving this situation beyond agreeing a common code of practice and a(n outdated) approach to continuing development. This chaos was criticised in a review of the family justice system commissioned by the government (Norgrove, 2011), which hinted at the possibility of introducing a statutory regulator. In response the FMC commissioned its own reviews, which with government backing produced agreement in 2014 on a common standard of accreditation and self-regulation. The result was that the majority of regulatory functions were taken into the FMC and overseen by a new arm's-length standards board with lay as well as practitioner membership.

While the FMC's actions have gained governmental approval and support, a number of questions remain as at the end of 2015. These relate to things such as the adequacy of initial training; the retention of routes to accreditation via two different bodies; the difficulty of providing adequate supervision between initial training and accreditation; and the continuing

presence of six associations, some of which are more supportive than others of the recent reforms. More generally there is also an ongoing debate on the extent to which mediators who are not required to register by law or contract should be pressured to do so, for instance by the associations not admitting them as practising members. While on the surface therefore the family mediation community appears to have introduced systems and processes much more rapidly and universally than has been the case in for instance conservation, these are still relatively immature and a number of tensions are yet to be resolved.

Vocational rehabilitation

Vocational (or occupational) rehabilitation (VR) is concerned with enabling people who have long-term health problems, are disabled, or are recovering from major injuries, to remain in or return to economic activity. Like family mediation it is normally entered from an adjacent profession, typically a health profession or sometimes careers guidance, vocational training or personnel management, and for most practitioners it takes place alongside their main occupation. It is difficult to estimate the numbers of people who identify primarily as VR practitioners, but a current estimate based on membership of specialist associations suggests this is just over a thousand. In the UK, VR can be traced back to the Poor Laws and workhouses of the nineteenth century, and it developed through multiple influences including charitable support for people with disabilities, specific measures for the rehabilitation of injured combatants, and general health provision. The National Health Service (NHS), formed in 1948, had medical and functional rehabilitation as one of its remits, extending to some aspects of return-to-work. Similarly, the social welfare system became involved in aspects of VR both to aid benefit claimants to return to work and to provide supported employment for those deemed unable to secure or retain jobs in the general labour market.

The rise of VR as a more clearly-identifiable occupational activity can be dated, like family mediation, from the late 1970s. A financial crisis and period of rising unemployment limited the ability of the NHS to provide more than functional rehabilitation services, while a political imperative to minimise the number of people claiming unemployment benefits placed more emphasis on the return-to-work role of the benefits agencies. From this time onwards, but particularly from the early 1990s, the private sector also began to play a stronger role in VR through the active involvement of employers, insurers and training providers. The notion of a professional VR practitioner began to take hold with the adoption of a case management approach, driven particularly by insurers and employers. Case management focuses on the individual and their situation, needs and aspirations, and takes a transprofessional perspective geared to co-ordinating the various interventions and forms of support that are appropriate at different stages. There is substantial evidence for the effectiveness and benefits of case management (e.g. Waddell, Burton & Kendall, 2013), with the UK learning from more advanced practice in the Nordic countries, Australia and Canada.

Associations and qualifications specifically concerned with VR were slow to become established in the UK, principally because the majority of practitioners continued to identify with their primary profession and in many cases regarded their VR work as an extension of their main area of practice. The first university course in VR, a master's degree at City University in London, opened in 1992 and led indirectly to the formation of what is now the Vocational Rehabilitation Association (VRA) a year later. Two further specialist associations followed over the next decade; each of these currently has a membership in the low hundreds. A non-university qualification (essentially a knowledge test) is offered internationally by the National Institute of Disability Management and Research in Canada, and an attempt was

made in 2010-12 to set up a skills-based, sub-degree European qualification for front-line VR practitioners (Lester, 2013), but neither have been accepted in the UK as suitable to contribute to professional status.

To date, each of the three VR-related associations has published professional standards and a code of practice, and they also collaborated in 2013-14 to produce a competence framework for VR case management. A joint professional, provider and client forum has also produced a set of standards for service providers, and good practice for VR provision is enshrined in a closely-related British Standard. While in principle the associations can eject members for failing to follow their standards, no further aspects of professional regulation such as a formally qualified status or audits of continuing development have been instituted. The VRA has developed guidance for members to use its standards for self-assessment and continuing development, and an internal consultation in 2014 garnered a high level of interest in developing a qualified status in VR.

The path to self-regulation

The four professional communities described above illustrate varying degrees of success and effectiveness in establishing self-regulatory measures, partly accounted for by their degree of maturity. Landscape architecture can be posited as highly successful in that in a voluntary environment it has a widely-recognised qualified status, draws a healthy stream of recruits into formal membership, and the majority of these progress to and remain at chartered level. Conservation's much newer qualified designation has gained quite rapid recognition across the stakeholder community, but it exists alongside the option of working as a trained but unaccredited conservator under a looser regulatory umbrella, or (with more difficulty) eschewing professional membership completely. At face value, family mediation has appeared quicker to set up its regulatory processes, but these have largely been driven by public-sector requirements and the practitioner community has struggled to create a robust framework under its own initiative. Vocational rehabilitation has got to what is perhaps a more realistic stage of development for a nascent profession in the absence of state or client pressure, with an open question as to whether and how quickly this will develop to encompassing a more formally qualified and regulated membership.

The examples illustrate that open-market professions are able to initiate, establish and operate self-regulatory structures successfully, subject to two provisos. The first of these is that under purely voluntary conditions, reaching the point where it is the norm to become and remain professionally qualified can take several decades from the appearance of a recognisable, professional-level occupation. Even when this point is reached there may still be multiple associations and regulatory or quasi-regulatory regimes, as is currently the case in business coaching and was in podiatry until it came under the remit of the Health and Care Professions Council. The second is that the profession has the resources to maintain its regulatory function. While informal professional groups can survive on the input of volunteers, more than basic regulatory activities create a demand for paid staff, office facilities, meeting expenses, insurance, and occasional consultancy or legal inputs all of which need to be covered by membership and similar fees, set at a level that practitioners deem acceptable for the benefits gained (cf. Williams & Woodhead, 2007). Conservation's 3500 practitioners can adequately support a self-regulatory function as members of a single association, but it is as yet unclear whether family mediation's 1500 are able to do so at the level envisaged, particularly given the more complex organisational arrangement that is involved.

In terms of context, the examples illustrate two major factors that influence how self-regulatory structures develop. The first and most obvious of these is the degree of demand from outside the profession for practitioners who are qualified and regulated. This has played the most significant role in family mediation, and come principally from requirements for public funding. In conservation, the developments that took place in the late 1990s were supported by influential clients wanting some form of register of qualified conservators, and subsequent embedding of the qualified status has been aided by its appearance among the criteria for contracts and senior employed posts. In landscape architecture the impetus for self-regulation largely proceeded from inside the profession, although the wide recognition now enjoyed by qualified landscape architects among employers, clients and adjacent professions has become a factor holding it in place. It is worth noting that pressures for self-regulation can be driven by public or client bodies wanting to offload the work (and costs) of quality assurance on to practitioners in a mild form of professionalisation ‘from above’ (McClelland, 1990); although this can be seen in family mediation and to a much smaller extent conservation, in both cases it has been consistent with the direction that the professions themselves wished to take.

The second factor concerns the how the emergent profession is positioned in terms of other, more established groups, and how it interacts with them. In landscape architecture the presence of more mature but largely non-competing comparators (principally architecture and planning) provided a supportive environment for the formation of a formal, self-regulating profession, while also providing (for better or worse) a ready-made model to follow. Similar factors appear in contemporary examples of professionalisation in the health sector, where established approaches to regulation provide both models to draw on and at least tacit limitations on how the profession might frame and organise itself (e.g. Landman & Wootton, 2007). Conservation on the other hand effectively had to grow out from the dominance of adjacent groups, none of which could provide a suitable blueprint for a small, resurgent and partly private-practice profession; as a result its self-regulation project was only lightly benchmarked, drawing on professions from outside its sector. The conservation community’s authority over the ‘craft’ of conservation and restoration has never been in doubt, but it has faced a challenge in bringing the overall care of collections within its remit and in establishing what Abbott (1988) terms its intellectual jurisdiction *vis-à-vis* that of groups such as curators, archivists and architects.

Family mediation and vocational rehabilitation are both currently second or parallel careers for professionals who have trained in related areas, something that is partly associated with their newness but also reflects the need for practitioners in these fields to have a certain amount of maturity and life-experience. Both illustrate situations in which new professions are emerging from intersections between established ones, in variations of Abbott’s scenario of a standoff between existing groups leading to specialisation within them and thence to the appearance of a new professional community (Abbott, 1998). In family mediation this has been accelerated by the legal and client-driven factors referred to above, so that while there is still a tendency for the more dominant legal profession to see mediation as part of its sphere of influence, mediation is beginning to gain an identity and authority of its own while borrowing from regulatory practices in both the legal and the social services and counselling fields. Vocational rehabilitation is at the stage where the presence of established groups that have a claim to VR credentials is inhibiting it from claiming a distinct area of work as its unique territory, although the growth of case management is offering a way of moving beyond this. In an inversion of conservation’s situation for much of the twentieth century, VR has had considerably greater success in setting out an intellectual territory or nexus that

has become accepted as a source of authority by adjacent groups without encroaching on their own rights to practise.

Conclusions

The four groups discussed here indicate that within the more open end of the UK's professional services market even relatively small groups can develop, negotiate and operate effective, contextually-appropriate self-regulatory frameworks, including in the absence of any state involvement or endorsement. In landscape architecture this is demonstrated unequivocally, while in conservation it has become apparent as new systems and structures have been introduced over the last decade and a half. In family mediation it is less conclusive due to the level of impetus and funding that has come from the state, while vocational rehabilitation's primary achievement is in negotiating standards of practice for its area of work that are becoming accepted by practitioners regardless of the profession that they identify with. It is perhaps notable that these smaller and at least partially open-market groups have been among the vanguard among British professions in, among other things, conceptualising themselves in terms of a body of practice rather than primarily through a body of knowledge (all), moving to an achievement-referenced rather than time-defined period of training (landscape architecture), decoupling entry-gates from prescribed entry-routes (conservation), and replacing a course-based approach to continuing development to one based on self-managed development (landscape architecture and later conservation).

The fact that these groups are far from unique points to a need for greater account to be taken of professions that exist largely outside of state interest and are unlikely to gain any form of legal support beyond (for a minority) grant of a Royal Charter. At a practical level, this suggests making more apposite case-studies available to emergent groups and encouraging them to look beyond models provided by the large established professions. In terms of theory and research, it indicates that the discourse on self-regulation needs to extend beyond an assumption of delegation from the state to encompass professions that are making their claims of authority in the social and workplace arenas rather than in the legal one (Abbott, 1988), and whose self-regulatory strategies are in at least in part a matter of 'private ordering' (Ogus, 2000).

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