

CPD Models

Introduction

This title examines models of Continuing Professional Development ('CPD'). CPD models provide archetypes for the design, administration, governance and delivery of CPD. This title discusses:

- Terms and concepts within CPD Models
- The many types of CPD Element Models, describing different activities that professionals can employ for their professional development
- The many types of CPD Scheme Models, describing the over-arching types of regime that govern professionals in their engagement with specific CPD activities.

CPD Overview

CPD refers to mandatory education, training and development activities occurring after entry to the profession. The development can be within the existing area of professional practice (deepening current skills and knowledge), a new area of planned practice (allowing lateral career development) or a more expert, specialised or authoritative area of practice (empowering vertical career development).¹ It can cover standards of practice, specific competencies and issues of values, ethics and conduct. While CPD can sometimes be referred to as 'continuing professional education',² commentators generally distinguish professional learning from professional development, with the former a narrower term referring to specific changes in professional knowledge, skills, or practices, while the latter term refers to deeper and broader qualitative shifts in professionalism.³

CPD activities and regimes can be evaluated on a range of criteria (as we will see with respect to different CPD models) but their overarching objectives are to generally improve professional knowledge and skills, and to enhance personal and professional qualities. In terms of the former, CPD might aim to maintain previously learned knowledge and skills matter, to improve existing knowledge and skills (including deepening understanding and updating knowledge in line with the latest research and best practices) or to broaden the professional's expertise to new areas. The CPD can also aim to hone social and interpersonal skills, practices, scripts and practical strategies.

¹ On lateral and vertical aspirations for teachers' CPD, see Orit Avidov-Ungar, 'A Model of Professional Development: Teachers' Perceptions of Their Professional Development' (2016) 22 *Teachers and Teaching: Theory and Practice* 653.

² Other analogous terms may be used, including 'professional development', 'continuing professional training' and 'in-service education'.

³ Christine Fraser et al, 'Teachers' Continuing Professional Development: Contested Concepts, Understandings and Models' (2007) 33 *Journal of In-service Education* 153, 156-57. See similarly Andy Boon and Toni Fazaeli, 'Professional Bodies and Continuing Professional Development: A Case Study' in Sue Crowley (ed), *Challenging Professional Learning* (Routledge, 2014) 31.

Terms and Concepts for CPD Models

There are many distinct types of CPD activities, overall approaches to CPD, academic theories about CPD, and desirable outcomes of CPD. Each of these subjects can give rise to 'CPD Models'. However, there is no shared understanding of terminology. Many commentators have noted problems with 'conceptual vagueness' in the realm of CPD, and the contested nature of concepts and terms.⁴ This applies very much to the notion of 'models' – one commentator might use the term 'model', while another might favour alternative idioms like 'approach', 'paradigm', 'concepts', 'element', 'framework' and so on.

This title will focus on the two most common types of CPD Models: CPD Element Models and CPD Scheme Models. CPD Element Models are used to describe and analyse specific activities and practices, like training workshops, university awards or mentoring. CPD Scheme Models describe and analyse larger frameworks that may incorporate an array of different elements as components. For example, the 'Input Model' describes one approach to an overall CPD scheme, a scheme that could include elements of training workshops and university awards. The wide variety of CPD models (both in terms of specific elements and over-arching schemes) being employed in different professions is important, as different professions may engage differently with CPD, depending upon the profession's situation,⁵ and its special needs in a given context.⁶

The term 'CPD model' can also be applied in other ways. For example, a 'model' might refer to the comprehensive content of a specific CPD regime in a particular jurisdiction – in this way one might refer to the UK's National CPD Model for Teachers.⁷ CPD schemes or elements might also be referred to as fitting a model if they display some specific quality – such as a 'Transformative Model' referring to any CPD practice that achieves holistic, critical change within the professional.⁸ Finally, 'model' might be used to refer to a theoretical framework about CPD. These are academic or research-driven ways of conceptualizing or categorizing CPD, often picking out specific qualities of different CPD schemes or elements (or of the professionals engaging with them⁹), for the purposes of understanding, evaluating, criticizing or categorizing CPD. For examples, the Integrative Contextual Model of Career Development is a theoretical framework that focuses on the need to develop skills to achieve an integrated array of vocational outcomes.¹⁰

⁴ Fraser et al, above n 3, 155-6; Avidov-Ungar, above n 1, 664.

⁵ This consideration looms large in the comparison between law and further education discussed in Boon and Fazaeli, above n 3.

⁶ Many commentaries on CPD from the education sector emphasize the special role of CPD for teachers. See, e.g., Boon and Fazaeli, above n 3; Marilyn Leaska and Sarah Younieb, 'National Models for Continuing Professional Development: The Challenges of Twenty-First-Century Knowledge Management' (2013) 39 *Professional Development in Education* 273.

⁷ See, e.g., Leaska and Younieb, above n 6.

⁸ Aileen Kennedy, 'Models of Continuing Professional Development: A Framework for Analysis' (2005) 31 *Journal of In-Service Education* 235.

⁹ E.g., Sherri Turner et al, 'Vocational Skills and Outcomes among Native American Adolescents: A Test of the Integrative Contextual Model of Career Development' (2006) 54 *Career Development Quarterly* 216.

¹⁰ Turner, above n 9, 218.

CPD Element Models

CPD Element Models describe specific CPD activities and practices – elements that can form components of larger CPD Schemes.¹¹

Training Model

Training courses were often the first CPD activities to be used by many professions and they remain a common mode of CPD delivery.¹² This element model includes workshops, short-courses and themed lectures, usually occurring in standard teaching environments, and delivered by experts in the topic. They are often short-term, but they can stretch in length and depth from sandwich courses to summer courses. The Training Model can be associated with a standards or competency-based view of professional work.¹³ The Model is particularly common in cases where professionals need to be re-skilled or re-educated in line with a new centrally-controlled reform or policy-initiative – either of their institutional employer (such as a school) or the government (such as the Department of Education).¹⁴ In terms of benefits, the Training Model can be implemented fairly quickly, often relying on decentralized actors and private providers – or using specifically trained presenters (such as in the case of a new government reform). The lectures and workshops can be fitted in amongst professionals' other work commitments, and attendance at training courses can be easily recorded and checked. However, the Training Model has many critics: it can focus purely on skills and content, rather than instilling meaningful change in values, understanding and reflection; it can deal with subjects only narrowly and superficially; and, it can teach content that is irrelevant to a professional, or unhelpfully divorced from practical work situations.¹⁵

Cascade Model

One special version of the Training Model is the Cascade Model. This model works by sending one professional from an institution (or area) to a training event, such as a workshop or academic conference, and then having that professional report back to local professionals, communicating the new knowledge and skills.¹⁶ Special training may go into those who will spread the knowledge – for example, they may be trained as 'Key Resource Teachers' or 'ICT Champions'. This model can be comparatively cost-effective, and quickly reach large numbers of professionals – making it desirable in cases of central reform initiatives that require training many professionals.¹⁷ However, it carries serious drawbacks. As well as those attending the more general Training Model, the Cascade Model suffers from the iterated staging of the training, as the later content deliverers may dilute, misinterpret or adulterate the original content. As well, the very features that make the Cascade Model most desirable – the ability to reach professionals working in far-flung and

¹¹ See, e.g., Kennedy, above n 8. Kennedy provides nine models, of which five are noted here as Element Models, and one is noted in the next section as a CPD Scheme Model. See also text above n 8 and below n 25.

¹² For an overview of the history with respect to lawyers, see Boon and Fazaeli, above n 3.

¹³ Kennedy, above n 8.

¹⁴ Such reforms are particularly common in the education sector. See, e.g., Fraser et al, above n 3; Avidov-Ungar, above n 1.

¹⁵ See Boon and Fazaeli, above n 3; Kennedy, above n 8.

¹⁶ See Kennedy, above n 8; Harry Kipkemoi Bett, 'The Cascade Model of Teachers' Continuing Professional Development in Kenya: A Time for Change?' (2016) 3 *Cogent Education: Professional Education and Training* 1.

¹⁷ Bett, above n 16.

resource-poor environments – can create its pitfalls, as the training may be unhelpful for those in very different contexts who had no role in its development.¹⁸

Award Model

The Award CPD Element Model is like the Training Model, but administered, performed and assessed in universities, and typically has a much longer duration, allowing deepened exploration, reflection and understanding in the subject area. University awards hinge upon successful completion of the course, including assessment, which helps ensure genuine learning has occurred. As well as benefiting from university systems of assessment and accountability, this Model usually provides credentials that are portable, bankable and internationally recognized. While it has the advantage of allowing deepened understanding through intellectual theorizing, a common critique is the gap between academic theory and practical needs, especially in cases where there is no sustained effort to link intellectual theories with real-world practicalities.¹⁹

Mentoring Model

The defining feature of this model is the one-on-one engagement between two professionals. This element includes mentoring and coaching, where there is usually a difference in hierarchical status and expertise between the two. Coaching elements tend to focus on skills and strategies, while mentoring also involves interpersonal qualities, including counselling and professional friendship, and guidance on values and ethics.²⁰ However, this Element Model can also include one-on-one development between peers, such as through work-shadowing and sharing of experiences and strategies. The Mentoring Model provides broader support and offers personalized development and growth. However, it can be time and work intensive, and may require training and special interpersonal skills by mentors.²¹

Community Model

This model shares with the mentoring element a focus on collaboration. However, in this case the element works in a many-to-many mode, often across peers and colleagues, including activities of shared learning, group discussions, networking events and joint exercises. This model has been described as ‘bottom-across, rather than top-down’.²² Its main benefits lie in developing interpersonal support networks, responding to the specific needs of professionals, and allowing greater levels of professional ownership and autonomy. Its collaborative nature can also generate new research, strategies and policies, so unlike other elements that focus on transmitting existing knowledge, community collaborations can create entirely new knowledge. The Model’s drawbacks are that it can be difficult to assess and demonstrate accountability; it

¹⁸ Bett, above n 16.

¹⁹ See Kennedy, above n 8.

²⁰ Kennedy, above n 8, 242.

²¹ Kennedy, above n 8, 243.

²² John Coolahan, *Teacher Education and the Teaching Career in an Era of Lifelong Learning: OECD Education Working Paper, Number 2* (Education Directorate, OECD, 2002) 26.

can occur in an inefficient and fragmented way; and, it can require support mechanisms (including technology) that can be challenging to set up and maintain.

Individual Research and Reflection Model

Some CPD can be done purely on the professional's own initiative, and entirely on their own. This may include research work, such as reading articles from professional journals on relevant areas of practice or science. Or it may be as simple as ethical reflection on previous decision-making, and planning for new strategies to improve performance.²³ The advantages of the Individual Reflection Model lie in its convenience and cost-effectiveness, and the ability for each professional to take ownership and focus reflection on the areas most important to them.²⁴ Drawbacks include its isolation, and the difficulty of ensuring accountability and demonstrating improved results.

These six models cover the main elements employed in CPD regimes. However, the list is not exhaustive of all the available CPD methods.²⁵ In particular, it is worth noting that most of the models discussed above (except individual reflection) are formalised systems, usually involving planning, development, implementation and reporting. But much of a professional's actual development in their career and practice will be achieved through informal means, such as information-sharing and advice-giving that occur 'around the water-cooler'.²⁶ While such development may be spontaneous, and therefore difficult to include in official CPD regimes,²⁷ this method can still be empowered by employer, government or professional bodies – such as through the provision of web-based toolkits allowing the sharing of materials (such as examples of standards in assessment for teachers).²⁸ Indeed, the use of Information and Communication Technologies ('ICT') to share decentralized access to research and to create collaborative spaces for shared work on new projects may itself come to be considered a key CPD Element Model. The use of these digital technologies can be very cost-effective, as they can make use of existing research, avoid unnecessary duplication and replication, facilitate feedback between researchers and professionals regarding specific projects, and – once the platforms and data-bases are in place – allow professionals themselves to keep up to date using it, and to create new knowledge as they do so.²⁹

²³ Hugh Breakey, 'Building Ethics Regimes: Capabilities, Obstacles and Supports for Professional Ethical Decision-Making' (2017) 40 *University of New South Wales Law Journal* 322.

²⁴ On reflective practice, see the discussion in Boon and Fazaeli, above n 3, 34.

²⁵ See, e.g., Kennedy notes the 'action research' model, where academic research occurs as part of CPD activities and practitioners have a role in directing and performing the research. Kennedy, above n 8, 245-46. See also Bett, above n 16.

²⁶ See the discussion of Reid, in Fraser et al, above n 3, 160.

²⁷ Though see the 'outcomes-focused model' in Boon and Fazaeli, above n 3.

²⁸ Fraser et al, above n 3, 164-5.

²⁹ See Leaska and Younieb, above n 6, 275, 77, 83.

CPD Scheme Models

As well as using models to refer to specific CPD activities, CPD Models can also describe larger schemes that encompass different elements, and combinations of elements.³⁰

Input model/Outcome-Focused Model

An overall CPD scheme fits the Input Model if it directs attention to the specific practices that can input into a professional's recorded CPD. Such a scheme will often focus on accredited training courses from authorized CPD providers – or any other easily verified inputs. In contrast, an outcome-focused model occurs where the CPD scheme is liberal about what inputs can go into CPD, and instead asks the professional to include any practices that, in their opinion, led to improved professional performance and knowledge.³¹ This Scheme Model empowers professionals with ownership, authority and autonomy over their own CPD. However, its limited scope for accountability calls for exceptional trust in professionals to engage and report authentically about their CPD practices and outcomes.

Practitioner-Determined Model

A practitioner-determined scheme of CPD is one where the specific CPD activities undertaken are actively sought and undertaken by individual professionals. These 'bottom up' or 'bottom-across' schemes are opposed by centrally controlled 'top down' CPD schemes, which may include training elements strictly mandated by professional bodies, employing institutions and government regulators or ministries. (See the Practitioner-Determined CPD title.) Many contemporary CPD systems in Australia operate somewhere between these two poles of practitioner-determined and centrally-controlled. For example, CPD requirements might mandate a professional in a given year to cover certain content areas (requiring a certain amount of ethics or professionalism CPD, for example), or cover certain types of CPD (for example, formal and informal, accredited and non-accredited). (See the CPD Requirements title.) This can also allow different professionals to select models that work best for them, acknowledging the diversity of learning approaches, aspirations and ambitions appropriate for each.

Standards and Competencies-based Model

In this scheme, CPD is designed and implemented within a larger standards or competencies framework, that sets out the skills and expertise required for a given level within the profession. (See the Competency-Based Frameworks and Assessment title.) A professional might search out desirable CPD activities that expand, broaden or update knowledge and skills that will qualify them for further responsibilities. Alternatively, this scheme might be used (in a variant sometimes termed the 'Deficit Model')³² to isolate deficiencies within a given professional's portfolio, with CPD a mechanism for redressing these gaps in the required competencies.

³⁰ Again, the list is not exhaustive. The 'Reform Model' (usually employing Training and Cascade elements) could be added as a further Scheme Model, particularly in the context of education, which is often subject to new government initiatives. See, e.g., Fraser et al, above n 3; Bett, above n 16; Avidov-Ungar, above n 1.

³¹ Boon and Fazaeli, above n 3.

³² See Kennedy, above n 8, 239-40.

Summary

There is considerable variety in the different CPD Element Models that provide CPD to professionals and in the larger CPD Scheme Models that frame how all the elements will fit together. The different ways CPD Models (both elements and schemes) are categorized can reflect the priorities of larger academic and theoretical approaches to education in general and CPD in particular.³³ But as a practical matter for individual professionals and professional bodies, it is worth being aware of the many different models on offer, as each can prioritize different outcomes, and highlight different methods to achieving those outcomes.³⁴

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³³ Note also that these larger theoretical frameworks can sometimes also be termed 'models'. These are models about aspects of CPD, rather than models of CPD. For examples, see: Avidov-Ungar, above n 1; Turner et al, above n 9.

³⁴ See Fraser et al, above n 3, 160, who argue that the best framework to use for analysing CPD might be an amalgam of multiple models (and theoretical systems of models).

Continuing Professional Development Requirements

Introduction

This title explores the nature and importance of Continuing Professional Development ('CPD') requirements across a variety of professions. CPD plays an integral role in developing the skills and competencies of professionals, thus driving high-performance and building trust and transparency with consumers and clients of professional services.

This title sets out the CPD requirements across five professions: lawyers, doctors, accountants, engineers and financial planners. It should be read in conjunction with the CPD Programs and Practitioner Determined CPD titles, which provide a more detailed review of example CPD plans and activities across these professions.

This title has the following parts:

- What is CPD?
- Purpose and rationale of CPD
- Key CPD requirements across different professions
- Summary.

What is CPD?

CPD refers to a wide range of learning activities used by professionals to maintain, improve and broaden their knowledge, expertise and competence, and develop personal and professional qualities.¹ The importance placed on CPD across different professions aligns with the concept of 'life-long learning,' which emerged out of a recognition that professionals are required to increase their knowledge in order to keep pace with advances in thinking, technology and practice.² This concept, however, is not new. There is no doubt that professions are 'knowledge communities' in the sense that professionals, as a close-knit group, share knowledge on a day-to-day-basis.³

CPD may take a variety of forms including:

- seminars, workshops, lectures and conferences
- in-house seminars or discussion groups
- participation in a multimedia or web-based program
- private study of audio/visual material.

1 Jill Shostak et al, General Medical Council/Academy of Medical Royal Colleges, The Effectiveness of Continuing Professional Development (2010) <http://www.gmc-uk.org/Effectiveness_of_CPD_Final_Report.pdf_34306281.pdf> (accessed 1 November 2017).

2 Hugh Breakey and Charles Sampford, 'National Exams as a tool for improving standards: Can Australian financial advisers take a leaf from the professionals' book?' (2017) 40 UNSW Law Journal 385, 401 <<http://www.unswlawjournal.unsw.edu.au/sites/default/files/401-15.pdf>> (accessed 1 November 2017).

3 Breakey and Sampford, above n 2.

These different formats are explored more thoroughly in the CPD Programs title.

Purpose and Rationale of CPD

CPD benefits both the professional undertaking the relevant activities and the profession or industry in which the professional works. It also benefits the community due to the professional having more up-to-date knowledge and more developed professional skills. This is evidenced by the fact that completion of CPD requirements is often a condition of membership or registration to a professional governing body.

Furthermore, it is common for professional organisations to emphasise the need to avoid viewing CPD as merely a compliance or regulatory obligation and rather, a holistic competency-building opportunity for professionals. For example, the Financial Planning Association of Australia states that 'The FPA has been concerned for some time that CPD is viewed by many in the industry as a compliance obligation and that quality and choice in the range of CPD available has been too limited for too long'.⁴

On an individual level, CPD assists professionals to:

- build the knowledge and skills needed to succeed in a competitive professional environment
- achieve personal development and career goals
- excel in their role, creating value for the organisation and its clients or customers
- enhance their transferable skills, thereby increasing employability
- engage with the profession and the wider community.

On a broader level, CPD requirements:

- allow governing bodies to ensure high standards of performance and up-to-date knowledge are maintained within the profession
- instil greater consumer and client confidence in the work of professionals
- build a sense of ownership and a strive for high-performance within a profession or industry.

Key CPD Requirements across Different Professions

Lawyers

As explored in the External Complaint Handling and Discipline Systems title, the conduct of lawyers in NSW and Victoria is regulated by the Legal Profession Uniform Law ('Uniform Law').⁵ In accordance with the Uniform Law, the Law Council of Australia has developed the Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 ('CPD Rules')⁶ which regulate the content and verification of CPD for lawyers in NSW and Victoria.

⁴ Financial Planning Association of Australia, *FPA Continuing Professional Development Policy* (June 2016) 3 <https://fpa.com.au/wp-content/uploads/2016/06/2016_05_18-CPD-Policy-2016_5-FINAL.pdf> (accessed 1 November 2017).

⁵ *Uniform Law*.

⁶ In NSW, *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015*.

Under the CPD Rules, lawyers are required to complete 10 CPD units each year, comprised of at least one unit from each of the following fields:⁷

- ethics and professional responsibility
- practice management and business skills
- professional skills
- substantive law.

Lawyers have autonomy in determining the nature and types of activities that will satisfy these requirements. The concept of professionals having autonomy over the activities that satisfy their CPD requirements is explored more fully in the Practitioner-Determined CPD title. The Law Society of the relevant jurisdiction verifies compliance by a random audit of lawyers each year. A failure to comply with the CPD rules may result in the Law Society giving written notice to the lawyer requiring them to submit a plan to rectify non-compliance within 90 days.⁸

Doctors

CPD requirements form one component of the registration standards for doctors required by the Medical Board of Australia ('The Board'). The Board is empowered to develop these standards pursuant to the Health Practitioner Regulation National Law ('National Law') section 38.⁹ The CPD requirements for doctors differ depending on their relevant registration type with the Board, as set out in the table below.¹⁰

Table 1: CPD requirements for Doctors

Registration type	CPD requirements
Specialist	<p>Meet the requirements set by the relevant specialist medical college for every specialty in which the doctor is registered. For example:</p> <p>The Australasian College of Dermatologists¹¹ Complete a minimum of 200 points accumulated over a two-year cycle, with a minimum of 40 and a maximum of 160 points (to be put towards the total) per year. The points must be comprised of activities from three categories:</p> <ul style="list-style-type: none"> • Clinical and Education (at least one activity) • Quality Assurance (a minimum of 6 points over two years) • Professionalism (a minimum of 6 points over two years). <p>Australian College for Emergency Medicine ('ACEM')¹² The ACEM requires its specialists to satisfy annual and three-year requirements:</p>

⁷ CPD Rules r 6.

⁸ CPD Rules r 15.

⁹ In NSW, *Health Practitioner Regulation National Law 2009* (NSW).

¹⁰ Medical Board of Australia, Registration Standard: Continuing Professional Development (1 October 2016)

<<http://www.medicalboard.gov.au/Registration-Standards.aspx>> (accessed 1 November 2017).

¹¹ The Australasian College of Dermatologists, *Continuing Professional Development Program 2016-17* ('CPD Handbook')

<<https://www.dermcoll.edu.au/wp-content/uploads/ACD-CPD-Handbook-2016-2017-FinalV2-UPDATED.pdf>> (accessed 1 November 2017).

¹² Australian College for Emergency Medicine, *CPD Programs 2018-2020* <<https://acem.org.au/Continuing-Professional-Development/CPD-Programs-2018-2020.aspx>> (accessed 1 November 2017).

	<ul style="list-style-type: none"> • Annual: complete 50 hours of CPD activities, one goal-recorded and associated self-reflection and three core skills (airway, breathing and circulation) by performance, teaching or supervision • Three-year: complete 30 hours in Quality Enhancement, three hours in two of self-directed learning, group learning or teaching, research and educational development, as well as 12 different scope of practice skills by performance, teaching or supervision. <p>Royal Australian College of Physicians¹³ Complete a minimum of 100 CPD credits per year, from the following areas:</p> <ul style="list-style-type: none"> • practice review and improvement • assessed learning • educational development, teaching and research • group learning • other learning activities.
Provisional	<p>Australian or New Zealand medical graduates undertaking an accredited intern year Participate in supervised training and education programs associated with their position and comply with any further guidelines issued by the Board.</p> <p>International medical graduates If in an accredited intern position, participate in supervised training and education programs associated with their position.</p> <p>If not in an accredited intern position, complete CPD activities as agreed in their supervision plan and work performance report and complete a minimum of 50 hours of CPD per year (participation in CPD activities can be counted towards this 50-hour minimum).</p>
Limited	Complete CPD activities as agreed in their supervision plan and work performance report and complete a minimum of 50 hours of CPD per year.
General	Complete a minimum of 50 hours of CPD per year (a self-directed program) or meet the CPD requirements of a specialist medical college that is relevant to their scope of practice.

The Board may audit the compliance of a doctor with this standard at any time and doctors are obliged to maintain records of CPD activities for a period between 3 months to 7 years, depending on the type of registration.¹⁴

The failure of a doctor to meet their CPD requirements may result in:¹⁵

- the Board imposing a condition or conditions on their registration or refusal of an application for registration or renewal of registration
- the Board taking disciplinary action under section 128 of the National Law

¹³ Royal Australian College of Physicians, 'What is MyCPD' <<https://www.racp.edu.au/docs/default-source/default-document-library/2017-mycpd-information-sheet79585fafbbb261c2b08bff00001c3177.pdf?sfvrsn=2>> (accessed 1 November 2017).

¹⁴ Medical Board of Australia, above n 10.

¹⁵ Medical Board of Australia, above n 10.

- registration standards, codes and guidelines being used as evidence of what constitutes appropriate practice or conduct for health professionals under the National Law.

It is interesting to note that a failure to comply with CPD requirements can result in a doctor’s registration being suspended, thereby removing them from the ‘knowledge community’ within their profession. Individual professionals are therefore ultimately the ones that create and foster the concept of ‘lifelong learning,’ within their professions – a failure to view CPD as such has implications on knowledge-sharing in the professional community.

Accountants

The CPD requirements for accountants are dictated by the relevant professional body of which an individual is a member.

Chartered Practising Accountants Australia (‘CPA Australia’)

Under the CPA Australia Constitution and By-Laws, CPA members must participate in a minimum of 20 hours of CPD activities per year and a total of 120 hours for a three-year time period (triennium).¹⁶ Unstructured activities such as relevant reading, video or audio can be counted towards a maximum of 10 hours per year.¹⁷ The failure to comply with these requirements may result in the individual’s membership status being downgraded or suspended.¹⁸

Chartered Accountants Australia New Zealand (‘CA ANZ’)

Accountants who are members CA ANZ must satisfy CPD requirements in accordance with their registration:¹⁹

Table 2: CPD requirements for Accountants

Registration type	CPD requirements
Chartered Accountant or affiliate	Minimum of 20 hours per year and 120 hours each triennium, with 90 hours in that period being formal CPD.
Associate Chartered Accountant	Minimum of 15 hours per year and 90 hours each triennium, with 45 hours in that period being formal CPD.
Accounting Technician	Minimum of 10 hours per year, with 30 hours in that period being formal CPD.

‘Formal’ CPD is viewed by CA ANZ as being an organised, orderly framework developed from a clear set of objectives, including a structure for imparting knowledge of an education or technical nature and having a

¹⁶ CPA Australia, Continuing Professional Development <<https://www.cpaaustralia.com.au/member-services/continuing-professional-development>> (accessed 1 November 2017).

¹⁷ CPA Australia, above n 16.

¹⁸ CPA Australia, above n 16.

¹⁹ Chartered Accountants Australia New Zealand, CA ANZ Regulations (at 1 November 2017) CR 7 <<http://membershandbook.charteredaccountants.com.au/im/resultDetailed.jsp?commentaries=DQPreZ-OwR5KRZAMdDjx6S&hitlist=index.jsp&commentaries=D7AcDibzMR5r5cAMdDjx6S&mappedToId=D7AcDibzMR5r5cAMdDjx6S>> (accessed 1 November 2017).

requirement for involvement by the participant.²⁰ A failure by a member to comply with these requirements may result in an individual being excluded from membership.²¹

Engineers

Chartered members of Engineering Australia, the main professional association for engineers, must participate in a minimum of 150 hours of structured CPD over a three-year period.²² This, being a professional association requirement, rather than a legislated requirement, is an example of how a profession self-regulates. The 150 hours must:

- relate to the member's area of practice (50 hours). If a member has more than one area of practice, at least 50 hours must be recorded for each area and some areas may overlap
- cover risk management (10 hours)
- address business and management skills (15 hours).²³

The remaining hours can then be satisfied by the member participating in activities which relate to their career and interests. Furthermore, engineering academics and teachers must participate in at least 40 hours of industry involvement per triennium.²⁴

Financial Planners

ASIC Regulatory Guide 146

Financial Planners who are licensed to give financial product advice under the *Corporations Act 2001 (Cth)* must comply with *Regulatory Guide 146 – Licensing: Training of financial product advisers* ('RG 146') issued by the Australian Investments and Securities Commission ('ASIC').²⁵ RG 146 sets out the minimum requirements for training of financial product advisers.²⁶ Broadly speaking, financial planners must complete training that covers:

- generic and specialist knowledge relevant to the products and markets they advise on and operate in
- skill requirements.²⁷

The minimum requirements largely depend on whether the financial planner provides advice on 'Tier 1' or 'Tier 2' products. Tier 2 products include general insurance products, consumer credit insurance, basic deposit-products, First Home Saver Account deposit accounts and non-cash payment products, whilst Tier 1 products include all products that are not Tier 2 products.²⁸

²⁰ Chartered Accountants Australia New Zealand, above n 19, sch 1(10).

²¹ Chartered Accountants Australia New Zealand, above n 19, sch 1(10).

²² Engineers Australia, *Continuing Professional Development (CPD) Policy* (19 February 2009) <https://www.engineersaustralia.org.au/sites/default/files/content-files/2016-12/CPD_Policy.pdf> (accessed 1 November 2017).

²³ Engineers Australia, above n 22, 2.

²⁴ Engineers Australia, above n 22, 2.

²⁵ ASIC, *Regulatory Guide 146 – Licensing: Training of Financial Product Advisers* (July 2012)

<<http://download.asic.gov.au/media/1240766/rg146-published-26-september-2012.pdf>> (accessed 1 November 2017).

²⁶ As at 25 September 2017, Parts D and E of RG 146, which set out the relevant standards for approved training courses, were under review.

²⁷ ASIC, above n 25, 6-7.

²⁸ ASIC, above n 25, 16.

Tier 1 products generally require an education level equivalent to the Diploma level under the Australian Qualifications Framework and the Tier 2 education level is equivalent to the Certificate III level under same.²⁹ There is no prescribed minimum hours for completion of training because of the varied experience and activities between financial planners. RG 146 recommends that organisations appoint a training officer who is responsible for ensuring compliance. It is a condition of holding a licence that the licensees must retain appropriate records of initial training plans and continuing training.³⁰ This is an example of a view of CPD that attempts to encapsulate the full spectrum of knowledge required by professionals, considering both thinking and technology advances.

Financial Planning Association of Australia ('FPA')

Financial Planners who are members of FPA must also complete a minimum number of CPD hours per year depending on their registration type:³¹

Table 3: CPD requirements Financial Planning Association of Australia ('FPA')

Registration type	CPD requirements
CFP Professional	Minimum of 35 hours per year and 120 hours each triennium, with a maximum of 60 hours non-accredited CPD per triennium.
Associate and Financial Planner AFP	Minimum of 25 hours per year and 90 hours each triennium, with a maximum of 45 hours of non-CPD hours per triennium.

Non-accredited training includes training that is not FPA accredited or accredited by an FPA CPD assessor or is the preparation and presentation of lectures and conferences.³²

CPD activities should include CPD activities across all the following dimensions, with a requirement for a minimum of three hours per triennium in 'Professional Conduct' specifically covering ethics:³³

- interdependence (engagement with the profession and industry)
- capability (technical, legal, product and industry knowledge)
- attributes and performance
- professional conduct
- critical thinking
- reflective practice.

²⁹ ASIC, above n 25, 20.

³⁰ ASIC, above n 25, 35.

³¹ ASIC, above n 25, 8.

³² ASIC, above n 25, 15.

³³ ASIC, above n 25, 8.

This is a good example of how a professional association can implement higher and more detailed requirements than those of a government regulatory regime, ensuring it maintains an important and relevant self-regulatory role.

CPA members must produce declarations of completion of CPD within the annual membership renewal process. If non-compliance is discovered, the member will be asked to prepare a plan to rectify the deficit and the member will be audited again in the next audit. A failure to cooperate with this process may result in a fine, cancellation of CFP Professional status or cancellation of membership.³⁴

³⁴ ASIC, above n 25, 22.

Summary

This title sets out a general overview of the nature and purpose of CPD in different professions. It uses the example of five professions to explore some different approaches to CPD, in terms of administration, minimum hours, level of professional autonomy and consequences for non-compliance.

Ultimately, the regulation and administration of CPD reflects the increasing push in industries, particularly those with close client-contact, towards enhanced professionalism and trust. There is a distinct shift away from CPD being merely an administrative obligation. Rather, it is increasingly advocated as a collection of activities that place professionals in good stead to perform in an increasingly competitive and demanding workforce. This view of CPD ensures that the concept of 'lifelong learning' is at the forefront of CPD programs, creating a sense of responsibility among professionals themselves, to share and contribute to the development of knowledge within their professions.

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Continuing Professional Development Programs

Introduction

This title explores the different types of continuing profession development ('CPD') programs and activities that enable professionals to fulfil their CPD requirements (which are set out in the CPD Requirements title). The wide range of activities and topics captured by CPD policies means that professionals have a certain degree of autonomy in planning and recording their CPD hours. Most professional bodies now offer an online platform for professionals to record their participation in CPD activities, making the process of updating and keeping records relatively straightforward.

A review of the different types of CPD activities across five professions: doctors, lawyers, accountants, engineers and financial planners, shows the wide range of measurements and caps on claimable hours which guide the fulfilment of a professional's CPD requirements.

This title has the following sections:

- Types of CPD activities
- Lawyers
- Doctors
- Accountants
- Financial Planners
- Summary.

Types of CPD activities

CPD requirements can be satisfied by a professional's participation in, and completion of, a wide range of activities, including:

Table1: Types of CPD Activities

Group Learning	<ul style="list-style-type: none">• Seminars• Workshops• Lectures• Conferences• Discussion Groups
Individual study	<ul style="list-style-type: none">• Reviewing educational materials – audio/visual or written• Completion of online modules• Practical skills training
Research	<ul style="list-style-type: none">• Writing, editing or publication of a profession-specific article, conference paper, journal article or book
Service	<ul style="list-style-type: none">• Holding a position on a committee or board related to the profession• Attendance at a professional governing body meeting• Teaching or mentoring
Reflection	<ul style="list-style-type: none">• Maintenance of a learning and reflection record

The diversity of activities which satisfy CPD requirements reflects the increasing integration of CPD into a professional's working hours. This minimises the sense of 'obligation' that might otherwise attach to completion of CPD activities.

Furthermore, the fact that all professions reviewed in this title impose certain limits on the claimable hours for different types of activities or categories reflects the emphasis on ensuring that professionals build their skills through a wide range of experiences. This can be seen through the inclusion of activities such as social media discussion or completion of online modules in some CPD programs. For example, the Financial Planning Association of Australia's ('FPA') core pillars of its CPD policy are:

- ensuring that the 'right' people can become members of the FPA
- ensuring that members adhere to the high standards of profession and they are supported in following professional ideals
- protecting the reputation of members.¹

These pillars provide a good justification for ensuring that professionals engage in a variety of CPD activities across a range of topics. The related CPD Models title explores the way in which activities such as those listed above form a 'CPD Element Model' within a profession, which in turn, are components of CPD Schemes more broadly. Activities can be categorised into different types of models. For example, activities in the 'Service' column above could be considered to be one component of the Community Model, which emphasises collaboration across the profession. Activities in the 'Reflection' column form part of the Individual Research and Reflection Model, which includes activities that enable a professional to focus on personal areas for improvement and strategies for success.

Lawyers

As per the CPD Requirements title, rule 8 of the Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 ('CPD Rules') sets out the different activities that fulfil the CPD requirements for lawyers holding a practising certificate in NSW. Under this rule, the following activities may be used to comprise a lawyer's 10 CPD unit requirement per year:

¹ Financial Planning Association of Australia, *FPA Continuing Professional Development Policy* (June 2016) <https://fpa.com.au/wp-content/uploads/2016/06/2016_05_18-CPD-Policy-2016_5-FINAL.pdf> (accessed 1 November 2017).

- a seminar, workshop, or other group learning activity²
- the research, preparation or editing of a published legal article ³
- the preparation and/or presentation of written or oral material to be used in a CPD activity or in other forms of education⁴
- membership of a committee, taskforce or practice section of a professional association, designated local authority or the Law Council of Australia⁵
- postgraduate studies relevant to a solicitor's practice needs⁶
- private study of audio/visual material.⁷

Rule 9 sets out what one unit is equivalent to for each of the activities described above.⁸

Lawyers are obliged to keep records to substantiate their participation in CPD activities. The Law Society has produced a template record for lawyers to use to record their CPD participation.⁹

Doctors

As explored in the CPD requirements title, the CPD requirements for doctors are largely dictated by the specialist colleges. For doctors with a general registration, however, there is an option to complete CPD using a self-directed program or by satisfying the requirements of a specialist college relevant to their scope of practice. This self-directed program option is explored in the Practitioner-Determined CPD title. As examples, set out below are the CPD program requirements for specialists who are members of three colleges.

The Australasian College of Dermatologists ('ACD')

Specialists are responsible for recording and tracking their participation in CPD activities with the college using an online CPD logbook. Specialists are not required to submit documentation when logging the CPD hours, however are encouraged to keep such records in the event of an audit.¹⁰

For each category of activities, the college lists the types of activities that may be used to satisfy the 200-point CPD requirement per year. Different types of activities accrue a different number of points per hour. For example:¹¹

² CPD Rules r 8.1.1.

³ CPD Rules r 8.1.2.

⁴ CPD Rules r 8.1.3.

⁵ CPD Rules r 8.1.4.

⁶ CPD Rules r 8.1.5.

⁷ CPD Rules r 8.2.

⁸ CPD Rules r 9.

⁹ See Law Society of New South Wales, *Record of CPD Activities* <<https://www.lawsociety.com.au/cs/groups/public/documents/internetregistry/1040847.pdf>> (accessed 1 November 2017).

¹⁰ The Australasian College of Dermatologists, *Continuing Professional Development Program 2016-17* <<https://www.dermcoll.edu.au/wp-content/uploads/ACD-CPD-Handbook-2016-2017-FinalV2-UPDATED.pdf>> (accessed 1 November 2017).

¹¹ See Australasian College of Dermatologists, *CPD Provider Framework* <<http://www.dermcoll.edu.au/wp-content/uploads/2014/05/CPD-Provider-Framework.pdf>> (accessed 1 November 2017).

Table 2: The Australasian College of Dermatologists ('ACD')

1 point/hour	<ul style="list-style-type: none"> • Participation in online discussion groups • Attendance at Clinical Meetings or Symposia • Personal reading and study
2 points/hour	<ul style="list-style-type: none"> • Preparing, developing, reviewing or evaluating exams or assessments • Writing and editing publications such as textbooks or journal articles • Supervising or mentoring college trainees and medical students • Participating in quality assurance meetings
3 points/hour	<ul style="list-style-type: none"> • Upskilling: laser therapy, micrographic surgery and surgical procedures • Participating in clinical trials or dermatological research • Peer review hospital quality assurance activities • Complete learning and professional reading reflection.

Additionally, the college has a number of online modules that its specialists may complete. The modules span a number of topics, including 'Using Webinars' and 'Intercultural competency for Medical Specialists'. Completion of these modules enables a specialist to claim between 0.5 and 6 points, depending on the module.¹²

Australasian College for Emergency Medicine ('ACEM')

Similarly, the ACEM's CPD policy document sets out the different types of activities that will satisfy a specialist's 50-hour CPD requirement. A snapshot of these activities is below, with a more comprehensive guide available on the ACEM website.¹³

Table 3: Australasian College for Emergency Medicine ('ACEM')

Group Learning	<ul style="list-style-type: none"> • Participation in ACEM online discussion forums • Social media discussions • Non-ACEM workshops and courses on communication skills and mentoring etc
Quality Enhancement	<ul style="list-style-type: none"> • Acting as an observer for a routine or new ED • Preparation for site accreditation • Medical practice audit • Peer review of cases – discussion groups, mortality and morbidity meetings
Self-directed learning	<ul style="list-style-type: none"> • Formal study • Online educational activities • Reading – ACEM materials and guidance
Teaching, research and educational development	<ul style="list-style-type: none"> • Trainee shift report • Structured interview • Presentation at academic meetings or conferences • Bedside teaching • Writing curriculum, journal articles and textbooks

¹² The Australasian College of Dermatologists, *Continuing Professional Development Program 2016-17*, above n 10, 5-6.

¹³ See Australasian College for Emergency Medicine, *Continuing Professional Development CPD Activities Guide 2020 CPD Cycle* <https://acem.org.au/getmedia/30a80b00-d00a-4722-bf98-90b13090678d/CPD577_v1_CPD_ActivitiesGuide_2020cycle.pdf.aspx> (accessed 1 November 2017).

Additionally, the college produces a list of skills that satisfy the requirement to perform, teach or supervise core skills and scope of practice skills.¹⁴ The ACEM has an online member portal, which enables specialists to record and document their CPD hours. Evidence is not required to be attached to a submission where the activity was run by the ACEM, the specialist registered for and attended an ACEM event or the specialist conducted a trainee workplace-based assessment within the ACEM member portal.¹⁵

Royal Australasian College of Physicians ('RACP')

Specialists with the RACP can participate in a number of different activities with varied credit value in order to meet their 100 CPD credit requirement.¹⁶

Table 4: Royal Australasian College of Physicians ('RACP')

Practice Review and Improvement (3 credits/hour)	<ul style="list-style-type: none"> • Practice and clinical audits • Patient satisfaction studies • Incident reporting and monitoring
Assessed Learning (2 credits/hour)	<ul style="list-style-type: none"> • PhD studies • Formal postgraduate studies • Courses to learn new techniques
Educational Development, Teaching and Research (1 credit/hour)	<ul style="list-style-type: none"> • Teaching • Involvement in standards development • Publication
Group Learning (1 credit/hour)	<ul style="list-style-type: none"> • Seminars • Conferences • Hospital and other medical meetings
Other learning activities (1 credit/hour)	<ul style="list-style-type: none"> • Reading journals and texts • Information searches • Web-based learning

For each category of activity, a specialist can count a maximum of 50 credits per year towards their total. An example program provided by the RACP is as follows:¹⁷

¹⁴ See Australasian College for Emergency Medicine, *Continuing Professional Development – Specialist CPD Procedural Skills List* <https://acem.org.au/getmedia/412c20f3-382d-4b89-9820-1b26aa8d101a/CPD571_v1_2020_SpecialistCPD_Procedural_Skills_1.pdf.aspx> (accessed 1 November 2017).

¹⁵ See Australasian College for Emergency Medicine, *Provision of Evidence Guideline – 2017 CPD Cycle* <https://acem.org.au/getmedia/12221091-9de8-4401-9b37-e0de8484aa82/CPD_EvidenceProvision.pdf.aspx> (accessed 1 November 2017).

¹⁶ The Royal Australasian College of Physicians, *MyCPD Framework* <<https://www.racp.edu.au/docs/default-source/default-document-library/cpd-2017-mycpd-framework.pdf?sfvrsn=4>> (accessed 1 November 2017).

¹⁷ Royal Australasian College of Physicians, *MyCPD Claim Examples* <<https://www.racp.edu.au/docs/default-source/default-document-library/150604---mycpd-claim-examples-2017.pdf?sfvrsn=2>> (accessed 1 November 2017).

Figure 1: Example of credit totals by category

Category 1: Practice Review & Appraisal		
(3 credit per hour, max 50 credits)	Hours	Credits
Monthly morbidity and mortality meetings	10	30
Department of Neurology audit	5	15

Category 3: Educational Development, Teaching & Research		
(2 credit per hour, max 50 credits)	Hours	Credits
Teaching medical students and registrars	15	15
FRACP Clinical Examiner	30	30
Presentation at Neurology Workshop (including preparation)	3	3

Category 4: Group Learning Activities		
(1 credit per hour, max 50 credits)	Hours	Credits
Attendance conference of the American Epilepsy Society	18	18
Attendance at Neurology Workshop	5	5

Category 5: Other Learning Activities		
(1 credit per hour, max 50 credits)	Hours	Credits
Web-based learning: UpToDate	22	22

The RACP has an online portal which its specialists can use to record their CPD participation.

Accountants

Chartered Practising Accountants Australia ('CPA Australia')

CPA Australia categorises activities that a member may participate in to complete their CPD requirements as follows.

For 'structured reading, video or audio' and 'mentoring,' a member is able to claim up to 10 hours for these per year. All other activities have no limit on their claimable hours.¹⁸ Members also have access to an Online CPD Diary, which is an online platform enabling them to maintain a record of the activities. The online CPD diary automatically updates when a member attends a CPA Australia training session, such as a seminar, workshop or Congress.¹⁹ Alternatively, members may choose to keep a printable record, which they fill out manually and send to CPA Australia at the end of each triennium.²⁰

¹⁸ CPA Australia, *Continuing Professional Development* <<https://www.cpaaustralia.com.au/member-services/continuing-professional-development>> (accessed 1 November 2017).

¹⁹ CPA Australia, above n 18.

²⁰ See CPA Australia, *Continuing Professional Development (CPD) Activities Record* <<https://www.cpaaustralia.com.au/~media/corporate/allfiles/document/member/cpd-activities-form.pdf>> (accessed 1 November 2017).

Evidence must be maintained for 12 months after the end of each triennium for the purpose of ensuring adequate records are held to satisfy any audit requests.

Engineers

Engineers Australia sets out a number of different activities that a member may participate in to satisfy their CPD requirements. Of note is the emphasis on 'Service to the Profession,' which includes a number of different positions:²¹

- Volunteer on boards or committees of Engineers Australia
- Panel member on tertiary course accreditation visits
- Interviewer on chartered status and assessment panels
- Reviewing technical publications
- Assisting with CPD audits
- Serving as a volunteer on other boards and committees
- Mentoring a colleague for work experience purposes
- Preparation of written submissions, contributions to and participation in technical standards related meetings.

There are caps on the number of claimable hours for some activities, including:²²

- Learning activities – 75 hours
- Private study – 18 hours
- Service – 15 hours
- Preparation of papers published in journals and conference proceedings – 45 hours per paper
- Papers subject to critical peer review prior to publication – 75 hours.

Members may record their participation in CPD activities manually or online. Furthermore, Engineers Australia has released an app called myCPD, which allows members to access online training courses related to project management, technical engineering, risk management and career development. The app also enables members to record their CPD hours.²³

²¹ Engineers Australia, *Continuing Professional Development (CPD) Types and Examples* <https://www.engineersaustralia.org.au/sites/default/files/content-files/2016-12/cpd_types_and_conditions_20012016_final.pdf> (accessed 1 November 2017).

²² Engineers Australia, *CPD – Types and Conditions* <https://www.engineersaustralia.org.au/sites/default/files/content-files/2016-12/cpd_types_and_conditions_march_2014.pdf> (accessed 1 November 2017).

²³ See Engineers Australia, *myCPD* <<http://mycpd.engineersaustralia.org.au/>> (accessed 1 November 2017).

Financial planners

Financial Planning Association of Australia ('FPA')

The FPA has a comprehensive policy document which sets out the CPD requirements of its members. FPA requires its members to develop a Professional Development Plan and Record. These obligations are more thoroughly explored in the Practitioner-Determined CPD title. As discussed in the CPD Requirements title, members are required to complete between 25 and 35 hours (depending on registration type) of CPD activities spanning six 'Professional Dimensions.' Whilst specific guidance is not provided on the types of activities that will satisfy these requirements, there are guidelines regarding the content of activities that fall under each dimension:²⁴

Table 5: Financial Planning Association of Australia ('FPA')

Professional Dimension	Activity content
Capability	<p>Theoretical knowledge and practice relating to:</p> <ul style="list-style-type: none"> • Investment, products or facilities an adviser is authorised to provide advice on • Cash flow management • Taxation treatment of an investment or facility • Management of financial planning practices • Equal Opportunity and OH&S • Privacy and Information Security • Trade Practices Act
Professional Conduct	<ul style="list-style-type: none"> • Ethical frameworks eg FPA Code of Ethics and Rules of Professional Conduct • Ethical dilemmas, practices and decision making • Dispute Resolution • Complaints Management
Critical Thinking	<ul style="list-style-type: none"> • Identification and analysis of client objectives • Product analysis and selection • Coordinating and implementing a financial plan • Client data collection • Research techniques
Reflective Practice	<ul style="list-style-type: none"> • Reflection on professional performance • Work style diagnostics • Development and execution of a comprehensive Professional Development Plan
Interdependence	<ul style="list-style-type: none"> • Involvement in FPA committees • Structured and unstructured mentoring • Financial Planning Week activities • Community education • Representing the FPA in Government lobbying • Pro bono work
Attributes and performance	<ul style="list-style-type: none"> • Client relationship management – building rapport, dealing with client concerns, sales and influencing skills • Providing feedback • Negotiation • Interpersonal and business communication skills • Team management

²⁴ Financial Planning Association of Australia, *FPA Continuing Professional Development Policy* (June 2016) 3 <https://fpa.com.au/wp-content/uploads/2016/06/2016_05_18-CPD-Policy-2016_5-FINAL.pdf> (accessed 1 November 2017).

These activities may be FPA-accredited or non-accredited. However, non-accredited activities can only comprise 50 per cent of a member's claimable CPD hours. An activity can only be FPA accredited if it meets the FPA quality accreditation standards, which are administered by trained 'CPD Assessors,' who usually accredit sessions within their own organisation.²⁵

Members must record their CPD hours in a Professional Development Plan, which, amongst other requirements, lists the type of activity and relevant Professional Dimension.²⁶

Summary

It is evident that CPD activities take a wide variety of forms across different professions. Different types of activities can be categorised into different models of CPD, a concept which is explored more thoroughly in the CPD Models title. Whilst group and individual learning are common to all of the professions canvassed in this title, it is clear that the specialist medical colleges in particular, prescribe relatively detailed guidelines for the activities that will enable a specialist to complete their CPD hours and credits. Apart from capping claimable time for certain activities, other professions appear to adopt a more broad-based approach, whereby individual professionals are given autonomy over the types of activities that satisfy their CPD requirements. This notion of autonomy is explored more thoroughly in the Practitioner-Determined CPD title.

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²⁵ Financial Planning Association of Australia, *FPA Continuing Professional Development Policy*, above n 24, 16.

²⁶ Financial Planning Association of Australia, *CPD Recording Template* <<https://fpa.com.au/education/continuing-professional-development/cpd-policy/>> (accessed 1 November 2017).

Practitioner-Determined Continuing Professional Development

Introduction

This title explores the concept of practitioner-determined continuing professional development ('CPD'), which is a view of CPD that seeks to connect the learning objectives of individual professionals with their participation in targeted CPD activities. Generally, most professions give their members significant scope to complete their CPD requirements as they choose, subject only to hour or credit caps on certain types of activities or learning in a certain subject matter.

Beyond this, the active involvement by professionals in the formulation of a Professional Development Plan ('PDP') has the benefit of situating the learning objectives of individuals in their specific context, allowing them to meet objectives in a manner which suits their learning preferences and day-to-day work. This is particularly apt given that no two professionals' objectives and learning styles are identical.

The PDP also engages another important aspect of CPD – reflection – which is pivotal in ensuring that CPD is a continuing process of engagement by an individual with their learning objectives and the methods they intend to use to meet them. Reflection also ensures that professionals implement key performance measures to track their progress against such objectives. The value of reflection also lies in guiding professional associations to develop CPD programs that meet identified trends in the market or gaps in knowledge, which are identified through a process of engagement with members. This can be seen in the brief description of the Professional Standards Council reporting requirements in this title.

This title explores practitioner-determined CPD under the following headings:

- Benefits of practitioner-determined CPD
- Professional Development Plans
- The importance of reflection.

Benefits of Practitioner-Determined CPD

Practitioner-determined CPD refers to the mechanisms used by individuals to plan, record and reflect on their participation in activities in satisfaction of their CPD requirements. The active participation by individuals in these stages of CPD ensures that:

- Individuals consider the different facets of their work
- Individuals have a better understanding of how each facet may be enhanced through CPD
- Individuals are better able to take advantage of opportunities for improvement.

Furthermore, individual involvement removes the rigid regulatory lens through which CPD obligations can sometimes be viewed and ensures that CPD is flexible, inclusive and beneficial for all professionals. This

aligns with Dorie Clark's view that an individual should view professional development as consisting of learning, connecting and creating.¹

'Learning' allows individuals to identify any knowledge gaps or unfamiliarity with areas of their practice or profession. 'Connecting' forces individuals to consider their networks both within and outside their organisation to understand what resources they must 'fill' any gaps. Finally, 'creating' is the process of developing content and sharing insights as a form of professional development. Clark notes that such a process enables individuals to improve their understanding and engage more deeply with any identified issues. This view of CPD largely aligns with the planning mechanisms discussed below in relation to different professions.

Professional Development Plans

Holloway's research on effective professional development emphasised the importance of PDPs to facilitate effective learning through CPD. Holloway highlighted the value in individuals conducting a 'needs assessment' to formulate a plan, that is, the process of determining practice or learning needs.² To this end, Holloway proposed the following 'essential components' of CPD plans.³

1. Essentials of a PDP

- Based on needs assessment
- Clear learning objectives, which are:
 - Specific
 - Measurable
 - Attainable
 - Resourced
 - Time-limited
 - Allow for discussion and feedback.

2. Areas to consider in devising a PDP

- Job-specific training and educational requirements needed to carry out one's job effectively
- Continuing development within one's job/role to consider future developments and changes of role
- Personal development needs that may be independent of one's current role.

¹ Dorie Clark, *Plan Your Professional Development for the Year* <<https://hbr.org/2016/01/plan-your-professional-development-for-the-year>> (accessed 1 November 2017).

² Josanne Holloway, 'COD Portfolios and Personal Development Plans: Why and How?' (2000) 6 *Advances in Psychiatric Treatment* 467, 470 <<http://apt.rcpsych.org/content/6/6/467>> (accessed 1 November 2017).

³ Holloway, above n 2, 471.

In creating a PDP, Holloway recommends that professionals ask themselves questions such as:⁴

- Where am I now?
- Where do I want to be in X years' time?
- How do I get to where I want to be?
- What resources (government policy, key individuals, training opportunities etc) could help me?
- What is hindering/may hinder me from getting there?

Financial Planning Association of Australia's ('FPA')

Holloway's research is echoed throughout the FPA's CPD approach. The FPA places a strong emphasis on involvement by individual professionals in satisfying their CPD requirements, requiring its members to create a PDP as a condition of membership. The PDP sets out a member's learning objectives and planned participation in CPD activities across the triennium and is viewed by the FPA as 'central' to good professional development.⁵ The template PDP provided by the FPA has five components, which build upon one another to ensure that a member's CPD activities are appropriate to their experience and career development goals. The template PDP sets out the five components as follows:⁶

1. Personal reflection

The individual reflects on certain questions related to each Professional Dimension (as covered by the CPD Requirements title) to identify opportunities for improvement and any gaps in knowledge. For example:

- Are there any other areas of [insert practice area] that I would need or like to explore?
- Do I need to update my knowledge to improve the performance of my own practice?
- How do I reflect my ethics in my client value proposition?
- Do I reflect on my experiences to identify learning opportunities?
- What leadership qualities do I have and what skills need further refinement?

An individual's answers to these reflection questions ideally should guide them in selecting CPD activities that will target any areas where they identify gaps in knowledge or understanding. This ensures that their CPD plan is specific and beneficial to them and their career.

2. Seek feedback

The individual reviews their reflection with supervisors, mentors, colleagues or others to gain further insight and consider new CPD opportunities.

⁴ Holloway, above n 2, 471.

⁵ Financial Planning Association of Australia, *FPA Continuing Professional Development Policy* (June 2016) 3 <https://fpa.com.au/wp-content/uploads/2016/06/2016_05_18-CPD-Policy-2016_5-FINAL.pdf> (accessed 1 November 2017).

⁶ See Financial Planning Association of Australia, *FPA Policy and Audit* <<https://fpa.com.au/education/continuing-professional-development/cpd-policy/>> (accessed 1 November 2017).

3. Set objectives

The individual sets out their objectives for the year, including identifying key performance measures that will assist them in identifying the achievement of these objectives.

4. Develop an action plan

The individual develops an action plan, which sets out CPD activities, the relevant Professional Dimension, the due date, delivery method and provider name.

5. Update reflective journal

The individual records their formal learning or real experiences in a reflective journal, which involves answering a series of questions relating to their perception of, and insights gained from the experiences. For example:

1. What was the situation?
2. What happened in this situation?
3. How did you go about it?
4. Why did you go about it that way?
5. What was the outcome?
6. What did you do well?
7. What could you have done better?
8. What would you do differently next time?

An individual's progress against their PDP is then tracked using a Professional Development Record and both documents must be retained by the individual for five years after the relevant triennium.⁷

The cyclical process in Figure 1, below, ensures that professionals are consistently able to reassess their objectives and learning priorities, measure their performance and maintain momentum in building skills and filling any knowledge gaps. It is also important to ensure that members can complete the minimum hours of CPD requirements per year, to ensure that they meet their triennium obligations.

⁷ *Financial Planning Association of Australia, FPA Policy and Audit*, above n 6.

Figure 1: The Professional Development Plan Process



In any event, members are free to create a plan in any format that will facilitate their completion of the CPD requirements. A good tool to begin planning could involve an individual working out their preferred learning style and then selecting activities that will facilitate productive learning, whilst meeting learning objectives.⁸ This gives members the freedom to plan in a way that is motivating and fulfilling to them, further assisting the shift away from viewing CPD as merely a regulatory obligation.

Doctors

Similarly, as briefly highlighted by the CPD Requirements title, doctors who hold a 'general' registration with the Medical Board of Australia have the choice of completing their CPD requirements in accordance with those set out by a specialist college relevant to their scope of practice or in a 'self-directed' format. In the 'self-directed' format, doctors are given the autonomy to participate in CPD activities of their choice, subject only to the requirement to complete one self-assessment reflection activity, clinical audit or performance appraisal.⁹ Whilst there are strict rules about providing evidence to substantiate activity, this format arguably facilitates greater flexibility for the completion of CPD requirements, particularly in light of the unpredictable work schedule faced by some professionals. Notably, however, doctors are not required to develop or maintain a plan using this format, which could result in an end-of-year rush to complete the relevant requirements.

Other Professions

By contrast, the Law Society of NSW, Engineers Australia and Chartered Practising Accountants Australia New Zealand offer little in the way of resources for the planning and organising of CPD activities by their members. Rather, the emphasis from these bodies, as explored in the CPD Requirements title, is on completing the minimum CPD requirements and having appropriate evidence to substantiate participation in activities that count towards an individual's hour or credit quota. This has the potential effect of hindering the motivation by individuals to engage with CPD in a way that is meaningful to their circumstances and rather,

⁸ A Thomson, 'How to Make the RCPCH CPD Guidelines Work for You' (2006) 91 *Archives of Disease in Childhood* 65, 66 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2083081/>> (accessed 1 November 2017).

⁹ Medical Board of Australia, *FAQ: General Registration CPD* <<http://www.medicalboard.gov.au/Codes-Guidelines-Policies/FAQ/FAQ-general-registration-CPD.aspx>> (accessed 1 November 2017).

participating in activities simply to meet the minimum requirements.¹⁰ Good CPD practice ensures that individuals learn, connect and create, as discussed above. There is a risk that without a plan, CPD is viewed by individuals as being superfluous or a nuisance.

The Importance of Reflection

There is undoubtedly a strong link between reflection and good professional development practice.

Reflection has a central role in guiding practitioner-determined CPD as it enables professionals to:¹¹

- Identify opportunities for learning
- Assess their knowledge in their areas of practice
- Develop clear objectives
- Gain maximum reward from formal and informal learning opportunities.

Reflection also adds meaning to CPD activities as it ensures that learning is not simply 'recorded' but digested by individuals in a way that is beneficial to their work. This is highlighted by the fact that reflection is one component of the template PDP provided by the FPA and a mandatory requirement of the Medical Board of Australia for doctors completing their CPD requirements using the self-directed format option.

Furthermore, reflection adds a heightened degree of accountability to the participation in CPD activities by professionals. This can be seen in the requirement for FPA members to track their progress against their PDP in a CPD Record. Professionals are constantly forced to evaluate their progress and make any relevant adjustments to ensure learning objectives are met. This contrasts with the less prescriptive approach to CPD offered by other professions, whereby members must simply provide evidence that they have met an hour or credit requirement at the end of the reporting year. Arguably, such professionals are never forced to truly consider the benefit or value of their participation in a certain activity.

Professional Standards Council

The Professional Standards Council requires associations with a Professional Standards Scheme to prepare an 'Annual Report on your Professional Standards Improvement Program'. One component of this report must be in relation to continuing professional development programs for members. The association must describe new and existing education programs that members have undertaken and explain the relationship of the program to any identified trends or knowledge gaps.¹² The process of reflection therefore extends beyond individual professionals and is seen to have value in guiding associations to prepare CPD policies and programs in ways that are relevant and pertinent for its members.

¹⁰ Thomson, above n 8, 67.

¹¹ Jill Shostak et al, General Medical Council/Academy of Medical Royal Colleges, *The Effectiveness of Continuing Professional Development* (2010) 58 <http://www.gmc-uk.org/Effectiveness_of_CPD_Final_Report.pdf_34306281.pdf> (accessed 1 November 2017).

¹² Professional Standards Councils, *Our Improvement Program* <<http://www.psc.gov.au/sites/default/files/Professional%20Standards%20Improvement%20ProgramV2.pdf>> (accessed 10 October 2017).

Summary

In summary, research supports the active involvement by individual professionals in directing and satisfying their CPD requirements. The development of PDPs assists professionals to tie their learning to their personal development goals, thereby facilitating more meaningful participation by professionals in CPD activities. Reflection has a pivotal role in allowing individuals to measure their performance and continually seek to engage with and participate in activities that will motivate them to view CPD with a positive, lifelong learning mindset. The benefit of reflection further extends to professional associations themselves, with the requirement for associations operating under a Professional Standards Scheme to report on continuing professional development programs in their annual reports. The FPA's template PDP provides a good starting point for understanding a framework for a holistic approach to CPD that recognises that important input from individual professionals themselves.

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Ethics Education

Introduction

Professional ethics and standards are a defining feature of contemporary professions. Educating, empowering and inculcating ethical professionals is a well-established practice across most professions and can take place at several stages in a professional's development. This title:

- Explains the purposes of professional ethics education
- Explores the questions of when ethics education should occur and who should provide it
- Outlines the main content typically covered in professional ethics education
- Considers the contested role of moral philosophy in professional ethics education
- Discusses pedagogical best practice for ethics education
- Reflects on the main critiques of professional ethics education.

Why Have Professional Ethics Education?

As distinct from other service-providers, a defining feature of modern professionals is that they are bound by an ethical code, incorporating obligations towards third parties and social institutions, towards clients and their interests, and towards the profession itself (see the Ethical Codes and Professional Values titles). The primary purpose of professional ethics education is to ensure widespread knowledge of these ethical obligations and – so far as feasible – to instill the capability and desire in professionals to effectively apply their obligations in situations they face in their professional work.

The motivation (of the profession and of regulators) to develop ethics education requirements and courses can stem from a variety of sources.¹ Public outcry about major ethical scandals – especially if a given profession is under siege in the face of multiple high-profile controversies – can drive calls for improved ethics education.² Similarly, concerns about a profession being held in low esteem, or about its status as a profession, can increase the pressure for ethics education. In other cases, ethics education may simply stem from a desire for higher standards or a view that such education is an accepted part of initial and continuing professional education. Practicing professionals will also want to ensure that, at minimum, they have a clear understanding of the rules and standards by which they will be held to account.

¹ See Hugh Breakey, 'Supply and Demand in the Development of Professional Ethics' (2016) 15 *Research in Ethical Issues in Organizations* 1.

² See, e.g., for accountants and auditors, D'Arcy Becker, Susan Haugen, and Lucretia Mattson, 'Continuing Ethics Education Is Critical to Improving Professional Conduct of Auditors' (2005) 8 *Journal of Legal, Ethical and Regulatory Issues* 13, 16-7; Ken McPhail, 'The Other Objective of Ethics Education: Re-Humanising the Accounting Profession – A Study of Ethics Education in Law, Engineering, Medicine and Accountancy' (2001) 34 *Journal of Business Ethics* 279, 280-1.

Ethics education can aim to achieve an array of distinct, but inter-related purposes, including to instill:³

- Knowledge of all relevant codes, standards, regulations and rules – and the obligations they impose
- Awareness, understanding and – ideally at least – appreciation of the professional values undergirding these codes
- The capability to apply professional codes and values effectively to concrete situations, especially those situations commonly encountered in professional work
- Knowledge of ‘consensus’ positions on specific ethical issues across the profession, and cases where reasoned dissent (and perhaps conscientious objection) is appropriate
- Understanding of philosophical ethical theory, and its relation to professional ethics.

These outcomes can be pursued through the achievement of lower-level educational objectives.⁴ Ethics education comes at a cost in terms of necessary investments of time and resources, so the pursuit of these objectives must be tempered with considerations of other pedagogical priorities (such as other content within the curriculum) and through concerns with material factors, such as time, expense, convenience and delivery-opportunities.

Achieving These Goals

Once the purpose of ethics education has been laid down, attention can turn to the means of achieving the desired outcomes: questions of *when* the education should occur, *what* content should it include and *how* should that content be delivered. The following discussion details the main issues and best practices on each of these issues. The discussion will concentrate on ethics education for professions generally, but different considerations – in terms of topics, practices and methods – may arise for specific professions.⁵ The focus will be on formal educational mechanisms. However, as well as structured education, there are other practices that allow for improved self- or peer-education in ethics across the profession.⁶

Before proceeding, there is a caveat. In terms of best practices, strong empirical evidence on clear improvement in eventual ethical performance, caused by discrete educational initiatives, can be hard to ascertain.⁷ None of the below-noted initiatives – or even ethics education in general – should be a ‘silver

³ See John Goldie et al, ‘The Impact of Three Years’ Ethics Teaching, in an Integrated Medical Curriculum, on Students’ Proposed Behaviour on Meeting Ethical Dilemmas’ (2002) 36 *Medical Education* 489, 490 <<http://ethicist.kmu.edu.tw/pimages/p-49/j.1365-2923.2002.01176.pdf>> (accessed 31 October 2017); Hugh Breakey and Charles Sampford, ‘Educating Ethical Lawyers’ in Hugh Breakey (ed), *Law, Lawyering and Legal Education: Building an Ethical Profession in a Globalizing World* (Routledge, 2017) 203, 203-7.

⁴ See, e.g., McPhail, above n 2, 282-5.

⁵ E.g., Knapp and Sturm highlight how psychologists and therapists can need, as part of their ethical training, to acknowledge subjective biases and implicit values at work in the therapy process: Samuel Knapp and Cynthia Sturm, ‘Ethics Education after Licensing: Ideas for Increasing Diversity in Content and Process’ (2002) 12 *Ethics and Behavior* 157, 162.

⁶ E.g., professional organisations publishing and communicating information on ethics enforcement processes and decisions can keep the professional community informed on judgments and rules: Becker et al, above n 2, 18. Also, web-based resources can empower informal peer-learning and interaction: see, e.g., Marilyn Leaska and Sarah Younieb, ‘National Models for Continuing Professional Development: The Challenges of Twenty-First-Century Knowledge Management’ (2013) 39 *Professional Development in Education* 273.

⁷ For this reason, measurements in changed behaviour may need to rely on self-reporting of previous or proposed behaviour: see, e.g., Christine Grady et al, ‘Does Ethics Education Influence the Moral Action of Practicing Nurses and Social Workers?’ (2008) 8 *The American Journal of Bioethics* 4, 10 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2673806/>> (accessed 31 October 2017). Alternatively, research may focus on the more measurable elements of ethical decision-making, such as moral judgments about cases: see, e.g., Goldie et al, above n 3, 492-3.

bullet' solution to fraught professional standards. At best, quality ethics education can stand as one critical element of an overall professional integrity system (see the Integrity Systems title).⁸

When Should Ethics Education Occur? Who Should Provide It?

Professional ethics education can be done as part of the initial education and training prior to professional membership or as part of a professional's Continuing Professional Development ('CPD'). It may be taught by universities, as part of larger undergraduate or graduate courses. Alternatively, the ethics education may be provided by the professional organisation, private educational providers, state or regulatory offices or the professional's employing institution (including private firms, public service organizations or other places of residency like hospitals). Various combinations of institutions responsible for ethics education are possible. For example, a state regulator may require a certain number of hours of ethics education as part of CPD. The professional body might oversee and accredit these requirements, and the education itself might be provided by universities and private registered training organisations.

Each of these ethics education providers have different strengths and weaknesses – and will have different opportunities to employ the various pedagogical methods noted below. For example, ethics education by institutional employers (such as a CPA firm for accountants) will often have the advantage of being highly relevant to professionals in terms of referring to actual work-life situations, pressures and opportunities. However, the risk in this case is that genuine professional ethical education might be sacrificed to promoting corporate policies, initiatives and rules.⁹

Undergraduate degrees at university are an increasing source of ethics education. These have the advantage of being capable of deep and time-intensive educational programs, using an integrative approach to weave ethical thinking throughout all parts of the curriculum and being able to draw on multi-disciplinary perspectives and insights – not only those of academic philosophy (see below), but the humanities more generally.¹⁰ Yet university ethics education has disadvantages too. Undergraduate education may fail to engage with the actual situations and issues encountered by professionals. It may also be debated whether university – a place of critical enquiry – is the appropriate venue for inculcating values.

Ethics education may be delivered as part of a CPD regime. Advantages here include the greater experience of existing professionals and so the knowledge and direction they bring to their learning.¹¹ CPD practices also allow the use of certain teaching methods, such as 'learn-work-learn' practices, where the professional learns certain techniques and strategies in the course, goes away and tries applying them in their professional work, and then returns to the course to report, reflect and discuss how they fared.¹² Sheer

⁸ See also Hugh Breakey, 'Building Ethics Regimes: Capabilities, Obstacles and Supports for Professional Ethical Decision-Making' (2017) 40 *University of New South Wales Law Journal* 322.

⁹ Becker et al, above n 2, 21.

¹⁰ See, e.g., Goldie et al, above n 3, 494-5; Becker et al, above n 2, 22; McPhail, above n 2, 286-7.

¹¹ Knapp and Sturm, above n 5, 163; Grady et al, above n 7, 9.

¹² Knapp and Sturm, above n 5, 164.

timeliness matters too. Content delivered by a recent CPD course is liable to be fresher in the mind than long past university courses.¹³

If the education is intended to improve ethical standards, then one consideration for the timing of educational interventions may be delineating the stage in the relevant professional population where ethical standards appear to fall. In some cases, entrants to university may be idealistic, but have their ethical standards eroded over their time at university. In others, those leaving university may have high standards, which wither in their early years of work.¹⁴ Alternatively, graduates may have an overly cynical view of professional practice, which changes when they see ethical issues taken seriously by successful senior professionals.

What Should be Taught? Subject Matter and Curriculum Design

A wide variety of content can be covered in ethics courses and programs. Some course content is non-negotiable. Any regime of professional ethics will need to ensure that, at some point, entrants to the profession have been informed about the codes of ethics, conduct, regulations and laws that pertain to their professional practice, and to which they will be held accountable.

While a necessary part of professional education, such knowledge is hardly sufficient. Without a greater understanding and attachment to deeper reasons, purposes and professional values, such codes will make little sense and inspire little more than grudging compliance (see the Professional Values title). Many further subjects may impact beneficially on a professional's knowledge, appreciation and understanding of their ethical roles.¹⁵ A consistent refrain is to focus on case studies and explore actual dilemmas faced by professionals in their working life, rather than more abstract theorising or focusing on hot-spot ethical controversies. For example, studying professional medical ethics is not the same as studying applied bioethics.¹⁶ Discussion on specific vignettes can allow students to apprehend the many ethical issues in play and to learn about strategies and alternatives in confronting dilemmas. Interdisciplinary approaches are often favoured, as these can allow students to see the wider social context of their professional work, humanising their obligations and perhaps disrupting their implicit assumptions.¹⁷

Arguably, a diversity of available content is itself desirable, allowing professionals to choose options that are relevant to their own practice, clientele, roles and circumstances.¹⁸

¹³ Becker et al, above n 2, 19; Grady et al, above n 7, 9.

¹⁴ Becker et al, above n 2, 22.

¹⁵ A different tack to ethics education at university is to 'first, do no harm'. This would require making sure the taught content does not implicitly divorce ethics from professional knowledge: Breakey and Sampford, 'Educating Ethical Lawyers', above n 3, 216-20. It might also require avoiding teaching students' strategies that might later be employed as effective tools for unethical practices: see Becker et al, above n 2, 22.

¹⁶ See Rosamond Rhodes, 'Two Concepts of Medical Ethics and Their Implications for Medical Ethics Education' (2002) 27 *Journal of Medicine and Philosophy* 493.

¹⁷ See, e.g., McPhail, above n 2, 286-7.

¹⁸ Knapp and Sturm, above n 5, 159.

Philosophy and Ethical Theory in Ethics Education

One area of controversy surrounds the use of philosophy and ethical theory in professional ethics education.¹⁹ Given that universities have philosophy departments already teaching ethics subjects, it can seem a natural fit to use this content to teach ethics to professionals.

However, some caution is required.²⁰ Philosophical ethics is a distinct academic discipline. Its purpose is not to increase students' ethical conduct, but to subject moral issues and principles to critical examination – often using complex philosophical theories (such as those of Aristotle or Kant). While this is likely to improve students' capacities for sophisticated moral reasoning²¹ and deepen their understanding of their profession's place in society,²² there is no guarantee such learning will increase students' fealty to morality in general, or to their professional obligations in particular.²³ Some parts of philosophical ethics may be very abstract and practically-minded professionals may struggle to draw links to their own practice. Meanwhile, studies of applied ethics (including social ethics and bioethics) tend to focus on controversial topics like abortion and euthanasia – often at some remove from professional ethical decision-making.²⁴

Still, such concerns should not be overplayed.²⁵ Philosophical ethics has the advantage that it puts professional values and principles squarely into focus, and empowers professionals to critically understand them, reflect upon them and talk about them. While ethical theories have their flaws, they each also have their own insights, drawing attention to diverse perspectives and areas of potential concern²⁶ – including areas of direct relevance to professional obligations. As such, while a clear distinction should be drawn between professional ethics courses and standard philosophy subjects, moral philosophy can still play a valuable role in professional ethics education.

¹⁹ University students may encounter philosophical ethics in many different courses apart from professional ethics, including in jurisprudence (in law) and in bioethics (in medicine).

²⁰ The following concerns are among those levelled in the detailed critique of professional ethics education at universities set out in Christopher Belshaw, 'The Teacher's Perspective: Teaching Ethics and Professional Ethics in Universities' in John Strain, Ronald Barnett and Peter Jarvis (eds), *Universities, Ethics and Professions: Debate and Scrutiny* (Routledge, 2009) 113. See also Hugh Breakey and Charles Sampford, 'Philosophy in Legal Education: Promises and Perils' in Hugh Breakey (ed), *Law, Lawyering and Legal Education: Building an Ethical Profession in a Globalizing World* (Routledge, 2017) 72, 79, 85-7.

²¹ Moral reasoning is one part of the multi-stage process of ethical decision-making. See Breakey, above n 8, 324-7.

²² See, e.g., Rhodes, above n 16, 501-3.

²³ Indeed, quite the reverse is possible: Breakey and Sampford, 'Philosophy in Legal Education', above n 20, 82-7.

²⁴ Rhodes, above n 16, 494-5.

²⁵ Rhodes, above n 16, 493; Breakey and Sampford, 'Philosophy in Legal Education', above n 20.

²⁶ For this reason, Knapp and Sturm highlight the need to teach an array of theories, and not just one popular approach (such as 'principlism' in bioethics): Knapp and Sturm, above n 5, 157. See also Charles Sampford, 'Law, Ethics and Institutional Reform: Finding Philosophy, Displacing Ideology' (1994) 1 *Griffith Law Review* 1; Breakey and Sampford, 'Philosophy in Legal Education', above n 20.

How Should Ethics Education Be Delivered?

Many commentators argue that, in the context of ethics education, the question of how the ethics is taught is pivotal. This question has two dimensions: the *method* of teaching – the pedagogical practice employed – and (what may be termed) the *mode* of teaching – covering issues of framing and environmental.

Methods of Teaching

The didactic method of large-group lectures is commonly employed in both university and CPD ethics education, and clearly for some content this is a sensible and cost-effective method of information delivery. However, many commentators argue for the virtues of more immersive, practical, personalised, collaborative and experiential methods.²⁷ Small-group learning, and co-operative peer-group discussion is particularly encouraged as a way of allowing students to take increased control of their own learning and to learn with and from peers. Actual clients, patients and practicing professionals may be brought into lectures, tutorials and small group discussions to humanise the impacts that are at stake in ethically charged situations and to illustrate different perspectives and priorities. Some commentators highlight the use of role-play for similar reasons of dramatising and humanising the challenges faced by clients and professionals. These role-plays may be of client-professional interactions in key situations – or of processes of adjudication (such as roleplaying an ethics board going through the process of investigating a potential breach of professional ethics).²⁸ Film and literature are likewise employed to explore professional dilemmas, failures and excellences, and to provide the basis for reflection or small-group discussion.²⁹ Other recommended approaches include the use of personal values journals – to encourage reflection and development – and the modelling of ethical decision-making by educators. While it can seem strange to require assessment on learning ethics, evidence suggests that employing assessment can help hammer home to students that ethics is not an optional extra, and that their attendance and focus is required.³⁰

Modes of Teaching: Framing, Composition and Environment

Students do not assimilate ethical learning purely from the content and practices of their ethical education courses.³¹ Learning may also arise from other factors, such as the composition of the class (for example, drawn from a wide array of disciplinary perspectives, each with different priorities and ways of analysing situations).³² Branding in course names and advertising, and the nature of orientation and selection practices can frame students' expectations, priming them for subsequent discussions of justice and obligations.³³ The social environment matters too: discussions about ethics can be controversial and even confronting, and if a

²⁷ See, e.g., Goldie et al, above n 3, 494-5; McPhail, above n 2, 287-9; Knapp and Sturm, above n 5, 162-4.

²⁸ Knapp and Sturm, above n 5, 163.

²⁹ These types of measures also have the advantages of strengthening empathy and moral imagination – helpful qualities for ethical decision-making.

³⁰ See Goldie et al, above n 3, 495.

³¹ Different modes of delivery will have different strengths and weaknesses. Distance and online work studies and programs may be cost-effective and convenient (perhaps pivotally so, such as for rural professionals). Such programs may struggle to incorporate the experiential and social aspects of many of the pedagogies discussed below. However, such programs can enjoy benefits in the form of allowing individualised and self-directed learning where professionals pick out the courses most applicable to them.

³² McPhail, above n 2, 287. McPhail also considers other factors, including architecture and environment design.

³³ For e.g., Economides considers the effects of renaming law schools as 'Faculties of Justice': Kim Economides, 'Learning the Law of Lawyering' (1999) 52 *Current Legal Problems* 392, 412.

genuine dialogue is to occur – one capable of eliciting real change in people’s convictions – then participants need to know that they are safe in talking through, and hearing objections against, different responses, lines of thought and emotional concerns. The overall program (such as an over-arching CPD regime) will also structure how the learning takes place. For example, self-directed and targeted learning will be more likely in cases where the learner is in a position to select the most useful and pertinent educational resources and practices.³⁴ Finally, one of the most time-tested practices for encouraging ethics is simply to model them oneself – students are unlikely to grow ethically from an ethics class that does not itself deal appropriately with issues of, for example, academic integrity.³⁵

Critiques of Ethical Education

Though widespread, professional ethics education is not without its critics.³⁶ One criticism is that ethics education – such as may be taught at a university – will ultimately fail to impact on ethical conduct.³⁷ Certainly it is true that ethics education is not a panacea for a profession’s failing ethical standards and that there is no consensus on the precise pedagogical model that should be employed in any given case. However, even basic educational initiatives can help to improve awareness of issues and knowledge of standards. And the available evidence suggests that experiential learning activities, if assessed, intensive and recent, can impact on critical parts of the professional’s ethical decision-making process.³⁸

Another criticism would be that ethics initiatives may be unhelpful because unethical traits are adaptive to professional success. Susan Daicoff argued that lawyers are, and are required to be, hard-nosed, competitive and individualistic.³⁹ Educational initiatives aiming to combat these traits would therefore be counter-productive. Again, however, the weight of evidence suggests otherwise, with ethical professionalism correlated with professional effectiveness in law no less than other professions.⁴⁰

³⁴ Knapp and Sturm, above n 5, 164.

³⁵ Breakey and Sampford, ‘Educating Ethical Lawyers’, above n 3, 213-20.

³⁶ It was noted earlier that ethical education will carry inevitable costs, such as other elements of a course not being prioritised. These costs may form part of a critique of university or CPD ethics education.

³⁷ See, e.g., the scepticism of Belshaw, ‘Teacher’s Perspective’, above n 20, 116. Belshaw also explores a number of tensions between the ethical goal of inculcating professionalism and the academic objectives of teaching and assessing theoretical and critical content.

³⁸ See, e.g., Goldie et al, above n 3, 494-5; Grady et al, above n 7, 9-10.

³⁹ Susan Daicoff, ‘Asking Leopards to Change Their Spots: Should Lawyers Change? A Critique of Solutions to Problems with Professionalism by Reference to Empirically-Derived Attorney Personality Attributes’ (1998) 11 *Georgetown Journal of Legal Ethics* 547.

⁴⁰ See Neil Hamilton and Verna Monson, ‘The Positive Empirical Relationship of Professionalism to Effectiveness in the Practice of Law’ (2011) 24 *Georgetown Journal of Legal Ethics* 137.

Summary

By empowering professionals with the capabilities required to know and act on the highest professional standards, ethics education makes up a crucial element in contemporary professional integrity systems. However, providing effective ethics education is not a simple task and the literature highlights the use of immersive, practical, personalised, collaborative, and experiential pedagogical methods.

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