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A COMMENTARY ON LEGAL ISSUES AFFECTING PROFESSIONAL REGULATION

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Regulators' Role in Professional Identity Formation

Anastasia-Maria Hountalas

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Like the proverbial elephant being described by four blindfolded people, no role-description of a regulator comprehensively captures the nature of its work. Some labels include:

- Public protector;
- Quality improvement facilitator;
- Standard setter;
- Professional gatekeeper;
- Compliance officer;
- Right-touch regulator; and
- Public confidence guarantor.

Each description can help regulators understand a part of their mission and guide them in performing their functions effectively.

A few years ago the Professional Standards Authority (PSA) of the UK did a [literature review](#), [research](#), [discussion](#), and [analysis](#) on PIF and proposed some implementation strategies related to professional identity. These resources, along with more recent [research](#) and [commentary](#), can provide a basis for conceptualizing how regulators can

use professional identity to advance their public protection goals.

What is a Professional Identity

Very briefly, professional identity is how registrants define themselves in their professional role. Two common core components of professional identity for most professions are:

- A commitment to help others; and
- Using a professional “stance” in their interactions with clients and others when acting in that role.

Professional identity is more than just knowledge of professional responsibility. It is the internalization of what it means to be a member of a particular profession as a part of one's identity. A member's professional identity can be beneficial and constructive, or unhelpful, to their practise.

A registrant's PIF is formed primarily during their training. Much of it occurs informally (rather than just through classroom instruction). Role models and mentors are

major contributors to PIF. The informal curriculum includes interactions with clients, colleagues, and mentors, especially in the experiential learning components of training. PIF is also influenced by the portrayal of the profession in the media and the views of wider society. Even titles and uniforms have an impact.

Typically, PIF contributes to the ethical and competent provision of services once the person enters the profession. A registrant with a beneficial professional identity tends to practice ethically, practically, with confidence, and without burning out. Indeed, registrants with a strong sense of their own professional identity may view the fact that they are regulated as largely irrelevant.

Of course, mentors and role models can also foster an unhelpful professional identity. For example, educators and experiential instructors who are abusive, less than diligent, or dismissive of client concerns can create a harmful professional identity.

So What?

A registrant with a strong and constructive professional identity has an “internal compass” that steers them towards doing the very thing that regulators want them to do. As such, regulators should do everything within their power to foster and maintain a beneficial professional identity in registrants as a [“tool to protect the public”](#). Regulators should be [“instigator\[s\] of professional identity”](#).

As such, regulators should use the PIF lens when approving or supporting the accreditation of training programs. Such approval and accreditation might require explicit PIF criteria. Regulators should want educational programs to ensure that instructors and mentors provide the appropriate kind of role modelling for students.

PIF also provides a unique perspective on how to approach an applicant who applies for registration with a “prior history”. Misconduct that occurs prior to the applicant entering their training programs (where their PIF is primarily formed) might be viewed as potentially less relevant from the perspective of the regulator. However, misconduct related to the professional identity of the applicant, such as cheating on registration exams, might be viewed as much more serious. In that case, the applicant's professional identity is almost certainly impaired and is unlikely to be a reliable internal compass.

The regulator's role in fostering professional identity can also guide quality assurance programs. For most registrants, a quality assurance process that involves added paperwork and “ticking off boxes” does little to shape or advance their professional identity. However, strategies that foster genuine quality improvement may reinforce and strengthen their professional identity. For example, a process that encourages registrants to reflect on their practice, identify gaps, and create a plan to address those gaps might be productive. Also, processes that encourage interactions with colleagues (such as peer circles) could do more to reinforce and advance their professional identity than the actual assignment itself.

Significant [damage is done to a registrant's](#) professional identity if they are disciplined by the regulator. Where the registrant is not revoked, regulators may wish to consider how to repair that professional identity when the registrant resumes practice as it is the registrant's “internal compass” for practising ethically and effectively:

A better understanding of impacts on identity could mean practitioners practise as optimally as possible when they return to work after [discipline] proceedings

While processing complaints and concerns is necessary for regulators, using principles of right-touch regulation can minimize the negative impact of the process on a registrant's professional identity. The work on [compassionate regulation](#), that so many regulators have engaged in, can also assist in this task.

Many regulators are, perhaps without identifying it as such, nudging the positive evolution of the professional identity of their registrants. Consider the following initiatives that have been undertaken by regulators:

- Communications and resources on well-being, particularly since the pandemic;

- Communications and continuing professional development offerings (and even requirements) on diversity, equity, and inclusion; and
- Promoting civility in all professional interactions, including with colleagues.

By using a PIF lens in its regulatory activities, a regulator can gain an added perspective on the impact of its initiatives on the way that registrants see themselves and their role within the profession. A strong "internal compass" helps protect the public and lessens the need for reactive professional regulation.

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