

# NAVIGATING THE EDUCATIONAL MORAL MAZE

The Final Report of the Ethical Leadership Commission

January 2019

 Ambition  
School  
Leadership

 ASCL Association  
of School and  
College Leaders

 CHARTERED  
COLLEGE OF  
TEACHING

 Confederation  
of School Trusts

 Leading  
Independent  
Schools

 INTERNATIONAL CONFEDERATION  
OF PRINCIPALS  
Leading, Learning, Learning

 NAHT  
National Association  
of Head Teachers & School  
Leaders

 TSC  
Training School Council

 niga National  
Governance  
Association

 UCL  
Institute of Education

 THE CHURCH  
OF ENGLAND  
EDUCATION OFFICE

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## FOREWORD FROM DR JANE MARTIN, CBE

The Committee on Standards in Public Life is pleased to support the work of the Ethical Leadership Commission and endorse this final report setting out a Framework for Ethical Leadership in Education (Framework).

As the advisory committee to the Prime Minister on public standards, our work promotes the Seven Principles of Public Life on which the Framework is based. As the Committee's representative on the Commission, it was encouraging to see the obvious passion to set a clear example to school and college leaders and offer guidance to help address the ethical challenges which are part of their role.

The Seven Principles of Public Life apply to everyone who works in public office and we very much welcome the approach of the Commission to adapt them for educational leadership and propose personal characteristics or virtues expected of leaders.

Dr Jane Martin CBE  
Independent member  
The Committee on Standards in Public Life

*/// Because – to sum all reasons in one – it is for the common good of all. ///*

Fourteen Reasons for Supporting Women's Suffrage, 1913

## INTRODUCTION

I am delighted to present this report into the work of the Ethical Leadership Commission. The Commission was set up in 2017 to help school and college leaders consider the ethical foundation of their work, and to offer guidance for our colleagues at a time of great change and unprecedented pressure in education.

The Commission has met nine times in 16 months with much work in between. This report covers our work and our proposed legacy.

In our work we have sought to lay the foundations for future thought and action which will help school and college leaders in all settings tackle the twin challenges of our calling:

- How well do we fulfil our roles as trusted educators?
- What kind of role models are we for the children in our care?

I am extremely grateful to all the Commissioners. Their insight, commitment and experience made our time together fruitful and enjoyable. We hope that the groundwork we have laid will help us all set a good example to all children and, with them, strengthen our society for the future.

Carolyn Roberts  
Chair  
Ethical Leadership Commission

## COMMISSION MEMBERS

**Martyn Beer**, Deputy Head, Bootham School, York, and ASCL Council member

**Leora Cruddas**, Chief Executive, Confederation of School Trusts (CST)

**Professor Becky Francis**, Director of University College of London Institute of Education

**The Rev Nigel Genders**, Chief Education Officer of the Church of England

**Dr Peter Kent**, International Confederation of Principals

**Emma Knights**, Chief Executive, National Governance Association (NGA)

**Anne Lyons**, President of the National Association of Head Teachers (NAHT)

**Julie McCulloch**, Director of Policy, Association of School and College Leaders (ASCL)

**Dr Jane Martin CBE**, Committee on Standards in Public Life

**Valentine Mulholland**, Head of Policy, NAHT

**Stephen Munday**, Teaching Schools Council

**Dame Alison Peacock**, Chief Executive, Chartered College of Teaching

**Dr William Richardson**, General Secretary, Headmasters' and Headmistresses' Conference (HMC)

**Carolyn Roberts** (chair), former ASCL Honorary Secretary and Headteacher, Thomas Tallis School, Greenwich

**Amanda Spielman**, HM Chief Inspector, Ofsted

**Roger Steare**, Corporate Philosopher in Residence at the Cass Business School

**James Toop**, Chief Executive, Ambition School Leadership

**Malcolm Trobe CBE**, independent education specialist, NPQEL Programme Director for ASCL

## ABBREVIATIONS

Throughout this document:

- *board* means the accountable body for the school or group.
- *ELC* refers to the Ethical Leadership Commission.
- *Framework* refers to the Framework for Ethical Leadership in Education.
- *Head* refers to the most senior executive post holder in the organisation: CEO, Headteacher, Principal.
- *leaders* refers to professional educators and voluntary governors or trustees.

# CHAPTER 1 | THE ETHICAL LEADERSHIP COMMISSION (ELC)

## Why is ethical leadership important?

1. School and college leaders face ethical dilemmas every day but have never had an agreed Framework that enables us to explore and test these dilemmas against ethical principles.
2. Members of the Association of School and College Leaders (ASCL) expressed concern that there was little specifically about ethics in the discourse on education leadership. They felt this lack was particularly noteworthy in a school leadership climate where structures are diverse, accountability measures and their consequences are severe, and in which decisions are often taken under great pressure with competing demands in play. They felt that a clear set of principles, owned by the profession, was needed to help everyone navigate the educational moral maze.
3. In April 2017, ASCL called together an independent commission of opinion-formers from across education, representing the following influential bodies:
  - Ambition School Leadership
  - Association of School and College Leaders
  - Chartered College of Teaching
  - Church of England's Education Department
  - Committee on Standards in Public Life
  - Confederation of School Trusts
  - Headmasters' and Headmistresses' Conference
  - International Confederation of Principals
  - National Association of Head Teachers
  - National Governance Association
  - Office for Standards in Education
  - Teaching Schools Council
  - University College London Institute of Education

The ELC met nine times between June 2017 and September 2018.

4. The Commission was formed around the following terms of reference:
  - a. The ELC is an independent commission of nonpartisan experts formed to analyse an important public issue. Our value comes from our ability to use our expertise to consider topics and issue findings or recommendations which can then be used by those with decision-making powers to act.
  - b. Ethical leadership is leadership that is directed by ethical beliefs and values. It embraces the [Seven Principles for Public Life](#): selflessness, integrity, objectivity, accountability, openness, honesty and leadership. In education there is now a need to re-examine ethical leadership.
  - c. In a school-led, self-improving system, it is right that the profession convened and appointed such a panel. ASCL therefore convened and appointed the ELC to consider matters of ethical leadership and public life as these relate to education leadership in the context of a highly diversified and increasingly autonomous landscape.
5. The Commission had the following scope:
  - a. Ethical leadership is firstly a matter of the values and behaviours of those appointed to hold positions in public life and lead our educational organisations. It is therefore intrinsic to leadership standards, development, and qualifications. It is also clearly a matter for governing boards in the appointments they make, the monitoring they undertake, and for the regulation and inspection of the system.
  - b. We expect that the ELC may develop ethical principles for education.
  - c. We hope that such ethical guidance might support aspiring school and college leaders and give them confidence to take up leadership positions in our schools and colleges.



- d. We also expect that the ELC may make recommendations that relate to:
  - i. Leadership standards
  - ii. Leadership development and qualifications
  - iii. Leadership appointments
  - iv. Regulation
  - v. Inspection
  
- 6. As its work progressed, the ELC adopted, adapted and devised a set of words to enable and encourage ethical thinking. We call these words our Framework for Ethical Leadership in Education (Framework), and propose that the Framework should be used in three ways:
  - a. As a set of words, concerning values and virtues, which are recognised in educational discourse. These words act as a counterpoint to the language about measurement of schools and colleges and pupils that is commonly used. They are designed to make us stop and think.
  - b. In training and reflection for leaders, teachers, governors, trustees and anyone concerned with how we educate the nation's young people. This will take place for governors and trustees through the Pathfinder Project, outlined in Chapter 2, and the development of explicitly ethical reflection in teacher and leadership training and development.
  - c. In the establishment of an Ethics Forum at the Chartered College of Training (outlined in Chapter 4). This will keep language and discussion about ethics live, grounded and relevant.

# THE FRAMEWORK FOR ETHICAL LEADERSHIP IN EDUCATION

**Selflessness** School and college leaders should act solely in the interest of children and young people.

**Integrity** School and college leaders must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. Before acting and taking decisions, they must declare and resolve openly any perceived conflict of interest and relationships.

**Objectivity** School and college leaders must act and take decisions impartially and fairly, using the best evidence and without discrimination or bias. Leaders should be dispassionate, exercising judgement and analysis for the good of children and young people.

**Accountability** School and college leaders are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness** School and college leaders should expect to act and take decisions in an open and transparent manner. Information should not be withheld from scrutiny unless there are clear and lawful reasons for so doing.

**Honesty** School and college leaders should be truthful.

**Leadership** School and college leaders should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles, and be willing to challenge poor behaviour wherever it occurs. Leaders include both those who are paid to lead schools and colleges and those who volunteer to govern them.

Schools and colleges serve children and young people and help them grow into fulfilled and valued citizens. As role models for the young, how we behave as leaders is as important as what we do. Leaders should show **Leadership** through the following personal characteristics or virtues:

**Trust** | *leaders are trustworthy and reliable*

We hold trust on behalf of children and should be beyond reproach. We are honest about our motivations.

**Wisdom** | *leaders use experience, knowledge and insight*

We demonstrate moderation and self-awareness. We act calmly and rationally. We serve our schools and colleges with propriety and good sense.

**Kindness** | *leaders demonstrate respect, generosity of spirit, understanding and good temper*

We give difficult messages humanely where conflict is unavoidable.

**Justice** | *leaders are fair and work for the good of all children*

We seek to enable all young people to lead useful, happy and fulfilling lives.

**Service** | *leaders are conscientious and dutiful*

We demonstrate humility and self-control, supporting the structures, conventions and rules which safeguard quality. Our actions protect high-quality education.

**Courage** | *leaders work courageously in the best interests of children and young people*

We protect their safety and their right to a broad, effective and creative education. We hold one another to account courageously.

**Optimism** | *leaders are positive and encouraging*

Despite difficulties and pressures, we are developing excellent education to change the world for the better.

## CHAPTER 2 | THE PATHFINDER PROJECT

### Embedding the Framework in leadership practice for governors, trustees and professionals

7. The second part of embedding and sustaining our Framework will be achieved by school and college leaders, governors, trustees and senior leaders, taking part in the Ethical Leadership in Education Pathfinder Project (Pathfinder Project). This will be run through the National Governance Association.
8. The Pathfinder Project asks leaders to commit to our Framework and look closely at our two fundamental questions:
  - How well do we fulfil our roles as trusted educators?
  - What kind of role models are we to the children in our care?

The Pathfinder Project provides training materials to help guide boards and leadership teams. The first set of these materials will be launched as this report is published.

9. Schools, colleges, and other organisations may become Pathfinders through the NGA, CCT and ASCL websites. Pathfinder schools and colleges will automatically be able to take part in the Ethics Forum's processes.

### How can this help trusts and governing boards?

10. All boards have three core functions as set out in the Department for Education's Governance Handbook of January 2017.
  - Ensuring clarity of vision, ethos, and strategic direction.
  - Holding executive leaders to account for the educational performance of the organisation and its pupils, and the performance management of staff.
  - Overseeing the financial performance of the organisation and making sure its money is well spent.

11. That same document requires six “key features of effective governance”:

- i. Strategic leadership (vision, ethos, strategy)
- ii. Accountability (standards and financial performance)
- iii. People (skills, experience, qualities, capacity)
- iv. Structures (defined roles and responsibilities)
- v. Compliance (statutory and contractual requirements)
- vi. Evaluation (quality and impact of governance)

The document discusses strategic leadership in terms of “culture, values and ethos” so there are recommendations about what kind of people should serve on boards. This is described in terms of the skills or experience that governors bring and how they can build up the character of the school or trust. It notes that governors are people who have the ability to preserve and develop the character of the organisation. It assumes that the character of the organisation is a good one.

12. Where a school has a religious foundation, the values and virtues of a governor may be assessed by his or her adherence to the faith in question. Where the school or trust is secular, the ability of a governor or trustee to preserve and develop the character of the organisation is perhaps harder to assess. Governors’ commitment to fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance for those of different faiths and beliefs is required. Further, governors should want to encourage students to respect other people with particular regard to the protected characteristics set out in the Equality Act 2010. They should assess the risks attached to safeguard and promote students’ welfare.

In all of that, ethical behaviour and practice is assumed but not explained.

## Creating an ethical climate

13. Leaders have complex, endless tasks to achieve and complete daily, termly, annually, by cohort and for policymakers and regulators. It is easy to lose sight of the wider context for our work, and easy to answer our first question “how well am I doing as a trusted educator?” purely by quoting the metrics of accountability. The second question: “what kind of role models are we?” should be even more important. If our schools and colleges have successful outcomes, they should be achieved by leaders leading thoughtfully and ethically. In that way we set a good example in our communities and to our children, to such an extent that the nation would be in good shape if all children did as we do. Achieving good outcomes should be a result of doing a good job, not a proxy for it.
14. The training programme offers two ways for boards to think about the embedded values and virtues in their work. There is an audit tool or a series of activities. Both are designed to enable a school to say: “We think about ethical behaviour carefully here.” Our ethical weathervane is designed to give busy, devoted and distracted leaders the chance to look at what underpins the decisions we make. We hope it is thought-provoking and useful. We hope that it will help make our schools places where the next generation of ethical leaders may grow.

## Pathfinder Project

15. The programmes for governors and leaders are in several forms, to help embed explicitly ethical thinking in school and college leadership. They all cover the following aspects:
  - Using the language of values and virtues in the Framework
  - Building values and virtues into leadership working practices
  - Safeguarding values and virtues
  - Leadership and management styles
  - Envisaging a model community (with children, staff, parents)
  - Articulating and monitoring ethical education
  - Collaborating with the Ethics Forum

## Is it a Charter Mark?

16. We want to help leaders set themselves the challenge of weaving ethical considerations into all activities. We would not presume to authorise or prohibit any behaviour, but aim to change the way that we think about the purpose and process of the education we offer. We do not, therefore, offer a badge which says that a school or trust is kite-marked as ethical. Any school or trust which uses the materials will devise a form of words for themselves which will tell any visitor to a website:

“Our school/ trust seeks to uphold the values and virtues of ethical education [insert own statement at the end of the ethical audit]. We try to use the Ethical Leadership Framework in everything we do.”

## Adopting the Framework in organisations

17. It may be that other education institutions who are not schools or colleges also formally align themselves. This could take the form of a statement of ethical leadership principles for adoption and constant discussion, not as a code of conduct, checklist or key performance indicators. Institutions will develop their own practice on this.
18. We hope that the Framework might also give colleagues confidence in calling out unethical behaviour and assist the advice and support structures of professional associations in the guidance that they give to members who face such dilemmas.
19. The International Confederation of Principals (representing school leaders from across the world) has aligned itself with the work of the ELC and has committed itself to promoting the Framework to its members.

## CHAPTER 3 | PROFESSIONAL DEVELOPMENT AND PROFESSIONAL BEHAVIOUR

### The Framework and teacher training and development

20. Ethical practice should be embedded at the point of entry to teaching. However, current models of initial teacher training prioritise subject knowledge and classroom practice. While this is necessary it is not sufficient for the development of teachers.
21. As discussed above, schools and colleges are where society looks after its young people, so teachers at all levels have two important roles. They must act as diligent trusted educators, and they must be good role models. The Teachers' Standards 2012 and Headteachers' Standards 2015 give a clear overview of postholders' responsibilities, and the values and virtues of the Framework are discussed above.
22. The Commission sees several potential benefits in embedding the ethical behaviour required by the Framework in teacher development. Stand-alone courses in ethical behaviour may be neither attractive nor effective, risking the tick-box, KPI approach which has beset our system in recent years. If ethical behaviour is important then the language of ethical thought and reflection needs to be normalised within training programmes and expected of all serving and leading practitioners.

### Embedding the Framework

23. In early career development:
  - The Framework will reflect the serious ethical vocational choice made by young people when they choose and enter teaching as a career.
  - Teachers and school and college leaders have to be model professionals and good role models to the young. They therefore need training that enables them to develop and apply this self-understanding from the start of their careers.



- It may help teacher recruitment if deep thought and personal commitment about virtues and values is explored, explained and encouraged. Teaching may appeal more as a serious vocational option than its current image as difficult and unmanageable in the early years and suited only for superheroes at leadership level. It will help their self-understanding if teachers are introduced to the Framework early.
- Teachers may be better equipped to analyse and understand why schools make the decisions they do if they are introduced to a set of underpinning principles.
- It may encourage more teachers to aspire to senior roles, reassured that instant certainty is less important than an ability to tackle difficult issues thoughtfully and to act correctly. This might keep them in the profession longer.
- It should encourage teachers to challenge short-cuts and poor practice.

#### 24. In leadership development:

- Aspiring leaders should understand the usefulness of the Framework in their training and be given opportunities to apply it to real-life case studies.
- The Framework may help to emphasise the value of seeing many sides to an issue, of reflecting calmly, and acting rationally and courageously. Keeping calm is perhaps the most recognisable fundamental British value.
- A focus on thoughtful and reflective decision-making might also help address the current gender imbalance in secondary school leadership. There is some evidence that women are deterred from senior roles through an unwillingness to cast themselves as super-certain instant decision makers.
- Serving leaders should be reminded of the Framework in leadership discussion and debate, and encouraged to use it in their work.
- The National Professional Qualification for Headship and the National Professional Qualification for Executive Leadership should include an opportunity for candidates to demonstrate that they are able to reflect on abstract concepts and make independent decisions based on good practice, rather than learning 'right' answers or waiting to be told what to do by a regulator.

25. Ethically-aware training programmes should include:

- i. A consideration of the purpose of education and the school's role in developing virtuous behaviour in society.
- ii. An introduction to the Framework and an expectation that trainees will identify its values and virtues.
- iii. The application of the Framework to specific areas of school life, enabling trainees to answer for themselves the question: "What should I do? What is the right action?"
- iv. Reflection on the role of the professional in loco parentis. Is the language of values and virtues helpful?
- v. Longer, reflective responses to real dilemmas of school or leadership experience, such as:
  - a. live case studies from school experience as supplied by the Ethics Forum on matters such as curriculum, budget management, class organisation, behaviour management and exclusion, admissions, managing staff, leadership styles.
  - b. dilemmas devised by the training provider, such as:
    - How does your school balance the right of the child to a good education and the accountability imperatives of the school?
    - Use the Framework to explore the dilemmas schools and colleges face when designing a curriculum.
    - When permanent exclusion has such a lasting impact on a child, how might it be a necessary act for a school or college? Use the Framework to explore the dilemmas organisations face when dealing with the most challenging behaviour.
    - How might ethical behaviour be embedded in all areas of your work? Reflect on the needs of your school, college or trust by using your development plan or other central planning documents.

Such reflection could be assessed, for example, by a written submission and discussion, demonstrating an understanding that developing a frame of reference for decision-making is necessary to successful leadership.

26. If the Framework is adopted within the wider education system, formal training programmes could be developed where desired or required. We will seek to:

- a. begin this by embedding the Framework in the Chartered Teacher and proposed Chartered Leader programmes of the CCT
- b. make proposals to government about the inclusion of ethics in teacher and leadership training and the NPQs.

This should be led and moderated by a successor body to the ELC, the Ethics Forum.

## CHAPTER 4 | THE ETHICS FORUM

27. As discussed previously, the ELC identified three desirable outcomes from its work:

- i. To promote the language of the Framework in school leadership discourse and action.
- ii. To embed the Framework in initial teacher training and subsequent professional development.
- iii. To establish a Forum where ethical issues may be openly debated.

In order for (ii) and (iii) to be fulfilled, there needs to be a home for the ELC's legacy which will provide a practical way of enabling and sustaining ethical debate.

### **An Ethics Forum at the Chartered College of Teaching (CCT)**

28. This will best be realised by the establishment of a standing body to discuss ethical educational leadership issues. This is not a proposal for a regulatory body, but for a group which can consider emerging system-wide issues and advise teachers and leaders through discussion and debate.

29. For example, it would be beneficial to the stability of our system and the service we offer children and young people, their parents and communities, if such a body were able to examine policy changes for ethical implications as they arise, and advise decision-makers accordingly. Accountability has become almost synonymous with 'perverse incentives': our work could operate as a valuable sounding board for government to mitigate against the unintended consequences of policy proposals.

30. The ELC spent some time considering the correct location for such a body. The CCT has a Leadership Development Group (LDAG) whose remit has eight strands. It will:
1. develop and promote leadership pathways and standards
  2. advise and oversee the development and accreditation of leadership programmes and qualifications (Note: we would envisage this in the future to include the national professional qualifications for leadership)
  3. host a constructive dialogue between education leaders and policy makers, creating a strong sense of shared endeavour and vision regarding school and college leadership development
  4. provide guidance on school and college leadership standards, including ethical practice
  5. advise and oversee the development of the CCT Fellowship
  6. identify and disseminate evidence about effective leadership, in particular relating to addressing educational inequality
  7. promote leadership succession planning and equality and diversity in leadership roles
  8. work on determining areas for research into school leadership and advise the Department for Education and other relevant bodies on areas of educational leadership that require research

31. The achievement of most of these aims would be assisted by the establishment of an Ethics Forum. It could fulfil several important tasks:

- As a forum where dilemmas in school leadership are discussed and profession-led guidance is developed through regular seminars and conferences.
- As a forum where policy or regulatory proposals could be examined to guard against the creation of perverse incentives.
- Developing ethics-related materials for the national professional qualifications for leadership.
- Providing regular articles arising from ethical discussion in publications for the CCT and other organisations.

The Forum's work and development could be monitored through the internal structures of the CCT and reporting mechanisms to its members.

32. Further, as the CCT develops the prestigious Chartered Teacher designation, one of its distinguishing features could be a formal consideration of ethics. The Ethics Forum could offer input to this qualification.

33. As a place where ethical challenge and practice is actively encouraged and explored in safety, the Forum's discussions and potential publications could help support leaders in schools to be more confident about reflective and nuanced decision-making.

34. The Ethics Forum therefore is not just the legacy body of the ELC but a central part of the professional service the CCT offers its members.

## A Constitution for the Ethics Forum

The purpose of the Ethics Forum (Forum) is to promote, uphold, develop and support ethical leadership and its discussion by school leaders so that they fulfil society's expectations of their roles, and set a good example to young people.

- The Forum will hold at least three open meetings each year, one of which will be an Annual Summit.
- The Forum's business will be managed by two meetings each year of its steering group.
- Meetings will generally be held in London, at venues offered by sponsoring organisations.
- The Forum's steering group will comprise:
  - a. Representatives from at least three of the organisations represented on the ELC
  - b. two school leaders engaged in the Pathfinder programme
  - c. two places available for other education organisations which choose to align themselves with the Framework
  - d. one academic from a relevant field

Each member will be delegated to serve for two years. Three members are required to form a quorum.

- The steering group will:
  - a. support the Forum's progress and processes through the annual programme of meetings
  - b. agree and support the production of its outputs which will include papers, reports and training materials, position papers, articles and training materials.
  - c. Monitor and evaluate the experiences of the ethical Pathfinder schools and colleges
  - d. Reflect upon and promote the use of the Framework language of ethical educational leadership and debate
  - e. Arrange an annual conference

- The Forum's three meetings a year will discuss ethical dilemmas presenting themselves to school leaders. These will be selected, identified or generated:
    - a. through the leadership associations
    - b. as arising from the work of the Pathfinder schools
    - c. as live issues in national educational discourse
  - Dates will be fixed for the school year. An open call for issues and attendance will be made well before each meeting.
  - Venues for the meetings will be provided by supporting organisations.
  - The business of the Forum will be facilitated by members fulfilling the following responsibilities:
    - a. The chair could be elected for the year, from the members present at the first steering group meeting.
    - b. The secretary will arrange for the organisation of meetings, keep the records and write or facilitate the production of outputs under 5.b. above.
    - c. A Pathfinder representative will be responsible for linking with Pathfinder schools and colleges.
    - d. An outreach facilitator will liaise with organisations and publicity media.
    - e. An academic consultant will advise the group.
  - The Forum will report annually to its members and to the CCT through its Leadership Development Group.
35. The Forum's proper constitution is as explained in the Appendix. The Forum will take the language of the Framework forward into the structure of teaching and school and college leadership so that due, serious and sustained consideration of the Framework's values and virtues become normalised in the profession.



## AFTERWORD

A sad legacy of the compliance culture cemented into school and college leadership over recent years may be that some colleagues will see the work of the ELC as insufficiently outcomes-focused.

The ELC proposes, for example, that we expect to see wisdom modelled by leaders and at the heart of our schools and colleges, but some leaders may ask how wisdom is to be measured, through what outputs and by whom.

Of course, sustainably good outcomes come from stable and successful schools and colleges. Such organisations are necessarily built on ethical foundations

Our experience in talking with teachers as well as school and college leaders, however, suggests that the tide of measurability is turning. We hope that our work and proposals will make sense and be welcomed as an opportunity to pause, reflect upon and revitalise the fundamental principles behind our daily work.

We publish this report, therefore, at a time of hope, where a more nuanced assessment of the professional skills required for school and college leadership seems to be developing alongside a better understanding of the purpose of schooling and the limits of structural reform.

The Commission's work has deliberately steered clear of all of these aspects. We have not commented on school and college organisation, qualifications or standards. We have not taken a direct view of leadership styles. We have confined ourselves to the development and promotion of an observable set of behaviours, internally rooted but externally focused, based on service and purpose.

Ethical leadership is about the values and virtues society wants to pass on to our children so that we may all look forward to a just, honest and kind future.

We have looked long and hard at the service we offer our children and concluded that accountability is not enough; we have to do good.

## APPENDIX | WHOSE WISDOM?

As we drafted the Framework and tested it with groups of practising and aspiring leaders we were often asked: “Who says these are the right values?” This implied another question, something like: “What gives you people the right to decide which values are right for our schools and, therefore, our children?” This part of the report explains our thinking and the development of our Framework.

### **Ethical thinking**

Ethics is an ancient philosophical tradition which deals with the consideration of right and wrong in thought and conduct. Ethicists use different but common approaches including rights, duties, virtues and cases.

### **Rights**

Rights reflect times when the world has said ‘never again’ and set up structures to try to prevent future extreme abuses, even genocides. A rights-based approach to ethics tries to codify areas of life that need protection. All humans have rights not because they are powerful or influential people, but because they are human.

The United Nations Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations on 10 December 1948. Article 26:1 sets out the universal right to education. Article 26:2 begins:

*“Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.”*

The United Nations Convention on the Rights of the Child (UNCRC) predates the Universal Declaration of Human Rights. The Convention was originally developed by British campaigner Eglantine Jebb’s International Save the Children Union for the League of Nations in 1924.

Article 3 of the UNCRC specifically requires that:

*“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”*

In most countries, the school is where children and the state encounter each other. It is likely that teachers and schools will be the first to know if a child’s rights are being neglected. The school or college leader, therefore, has significant responsibility to ensure that the child’s rights are protected in the way that the state wishes.

Rights, whether interpreted as protection of children’s interests or their freedom, exemplify a tension at the heart of school and college leadership. As a citizen in loco parentis, leaders must protect both the humanity of the child and the freedom of the child, according to the age of the child.

Rights are the easy part of ethical leadership. They are enshrined in law and pretty simple to institutionalise in schools. Generally speaking, to an educated citizen of a liberal democracy, they don’t present a problem. We wish these rights for ourselves, therefore we uphold them for our children.

## **Duties**

Duties are closer to the heart and start to encroach upon the motivations humans have for their actions.

The founder of modern ethical thought is probably the German philosopher Immanuel Kant (1724-1804). In his *Metaphysics of Morals* he says adults have duties to children because children do not choose to be born. Kant develops the Christian ‘golden rule’ from Matthew’s gospel: *“In everything do to others as you would have them do to you.”* He called it the categorical imperative:

*“Act only in accordance with that maxim through which you can at the same time will that it become a universal law”*(Groundwork of the *Metaphysics of Morals* 4:421)

School and college leaders should therefore act as if their every action was to be universalised: “How would it be if every school did this?”

The American jurist and philosopher John Rawls (1921-2002) developed Kant's approach further. He argued that it is our duty to pursue 'justice as fairness'. Justice is not worthy of the name if it does not improve the conditions of those who have the most difficult lives. For example, a commitment to equal opportunities is not enough because the advantaged remain advantaged: meritocracy just gives the already-advantaged an easier swim to the top. Rawls argues that justice is more important than efficiency or the greatest good for the greatest number. Fair opportunity is the most important motivation for a public servant's work. For example, reducing a school budget deficit must not unfairly affect those who already struggle to achieve. High pay for a few managers must directly improve the lives of the most vulnerable.

## Virtues

Aristotle (c384-322 BCE) set out virtues as personal characteristics that inform right judgement and decision-making. His arguments for each true virtue discerns the right path by highlighting extremes to be avoided on either side. The following is based on one of his formulations:

- **Courage** is about managing fear and confidence. We should act for the right even if we are frightened or physically threatened.
- **Temperance** is about dealing with bodily pleasure and pain. We should respond well to physical pleasure, avoiding excess and asceticism.
- **Generosity** is found in giving and receiving. We should avoid both wastefulness and stinginess.
- Magnificence is found in using money on a large scale. We should spend well on important (even symbolic) matters, not being miserly, or ostentatiously spending the wrong way on the wrong things.
- **Greatness of soul** is described as 'honour on a large scale'. We should have the capacity to take on a great honour, being neither vain nor 'small-souled' (overwhelmed).
- **Even temper** means managing anger. We should be angry about the right things in the right way. A person who is always angry is irascible, a person who doesn't get angry when they should is foolish or oblivious.
- **Friendliness** is found in social relations with large groups. We should be even-tempered with a wide range of people, not showing weakness in belligerence, or being only able to engage with a few types of people.
- **Truthfulness** involves honesty about oneself. If we are boastful we exaggerate our skills but others are so self-deprecating they deny their capacity even for simple things.

- **Wit** is conversational skill. We should avoid buffoonery or making a joke of everything as well as boorish, dull, dependent conversation. Wit's real virtue is to help conversation flow.
- **Justice** is distributing things fairly. We should avoid both corruption and lawlessness.
- **Friendship** is about dealing with individuals. We should seek to benefit the friend, not just seek personal pleasure or gain.

Aristotle's virtues go to the heart of the human experience. They seek to explain how a good person should behave.

## Cases

The consistent reflective practice of studying cases is particularly important in England. Our legal tradition has no formal codification, so judges apply statutes and precedents from previous cases. Our development of law is simultaneously clear and hidden, written and unwritten, immutable and changeable as previous decisions bind and inform similar future cases.

Interestingly, this may be why compliance check-lists and grade indicators have had such a skewing impact on the English system. We have no national legal tradition of interpreting a rule-book, but of developing action based on good practice of the past. When actions are common and adjudged successful, there is not always an appetite to investigate if they are also right. Experienced school and college leaders, relying on a sort of professional case law, use wisdom, knowledge, context and advice from other colleagues to make decisions.

Commissioners agreed the Framework from within their experience of education and informed by all the above. Educators accept the concept of children's rights. They know that those entrusted with the young have duties. They believe that there are certain ways of behaving that build up virtuous character. They expect their decisions to be sufficiently robust to set precedent and stand public scrutiny. 'Professional judgment' has traditionally been a shorthand for holding these strands within the practical constraints of regulation and responsibility.

While the strands are held in balance, educators should be able to make the right choices. When the balance is skewed, it will be harder. Blunt accountability forces educators to prioritise compliance (regulation) over professional judgement (responsibility). It leads to a strange tension where professionals who should be trustworthy models of right behaviour feel compelled to act wrongly in order to meet regulatory standards, whether or not this feeling is justified. The ELC wanted to help leaders who recognise such a dilemma.

## Ethics in Public Life

The UK Committee for Standards in Public Life was set up in 1994 and the Principles for Public Life, commonly known as the Nolan Principles, were launched in 1995 and expanded to all public service in 2013. They were originally designed to deter, prevent and respond to the kind of behaviour that used to bring down a government: corruption, nepotism, fraud, lies and a general untrustworthiness referred to at the time as 'sleaze'. The Principles are fully included in the Framework with just a change from the language of 'holders of public office' to 'leaders'.

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

## Standards for Educators

All qualified teachers in England have to fulfil the Teachers' Standards 2012, which are embedded in their training. They are our single key to a shared understanding of professionalism. The Headteacher Standards for Excellence 2015, by contrast, are not mandatory, but used for guidance. However, both have been produced with the profession by the Department for Education, so they articulate the profession's self-understanding and the expectations of the state.

## The Teachers' Standards 2012

The 'Preamble' to the Teachers' Standards 2012 gives a clear overview:

"Teachers make the education of their pupils their first concern, and are accountable for achieving the highest possible standards in work and conduct. Teachers act with honesty and integrity; have strong subject knowledge, keep their knowledge and skills as teachers up-to-date and are self-critical; forge positive professional relationships; and work with parents in the best interests of their pupils."

After that it is divided into two parts. Part one has eight subsections, each of which is expanded in the text. Teachers must:

- i. set high expectations which inspire, motivate and challenge pupils
- ii. promote good progress and outcomes by pupils
- iii. demonstrate good subject and curriculum knowledge
- iv. plan and teach well-structured lessons
- v. adapt teaching to respond to the strengths and needs of all
- vi. make accurate and productive use of assessment
- vii. manage behaviour effectively to ensure a good and safe learning
- viii. fulfil wider professional responsibilities

The Standards are generally about doing, rather than being, though four of them hint at desirable personal characteristics:

- Standard 1 requires teachers to demonstrate consistently the positive attitudes, values and behaviour which are expected of pupils.
- Standard 2 requires teachers to encourage pupils to take a responsible and conscientious attitude to their own work and study.
- Standard 4 requires teachers to promote a love of learning and children's intellectual curiosity
- Standard 7 requires teachers to take responsibility for promoting good and courteous behaviour

So, we can say with confidence that all teachers should be:

- positive
- responsible
- conscientious
- intellectually curious
- well-mannered

Part Two is altogether different, much shorter and deals with 'personal and professional conduct'.

"A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career."

This has seven brief points, which I include in full.

“Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher’s professional position
- having regard for the need to safeguard pupils’ wellbeing, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- ensuring that personal beliefs are not expressed in ways which exploit pupils’ vulnerability or might lead them to break the law.
- Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.
- Teachers must have an understanding of, and always act within, the statutory Frameworks which set out their professional duties and responsibilities.”

It is possible, to extract from these the characteristics of ‘high standards of ethics’ upon which the section is built:

- trustworthiness
- respectfulness
- kindness
- professionalism
- loyalty

‘Fundamental British values’ is taken from the definition of extremism as articulated in the Prevent Strategy 2011. It includes “democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs”. Prevent is a particular strategy for a set of specific and troubling events in current history. Prevent itself is no clearer on the rather opaque ‘fundamental British values’, which also, in the definition above, form part of the school inspection schedule.



## National Standards of Excellence for Headteachers (2015)

The National Standards of Excellence for Headteachers (2015) are not mandatory but set out to: “Define high standards which are applicable to all headteacher roles within a self-improving school system. They are built upon the Teachers’ Standards Personal and Professional Code of Conduct.”

They are set out in four ‘excellence as standard domains’:

- qualities and knowledge
- pupils and staff
- systems and process
- the self-improving school system

Within each domain there are six key characteristics. Looking at them closely and combining similar terms, we find the following values and virtues therein.

- accountability (four times)
- integrity (three times)
- equality (three times)
- transparency (three times)
- optimism
- creativity
- resilience
- astute
- calm
- rigorous
- entrepreneurial
- innovative
- inspirational

We would expect to see accountability dominate government-issue standards. Two of the three other repeated characteristics are also found in the Standards for Public Life – integrity and openness (transparency). There is much reference to managerial characteristics such as calmness and the ability to inspire. There are buzzwords of the educational zeitgeist such as entrepreneurialism, innovation and ‘excellence’ itself.

What is not included are virtues in the Aristotelian sense. Virtues can help the state to trust teachers and headteachers, and might render the creation of such standards less necessary. So, there is much on safeguarding, but kindness is unnamed. There is plenty of accountability but not honesty. There is astuteness, but not wisdom. School and college leaders are expected to demonstrate the products of virtue, but the virtues are unspecified. This is key to the need for our Framework.

Those who devised the standards would have taken it for granted that teachers and headteachers are, personally, good people with the right intentions. Therefore, as long as they fulfil their tasks conscientiously, they may be entrusted with stewardship of the next generation. The risk of overlooking virtue in these formulations is simple and troubling. In a standards-driven workforce, anything not specified may not be valued, and anything not prohibited may appear to be permissible.

Setting standards for these most important of roles is a legitimate and sensible exercise of the state’s authority and care. Reading the two sets of standards alone, however, it might be possible to argue that those entrusted with the nation’s young have only to be learned, effective, conscientious and accountable. They are not enough to expect of those entrusted with our children.

Our deliberations therefore led us to a particular set of words: the Framework, which should stand as proxy for our best hopes. We hope that it is brief enough to remember while deep enough to be useful. We hope that these words will help focus leaders on the attributes expected of those setting an example to the young. We hope they will help leaders see to the heart of their dilemmas.

We hope this answers the question ‘whose wisdom?’ We believe our Framework is in line with the ethical tradition, national standards and current research. Our values are national ones, the Nolan Principles. Our virtues are common to ancient writings and contemporary standards. We believe that they are universally acceptable. Anyone may agree or disagree with them, but they are a measured, sensible and legitimate contribution to a debate as old as humanity.



