RICHARD DAVIES

6. ETHICS AND PROFESSIONALISM

Performance and Practice

ABSTRACT

We schoolmasters must temper discretion with deceit.
(Dr Fagan in 'Decline and Fall', by Waugh, 2001)

Do you agree with Dr Fagan? I doubt that many vocationally-orientated teachers ever would. Why is that? This book concerns the practice of teaching. It describes the importance of reflection, practised communication and skilled relationship-building, within and between educational settings and others locally, nationally and internationally. This chapter suggests that such activities are essentially ethical – that it is not possible to offer the inspiration and guidance that practitioners expect of themselves without such engagement. The argument that follows reflects results of an assessment of five key UK professions (including teaching) carried out in 2015.

If you ask people what they mean by the term 'ethics', these are amongst the common responses.

> 'Ethics has to do with what my gut tells me is right or wrong.'
> 'Ethics are about my religious beliefs and absolute obligations under God.'
> 'Ethics set out how to live, what is good, and what I ought to do.'
> 'Ethics is an umbrella word for a moral code, or morality.'
> 'Being ethical means doing what the law of the land requires.'
> 'Ethics capture the standards of behaviour that a society agrees upon.'
> 'I really don't know what ethics means.'

It is, therefore, a difficult and even volatile concept that has always exerted passion and fascination. In this chapter, the term is distinguished from morals, rigid conventions and codes of rule or principle, adopted with or without self-examination. Ethics represents the activity of achieving proportionate balance, 'in the moment' and over time, between impulses implicit in concepts like equality and justice that are inconsistent within themselves and at odds with other similarly compromised ones like liberty and tolerance. It involves achieving harmonious or balanced judgment, drawing from the palette or keyboard of potential values, principles and virtues. It relates to what it means to be good; do what is right and exercise decent

human behaviour. Like painting or musical composition, ethical authorship, practice or performance expresses conscious choice and evolves to meet contextual need.

We all make decisions about what is right or wrong. Do I cheat in an examination or plagiarise a text? Do I ignore a misapplication of public funds? Do I tell my friend the truth about his acts or omissions? Do I peer review a colleague's research favourably, and regardless of real merit, simply because it supports a predisposition I applaud? Do I ignore discriminatory conduct? Do I keep quiet about the destructive actions of others for fear of damaging my own career as an educator? Do I sacrifice myself for the sake of someone else?

Some decisions will not be too important in terms of their immediate effects (which does not make them insignificant). Others will have profound consequences, both in the short and long terms. What follows examines how ethical activity is necessarily engaged in our practical and personal lives – and considers the implications for professional development and the civilising obligations of educators.

INTRODUCTION: ETHICAL ACTIVITY AND PROFESSIONALISM

It is axiomatic that growing as a practitioner entails learning as an individual; contributing to sustaining learning organisations; and helping to develop learning networks. The purpose of this professional activity for educators is primarily to enable learners to flourish. It cannot be fulfilled without challenging the scope and reach of personal practice within and beyond the cultural and organisational settings comfortably familiar to the practitioner. Testing personal professional responses, to detect distinctive needs and realities, is a necessary condition for responding to diversity productively. This testing features ethical activity.

There is, however, a harsh reality to this. For teaching, as for any other leading profession, reflection and other capabilities must be underpinned by publicly acceptable and intelligible standards and expectations. These standards must be capable of being upheld and remediated when shortcomings are identified. That involves fair adjudication where necessary to sustain *the public interest*. This important concept is central to professional self-command. It requires the independent capacity to protect client interests; to promote proper standards of conduct and behaviour; and to sustain the reputation of the profession itself, including that of its regulator. This is not just loosely implied. In the UK, it is a matter of law made by statute and by the Courts.

The concept of a *profession* has developed significantly from its origins in monastic clerking. Over the last century, there has been a shift from a preoccupation with small professions, serving narrow elites, to larger numbers of statutorily-registered professionals providing for mass society. In some ways, this is even more demanding for practitioners. More is expected of more of them and for more people than was the case in the past. Securing professional cohesion and progressively improving standards is a much greater challenge than before. If professional activity does have an ethical dimension (*and it does*), more is required to ensure that it is

cultivated across a broader front, in the face of a vastly more complex landscape of expectations and assumptions.

The case for this is pressing, given the growing concerns about governance and ethical crises in society – in organisations as varied as legislatures, on-line social media, banks, car manufacturers, hospitals, schools, charities and sports bodies. Failures of collective responsibility have achieved major public notoriety in recent years. The costs of reputational injury have excited attention quite as much as failings of professional practice. However, such crises have invariably featured failures of individual ethical engagement and activity. Personal '*calling to account*' can be extremely high-profile. Ethics are not just an optional extra.

At the regulatory level, the response has not been invariably confident. In part, this has been because of resistance to processes of judgment amongst influential practitioners and an unwillingness to accept that there are some ideas that deserve to be preferred over others. Preferences are not reducible to prejudices: they are not necessarily implicitly or explicitly biased or partial. Yet for many, ethics represent no more than codified morality – Western dominated, racially skewed, male orientated, socially donated and market driven. The scope for personal and collective determination about what is right, or wrong, is treated as slight and even non-existent. Yet whether this position is lazy or calculated, it is antithetical to thought and action. Its arrogant cultural relativism and materialistic determinism requires subservience to the idea that personal and collective responsibility does not matter – or does not even exist in any authentic way. In this it is inhumane, meretricious and mendacious. Perversely it takes no account of what drives public outrage when powerful people fail to account for failings.

It is the principle argument here that rejection or fear of judgment (*as opposed to a distaste for the vapidly 'judgmental'*) represents a disregard for professional rigour, and for the substance of teaching in particular. It is to acquiesce as a '*fellow-traveller*' in what is ultimately totalitarian, unkind and corrupt. It is to abandon fundamental tenets of social openness, pluralism and diversity. It is to surrender to those who attack freedoms of association, speech, religion and opinion – the cultural essentials upon which rich relationships, progressive dialogue and mutual learning depend. It is to be insouciant about values in which it is proper and necessary to take pride.

It is to pervert what deserves to be nourished and celebrated for the transmission of cultural capital that is critical for peace and well-being. It is also to presume that behaviour producing fissiparous and destructive social heterogeneity should not be challenged. It is to ignore the reality that no assertion of '*faith*', that is obdurate, unreasoning, irrational, and brutal in effect, can amount to a '*commitment*' deserving respect. It is to collaborate with censorious authoritarianism. It is to adopt the pretence of consideration and care – insisting, absurdly, that learners must be protected from risks that must themselves be confronted to buttress civility and civilisation.

Educators cannot let sloppy arguments, redolent of passively disdainful '*cultural criticism*' hold sway. Ethical practice, in teaching and other professions, compels a constant effort to overcome the paralysis and affectations of analysis, in favour of

action that is virtuous and draws on the best of what can be thought, known, and achieved.

CODES OF CONDUCT

There is no doubt that regulators have attached great importance to the production of *Codes of Conduct* to help shape intra and extra-professional purpose, dialogue and adjudication. Examination of these Codes shows that they generally include requirements relating to honesty, integrity, transparency, accountability, confidentiality, objectivity, respectfulness, obedience to law, communication and loyalty. Less in evidence are impartiality, selflessness, leadership, learning to improve, reciprocity and reflection.

That said, the Codes of leading professions now feature basic tenets relating to:

- knowledge, skills, and performance expectations bearing upon effective practice;
- standards of safety and quality;
- expectations about communication, partnership and teamwork; and
- behavioural requirements linked to promoting trust and confidence in the profession itself.

In the UK, professional Codes have emerged from government guidance, which permits a substantial measure of independence to those professional regulators that exhibit sound standards of proportionality, accountability, communication, responsiveness to citizens, target definition, transparency, commitment to equality, diversity and accessibility, effectiveness and sustainable performance.

Although Codes are now an established feature of practitioner registration in many professions, examination of how they are applied suggests that they are weighted to *adjudication* rather than *development*. The preoccupation is with justifying processes for deciding cases of misconduct; misdemeanour (*involving an extra- professional regulator or criminal conviction in the UK or abroad*); incompetence; or practitioner ill-health. Statutory regulators have been disproportionately preoccupied with developing or maintaining formal Codes as opposed to enabling practitioners to develop the *ethical sense* that is essential to applying them in practice. Leading professions give minimal attention to ways in which Codes are understood and applied. They do not consider how formative pre-qualification learning might promote attachment to them, or assist in developing the personal or professional ethical sense that is critical to practice. There has been a large emphasis on rules and principles as opposed to the cultivation of the virtues and ethical activity. The *collective* has been favoured over the *personal*.

What is more, there is little evidence that Codes feature strongly in practitioners' lives. Lunt (2008) comments that their formality and abstract nature '…*may not help the individual professional faced with a complex ethical dilemma*.' She points to evidence that professionals rarely consult the Codes when considering their ethical

position. Experience in fitness-to-practise cases endorses this. Things generally go wrong because a practitioner makes false assumptions, or is otherwise careless and incautious about ethical standards. Lunt adds that Guiney (2007) offers evidence that ethical Codes *'…in themselves are not sufficient to ensure ethical behaviour'*. They are necessary to shape standards of conduct and behaviour, but are not sufficient to establish them.

Professions rarely reflect on pedagogies applied in ethical education at any stage – pre-or post-qualification. They do not consider how continuing professional development (CPD) and revalidation could help develop ethical practice. Regulators do not generally consider how to support ethical practice comprehensively across the career or in any structure of CPD. They do not compare even the limited existing approaches to sustaining ethical practice amongst themselves. The guardians of guardians (*like the Professional Standards Authority in the UK*) take no interest in what regulators are doing, or are not doing, in the field. Regulators seldom review what prevents ethical practice. They do not consider why practitioners are found to be ignorant of the Codes, or of the virtues, when things go wrong. The concepts of ethical sense and practice are approached incoherently and only occasionally. Cost and convenience drive how teaching about ethics is offered, and the methods by which ethical understanding might be developed are not researched or promoted systematically.

ETHICAL PRACTICE AND THE VIRTUES

Ethical activity involves an acceptance that there are immutable virtues intrinsic to human experience. They are real, and have nothing to do with the power plays of '*virtue signalling*'. Lists of virtues and values are robust survivors – like those of Aristotle (*under 'virtue as a mean'*); the Catholic themes (*seven principles of social teaching*); and Ghandi (*ten principles of non-violence*). Then there are lists like the Bangalore Principles (*for judicial conduct*) or the Nolan Principles (*seven principles of public office holders*).

Values may be derived from the virtues, but they are not identical. Virtues are complemented by principles (such as, '*treat others as you would wish to be treated*' or *'do what has universal application'*); legal definitions of human rights (like the rights to *liberty, happiness, and freedom from discrimination*); absolute rules (*like those proscribing solicitors from using client monies*); maxims of utility (*such as 'act to achieve the greatest happiness of the greatest number'*) and fundamental professional obligations (like the requirement in medicine to '*put patients*' '*interests first*'). These are all elements intrinsic to ethical activity, to be weighed together in action and balanced judgment. Rights take us to reciprocity, rules to reasons and principles to proportionality. The process of judgment is accompanied by reflection – and reflection should properly have a focus. The virtues provide a natural focus for any leading profession and are vitally important for educators and teaching.

However, ethics cannot be made fixed or absolute. The reality of human existence is of uncertainty, chance, subtlety, differential experience and risk. Doing the right

thing is not straightforward, is often a struggle and may involve grave peril. Working out what is best for a child – for example whether to trigger safeguarding action, or to report potential extremist influence under the UK government's '*Prevent*' strategy – is fraught with dilemmas. Their resolution turns on judgment which a professional should not evade. To do so would merely make discretion indistinguishable from Dr Fagan's deceit.

Though it is impossible to conflate *what is* with *what ought to be*, it remains the case that '*oughts*' *are*. Ethical activity is a process of composition, taking concrete virtues into real-world dialogue, communication and decision – calibrating for setting and circumstance. At no stage is it acceptable to evade judgment. To presume that judgment is always inappropriate is an awkward, unacknowledged conceit in itself. Post-modernists and deconstructionists may treat the difficulties of achieving valid judgment as insurmountable – seeing the world as an arbitrary collection of different texts (Nisbett, 2015). Yet opposition to judgment is a judgment too.

This position is that of Aristotle (1970, 2011, editions.). In '*The Eudemian Ethics*', he deploys practical descriptions of what are commonly taken to be virtuous characteristics. Overall, he combines this with a teleological conception that is aspirational and disciplined. He applies 'the golden mean' – the proportionate balance between extremes of excess or deficiency. Thus, good practice is about cultivating and acting in accordance with the virtues – constantly balancing deficiencies against excesses and discriminating fairly. The result is visible in the flourishing of individuals and in their seeking to flourish. It is evident not merely in happiness or self-satisfaction, but in attention to virtuous conduct.

Thus, Foot (2001) speaks of *a grammar of virtues* and of its inescapable power, hard-wired into language itself. A tree is a good tree when it conforms to its expected biology. A good practitioner conforms to natural expectations of what being a virtuous one means. MacIntyre (2011) suggests that ethical conduct entails autonomous practice coupled with participation in social frameworks capable of cultivating virtue. Some of religious faith explain that embracing a tradition of this sort will buttress truth and unappropriated learning – a choice made, rather than a reality revealed. Again, O'Neill (1996) sees ethical activity as a process of creative construction, emphasising the institutional context. Though not in opposition to the metaphor of composition, this is comparatively rigid and concrete. By contrast, *composition* has a pulse that is more supple and full of potential.

For Lunt (2008), professional practice involves an ethics of truth-searching, reflective integrity, humility and humanistic education, in which it is necessary to accept the provisional, often contested nature of knowledge and competence. Grounding lifelong professional practice in the mind-set of day-one entry is no longer adequate.

Barnett (2008) adds that:

The modern professional has to be both a practising epistemologist and a practising ontologist. On the one hand she has to know things and go on

knowing, and to practise what she preaches, and find new things to preach…. On the other hand…the professional…has to take on the task of making herself in the world…The idea of a critical professionalism in an age of super-complexity can be more than an idea.

It has to be more than an idea, so long as it is not adopted in a self-indulgent or cynical spirit and is purposive and responsible in inspiring a generous, cultural confidence, capable of being shared by many rather than a few. If professionals are ethically self-critical and engaged, they are entitled to be confident about their practice. Indeed, ethically engaged teachers are more likely to insist on what they know to be humane and civilising – to move from passively detached observation, vague commentary and learned helplessness to what commands public attention and respect. That said, ethical composition and performance need systemic rather than occasional reflective deliberation. It must be woven into working life in ways that are mentored, coached, supported and researched.

PRACTICAL OBSTACLES TO VIRTUOUS PRACTICE

To adopt and adapt the Confucian maxim relevant to virtuous practice: *'I see and remember; I reflect and understand; I act and make meaning; I choose and determine value',* and this is tough territory. Collective thinking amongst professionals about ethical practice is limited and for five substantial reasons.

- *Conceptual.* Ethics, as distinct from morality or moral rules, bear on difficult and contentious matters. Practitioners have incentives to avoid so demanding a field. It is just easier to avoid self-declarations that may not be acceptable to employers and other stakeholders, or may have unpredictable outcomes affecting practitioner interests. In addition, defining ethical practice is subtle. It is often difficult to shape that practice in ways that are operationally practical or immediately relevant to the professional setting.
- *Political*. Attitudes towards Codes can be heavily transactional. They are often positioned as having *presentational* rather than *practical* significance. Without a Code, a profession cannot register its practitioners and regulate. It is a necessary symbolic demonstration of serious institutional purpose, rather than something directly linked to inspiring improved standards or ethical engagement. A legislature expects there to be a Code. It may not be interested in how a regulatory body reflects on the Code's effectiveness, or on how best to improve ethical sense amongst practitioners.
- *Operational.* There are difficulties in thinking holistically about ethics in any profession. Capturing and evaluating relevant information, and instituting practical support, is time consuming and expensive whatever the downstream savings. A regulatory board is always more likely to conclude that it will act piecemeal – reactively rather than proactively or systematically. Boards are

inclined to avoid transaction costs and reputational sensitivities about what is, and what is not, happening within their professions.

- *Cultural.* This is the most complex and problematic issue. To extend the musical analogy, individuals sing to different tunes. Differences of identity, class, status, occupation, language, familial upbringing and experience are all in play. Though not insurmountable, complexities of sociological and demographic factors are real. That makes it hard for regulators to overcome their diffidence and present a consistent, compelling rationale, connecting Codes with personal ethical practice.
- *Personal.* There are stubborn difficulties in applying ethical practice as an individual. Those who take a stand have to accept significant personal risk. Midgley (2001) rightly emphasises the importance of courage, but costs can be high. Whistle-blowers know that employers and others are not above smearing them by falsehood and manipulation. Research evidence, on the degree to which people have a bias to compliance and conflict-avoidance, remains strong (Milgram, 1974). It is plain from Gino & Mulginer's work (2015), that ethical decision-making can be time consuming and needs time to be successful. Where money and other incentives can pervert, time encourages people to think – to cheat less and behave better. It enables them to adopt Kahneman's (2011) System 2 approach, as opposed to his rapid, intuitive and potentially insecure System I thinking. However, time may be at a premium or unavailable. People may easily feel impelled to make sub-optimal choices.

ETHICAL PRACTICE, CHARACTER AND PATTERNS OF MISCONDUCT

Will moral standards, inherited from childhood, influenced and tempered by autonomous reflection, automatically equip practitioners to deal with hard ethical professional problems? It is by no means self-evident that they will. Regulators need to create more space to equip practitioners to face ethical problems throughout their careers. '*Character*' deserves to be taken seriously in this, just as the virtues should be. The two are intertwined. Furthermore, regulators must be on the alert to attend to existing or emergent patterns of dilemma.

There is evidence that particular professions may be at risk of exhibiting certain recurrent features of misconduct. The numbers of cases in which practitioners are found to have acted improperly is proportionately small. It does not follow that practitioners will all adopt high standards since relatively few are tested. Indeed, there are pressures in every profession, as is evident from the examples which follow. These are drawn from a selective examination of public fitness to practice determinations over the last eight years.

- Pharmacists – *false claims to the NHS; drug misuse; erroneous dispensing*
- Osteopaths – *breaches of professional boundaries; laxity over obtaining consent to treatment and protection of patient modesty*
- Solicitors – *misuse of client money; involvement in mortgage fraud.*

- Nurses – *failings of compassion; drug administration; poor wound management*
- Barristers – *inattention to instructions; poor personal relationships*
- Doctors – *false assumptions over patient management; venality; failings of integrity*
- Surveyors – *weaknesses in handling conflicts of interest; false valuations*

For *education and educators*, the recurrent vulnerabilities are these.

- Whether or not to '*game*' SAT or examination entries
- Cheating; plagiarism; untruthful CVs; and misleading professional references
- Failure to confront grade creep and attainment standards manipulation
- Flexing degree threshold boundaries to sustain student numbers
- Overlooking conflicts of interest in the appointment of external examiners
- Falsifying research data to farm grants, or service '*sock puppet*' interest groups
- Miss-selling degrees as a pathway to a rewarding future
- Misleading presentation of information to the public or inspectors
- Appropriation of institutional funds
- Failure to disclose the remuneration of senior staff publicly
- Crossing boundaries, or breaches of trust, between educators and children/young people

It is sometimes said that these potential problems are evident because education features as a commodity in the capitalist market place. The presumption is that external pressures, arise from '*arbitrary*' targets or curriculum standards. It is said that these compel teachers to teach to tests, or otherwise face accountability pressures (carrying risks to future employment) that they simply cannot own.

The purpose of this chapter is not to challenge this directly and unsympathetically. However, any cultural and economic system generates challenges to ethical professionalism. These are unlikely to be non-existent in authoritarian regimes, or eliminated by an ideal non-market environment. When there are scarce resources (*there always is scarcity*), pressures to demonstrate outcomes cannot be plaintively wished away. Markets, including financial ones, take different forms, and are ultimately inescapable.

Reliable data on *outcomes* against *objectives* matter for any profession. Entitlements to common curricula and humane education are important. Educators have been and remain involved in shaping them and in determining the nature and purpose of assessments. These have not become burdensome in the UK because teachers have been uninvolved in devising them: their involvement has been profound. Nor are '*targets*' the main stimuli for misconduct. Most cases, (*at least in Wales, 2011–2014*), feature examination and course-work manipulation at the mid-point in malpractice lists.

In any event, ethical engagement directs us to developing the character attributes needed to strike against pressing ethical problems. '*Character*' often generates unease and dispute, especially amongst those associating it with recruitment having less to

do with ability or competence than with elitism or the protection of closed shops. However, there is evidence that the concept is gaining a new profile. Cohen (2017) suggests that employers should question the character of job applicants and avoid limiting themselves to competence and prior experience. She urges that *honesty-humility* and *conscientiousness* should feature with emotionality, introversion, agreeableness and openness to experience, in a six-factor personality model. When evaluating a candidate or future leader ask:

> Would this person feel bad about committing a transgression or making a mistake even if no one knew about what he or she did? Does he or she have a strong sense of responsibility for others? Would this person feel bad about letting others down? Is this person truthful, humble and fair? Is he or she hard working, careful and thorough when completing tasks? If the answer to these questions is no, then the individual is unlikely to be an ethical worker and will probably be an ineffective and disreputable leader. Conversely if the answer is yes, you can bet that he or she will be a good colleague and star performer in the organisation – a person who will exhibit decency and integrity when called upon to lead.

This important finding is as relevant for the professions as it is for the public, private and third sectors.

Whitmarsh and Sykes (2014) stress that an organisation's reputation is based on ability to deliver on promises to customers, employers, investors, regulators and the media. Reputational damage can be catastrophic, resulting in significant revenue loss and destruction of stakeholder support, something that social media (*perhaps better called unsocial sewerage*) can bring about instantly. Commercial companies increasingly see ethical behaviours as central to success – with 70% of UK and European businesses increasing investment in ethics programmes, against 50% in 2010. They stress the utility of taking a '*yesterday, today and tomorrow*' lens to ensure that business values are sustainably aligned with social values.

A recent Chartered Management Institute (CMI) Cross Party Commission (2014) indicated that only 20% of UK managers set a good moral example. Indeed, less than 20% were aware of their organisation's values at all. A Chartered Institute of Personnel and Development 2014 study found that less than 40% of employees trusted senior management. No wonder Stephens (2014) argues that:

> We need a change in attitude in the UK whereby management is seen as a highly professional role, where integrity is seen as a virtue, one where ethics are valued as highly as profitability. Until attitudes change we'll continue to focus on the short, rather than the longer term.

It is significant that the work of Arthur and colleagues, at the *Jubilee Centre for the Virtues & Character* (*Birmingham University*), supports the view that *honesty, self-control, gratitude, fairness and respect* are critical to resolving professional problems. In '*Virtuous Medical Practice*' (2015), a survey of 549 senior and junior

doctors identified agreement that the 6 important characteristics of a good doctor were *fairness, honesty, judgment, kindness, leadership* and *teamwork*. For '*The Good Teacher*' (2015), data from 546 respondents showed that *fairness, creativity, love of learning, humour, perseverance and leadership* were identified as the 6 key virtues. In '*Virtuous Character for the Practice of the Law*' (2014)*,* there were 943 respondents. *Judgment, perseverance, perspective, fairness, honesty and ethical integrity* emerged as the central professional attributes.

Naturally there are varying expectations between generations: as between baby-boomers born post war; those born in the 1960s–1970s (*Generation X*); and those born in the 80s–90s (*Generation Y*). CMI Commission evidence suggests that the younger cohort looks for ethical employers, with nine in ten wanting to join an organisation in which they can believe. They are confident, independent, open-minded, entrepreneurial, and multi-culturally aware. They are collaborative problem solvers – resisting micro-management; needing feedback and coaching; learning from social-networking; wanting early leadership exposure; and expecting to embrace technology and to change roles and employers frequently.

Generation Y, however, can display a strong, unjustified sense of entitlement; inadequate spoken and written communication, over-confidence, together with weak decision-making and numeracy. They compare unfavourably with Generation X on change-management, communication, decision-making, leadership and strategic skills. This is a real challenge for educators – unlikely to be met by avoiding issues of character and ethics. It is clear that participants in any organisation or profession need to be agile, authentic and talented. The CMI data suggests that for the next 10–20 years, leaders and professionals will need the following characteristics.

- A clear sense of purpose
- Strong values and integrity
- Firm commitment to developing others through coaching and mentoring
- The capacity to champion diversity
- The ability to engage with and to communicate at all levels
- Self-awareness and the ability to make time to reflect
- A collaborative rather than hierarchical approach
- Agility, innovative technologically, curious and savvy
- Resilience
- The capacity to achieve and deliver

Steare (2014) captures the values applicable to the professions as much as for any private, public, or third sector institution as follows.

- Wisdom – *I think through my decisions carefully*
- Fairness – *I treat others with respect*
- Courage – *I stand up for my beliefs & what is right*
- Self-control – *I am patient & self-disciplined*
- Trust – *I encourage others to be positive*

- Hope – *I encourage others to reasoned confidence*
- Humility – *I am less important than the team*
- Love – *I am empathetic & care about others*
- Honesty – *I speak the truth & encourage others to be open*
- Excellence – *I try to do my best in everything I do*

It is unlikely that either list could be regarded as controversial. Indeed, components amount to touchstones for ethical practice in teaching now and for the future. The problem lies in translating *words* into *action*.

GYMNASIA FOR ETHICAL PRACTICE

To enliven, enrich and expand minds of any age demands energy and enthusiasm for learning and the possession of tangible knowledge. Learners want to learn from people whose example they admire and whose assessments they trust. To adapt longstanding aphorisms, teachers must be '*sages on the stage as well as guides on the side*'. Great teachers enable learners to distinguish thought, opinion, attitude and belief. They are not appropriated by exclusive values, nor do they mistake value-based teaching for indoctrination.

Teaching is a physically and intellectually demanding performance art – but it is not a form of '*stand-up*' in which an audience is invited to bathe in the performer's own pre-conceptions; or encouraged to sneer at others (e*specially leaders like politicians*); or prompted to prefer coarseness, envy and cynicism to generous, critical reflection. It is not about being complicit in '*post-truth*' analysis, sacrificing rigour to sophistry. It is not about perverting diversity into exclusive identity traps. Nor is it about treating '*evidence*' or '*the science*' as unimpeachably valid, and as a proxy for absolute truth. Emphatically, it should not be about becoming absorbed by the public or social media '*commentariat*' generating '*narratives*' that pander to prevailing addictions to prejudice, myth or meme. Cool, incisive intellectual grip is more compelling than making a fetish of passions.

Although the challenges confronting practitioners are profound, it is not as though we are wholly ignorant of what educators need to do to equip learners and our culture, to address them. Teachers must equip learners and that culture to cope with global challenges successfully, and their starting point must be based on ethical practice and the virtues. That also entails the acquisition and application of professional knowledge, strong partnership-working, and deliberate career mobility. It will not be achieved without embedding reflection on the disciplines necessary to think well and interrogate data soundly (Nisbett, 2016). It will not be accomplished without grasping the significance of '*big data*' algorithms and team working for prediction. It will not be accomplished without valuing quantitative information on learning outcomes; creating a version of epidemiology for learning and pedagogy; linking practice to research; comprehending brain functioning, psychology and personality; and appreciating ethical complexity and the implications for practice.

Forward-thinking professions realise the importance of these matters. They are beginning to understand that ethical practice cannot be grounded in a single '*sheep-deep*' at any career stage. Nor can it be inspired by '*weaving ethics through the formative curriculum*' in the hope of establishing familiarity with the Codes, and a capacity to handle complexity, by osmosis. Practitioners need secure knowledge of relevant Codes; an understanding of related enforcement processes; information on the ethical problems that colleagues are confronting; and evidence on how they are coping. Opportunities must be given to frame this thinking in pre-qualification formative learning; induction; and at identified and structured career stages.

Exposure to ethical practice problems may be partly text-based, but should be multi-media and e-supported; role-played; reflective; case-study grounded; supervised and mentored. Examples of ways in which colleagues have been tested and fallen short must feature, because case studies of practical dilemmas are messaging tools. They should include exercises to demonstrate options for resolution and draw on public decisions of statutory fitness-to-practise panels. Early thinking about how to ensure that intelligent robots act ethically has given greater weight to learning from *parables* than *rules*. What is suitable for robots is relevant for human minds too.

It is also likely that a pedagogy cultivating educators' ethical sense will tackle the difficult, persistent problems of educational policy. These include expanding provision for learners with additional needs; improving outcomes for '*looked after*' children; overcoming perverse incentives in favour of higher education and against apprenticeships; and transforming deficient pathways for those not in education or training post-16. This has little to do with educational structures and institutions, though arguments about them exert an unhealthy grip on debate.

Ethical exercise and contemplation should also familiarise practitioners with principles and procedures implicit in adjudicating '*fitness to practise*'. It needs to feature the rigours of legal processes that confront practitioners who fall short of expected standards – including the requirements to demonstrate insight, remediation and remorse and why they exist. Understanding regulatory judgment illuminates the demands of ethical judgment and practice. Progress in grasping ethical practice and regulation must be identified and established in CPD. It is not to be left to formative curricula without examination – then ignored during the following years of practice.

Of course, there are challenges to arguments that ethical practice needs to be systematically supported, stimulated and evaluated with and for practitioners.

First, the concept could be dismissed as no more than an attempt to secure *compliance* with organisational systems that only pretend to support individual progress and networks. Those systems might be characterised as being about impelling values and routines that are institutionally convenient but fundamentally inhumane. Focusing on ethical practice could threaten to import more time-consuming burdens and noise. Brinkmann (2017) offers a critique of '*the self-improvement craze*' – the vogue for treating the self, personal emotions and naval-gazing as culturally valuable. He argues that it may be appropriate for individuals to stand firm and remain faithful to their own sense of self-worth – to reject suggestions that they

should improve or develop. They might need to recognise that their autonomy of purpose is at odds with institutional or professional expectations about obligations. Brinkmann also suggests that it is sometimes right not to embrace empathy – especially for institutional values that trap individuals into drab compliance with norms or habits not deserving to be shared or upheld. This is not necessarily a matter of perverse stubbornness, but rather about upholding principles that should not be compromised. The argument deserves attention – but encouraging disengagement risks undermining active professional and ethical practice. Authenticity is not just about standing firm on unexamined presumptions of comfortable existence. As Marcel (1949) would say it is about '*being and not being had*'.

Second, challenge is about the utility of Initial Teacher Training (ITT) and CPD. It is not evident that either are wholly effective, even though they cost substantial time and money. There is little research into the effectiveness of CPD, and that does damage the argument for attending to professional ethics throughout a practitioner career – though not irretrievably. Forward-looking professions are determining how best to structure practitioner reflection. Creating reflective spaces – gymnasia to inspire outward-looking responses through mentorship and support, together with inward-looking challenge – are being trialled (*not least for osteopaths*). It seems perverse to withdraw confidence in CPD without assessing the results from these new approaches. Moreover, CPD is related to growing practitioner understanding of autonomy, dignity and self-government discussed by Sunstein (2016). This is important for equipping educators to tackle learner difficulties and encouraging them to hope. Practitioners operate in a world of '*enabling*' political states, rather than '*directing and providing*' ones, as Elvidge (2012) makes clear. Educators need to grow their capacities to understand this context, and to demand the space in which to do it.

Third, there is the idea that different ethical norms arise from rooted attachments and identities of equivalent weight and value, making it impossible to reach agreement across cultures. However, there is evidence that this argument is overblown. There are cross-cultural differences, which are not as great as may be supposed. The experience of IESC colleagues (2016) in devising ethical principles for those working in the land, property and construction professions, showed that agreement on ethical problems need not be blighted by relativism. Given space and time it is possible to build collective confidence amongst practitioners in favour of robust, reliable judgment about what is, or is not, ethical – about what beliefs and attitudes are better than others. In a project to reach accord, involving over 100 property-focused professional organisations worldwide, there was no difficulty in agreeing that ethical practice should be embedded in CPD, with professional standards subject to regular reflection across the career. ITT and CPD for educators must embrace and exemplify this reality. Supported reinforcement, in reflective gymnasia, is required to tackle any professional demand. Ethical practice is no exception. ITT and CPD should be shaped and sustained as a seamless, structured continuum to make this happen.

Last, there is the sheer scale of the challenge facing educators. There are questions about whether the presumed bargain between hard work and learner success can be sustained. The demise of deference; fading of the career concept; rise of the gig economy; emergence of robotics and the internet of things; increasingly practical initiatives to engineer and augment humans – all seem bewildering and threatening. It is important that teachers have space to work out how to enable learners to face the world as it is and might become. ITT and CPD have limitations – but as platforms for change, however indirect and unpredictable in effect, they have no competitors.

ETHICS AND INTERCULTURAL COMMUNICATION

These gymnasia are places of the mind and practice. They should not permit self-lacerating angst, over-frequent activity and unfocused, self-indulgent reflection. They are needed for educators to build confidence and capacity to offer ethical example. Pedagogies of communication and relationship are essential, but the integrity of vocational practice and commitment makes its own compelling, complementary contribution. Understanding ethics is also important for intercultural communication. Western ethics emphasises free choice, honesty and kindness, derived partly from Christian principles. Broadly, Confucian and Hindu thinking focuses less on individual candour and more on collaborative harmony. It makes sense to consider each cultural lineage and how each determines what form of communication is assumed appropriate, and how it frames perception. Shuter (2003) speaks of *three* elements of everyday communication ethics: the *communicator* (*contributing to well-being of others*); the message (*defining right and wrong*) and the *audience* (*guidelines for receiving messages*).

Thinking about this reconciles different models of social construction and communication, which may otherwise compete. An approach based upon *citizens, collaboration and community* is distinct from one featuring *customers, choice and competition.* However, Western societies end up adopting both in different degrees and simultaneously. How they do it turns on communication, which becomes ever more complex. Soon, IT platforms will enable neighbours to adopt different packages of public service and tax; distinct levels of community engagement and separate options of governmental institution and legal obligation, whilst occupying the same physical space.

At the same time, respect for the dominant or pre-eminent (*but not necessarily unalterable*) culture, is an appropriate and beneficial starting point (see *introductory chapters*). It is essential for sustaining the quality of dialogue, relationship and development that is civilising in effect. Open societies matter. Educators are nothing if not about cultivating the best of what can be accomplished – if they are unconfident about bridging differences; if they overestimate difficulties in doing so; and if they evade opportunities for mutual communication and resolution. The force of this is evident in the optimistic attention increasingly given to achieving agreement about

what counts as *well-being* for people in different political contexts – see Wallace (2013) and OECD (2012).

SUMMARY

How we relate to others is ultimately influenced by genetic, physical, material, cultural and other contextual factors. It is not determined by any one of these dimensions alone. It always requires ethical performance and practice. Bellah (1985) suggests that Britain is rejecting a culture that embraces others, for economic individualism, focused on narrow '*employment*' benefits and against social capital growth. Educator obligations are not reducible to developing learners for successful employment, but it is essential to understand their different perspectives. For the UK, Goodhart (2017) provides an analysis of the variants of experience for '*anywhere*' and '*somewhere*' people. Murray (2017) offers gloomy predictions for coherence and survival of European culture. Yet pessimism is as corrosive as unworldly optimism. Whatever is ahead, educators must help learners to face it – to engage in and sustain a plural world. This is an ethical and moral imperative – an obligation to enable learners to cope with modern challenges – and respond well to differences in the way people act and interact.

Evidence from decisions of regulators and elsewhere shows that acute communication problems recur for teachers – between learners, and within their communities and cultures. Amongst other things, these include ethical problems. Given the required range of academic targets and objectives and the many learners unable to meet their own and others' expectations for achievement, it is not surprising that professional ethical standards may be compromised – but that is neither desirable nor acceptable.

If practitioners fail to shape a personal, collective conviction about how young people and their carers ought to behave, the scope to overcome ethical problems is likely to evaporate, and with it the benefits of pluralism in society. Confidence to reinforce robust, vocational commitment and lead by expectation is unlikely to be found without greater explicitness about what counts as ethical professionalism and virtuous practice. The more that practitioners challenge their cognitive, affective, and behavioural adjustments, and cultivate virtue in teaching and learning, the more successful they will be over securing coherent and common collective culture in and from diversity – in establishing civility, and inspiring hope. Ethical practice and intercultural communication remain amongst today's cardinal professional issues.

MAIN POINTS

- Ethics is an activity: it is not about absolutes or about fixed, unmalleable '*givens*'
- Ethical practice is founded upon applying the virtues in a process of active, proportionate *judgment*

- Professions commonly have *Codes of Conduct,* which define expected standards and behaviours
- These Codes are often unacknowledged, save when it comes to statutory '*fitness to practise*' proceedings
- They are necessary conditions for ethical engagement, but insufficient to sustain it
- Practitioners need structured development, pre-and post-qualification, to support *ethical practice*
- Ethical professionalism is rooted in *dialogue*, accepting cultural differences but confident in bridging them to achieve mutual reconciliation
- Educators have obligations to embrace *civilising common purpose*, to draw upon and infuse established culture and promote open, plural societies (and their own roles) with pride

REFERENCES

Aristotle. (Ed.). (2011). *The eudemian ethics* (Kerry, Trans.). Oxford: Oxford University Press.

Aristotle. (Ed.). (1970). *The nichomachean ethics* (Thompson, Trans.). London: Penguin Books.

Arthur, J., Kristjansson, K., Thomas, H., Holdsworth, M., Confalonieri, L., & Qiu, T. (2014). *Virtuous character for the practice of the law.* Birmingham: Jubilee Centre for Character and Virtues.

Arthur, J., Kristjansson, K., Cook, S., Brown, E., & Carr, D. (2015). *The good teacher.* Birmingham: Jubilee Centre for Character & Virtues.

Arthur, J., Kristjansson, K., Thomas, H., Kotzee, B., Ignatowicz, A., Pringle, M., & Qiu, T. (2015). *Virtuous medical practice.* Birmingham: Jubilee Centre for Character and Virtues.

Bellah, R., Madsen, R., Sullivan, W., Swidler, A., & Tipton, S. (1996). *Habits of the heart: Individualism and commitment.* Berkeley: University of California.

Brinkmann, S. (2017) *Stand firm*. Cambridge & Malden, MA: Polity Press.

Cohen, T. (2015). The morality factor. *Scientific American Mind,* 1555–2284.

Chartered Management Institute. (2014). *Management 2020*: *The commission on the future of market management and leadership*. London: CMI.

Elvidge, J. (2012). *The enabling state: A discussion paper.* London: Carnegie (UK) Trust.

Foot, P. (2001). *Natural goodness.* Oxford: Oxford University Press.

Gino, F., & Molinger, C. (2013). Time, money and morality. *Harvard Community Share Article for Psychological Science, 25*(2), 414–421.

Goodhart, D. (2017). *The road to somewhere.* London: Hurst.

Guiney, D. (2007). *Educational psychologists' accounts of ethically troubling incidents at a time of rapid change,* quoted in Lunt, I (below).

IESC. (2016). *International ethical standards: An ethical framework for the global property market.* International Ethical Standards Coalition.

Kahneman, D. (2011). *Thinking, fast and slow*. New York, NY: Farrar, Straus & Giroux.

Lunt, I. (2008). Ethical issues in professional life. In B. Cunningham (Ed.), *Exploring professionalism.* London: Bedford Way Papers.

Macintyre, A.. (Ed.). (2011). *After virtue.* London & New York, NY: Bloomsbury.

Marcel, G. (1949). *Being and having***.** London: Dacre.

Midgley, M. (1984). *Wickedness*: Abingdon & Oxford: Routledge & Kegan Paul.

Milgram, S. (1974). *Obedience to authority:* London: Harper & Row.

Murray, D. (2017). *The strange death of Europe.* London: Bloomsbury.

Nisbett, R. (2016). *Mind ware: Tools for smart thinking.* London: Penguin Books.

OECD. (2012). *How's life measuring well-being.* Paris: OECD.

O'Neill, O. (1996). *Towards justice and virtue.* Cambridge: Cambridge University Press.

Shuter, R. (2003). *Ethics, culture and communication: An intercultural perspective* (Online reading. COM372). Evanston, IL: School of Communication, Illinois State University.

Stephens, J. (2014). Written evidence to the CMI Commission.

Steare, R., Stamboulides, P., & Neville, L. P. (2014). *The moral DNA of performance.* London: Chartered Management Institute.

Sunstein, C. (2016). *The ethics of influence.* Cambridge & New York, NY: Cambridge University Press.

Wallace, J. (2013). *The rise of the enabling state*. Dunfermline: Carnegie (UK) Trust.

Waugh, E. (Ed.). (2001). *Decline and fall.* London: Penguin Books Ltd.

Whitmarsh, F., & Sykes, R. (2014). *Reputational ruin' in responding to global risks: A practical guide for business leaders*. London: Institute of Directors.