

Self-Governance The Mandate of the Profession STRATEGIES FOR MAINTAINING PROFESSIONAL COMPETENCE

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CURRENT SITUATION

It is always very difficult to embark on a program of self-examination for professional competence as one never knows where one is along the spectrum of competence. We live in a rather self-contained environment in which we have been given the inestimable privilege of self-government. Such a lot of "selfs", it is no wonder that the surveyor must always guard against self-importance. Our privilege carries with it the responsibility to recruit, train, examine, license and discipline our members and even though we have much experience with bench marks it is hard to know whether we are above, below or equal to similar positions held by our sister professions. Of course if we are planning on maintaining professional competence it may be that we feel we are currently competent.

We know that we do have a few concerns at this time, but it would appear that we are taking care of them through our own time-tested methods which are set in the framework of our Act.

We have a *Code of Ethics*, including *Standards of Conduct*, whose goal is to serve and protect the public. This *Code* is the culmination of over one-hundred years of organized self-government of surveying in Ontario. The land surveyor has always been at the forefront of professional development in Ontario and as we approach the centenary of our incorporation we believe that we have evolved and enunciated, in cooperation and consultation with our Government Ministry, a set of Standards that satisfy the public needs.

After many years we have a new Surveyors Act and Regulations which, we believe, are perfectly capable of carrying our expanded profession into the 21st Century and beyond.

We have an efficient administrative

system which manages a multitude of member's services including practice review, practice advisory service, insurance advisory and continuing education, all with a minimum of complaint either from our members or the general public.

With all of the above positive aspects it may be asked why we should be at all concerned about the future - we just keep on doing what we are doing, don't we? Perhaps not!

In order to measure our position in the professional spectrum we will have to work outside ourselves to make plans to move ahead.

PROFESSIONAL COMPETENCE AS SEEN FROM OUTSIDE THE A.O.L.S.

In 1986 it became apparent to a number of professionals discussing continuing education that many professions were individually struggling with issues related to the maintenance of competence and it seemed sensible to organize a conference to share what each had learned.

The conference was organized by the School of Continuing Studies at the University of Toronto and was held at the Toronto Metro Convention Centre on October 20, 21 and 22, 1988.

The conference was attended by nearly 250 persons from the professions, faculties from professional schools, consumer representatives and government officials interested in Mandatory versus Voluntary competence maintenance programs.

There was representation from the following areas of expertise:

- architecture and landscape architecture;
- audiology and speech therapy;
- chartered accountancy;
- dentistry;
- dietetics;



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- engineering;
- interior design;
- land surveying;
- medical technology;
- nursing;
- occupational therapy;
- optometry;
- pharmacy;
- physiotherapy;
- medicine;
- radiology;
- social work; and,
- veterinary medicine.

In addition there were teachers, professional educators and administrators, representatives of consumers' rights and patients' rights groups, a fire chief and a shipbuilder!

While we may not consider all of the above as belonging to discrete professions we can identify architecture, accountancy, dentistry, engineering, land surveying, medicine, optometry and veterinary medicine as being self-governing and capable of comparison for our present purposes.

The results of this conference have been published in a manual entitled, not surprisingly, *Strategies for Maintaining Professional Competence*, and subtitled, *A Manual for Professional Associations and Faculties*. This manual was compiled and edited by **Dr. Barbara Sanford** and was published by Canadian Scholar's Press Inc., Toronto, in 1989.

The publication attempts to provide a framework that any profession could use to develop its own strategy for the maintenance of professional competence and it seemed appropriate that we might use this framework, at least as much as possible, to measure our position. Despite all of our varied skills we are still the recognized experts in measuring.

The manual quotes **Dr. Lynn Curry**, speaking at the Rosenstadt Lectures at the University of Toronto in 1985, as stating that the relationship between the public and the professions is a Social Contract which states that:

THE PUBLIC WILL ONLY GO TO THE PROFESSION FOR SERVICES

AND NOT TO IMPOSTERS OR QUACKS

and in return

THE PROFESSION WILL OFFER COMPETENT SERVICES ONLY

However, the problems, as outlined by Dr. Curry are:

- a. There are no adequate conceptualizations of what the necessary competencies are that distinguish good from poor practice.
- b. There are no valid or reliable measurement methods that can identify competent or incompetent behaviour when it is demonstrated by a professional.
- c. There is no continuing professional education that is demonstrably connected to the competency needs of individual practitioners.

We might take some exception with Dr. Curry in that:

re: "a"

The A.O.L.S. have *Standards for Surveys* which are quantitative methods for comparing individual technical practice with the norm.

This is, of course, a rather narrow criticism in that no financial or social considerations are made.

re: "b"

The A.O.L.S. have a Survey Review mechanism which provides at least some form of comparison between individual firms and the norm on a regular basis, albeit without providing any results which might enable the practitioner to rank himself with his peers.

In addition not every survey can be checked in-depth and the results of the review are, at best, a general indicator of competence.

re: "c"

The A.O.L.S. have fairly regular continuing education seminars and publications in the form of "Bulletins", in-house publications and the occasional textbook, but there is not a program in place to provide individual guidance in a "non-punitive" situation.

It was suggested by the conference that the public is becoming increasingly knowledgeable and as we all know there is a growing number of consumer advocates and consumers' rights groups ready and willing to take on any group, not only professionals, when they think the public is not being well-served within the terms of the Social Contract outlined above.

The Conference also suggested that there is a

CRISIS IN PUBLIC CONFIDENCE which has led to increasing pressures from the government and the courts regarding the issue of continuing professional competence.

It is difficult to believe that pressure is being exerted on land surveyors by consumer groups, the courts or the government - in the area of professional competence maintenance at least!

There is no question that scandals are found on occasion in all professions and these, combined with professional self-interest in specialized techniques have combined to diminish the professional in the eyes of the public. The information media and consumer advocates are all too anxious to publicize any fall from grace, be it professional, public service or simply famous or notorious and often the opprobrium caused far exceeds the error in judgement or failure to strictly obey the law or the rules of the profession.

However unrelated to land surveying this "crisis" may be it is a truism that all self-governing professions must be constantly vigilant lest they lose their hard-won independence.

It may be, however, that land surveyors have succeeded in establishing technical standards that are entirely consistent with the public's needs but have not established social and economic strategies that will be consistent with our technical successes.

Dr. Donald A. Schon of the Massachusetts Institute of Technology is quoted in the manual as advocating the "Reflective Practitioner", who he defines as one who is able to create a unique relationship with each client or situation. The manual also states that:

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"The wedding of sciences and art, of technical skills and values, of professional practice and community needs appears essential (writer's emphasis) to the maintenance of professional competence and autonomy... this was the central theme of the 'Strategies for Maintaining Professional Competence' conference..."

This central theme sounds very much like that amalgam of art and science that we call LAND SURVEYING which we know to be unlike any other profession or trade. A unique profession requires unique understanding and approach.

APPROACHES TO PROFESSIONAL COMPETENCE:

There is a **CONTEXTUAL APPROACH** which demands an understanding of the needs for each individual situation and emphasizes the integration of technical and ethical concerns, all based on the premise that each client and project has a different need.

This approach requires little change in continuing education as surveying will continue to follow the currently accepted methods of monumentation, measurement, plan and report, but the surveyor's relationship with his client as set out in the *Standards of Conduct* must be constantly monitored to reflect the ethics of contemporary society.

There is an **ADMINISTRATIVE APPROACH** which must examine our means of assuring an acceptable quality of service at a minimum cost. Emphasis is currently placed on the establishment of uniform standards at the lowest possible cost to the profession.

In the past the A.O.L.S. together with the Ontario Government, has devised survey standards that in their opinion are those required to satisfy the needs of the community. It does not seem that there is any urgent need for change, but it may be prudent to undertake research into standards using the consumer as well as the government as part of the research team. This ap-

proach will do much to assuage the fears of the public and the various regulatory bodies.

There is a **LEGAL APPROACH** which currently examines methods of avoiding increasing liability, with its attendant costs, and this approach is obviously in direct conflict with the increased consumerism rampant in today's society.

The surveyor is a servant of the public in that he is required to react immediately to the ever-increasing needs of lenders, government agencies and department such as Land Division Committees and Planning Boards while at the same time the surveyor is expected to conform to the financial demands of our consumer society. Very often one side or the other will suffer unfairly. The surveyor is very often the intermediary in the project, having to satisfy the increased information requirements of the organization making the demands and the ultimate payer who can see no need for the surveyor's services at all.

If we are to find a way to satisfy the public - whoever that may be - perhaps we should be involving all likely end-users of the survey in establishing the minimum standards required to satisfy their needs. This suggests that each type of survey might have its own specific set of standards leading to more administration costs in the practice review, which costs will ultimately be passed on to the consumer.

THE "MODEL FRAMEWORK" AND ITS EFFECT ON THE A.O.L.S.

The conference felt that it would be useful to define "Competence, Incompetence, Misconduct and Malpractice" and it is felt that these definitions may also be of assistance here.

1. DEFINING AND MEASURING COMPETENCE (and INCOMPETENCE)

COMPETENCE includes ALL of:
a. technical knowledge;
b. ethical standards of practice;

c. communication skills;
d. organization of the professional office; and,
e. technical assists (computers etc.)

INCOMPETENCE includes ANY ONE of:

a. lack of knowledge;
b. lack of communication and organizational skills;
c. lack of ethical standards (Misconduct);
d. poor judgement or advice;
e. negligence; or,
f. incapacity due to mental illness or substance abuse.

MISCONDUCT includes ANY ONE of:

a. lack of ethics;
b. moral turpitude; or,
c. violation of a specific regulation

MALPRACTICE (a legal term usually having monetary implications):

a. civil liability;
b. client-initiated complaints due to injury or loss; or,
c. criminal intent (Misconduct).

The conference manual states that competence is usually measured in terms of technical knowledge and skills and almost always at the outset of practice. Many professional organizations never assess their members again until there is a complaint registered.

Only some professions continue to measure competence regularly after the beginning of practice - THE A.O.L.S. IS ONE!

We can, however, improve our method of measuring competence by following some of the recommendations given in the manual. WE CAN:

a. Examine communication and organizational skills in greater depth together with ethical and technical abilities.
b. Define special measuring techniques for "high risk" categories of practice, high degrees of specialization, isolated or sole practitioners and the aging.
c. Ensure that the concept of life-long,

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self-directed learning be begun in pre-service curricula. All aspects of professional education can be tied to this central thread.

- d. Use consumers, perhaps through seminars, to assist in providing their understanding of competence. These consumers might include:
- governments at all levels
 - bar associations at all levels
 - lending agencies
 - developers and home builders
 - real estate groups

These seminars should include how the cost of the survey relates to the consumer's requirements through standards, and to the value of the property being surveyed and also to the liability assumed by the surveyor.

Obviously there will be resistance from some practitioners. Professionals tend to fear the perceived negative aspects of change such as the cost, personal testing and client loss not to mention the attendant administrative costs.

The Ontario Land Surveyor should not overly fear these perceptions as much of our competence measuring technique is in place and only needs the impetus of professional pride to carry it through before consumer or government pressure is applied.

Surveyors are conservative, independent and often insular people who need a non-confrontational, non-punitive method of self-assessment to accompany the standard practice review by the A.O.L.S. The following might be considered.

- a. Performance standards must be updated as necessary using outside input together with internal assessments.
- b. Self-assessment programs must be developed which would allow practitioners to measure themselves against their peers as well as published norms.
- c. Life-long continuing education programs should be provided - perhaps mandatory - but definitely tailored to individual practices. Re-examination must at least be considered.

- d. Performance evaluation of "high risk" practitioners should be made at more frequent intervals.
- e. The establishment of a research division to discover additional, surveying specific methods of measuring competence and developing self-assessment programs.
- f. Pre-service education involvement.
- g. Upgrading publications.
- h. Liaison with other professions to exchange competence measuring techniques.
- i. Establishment of more recognition awards to create favourable publicity.

Other possible changes:

- a. Professional fees might be geared to the successful completion of recognized (specified) continuing education programs.
- b. Lobby the government to make all costs associated with continuing education tax deductible.
- c. Relate insurance fees to the successful completion of recognized (specified) continuing education programs.
- d. Provide electronic continuing education programs to isolated practitioners.

2. BUILDING THE BASE

Pre-service curricula should include the following.

- a. Self-directed learning - students taking more responsibility for their own education - particularly that leading to life-long continuing education requirements.
- b. Self-assessment by the student so that they understand what they are actually doing and to recognize their own limitations.
- c. Ethics and conflicts should be integrated very early into the curriculum. Simulated practice, "moot court" situations and case studies should be developed.
- d. Management and communication skills which teach not only office techniques but also the consequences of incompetence.
- e. Community needs which could be

assessed early through "co-op" or work terms in industry, municipal and other governments and selected surveying practices.

The A.O.L.S. should also:

- a. encourage the student to engage in extra-curricular activities and to link with other faculties;
- b. encourage the student to become involved in research;
- c. ensure that the profession stays close to the educational institutions;
- d. investigate the possibility of academic credits for ethics courses; and,
- e. encourage more women to become interested in surveying.

3. ESTABLISHING PROFESSIONAL PRACTICE

The apprenticeship period in the A.O.L.S. appears to follow quite closely the recommendations in the manual.

There are, however, some ideas that might be incorporated into our system. They include:

- a. Encouraging new-member networks and new-member counselling services.
- b. Outlining new-member programs or ideas for employers that will ease the newcomer into the company.
- c. Encouraging new members to join established firms to gain practical experience rather than start out on their own. This could be made mandatory and has been discussed in the past.
- d. Encouraging senior members to take new or junior members to client meetings (if possible) to gain an understanding of business practice as is done in many law firms.

4. SHARING AND MONITORING PROFESSIONAL EXPERTISE

While the A.O.L.S. has a practice review program which is more sophisticated than any that is in place in other professions, some other possibilities might be:

- a. Mandatory re-licensing of members through re-examination every five

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to ten years as is undertaken in some other professions. Mandatory continuing education with a requisite passing grade in certain subjects may be an alternative. It is not enough to simply attend.

- b. Practice inspection teams could include peers as well as (instead of ?) A.O.L.S. employees. This may instill a more educational rather than a punitive feeling to the inspection. The results of these visits should lead to individually tailored continuing education programs.
- c. The information that needs to be conveyed to practitioners has few vehicles for dissemination to the membership. We do have the *Ontario Land Surveyor*, the *C.I.S.M. Journal* and *P.O.B.* but we need more self-teaching audio-visual material or data supplied by diskette to attract the computer literate.
- d. The establishment of more "hands-on" seminars in both technical and non-technical areas and perhaps re-institute the Case Law service.

A concern that arose at the conference was that licensing authorities such as the A.O.L.S. might attract some liability if they were called upon to certify, warrant or otherwise guarantee professional competence.

Professional competence can be more closely monitored by:

- a. having clear standards which emphasize self-assessment and possibly having random (?) independent peer reviews;
- b. having consumers and clients involved in practice reviews and as members of monitoring boards;
- c. the establishment of a "Centre for Surveying Learning" which could:
 - teach the academic programs for technicians and para-professionals;
 - conduct continuing education programs or courses, seminars, symposia and examinations if continuing education were made mandatory;
 - teach business and financial ap-

plications and provide remedial counselling;

- teach ethics courses and self-assessment techniques;
- conduct research in conjunction with scientific groups, public and consumer groups; and,
- teach the professional university program if it should not be viable in the traditional schools in the future.

A new understanding of an old technique is SELF-ASSESSMENT. This includes:

- a. Monitoring consultations and referral patterns by analyzing the client's behaviour through questions such as:

- does the client communicate freely;
- does the professional provide relevant consumer information to the client;
- how often does the professional have financial disputes with his clients;
- how often do the professional and the client consult;
- how much repeat business is gained;
- how much referral and professional interaction takes place between the professional and his/her peers

This data may be analyzed to provide useful information about both the practice and the professional.

- b. Standardized self-assessment methods which may include:

- comparison with standard practice profiles and peers in similar situations;
- computerized examinations;
- practice simulations;
- performance appraisals;
- quality control;
- on-the-job- review of abnormalities.

- c. Continuing professional education such as teaching, monitoring, coaching and volunteer work with the professional association will be of value.

As stated earlier, change is often resisted and in this key area resistance to change can be overcome by laying the foundation in the schools and carrying on through the new continuing education programs using up-to-date information technology, all combined with strong support from the professional association. Of course, it must be stated that the combination of the A.O.L.S. *Code of Ethics* and government interest are also great incentives to accept any necessary changes.

5. THE ADMINISTRATION OF COMPETENCE

Continuing education is mandatory in only a few professions across Canada and the United States. Most professions only require some form of mandatory remedial education after an unsatisfactory practice inspection or as the result of a public complaint which was found to be valid.

Mandatory continuing education combined with a thorough review of the relationship between the professional and the public may seem like a dramatic change but research may reveal that it is necessary.

The manual reports that:

- a. many professionals are looking to national rather than provincial systems for competence appraisal although this is not news to Ontario surveyors; and,
- b. strong ethical standards should be developed - the A.O.L.S. have them now but must maintain vigilance.

What would be an ideal professional competence maintenance system? It should include:

- a. pre-service professional education;
- b. entry and re-entry requirements including apprenticeship;
- c. a needs assessment of consumers could determine how well the public need is being met;
- d. practice assessment;
- e. professional development including continuing education;
- f. a complaints and discipline procedure; and,
- g. a public relations program.

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Of course many of these components are in place in the A.O.L.S. but it is our belief that research should be undertaken at the earliest opportunity to ensure that the O.L.S. remains at the leading edge of professionalism.

The cost of this research may well be shared with other professions or perhaps underwritten by government or industry to some extent. Any interaction between similar professions can only be useful to us all.

CONCLUSIONS:

Our Association appears to compare quite well with the empirically obtained "model" association of the conference manual which tries, quite naturally, to satisfy everyone.

It is recommended that the A.O.L.S. attempt to examine those areas where beneficial changes can be identified and made. It should be possible to effect changes much more readily in our association as we are small, generally of

one mind and have been leading the way since 1886.

We are not behind our sister associations but we must not become complacent. However we should also not effect "change for change sake", or, in the vernacular of the day

IF IT AIN'T BROKE, DON'T FIX IT!

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