

Professional Qualifications, Case Study No. 1: Report of the group discussions

There was a consensus among the delegates that any solutions should be equitable to all chartered members – past, present and future – as well as the complainant. The delegates were equally firm that the letter from the complainant's solicitors should be referred to the Institute's legal advisors. However, the grounds for the threatened litigation were perceived to be weak. First, proving the relevance of one specialist domain over another would be difficult and costly. Further, the debate could only be conducted using the principles that the Institute has created. Second, the general complaint about members of the Qualifications Committee wanting to preserve the status quo would be equally difficult to prove. Third, the Institute would be able to argue that the complainant's rapid progress through its training and qualification systems is evidence that graduates are not being favoured. However, the reported remarks of the Committee's Chair were seen as causes for concern because they might be used as evidence of personal prejudice against the complainant. Therefore, a negotiated settlement is advised.

It was also agreed that difficult to resolve complaints often expose fundamental issues about institutional principles and practices. In this case the core issues for the Institute are:

- Corporate identity – who the members are, what they do and how they exercise ownership of their professional domain;
- The relevance/ validity of the Institute's assessment procedures; and,
- The timeliness of corporate decision making.

It was felt that too much authority may have been delegated to the Qualifications Committee, so its constitution and membership should also be reviewed. Some delegates expressed doubt about the current way members of the committee are appointed and whether too much authority had been given to a partly self selecting group that represented only a section of the membership.

The complainant has pushed his company's professional practice into new areas. The Institute has to decide whether to extend its current professional domains to encompass the new areas of activity. Either way, the entry and assessment procedures will need to change to reflect the Institute's decision. The decision also needs to be timely. If there are strong pressures from the membership and/ or public for change, failure to respond within a reasonable timescale could, eventually lead to diminished professional standing - even a professional schism and the creation of a new professional body with overlapping interests which becomes a future competitor. However, there were concerns that a premature decision to include new areas of activity, that might prove to be – as one committee member warned - of only transient interest, risks short to middle-term dilution of the relevance and integrity of the Institute's qualifications.

What is clear from the description of the complaint is that the outstanding specialist domain (No. 2) is no longer as relevant to professional practice as it has been. However, the domain is reported to be the source of many of the professional principles that continue to underpin the Institute's contemporary work so the domain remains historically important. Therefore, a core issue for the Institute is how to balance the assessment of traditional and developing professional principles.

It was agreed that in practice, the differences between the non-core domains may not be significant. Although described as "specialist" they are likely to have considerable overlaps and may differ more from each other (and the claimed "fifth" domain) more in their areas of application than their underlying principles. However, this is not a

decision for the Qualifications Committee alone – its role is to make recommendations based on Institute policies. The Institute as a whole needs to decide on the continuing relevance of the complainant's outstanding specialist domain to contemporary practice and whether his "fifth specialist domain" represents a valid and distinct area of professional activity.

The complainant has risen quickly through the Institute's professional structure, despite not being a university graduate. Within three years of studying for the Institute's qualifications he achieved Graduate Membership and Associate Membership a year later. This rate of progress is as fast as most university graduates. Further, evidence of the complainant's exceptional qualities include the creation of his own company, its innovative ways of working and his contributions to professional journals. Most delegates felt that, if he remains in the Institute and is prepared to work within its disciplines, he appears to be a candidate for an early Fellowship.

There are further clues to his personality. Given that he runs his own company it would have been easy for the complainant to "engineer" evidence of his competence in the outstanding specialist domain. Delegates were divided on whether his decision not to do so is due to his integrity or pig-headedness.

The delegates were asked to consider how the CE might achieve a negotiated solution. There was a strong consensus that the Institute's Qualifications Committee should be asked to look again at the complainant's professional record. Given that the specialist domains may have considerable overlaps, they may find substantial evidence of the complainant's competence in his outstanding specialist domain in the other recognised domains – and indeed his proposed "fifth specialist domain". If the Qualifications Committee is unwilling to undertake the task, consideration should be given to appointing a consultant to undertake the competence review.

Should evidence of the complainant's competence in the outstanding domain not be forthcoming, the Institute's Council might arrange for him to undertake one of the exercises used by other companies' training departments to develop and assess competence in the outstanding specialist domain. A refusal by the complainant to take this route – should that point be reached – would also provide indications of his willingness to work within Institute structures.

The delegates were also asked to consider the desirability of the Chief Executive or a Council member speaking direct to the complainant and pointing out his potential to become a future Fellow and leader of relevant Institute activities – if and only if – he was prepared to work within the Institute's structures. Delegates were divided about such a course of action and those that were in favour had considerable reservations about a one to one meeting and advised that, if such a meeting did take place there should be a neutral chair.

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