

Professional Exams

Introduction

The 'Professional Exam' refers to a course of exams, usually designed and administered by a Professional Organisation, to assess the expert knowledge of aspiring professionals and – in concert with other mechanisms – to accredit them for entry into the profession. The term typically refers to written or online exams (multiple-choice, short answer or essay), but is sometimes employed to connote a broader suite of assessment tools, including simulations, role-plays and practical tasks measuring oral skills.¹

This title explains:

- The history of the professional exam;
- The professional exam's strategic placement within an array of further mechanisms for ensuring knowledge expertise across the profession;
- The several distinct functions the professional exam can fill, depending on how it is implemented;
- Potential risks and limitations in employing the professional exam.

History of the Professional Exam

Historically, professions have a complex relationship with employing an exam as a condition of entry. Scots and English accountants secured royal charters in the 19th century (starting with the Edinburgh Society of Accountants in 1854) and soon started setting written exams for new entrants. In each case, there were multiple examinations that tested what was thought to be readily testable knowledge. This was not an isolated event, but part of a much larger trend. The 1854 Northcote-Trevelyan Report into the British Civil Service² was much taken by the idea of merit (as compared with birthright or bribery) and the Chinese Empire's system of examinations to assess it. Written examinations were introduced for the British Civil Service and, at the same time, universities started shifting from oral to written examinations.³ Professions setting examinations for prospective members fitted this trend.

Exams also served professions where training had been apprentice-style with sole or small group practitioners. Even when universities provided clear routes to the professions, longstanding apprentice-style education – supplemented by examinations – provided a path to the professions. For example, while most Australian-trained lawyers studied in law schools from the 1850s, there was an alternative entrance route through exams right into this century. Indeed, some of Australia's most distinguished jurists took this route.⁴ These Professional Exams were not taken in isolation but were backed up by lectures and apprentice-style

¹ See, e.g., UK Solicitors Regulation Authority, *Consultation: Training for Tomorrow: Assessing Competence* (2015).

² Committee of Inquiry, House of Commons, *Report of the Organisation of the Permanent Civil Service* (1854) <http://www.civilservant.org.uk/library/1854_Northcote_Trevelyan_Report.pdf> (accessed 26 September 2017).

³ See Steve Sheppard, 'An Informal History of How Law Schools Evaluate Students, with a Predictable Emphasis on Law School Final Exams' (1997) 65 *University of Missouri Kansas City Law Review* 657-776.

⁴ Commonwealth, *Attorney General's Department, Address at the swearing-in of The Honourable Susan Kiefel AC as Chief Justice of Australia* <<https://www.attorneygeneral.gov.au/Speeches/Pages/2017/FirstQuarter/Address-at-the-swearing-in-of-the-honourable-susan-kiefel-ac-as-chief-justice-of-australia.aspx>> (accessed 26 September 2017).

learning. Solicitors had the choice of taking articles after the completion of university exams (via the university route) or before the commencement of exams (via the non-university route).

Multiple Elements for Ensuring Knowledge Standards in the Professions

Professions function as 'knowledge communities' priding themselves on their special expertise and their ability to bring that special knowledge to bear for the good of the society. Indeed, it is this status as knowledge communities that justifies the monopoly on service-provision (including the protections on title and function) that most major professions enjoy.⁵ As such, systems designed to ensure this expertise, and to guarantee it is upheld as standard across the entire membership, make up an intrinsic part of modern professions. While the Professional Exam provides a key feature of professional accreditation, it usually stands as just one element in a larger 'integrity system' that ensures quality service. Such systems typically encompass an array of elements to ensure members possess knowledge expertise at the required level. These include:

- *University education and examination.* Modern professions typically require a university bachelor's degree or equivalent qualification. University assessment can employ ongoing, diverse and multi-faceted testing regimes or may itself rely centrally on 'final exams';⁶
- *Vocational training, including internships,* residency and other probationary work-placements. These will often have on-the-job assessment components;
- Ethics education, training and assessment, ensuring the knowledge of professional codes of conduct and other regulatory and compliance matters. This may be taught during the university education or through dedicated courses run by the professional organization;
- *The Professional Exam;*
- *Ongoing professional learning,* through 'Continuing Professional Development' schemes and other 'lifelong learning' approaches.

As this list shows, university study and preparation for the Professional Exam make up merely the most intensive learning part of a lifelong learning process – a process in which different skills and knowledge are acquired (and then maintained, updated and reinforced) at various stages.

Different Functions Filled by the Professional Exam

The Professional Exam can fulfil several distinct functions within a given standards system. These functions can shift depending on whether the Professional Exam is only one part of the professional accreditation

⁵ This is expressed in the academic literature as part of the 'regulative bargain' the profession makes with the state: see Keith Macdonald, *The Sociology of the Profession* (Sage, 1999) 8-11.

⁶ András Jakab, 'Dilemmas of Legal Education: A Comparative Overview' (2007) 57 *Journal of Legal Education* 253-65; Sheppard, above n 3.

system or whether it shoulders the central load as the main standards-based mechanism required for entry into the profession.⁷

Where the Professional Exam is used in concert with other mechanisms such as university qualifications and vocational training, it can serve as:

- *An independent quality check* on university education and assessment. This function is particularly important in cases where universities (or other Registered Training Organisations) have variable quality. 'Bar exams' in the legal profession often fulfil this role, effectively testing participants for content largely covered in university degree courses.
- *A means for the profession to administer and to standardise the knowledge requirements for professional entry.* As well as being able to select which knowledge areas must be known by the aspiring professional to practice, the Exam's requirements inevitably influence university curricula, as university education is expected to prepare graduates for professional entry. Even so, the Professional Exam's content can be directed exclusively to the knowledge required by professional practitioners (as distinct from university course content, which may serve a wider array of goals).⁸
- *A means for testing higher level and more specialized knowledge,* going beyond that covered in bachelor-level university education. For example, the Professional Exam may aim to test knowledge learned through vocational learning. Exams may also serve as an entry-way to specialisations, such as in law and medicine, in which case they require applicants to perform their own dedicated study of more advanced and specialised material.
- *A means for testing specific subject areas relevant to professional practice and ethical conduct.* A Professional Exam may be used to specifically test knowledge of professional ethical requirements including codes of conduct, compliance requirements, and legal and regulatory knowledge.

Where the Professional Exam operates largely on its own as the core measure for ensuring knowledge standards, it can also serve as:

- *A flexible-entry pathway,* allowing aspiring professionals, from more diverse backgrounds and employment histories, access into the profession. This may open the profession to distinct cultures and perspectives that have not all progressed through the singular, university-based pathway.⁹
- *An accreditation mechanism for international migrants* who were trained and educated overseas to test them for entry into the domestic profession. Sometimes an additional layer of exams is employed for foreign-trained professionals before they are entitled to sit the standard Professional Exam.¹⁰

⁷ See 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 *University of New South Wales Law Journal* 385-410.

⁸ For e.g., in the legal profession, see Jakab, above n 6.

⁹ This consideration loomed large in the thinking of the UK Solicitors Regulation Authority: UK Solicitors Regulation Authority, above n 1.

¹⁰ See, for e.g., for US nurses, Barbara Bush, 'Global Nurse Migration Today' (2008) 40 *Journal of Nursing Scholarship* 20-5.

- *A transitional mechanism* that allows existing, experienced service providers, who do not have university qualifications, to demonstrate the relevant expertise for professional entry without costly breaks from their occupation. This function is especially useful during periods of increased professionalisation and the introduction of new standards.¹¹

In all cases, the specific function the Professional Exam is designed to fulfil dictates the exam's nature and qualities, determining such issues as *when* the exam is performed (for example, directly after university study or only after a vocational year), *who* sets the content (regulators or professional organisations), *who* invigilates its integrity, *what* it tests, *how difficult* it is to pass and *what hinges* upon passing or failing (including the rules for re-sitting the Exam). To work effectively, the Professional Exam must be strategically inserted into the larger integrity system with a clear vision of how it will work with, and mutually support, the existing elements to fulfil the function required of it.¹²

Professional Exams can also have other subtler effects on standards and ethics. For example, a challenging Professional Exam requiring years of study raises the personal and material costs of entry into the profession (in a similar way to a university education requirement). These years of study increase the investment of service-providers in their career, which can impact on their later decision-making with respect to breaching ethical standards and risking suspension or debarment from the profession.¹³ As such, even if the Professional Exam does not itself focus on questions of ethics and values, it can still shape the decision-making and self-understanding of professionals.

As well as the Professional Exam run by professional organizations, governments and regulatory organisations may also choose to employ an exam to qualify service-providers for a lower-level of work in the field (such as para-professional or quasi-professional work). While often a sensible policy, such government-run exam regimes can suffer from potential costs. The existence of a state-run, lower-standards exam may smear in the public mind, and in the thinking of clients and prospective clients, the difference between quasi-professionals and genuine professionals – an outcome that can diminish, rather than improve, overall client protections.¹⁴

¹¹ Breakey and Sampford, above n 7.

¹² Breakey and Sampford, above n 7.

¹³ Breakey and Sampford, above n 7.

¹⁴ This issue played out in the US over exams for financial brokers, where the concern was with keeping the distinction between mere salespeople and genuine financial advisers: see Aegis Frumento and Stephanie Korenman, 'Professionalism and Investment Advisers' (2013) 14 *Journal of Investment Compliance* 32-41.

Weaknesses and Risks in the Professional Exam

As one part of a larger system, the Professional Exam offers the promise of fulfilling an array of standards-based functions and is therefore an almost automatic inclusion in many modern professional integrity systems. However, limitations of the Professional Exam need to be borne in mind, especially to the extent it is positioned as the core competency-based mechanism for protecting standards. In particular:

- *Exams test only certain types of competency:* Examinations are traditionally thought to be good for testing knowledge but limited with respect to testing its application. Professions long considered that competencies based on skills and client interaction were best learnt in apprentice-style environments.
- *Compared to ongoing university assessment, exams can be narrow and one-dimensional:* Modern university assessments can be highly sophisticated and multifaceted, including items such as assignments, team projects, essays, case studies and work integrated learning. Such mechanisms can assess students outside of the specific, high-pressure, time limited written exam context, while ongoing testing can triangulate performance over a period. University exams can go into considerable depth on specific subjects and their flexible and multistage assessment undertaken by universities carries other pedagogical benefits. For these reasons, it can be a mistake to think that the Professional Exam can wholly replace – rather than merely extend and supplement – university qualifications.
- *Integrity risks:* All gradings systems are open to deliberate subversion by individuals, groups or, most seriously, established institutions that stand to benefit by breaching the exam's integrity (such as certain Registered Training Organizations who profit by equipping students to pass the Professional Exam). While universities do suffer from sophisticated attempts at cheating, having a staged, ongoing, multi-dimensional assessment system increases the challenges and limits the payoffs for such malfeasance. As Professional Exams test participants in a narrower fashion over a shorter period, the Exam's design and administration need to be more resistant to both isolated and systemic cheating attempts.
- *Cultural limitations:* While the exam may be valued to expand the available pathways to accreditation, it may also be critiqued as divisive and discriminatory to migrant professionals, especially those from non-English-speaking-backgrounds. For example, in the context of the accreditation of migrant psychiatrists in Australia, there are repeated calls for the use of Workplace-Based-Assessments rather than the exam.¹⁵
- *Illicit and arbitrary barrier to service-entry:* As with the exercise of any institutional power, there is a risk that the power will not be employed for the reasons, and to further the purposes, for which it was bestowed. In the case of professional organisations setting Professional Exams, care must be taken to guard against the organisation's self-interested deployment of the Exam. There is the ever-present temptation to wield the Professional Exam as a tool to deliberately raise barriers against market

¹⁵ Carlos Zubaran, 'The International Migration of Health Care Professionals' (2012) 20 *Australasian Psychiatry* 512.

entry, to heighten the value of the monopoly on service-provision shared across the profession's existing members.¹⁶

Summary

The Professional Exam constitutes an integral part of many contemporary professional integrity systems. The Professional Exam is usually employed in combination with other standards-based knowledge measures, especially the university bachelor's degree and vocational training. However, the Professional Exam can shoulder the primary knowledge gateway to professional accreditation to serve specific functions, to create flexible transitional and migrant pathways. In all cases, the Professional Exam must be strategically designed, administered and situated with the larger integrity system to fulfil the specific functions required of it.

Written by: Hugh Breakey and Charles Sampford

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¹⁶ Commentators have argued that the education and other requirements the profession demands of its applicants tends to be higher than that desired by the community: see David McGraw, 'A Social Contract Theory Critique of Professional Codes of Ethics' (2004) 2 *Information, Communication and Ethics in Society* 239.