

Professional (self-)regulation and qualified status in the UK

a short summary

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Summary

Professions are organised in various ways, with most having some form of regulatory and qualifying function which can range from 'rules for joining the club' through to a legally-required 'licence to practise'. Key points for understanding UK professions include:

- There is no sharp distinction between 'regulated' and 'unregulated' professions; most professions practise some form of self-regulation and a minority have independent regulators, with no clear evidence that one model is better than another.
- Absolute requirements to come under a regulatory umbrella normally depend on having a 'reserved title' or 'reserved function'; there can also be legislative requirements that apply specifically to public-sector workers or contractors.
- Professions often seek chartered status; its main advantages are being recognised publicly as having authority in the relevant field and (for many) being able to confer a chartered title on members, but otherwise its legal value is minimal.
- The value of being professionally qualified can vary from being essential in order to practise, through conferring various advantages in the relevant employment or services market, to simply being 'nice to have' as a marker of achievement and belonging.
- Various routes to becoming professionally qualified have dominated at different points over the last 2-300 years, with the sequential route (full-time higher education followed by work-based professional training) becoming most common by the end of the twentieth century. The current trend is to more diverse and open routes to qualifying, with the profession setting out requirements for qualifying rather than dictating education and training routes.
- Most professions have requirements for continuing to remain qualified. These have tended to evolve from input-based or 'points and hours' continuing development models to ones more concerned with the relevance of learning, impact on practice, and continuing competence.
- Professions operate in a dynamic environment that creates pressures for continued evolution, with challenges to (among other things) professional boundaries, regulatory approaches, qualifying routes and understandings of 'professional' work.

Professional modes of organisation continue to be attractive and professionalisation of one form or another is an ongoing phenomenon. Nascent professions do however need to adopt approaches that are appropriate for their contexts, rather than being influenced by out-of-date ideal types.

Introduction

The idea of ‘a profession’ is notoriously difficult to define (cf. Freidson 1983, Evetts 2011), with the term used at one end of a spectrum to mean any remunerated career and at the other to refer to an elite group of occupations that are idealised as learned, highly qualified and self-governing. Hoyle and John (1995) suggest criteria based on expert knowledge, independent judgement and ethical principles, to which is often added the presence of a regulatory or governance regime that operates independently of employment or contractual relationships (e.g. Millerson 1964). While the latter is more debatable (for instance in the context of the academic profession or the clergy, as well as for professionalising occupations in areas such as sales, digital technology and policing) it provides a useful rule-of-thumb to which exceptions can be considered.

The way that professions define and demarcate themselves and seek to regulate their members differ across a number of variables, including the size and age of the profession, its operating and political contexts, how it is positioned in relation to other professions, and whether (and the extent to which) it is deemed to be worthy of (or in need of) state intervention. A nuanced understanding of the diversity of professions, and of ways of ‘being professional’, is needed by educational institutions and state actors in order to work effectively in this field. Professional bodies¹ themselves also need to use realistic comparators for their sector, size, stage of development and operating context, and not be over-influenced by atypical fields such as medicine and law (see Lester 2014).

This short resource paper unpicks some of the concepts associated with professional (self-)regulation and qualification as it applies to British professions. It draws on several projects and pieces of research by the author over a 25-year timeframe, including work with individual professions, cross-sectoral research, and most recently an internet trawl of regulatory and qualifying arrangements as part of the background to a study on professions’ use of apprenticeships (Lester 2025). Its purpose is to present an outline of current practices rather than for instance to examine societal or economic issues relating to professions, or the relative merits of different models of professionalisation and professional identity.

Professional organisation and (self-)regulation

British professions have for the most part formed through a ‘bottom-up’ process of practitioners forming an association of some sort, working out the rules for membership, and gradually putting in place artefacts such as codes of ethics or practice, training programmes, qualifications, rules for updating, and rules and processes for expelling members who practise unethically or incompetently (cf. Carr-Saunders and Wilson 1933, Millerson 1964). The external aims of professionalisation have generally been to create some level of exclusivity over the relevant field of work and increase the profession’s influence on associated standards and practices. Classical analyses of professionalisation suggest that a major platform for doing this is gaining state support, ideally through legally protected titles and functions (e.g. Wilensky 1964). A study of smaller UK professions (Lester 2014, 2016) indicates a more complex picture where most professions rely on a form of ‘private ordering’ (Ogus

¹ ‘Professional body’ is used here to mean any body representing or regulating professional practitioners independently of an employer or group of employers, whether it is a self-governing institute, an independent regulator or purely a membership association.

2000), in which their influence depends on the extent to which they can persuade practitioners, employers and clients to accept that it is more beneficial to work within a professional umbrella than outside of it.

Private ordering: the basis of most UK professions' authority

Most professions without reserved functions and titles (see below), and some that have reserved titles or reserved functions that cover only part of their fields, rely on a form of 'private ordering' for their recognition and authority. Typically, the profession will aim to:

- Build a reputation for expertise, authority and impartiality.
- Persuade practitioners that there are advantages to working inside the profession's umbrella, for instance in gaining work, accessing advice and development opportunities, and advancing their careers.
- Persuade employers, clients and other stakeholders such as insurers, banks and public authorities that there are benefits to engaging members of the profession, beyond those provided by contract and employment law.
- Persuade government departments and agencies that the profession provides an authoritative voice for its sector.
- Gain external recognition that reinforces the claims made by the profession, for instance via chartered status and a strong presence in academic institutions.

Some professions, such as surveying and some branches of engineering, have been highly successful in developing their authority via private ordering in the absence of formal legal protections. Others have remained as largely voluntary associations with limited influence in the employment and services market.

An alternative trajectory is presented by the idea of professionalisation 'from above' (Evetts 2011), in which the state intervenes to formalise certain professional characteristics in a (normally public-sector) occupation. One fairly recent example is further education teaching (Lucas and Nasta 2010), where regulations were introduced to mandate a qualified status via what had up to that point been a voluntary membership association. A slightly different approach is illustrated by policing, where an earlier public standards body was replaced by one modelled on, and using much of the language of, a professional institute (Lumsden 2017, Bacon *et al* 2023). This form of professionalisation is usually only mandatory for public sector employees or where it can be required via contractual conditions, and while it typically aims to create some of the characteristics of a classic profession, it rarely allows for the level of self-governance present in the chartered professions or even in fields such as medicine, architecture and law where independent or semi-independent regulators are present. It may also be resisted by practitioners and employers, sometimes resulting (as in the further education sector) in a degree of reversal.

Legally-backed professional regulation exists in the UK in two circumstances. The first is where an occupational function is reserved to people who are defined as being appropriately qualified. The second is where the professional title is similarly reserved. An alternative form of protection of title exists via chartered professional bodies, many of which can confer an individual chartered title (such

as Chartered Accountant or Engineer, or Chartered Member of ...)². The chartered title is legally protected while the basic title (e.g. accountant or engineer) is not, unless (as with 'architect') it is already a reserved title. A final layer of protection is provided by trading and employment law, for instance falsely using a designation that is normally granted by a professional body (or close enough to it to be deemed to be an attempt to mislead) could be challenged under the Trades Descriptions Act or be a legitimate reason for dismissal by an employer.

The legal basis of professional regulation

Any association or registration body can create rules for admitting and expelling members, but in order for membership to be a legal requirement one of three requirements needs to exist:

- **A reserved function.** This restricts an occupational function (such as representing clients in court, auditing corporate bodies, shoeing horses or servicing gas appliances) to people who are defined in the relevant legislation as being appropriately qualified.
- **A reserved title.** This prevents unqualified people from using a title that has been defined in law, such as 'architect', 'dentist', 'solicitor' or 'registered nurse'.

The existence of one of the above does not imply the other, so for instance while auditing company financial statements is a reserved function, there is no restriction on who can use the titles 'accountant' or 'auditor'; conversely, while the title 'architect' is protected, none of the functions generally associated with architects are currently reserved.

- **A statutory requirement applying to staff in, or contracted by, the public sector.** This sets up a qualification requirement applying to public-sector employees or equivalent personnel in firms that hold public-sector contracts. Qualified Teacher Status is a case in point.

The most common model of professional organisation is a unitary body, chartered or otherwise, that is self-governing and acts as a membership association and regulates its members, in most cases without a statutory basis other than the charter where present. Sometimes more than one such body exists in the same profession, possibly distinguished by specialism but potentially competing for the same pool of members. A small minority of self-regulating professional bodies have reserved functions that are not subject to any other regulatory supervision. In theory the presence of a charter creates a very loose form of public oversight, as there is a legal process for revoking the charter of a defaulting organisation. This has however not been invoked for over 150 years, and not successfully since the time of Charles II. A variation on the self-governing model is present in some fields, most notably the engineering, scientific and environmental professions, where professional bodies have delegated some of their regulatory functions to an umbrella organisation. The latter provides common standards and regulation in respect of a shared title such as Chartered Engineer, Chartered Scientist or Chartered Environmentalist, although the individual bodies remain free to operate independently in respect of their own titles (including chartered titles where they have the power to award them) and memberships.

² See <https://privycouncil.independent.gov.uk/wp-content/uploads/2025/03/2025-02-27-Chartered-Designation-Guidance.pdf> (last checked August 2025)

Independent or semi-independent regulators can be created where there is a statutory basis for regulation, i.e. a reserved title or function; the Professional Qualifications Act 2022³ consolidates the majority of fields that are subject to external regulation. Three basic regulatory models or archetypes can be distinguished, outlined below.

Regulatory archetypes

External professional regulation in the UK fit generally fits into one of the following models:

- **Fully independent regulation.** This is most commonly present in the health and social care sectors and in (school) education, and takes the form of a statutory body that is fully independent of the membership body or bodies in the same field.
- **Arm's length regulation.** This is the principal model in the legal sector, where the Legal Services Act of 2007 required professional bodies to separate out member services and regulatory functions, with the latter delegated to a regulatory arm overseen by the Legal Services Commission. There are already signs that this model may evolve further (e.g. Hyde 2024), and it can be posited that regulators of this type will over time move to greater independence. Architecture illustrates a move from arm's length to independent regulation, the Architects Act of 1997 creating formal separation between the Architects Registration Board and the Royal Institute of British Architects (see Lester 2022).
- **Functional regulation.** In the financial sector, the Financial Reporting Council sets financial reporting standards for incorporated organisations and oversees the statutory audit function, making it a *de facto* oversight regulator for the accountancy bodies that qualify their members to undertake this work.

Three notes are needed in respect of statutory regulation. One is that UK governments have traditionally been reluctant to set up professional regulators unless there is both a clear public interest issue at stake and self-regulation is weak, inefficient or failing; an analysis where this has been considered the case is provided by Clementi (2004). A more common approach is to create standards that apply to activities regardless of who carries them out, as is widely done in the construction sector. The second is that while in the above models the regulators are structured so that their governing bodies should not be unduly influenced by practitioner interests, they are necessarily dependent on the judgements and interpretations of specialists. In some respects this means that, even where regulators have been set up or restructured to avoid majority practitioner control, many of the professions coming under the arrangements above can arguably still be regarded as self-regulating (see for instance Irvine 2007 and Dixon-Woods *et al* 2011 for different perspectives in relation to medicine). The third is that where an independent regulator is set up, it may draw off membership from relevant pre-existing association(s) if continued membership is not made a condition of registration. This can then result in the regulator becoming involved in some of the activities that are normally the province of the membership association, for instance in relation to practitioner updating and advocating for the profession. In extreme cases it can also lead to the atrophy of the association.

³ A full list of occupations and functions coming within the scope of the Act is at <https://www.gov.uk/government/publications/professions-regulated-by-law-in-the-uk-and-their-regulators/uk-regulated-professions-and-their-regulators> (last checked September 2025).

Professionally-qualified status

Qualified status in a profession or occupation refers to the grant of a licence, title or qualified membership by a professional body of some form, as distinct from a permanent qualification such as a degree or diploma that is normally held for life once achieved.

The value of qualified status varies depending on several factors including whether it provides access to any reserved functions or titles (and for titles, how essential the title is to being able to practise); how successful the profession has been at persuading employers, clients, practitioners and other stakeholders that it is desirable to operate under its umbrella; whether there are relevant differences between different contexts of practice, e.g. public and private sector, employed and self-employed, or different specialisms; and whether stakeholders will accept substitutes, for instance relevant experience or permanent qualifications.

The value of qualified status

Qualified status is often thought of in terms of ‘licensing to practise’, but in practice its benefits vary from being essential to being ‘nice to have’. It can:

- Be required in order to practise, most obviously where there is a legally reserved function but also where stakeholders require qualified status for particular activities. This can apply to some roles but not others within the same profession, for instance accountants need to be qualified to audit and sign off statutory financial statements, but not to prepare accounts and budgets or to manage company finances.
- Improve access to employment, senior roles or independent practice. This may be due to customary expectations as well as practical concerns such as needing to obtain professional indemnity insurance.
- Give the holder an advantage in the employment or professional services market, sometimes as one of several possible credentials.
- Simply act as a marker of proficiency, achievement and belonging with little commercial or employment benefit.

The above suggests that any attempt to divide professions into those that are formally qualified or regulated and those that are not is bound to be flawed; the UK government’s list of ‘regulated’ professions⁴ for instance includes fields where qualified status is not essential or only needed in very specific circumstances, while omitting others where it is difficult to work in at least some contexts without being formally qualified. In this context the idea of a ‘qualifying profession’, i.e. one that has a qualified status or membership of some form, can be more useful than considering ‘regulated’ professions.

Three points can be made about professional bodies’ award of qualified status, following Lester (2024a). The first is that many professions now attach a nominal academic level to their qualified status, in principle reflecting the complexity of the work involved; this rarely has any external

⁴ <https://www.regulated-professions.service.gov.uk/> (last checked September 2025). Note that this differs from the list in footnote 3.

ratification, but it can provide guidance on the level of learning needed to qualify. In the majority of cases this is at (English/European) level 6 or 7, with a few qualified roles at level 5 and at least one (Chartered Psychologist) deemed to be at level 8. The second is that the degree of proficiency required at the point of qualification, as opposed to the qualification level, is not consistent between professions; on the five-point novice-to-expert scale (Dreyfus and Dreyfus 1986) most require something akin to the ‘competent’ (middle) level, akin to being on the threshold of independent practice, while some can be posited as accepting something slightly below this (i.e. qualified subject to a further supervised period of practice) and a few look for a fully ‘proficient’ level, corresponding to the ability to practise fully independently. The final point is that there can be differences in the level of breadth, specificity and criticality of what qualified status attests to, so that some professions for instance emphasise having a deep understanding of underlying principles and of being able to act capably in emergent contexts, while others place more weight on flawless performance of critical tasks.

Routes to qualified status have been discussed by Bines (1992), Lester (2009) and Hordern (2014) among others, charting a progression from pure apprenticeship models dating back to the medieval period through to recent approaches that combine academic and practical learning.

Archetypal routes to qualifying

Qualifying routes are summarised by Lester (2025) as:

- Traditional *apprenticeship*, provided purely by the employer without any formal external training; this was the standard pattern for most professions until at least the nineteenth century.
- *Parallel* or *dual*, where work-based training is coupled with an off-job course, traditionally on a day- or block-release basis. The parallel route became the norm for many professions in the twentieth century, although by the end of the century it had been largely replaced by sequential or hybrid models.
- *Sequential*, where a full-time degree or other course is followed by a period of work-based practice and training. Various models and hybrids are used including:
 - undergraduate and postgraduate phases followed by professional training
 - a hybrid model where a first degree is followed by a parallel phase that includes a postgraduate or professional course
 - initial practical training sandwiched between two full-time courses.
- *Integrated*, where academic and practical learning are intertwined in a single programme or pathway. Integrated programmes can have features of ‘work-integrated learning’ (WIL) (Zegwaard *et al* 2023) where substantial periods of practice are incorporated into a nominally full-time course, and ‘learning-integrated work’ (LIW) (Garnett 2020) that are primarily located in the workplace. Principles underpinning integrated programmes and pathways are discussed in more depth by Lester (2024b).
- *Experiential*, where the would-be practitioner follows an individual route to qualifying that may or may not include a formal course; Lester (2025) comments that this route is absent from some professions and a minority pathway in others, “though it can be significant for

career-change entrants and those progressing from allied occupations or who have gained the relevant capabilities without previously qualifying” (p10).

Considering contemporary practices, the traditional apprenticeship route can be ignored as it is no longer formally supported by any UK professions; although some individuals may train through what is in effect an apprenticeship without the support of a formal course, this can be subsumed under the idea of an open route as discussed below. Parallel, sequential and integrated routes are very much in evidence (e.g. Lester, 2009; 2025) and form major pathways into professions. A recent trend has been to emphasise the requirements that need to be met in order to qualify, sometimes set out as practising standards or in the form of a competency framework (*ibid*); this has led to the idea of an ‘open’ route, where the profession sets out its requirements and the would-be practitioner develops a strategy for meeting them, taking account of his or her starting-point, work situation and personal circumstances (e.g. Ching 2025 in relation to solicitors). This incorporates the experiential pathway (above) and can include options that are only open to experienced practitioners, but it also includes major pathways in fields such as legal executives, personnel and development, and following changes in 2021, solicitors.

Maintaining qualified status

Most professional bodies set some requirements for maintaining qualified status, ranging from a general exhortation to keep up-to-date to a fairly rigorous revalidation process. Common approaches, drawing on Lester (1999), Friedman (2012) and Friedman and Woodhead (2008), are outlined below.

Approaches to ongoing competence and development

- Requiring a minimum number of hours to be accrued on approved learning activities. A variation is to allocate points to different kinds of learning activities, which can enable the profession to prioritise some types of activity over others or require a mix of different types of activity.
- Using a ‘learning cycle’ or ‘learning log’ approach, where members plan, carry out, record and reflect on learning activities. This approach tends to be used to encourage an active approach to learning that is more clearly linked to practice.
- Requiring practitioners to have a mentor, supervisor, practice consultant or similar, who may be involved in providing evidence relating to revalidation.
- Requiring evidence or examples of how learning has been applied in practice.
- Requiring more extensive evidence of competent practice, for instance through case-studies or validated accounts of practice episodes.

It can be difficult for professions to find an optimum that supports effective and innovative practice and avoids burdening members with attending unnecessary events or excessive recording, while demonstrating accountability and sweeping up the least conscientious practitioners. There can be a tendency to err on the side of ‘inputs’ and easily-quantified activities, which in reality may result in little useful learning (cf. Gear *et al* 1996, Lindsay 2016). On the other hand it can be difficult to assess what useful learning has taken place and how it has contributed to practice. Principles that have emerged over the last two or three decades include:

Principles for maintaining effective practice

- The topics and methods of ongoing learning need to be open to practitioners to determine in accordance with the focus of their practice and their circumstances. Some exceptions may be justifiable for instance when there are changes to legislation, technology, recommended practice etc. that all members of the profession need to understand, but normally multiple methods should be provided for this type of updating.
- The test of effective development is its impact on the practitioner's current and future practice, not the type of learning activity or how long is spent on it.
- Where there is a need to ensure that practice remains competent and ethical, methods based on the examination of actual work episodes are more effective than looking at updating.

In practice there is no ideal model, and what approaches are appropriate can vary depending on the criticality of the profession's work, how uniform roles are across the profession, and to the balance desired between maintaining a minimum level of competence and encouraging practitioners to develop their expertise and breadth of practice (e.g. Kennedy 2005).

Outlook

The environment in which professions operate is far from static, and although the self-governing chartered model appears to be an enduring constant, all forms of professional organisation and regulation are subject to a wide variety of pressures. The following summarises some of the challenges that professions are facing into the twenty-first century. Some have responded by 'reprofessionalising' in a more contemporary mode or adopting tighter forms of regulation, while others have moved away from the idea of a clear qualified status to a more inclusive approach to membership that seeks to capture broader interests across the overall field.

Challenges for professional (self-)regulation

- **Public pressures for accountability.** Public scrutiny can be an important contributor to quality and transparency and a counter to potential professional self-interest, but pressures can also be created to respond disproportionately to specific issues and create piecemeal regulation.
- **'Deprofessionalisation'.** In large organisations and particularly in the public sector, a tendency can be posited (e.g. Evetts 2009) for professionals' independence to be eroded and made subject to greater managerial control. This can create conflicts between professional and organisational views of what constitutes acceptable practice, potentially challenging the regulatory power of professional bodies.
- **Corporate qualification policies.** Large organisations sometimes make their own rules about the qualifications they need for professional roles, creating jobs and career structures that can bypass formally qualified status where it is not a legal requirement.
- **International standards.** Mutual recognition agreements and common international standards have many benefits, but they can also create pressures to accept the lowest common denominator and tie professions in to outdated practices.

- **Multinational operation.** Firms and individuals that operate across different jurisdictions can create challenges for professional regulation, particularly where there are no agreements for mutual recognition of qualifications.
- **Regulation of firms or individuals?** Some professions have moved some of their regulatory emphasis to firms rather than individuals, but this can be challenged by the current trend in some sectors towards multiprofessional firms.
- **Emerging and hybrid professions.** These can appear as new professional groupings; evolve in response to changes in technology, legislation or social attitudes; hybrid roles and multiprofessional firms blur traditional boundaries; and existing professions diverge into new specialisms and contexts. These can require rethinks to qualifications and regulatory boundaries.
- **New technology.** Technological advances now mean that much ‘complex but routine’ work (Lester 2020) that would have been done by professional practitioners is increasingly being automated or substituted. Apart from changing the landscape for work roles and professional training, this is requiring some rethinking to ensure that there is accountability for work carried out by technology.

Recent indications (e.g. Lester 2025) appear to be that the idea of ‘being a profession’ is still an attractive one, both for established occupations that want to enhance their standing, influence and ethical credentials, and for newer groupings that want to distinguish themselves from existing professions. The phenomenon of professionalisation can be expected to continue, but professionalising groups need to be guided by honest appraisals of their current contexts rather than by comparators based on models rooted in the past.

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