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In Professions We Trust

Fostering virtuous practitioners in teaching, law and medicine

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About ResPublica

The ResPublica Trust (ResPublica) is an independent non-partisan think tank. Through our research, policy innovation and programmes, we seek to establish a new economic, social and cultural settlement. In order to heal the long-term rifts in our country, we aim to combat the concentration of wealth and power by distributing ownership and agency to all, and by re-instilling culture and virtue across our economy and society.

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Executive Summary

"Professional persons are no longer generally seen as a class of individuals superior to other workers, driven by higher ideals. Most sociologists now characterise the professions as special interest groups which exploit their skills in an endeavour to achieve greater income and higher status in society. Many laymen take a similar view."

Lord Justice Jackson[1]

"The notion of a profession as something which encompasses and adds to the public good is in crisis."

While not all professions are in crisis, the notion of a profession as something which encompasses and adds to the public good certainly is. In the professions studied in this paper – law, medicine and teaching – we believe that the vital link to public service and the wider common good has already broken or is close to breaking. The rupture of trust in the health services was exemplified in 2013 with the publication of the Francis Inquiry into the appalling lack of care at Mid-Staffordshire NHS Trust, and that remains perhaps the most redolent public scandal. But the other professions are not immune. The largely negative attitude to lawyers from the public has not been reversed despite the Law Society's good efforts and frequent public relations campaigns. And notwithstanding many laudable Government initiatives, around 40% of UK teachers still leave the profession within five years,[2] while the status of teaching in the UK is at best mid-table on international comparisons. Little wonder concerns about teaching quality beset the profession.[3]

When professions fail, the state steps in to regulate, and that all too often compounds rather than addresses the problem. In health, centralisation often leads to more fragmentation: as targets focus solely on the point of crisis, attention drifts from wider issues and the goal of holistic care recedes still further. In teaching, it creates an intrusive and rule-generating machine that undermines autonomy and confidence in the profession. And in law, it results in the withdrawal of public money from a profession that is not seen as upholding the public good.

It has not always been so. Professions owe their origin to the idea that experts should associate for the wider public good and create a set of rules that would licence their behaviour and enable new entrants to be educated into the type of service they ought to provide and shaped into the type of character they need to have to carry out a particular service. In many ways the professions are holdovers from the medieval guilds which were both professional and educative institutions insistent upon forming their members' characters and crafting their art. Arguably professions were moral communities based upon shared expertise and occupational membership. It was commonly held that the professions were both moral and technical orders that militated against both a self-serving individualism and a collectivist state.

However, in recent times professions have gradually come to be seen as self-serving interest groups propagating

their own agenda and interests. They have increasingly come to be regarded as hostile to newcomers or challengers and uncaring about those whom they served, being simply fierce defenders of their own unwarranted interests. During the 1960s they were seen as culturally elite and distant, then after opening up to women and minorities, their economic interests were cited whenever professional independence or autonomy was argued for. To use contemporary parlance, they were deemed to have been captured by the producer interest – creating labour market shelters that did not serve the general welfare. As Lord Justice Jackson pointed out, any special privileges or legal defences for professional autonomy have crumbled or are about to.

It is not the focus of this paper to track and endlessly catalogue the causes of the collapse of the professions, but simply put, it is hard to dispute that such a degeneration has transpired. It is our contention that this has occurred largely because professions have indeed declined and lost sight of their necessary connection to the wider public good. In line with the general reduction of people's worldview to individual or private interests, the professions have gradually lost their true locale, which was to use their expert knowledge for the general good and common benefit. Bereft of this orientation and telos, professions risk having only internal goals which make little sense in respect of the external goods they were meant to realise. Thus professions became increasingly dominated by an overly uniform calculus that assumed they knew what their clients, patients or pupils needed without having to engage with them. This fundamental disconnection between the internal goods of the professions and their external raison d'être resulted in the partition of the interests of professionals and those whom they serve.

Of course, the widespread failure of different aspects of the professional credo studied in this report – be it the legacy of low aspiration and poorly performing schools or the disastrous *en masse* dehumanisation of patients by NHS hospitals – generates the demand and the need for state intervention. By failing to speak to the real needs and hopes of those who rely on them, professionals created the conditions for their submission to the state and the de-

professionalisation that has overwhelmed teaching and threatens medicine as well. Curiously, lawyers have largely retained their independence, but not whenever their clients need public support to mount an action or defend themselves against one.

The fundamental claim of this report is that in order to restore the professions to their proper estate and reflect the views and hopes of those who enter them—a cadre that thankfully has a high level of idealism and a widespread aspiration for a vocation, as the Jubilee Centre research so clearly demonstrates—it is vital that such value sets are tied to objective public goods which they can speak to and help fulfil.

Clearly professionals want a vocation and they want to be able to transform the situation they work in and help the people they work for. Indeed without these notions the very idea of professions as a force for public good is at risk. The values of professionals properly understood point to what might be called the common good. A lawyer who does not believe in truth or goodness is a danger to himself, his client, and wider society. A doctor who only treats the symptoms and not the causes cannot truly help the patient in his or her care, despite his or her best efforts. And a teacher who does not challenge low achievement and the environment that engenders despair should not be in school. All professionals know this, but struggle to convince the public that their daily actions encapsulate such values.

There is a crisis in public confidence, experienced in varying degrees across the different professions studied. There is also a wide perception that professionals are serving their own interests, when the very heart of professionalism as originally conceived is to serve the interest of those who use their services. If each of these professions is being oriented towards ways of working that conspire against noble understandings of what it means to be a professional, which is what the public wants and needs, then unaddressed the situation will only worsen, with the state stepping in and further eroding professional autonomy and judgment.

To be a professional means to exercise judgment based on expertise and high levels of skill. It also means to operate

according to values and character, enabling these skills to be properly used. This exercise of expert decision-making is to be reached in a trusting and respectful relationship of mutual dignity with the service user. A profession should be a community of similarly skilled individuals who together create an environment of good conduct and the development of excellence in a corporate and collaborative manner. In this way, the prestige of their public duty is maintained and strengthened.

If we want to avoid the betrayal of the codes and ethos of the professions, there needs to be a recognition that creating more rules will not prevent more of them being broken. The problem with rules is that they do not change character, they merely attempt (with an apparent lack of success) to police it. If no effort is made to shape character to the demands of the profession, then we will simply have unreformed people continually breaking rules, no matter how many rules there are – after all, consider the current state of banking. In fact such approaches are arguably counter-productive: recent research strongly indicates that rigorous enforcement of rules creates anxiety and a climate of fear which can actually create the behaviour that all want to avoid.[4] What is needed therefore is not a proliferation of rules so much as a moral picture of what the professions ought to embody, together with the incentives to realise that vision and the imposition of penalties, such as being excluded from professional life, when that purpose is not fulfilled. Simply put, professions have to help shape or craft their members into the sort of people they need to be, to fulfil the aims and goals of the profession they have willingly entered.

It is here that virtue ethics as an approach has its unique purchase and merit. Other ethical theories do not include education or the shaping of character as a key principle. The basest understanding of ethics is perhaps utilitarianism and its oft-paraded code of the 'greatest good for the greatest number.' No matter whether it was configured in act or rules and no matter how much anguish it gave to John Stuart Mill, utilitarianism was never able to escape from a form of hedonistic relativism. So configured utilitarians simply say to people, "Be as you are and whatever you want is merited and justified", and if there is a dispute over such goods the majority

carries the day. As an ethic for the status quo or vested interest it has few parallels. Crucially, of course, it undermines the sense of the moral itself, as it implies there is no inherent 'ought' that guides humanity, but rather it simply enthrones majorities however depraved or perverse they might be. No professional code can be based on such a simplistic uniform majoritarianism, as in essence it denies higher advice and forbids the possibility that people ought to be anything different, or do anything other than they as a majority are happy in being or doing, be it racist, sectarian or indeed wrong.

Often decisions made by virtue of utility are contrasted with those made by deontology, which argues that contrary to bending to the inclinations of majorities, whatever they happen to be, there is 'an iron law within' that legislates against majority self-interest and for the correct universal rule that should be applied in all cases. And that iron law is the ability to will whatever one does into a maxim that can coherently be willed and obeyed by all. Thus the Kantian argument goes, one cannot murder someone without willing that you should also be murdered. But for us this opposition is false, for with sufficient ingenuity and a small amount of intellect, any and every maxim can be universalised, even the most barbarous. One could, for example, wish for the death of all heretics and one's own death if one also becomes a heretic. In the end the inability of deontology to prevent the subjective willing of any and all universals makes it a form of utilitarianism without even the mitigation of majority assent: one wills not what the majority wants but whatever the individual desires. If all modern ethics are either deontological or utilitarian then all they amount to is an oscillation between individual or collective relativism.

It is clear that what is needed in both moral philosophy and human behaviour is an orientation to real moral goods that can be known, communicated and practised. The advantage of a moral realism is that it automatically sets a limit on human fantasy – the world is not authored by my mind or by minds like mine, it contains real goods which limit and licence what can be said about them. And among those goods are the moral goods of natural and biological life. Just as we know that human beings need to eat well to flourish, so we acknowledge that

humans require education and direction to succeed. We know that human nature is not fixed; being human is in some sense both what we are and a potential that we are born with, not something we have already fully achieved at birth. If this was not the case, if we did not have some sense of how human beings ought to behave in contrast to how they do, we would not be able to condemn the numerous barbarisms of our history as inhuman, nor recognise the limits and dangers of our own culture. Yet if we listen to other ethical theories they assume morality is either innate (which since human practices vary wildly seems an odd claim to make) or that there is no moral sense at all, but if that were the case why would there be any notion of right and wrong, why would we not just endorse whatever status quo we are born into? Rather, what seems to be the case is that there is an innate moral propensity linked to the political and social imagination whereby humans can envisage how things could and ought to be different, and it is the shaping and education of that discernment that lies at the heart and purpose of virtue ethics.

In this respect virtue ethics is a genuine alternative to modern subjectivism and relativism. Firstly, of course, it is a realist thesis. Virtue ethics believes itself to be dealing in real universals, the fulfilment of which will help human beings to flourish. Being dedicated to this flourishing of all means and implies that one has an idea of how humans ought to be (healthy, educated, etc). This notion that humans require shaping to fulfil their own form and achieve their own specific nature is what speaks to the true human situation (after all who would really argue that human beings do not need education to fulfil their potential), and it makes virtue ethics uniquely suitable as the credo for the professions. For, as we argue, what has been lost from the professions is a relational ethic that ties the good of the professions to the good of those whom they serve. With virtue, you do not assume a dichotomy between public and private goods, but instead assume that there is a good life and people can be 'educated' into it, and that those people can also teach others. And this we would suggest represents both the true credo of the professional and what the public want from such 'experts.'

In summation, we argue that what is needed is a fundamental shift in approach, returning all three professions studied in this paper— law, teaching and medicine—to their core purpose, which is serving others and helping them to flourish. This relational universal which binds the professional and those they serve speaks to the shared perception of the public good that we as a society are most lacking. Virtue speaks to the shared goods that we all want to realise but need help in securing, be it health, education or justice. Whichever good is pursued, our recommendations below attempt to recover and secure that good as something known and pursued by both the public and professionals alike. The three professions that the Jubilee Centre for Character and Virtues has examined clearly have practitioners who aspire to an 'ideal', and indeed the evidence of their research is that these professionals demonstrate the virtues that they identify with the ideal doctor, lawyer and teacher. What is needed therefore is the path and practice that will see these characteristics strengthened and transmitted not just to professionals but to the wider public. By naming this good and re-establishing the broken connection between professionals and the public in its pursuit, we hope to restore professional expertise to its proper place: serving the public.

More fundamentally, we invite specific ways in which a framework or indeed 'path' to a shared account of virtue can be established. At both its most radical and pragmatic, a virtue ethics approach needs to inform and underpin what it means to be a professional at every stage of career and vocational development. Above all, the relationship with the public must be central to practice. We know high levels of trust can no longer be taken as given, not least because they are so breached by scandal and poor performance, but there are also grounds for optimism. What the community wants to receive is what most professionals want to deliver. Focusing on a strong sense of partnership and mutual guardianship with the public can recover the ethos and autonomy of the professional and rescue these crucial intermediate bodies from their subjugation by the state.

Summary of Recommendations

Across the Professions

1. Give communities the right to re-purpose public services:
If a local institution which receives public funding is manifestly failing to such a degree that it harms its users, communities should have the power to call that public service back to its original purpose. Rather than exclusive intervention by the central state or its proxies, a measure which often struggles to address the causes of failure, the community concerned should be granted a right to take control of the service and to reorient it toward the public good. We argue this because the recent scandals in public services are often the result of following centrally imposed targets that do not reflect the true purpose of the service concerned. By arguing for takeover we are not arguing for management of complex services by citizens but for the re-direction of those public services to the goals needed and determined by the public. To facilitate this we recommend the initial use of a **'Local Citizens' Jury'** to enable citizens to interrogate a public service that is in need of re-purposing. A Local Citizens' Jury would be made up of a representative sample of those on the electoral roll in a given area and would have the power to convene and compel testimony from those involved in providing the service. Local Citizens' Juries would be facilitated by expert convenors, with the support of local civil servants and advisers. We believe that local citizens should have the ability to put the service that is in question on trial, be it schools or hospitals, and explore as a community why it is failing. We also believe that the authority responsible for this service should agree to abide by the Citizens' Jury's conclusions and recommendations. In extreme cases, the Jury should have the power to dismiss the board controlling the public entity and appoint its own board members. This *re-purposing* should be understood as having the power to re-orient the public service to its proper purpose.

2. Create a 'Virtue Path' for all three professions:
The teaching, law and medical professions have faced in different ways the same demand for better behaviour and ethos-oriented services. The only response to this demand has been a further proliferation of rules and regulations, which we have argued is neither effective nor adequate. Rather, each profession needs to emphasise and celebrate their most virtuous practitioners: those who most embody the ideals of teaching, medical care or the law. The General Medical Council (GMC) has already begun to incorporate aspects of virtue into its medical training, but this does not go far enough. Virtuous character (which is what people should aim for in their progress throughout professional life) needs to be encouraged through professional education and workplace learning such that it becomes a way of living one's practice. In each profession and at every stage, exemplary professionals should be honoured and recognised as role models, by both their peers and those they serve, and they should be made supervisors and judges of those who come after them. Such figures should also be rewarded through an increase in their professional status as 'Ambassadors' of the profession. We call on the GMC, the Solicitors Regulation Authority, the Bar Standards Board, the Department for Education and Ofsted to begin to research and explore a set of practices that move beyond rule-based approaches and towards recognising character and culture in staff, rewarding those who best exemplify the goals of the profession. Crucial to the success of this would be some element of both peer and public participation in the selection and judgment of those so honoured.

Medical Profession

3. Give patients the 'right to holistic care', and support doctors and nurses and external organisations in delivering such care:
In health, we have lost the ability to care for patients in a properly co-ordinated and holistic fashion. The health service is now highly fragmented, and as a result it struggles to deal with long-term complex conditions. It has become increasingly difficult to give patients the wrap-around care they need and deserve. NHS patients are often referred to other NHS services by their general practitioner in a confusing and disjointed manner. There needs to be a 'relationship holder' for all patients in their journey from their GP to their hospital and all subsequent care and support. GPs are supposed to have that role but are clearly struggling to provide it. Building upon existing practices of named carers, ward matrons, and patients' champions, we recommend that NHS England explore how to initiate in all aspects of the care pathway scope for doctors or nurses to take full and personal responsibility for patients under their care. A 'right to holistic care' should be made available to patients such that they can task medical professionals and nurses with this responsibility, should either party deem that it is needed. This right to holistic care should be upheld by Monitor (the health service regulator) as part of its duty to promote integration. If necessary, especially in the case of chronic conditions where the NHS is failing so badly, we would argue that letting other external suppliers compete on the basis of offering holistic care to patients who need it would help things dramatically. We believe that this would do much to free up money from a failing acute sector and promote both innovation and integration in our health service. We recommend that NHS England investigate how doctors, nurses, and organisations external to the NHS might be able to provide this level of wrap-around care at each stage in a patient's journey through the NHS.

4. Introduce a new call to accountability to pre-empt developing problems in hospitals and care institutions:
From the perspective of compromised institutions, whistle-blowing is too late in the day and is simply an acknowledgement that many things have already gone wrong. Developing problems need to be pre-empted and responded to swiftly as soon as they arise. There needs to be a collaborative approach amongst staff, and all health professionals need to be empowered to step up as soon as they sense something is potentially going awry. We therefore propose that all hospitals and care institutions introduce a new **'stop the line'** philosophy. This process has already been inaugurated with positive results in Hinchingbrooke Hospital in Cambridgeshire. Despite Circle Healthcare's lamentable withdrawal from NHS provision, many of the innovations there were laudable and should be replicated. The 'stop the line' philosophy allowed any employee who felt that the fundamental mission of the hospital was being compromised, to 'stop the line', which immediately froze the situation that engendered the 'stop' and ensured that top executives responded immediately to the problem at hand. This resulted in widespread culture change and a much swifter recognition of emerging problems. We believe this 'stop the line' call should be rolled out across the NHS. This mechanism should sit alongside a recognised **'public honour status'** for those staff who rightly made such calls leading to the avoidance of greater and more damaging negative outcomes.

5. Establish cross-specialism meetings as universal practice throughout the country:
Whilst cross-disciplinary meetings throughout parts of the NHS are locally present in a number of areas, they are not yet universally practised. We need to see meetings of all health professionals who interact with patients across all services (including those that impact on the NHS) meeting regularly to co-ordinate their work. Existing examples of this practice demonstrate that problems

for individual patients are more quickly resolved, saving time and money, by ensuring that there is no doubling up of administrative tasks, and that patients are not stranded between public servants keeping rigidly to their areas of specialty. Regular meetings on an ad-hoc basis should be non-hierarchical, and all voices should be heard regardless of status, with the aim of giving a comprehensive assessment of the patient whose health issue has yet to be resolved satisfactorily. Ahead of the expected formal integration of health and social care, we call on NHS England to lead the establishment of such team meetings across all relevant services as standard practice. Lessons from the Devo-Manc devolution of the NHS in Greater Manchester that ResPublica argued for should provide the ideal model for this type of local integrated working. It is clear that moving ahead with such an approach would ensure significant improvements in how service users are treated and the speed with which their problems are resolved. We believe, especially in chronic cases, that this attempt to recover holistic interventions would allow the original vision of medicine to be realised by the professional and recognised by the patient.

Teaching Profession

6. Introduce 'local school support zones' to uphold educational standards and cultivate institutional purpose:
The cost to areas or neighbourhoods from an emphasis on exam results by individual school has often meant that those failing fall yet further behind. What we ask is the local and national incentive to take on the challenge represented by poorly performing schools. If we have an educational philosophy founded solely on escaping the poorly performing rather than transforming them, then there will always be those who lose out and pay a terrible cost for doing so. Our struggling schools need a collaborative and supportive

framework, underpinned by the most successful schools in the area and the expertise therein. We therefore call on the Department for Education to introduce '**local school support zones**', with responsibilities and rewards accruing to successful schools to lead on local school standards, assessments and practices. This idea has in different guises and different countries been argued for before, but never, we would argue, has it been fully and properly practised in the UK. The consequence is that too many children find themselves trapped in poorly performing schools with relatively few options to change that outcome. We know from all manner of evidence that shifting school performance requires amongst other measures new approaches, new modes of governance and the adoption of a more challenging curriculum. Partnership with a more successful school offers, we believe, a better pathway to establishing excellent education for all.

We believe that, in addition to an individual pupil premium, the Department of Education should look at area-based initiatives to raise the standards of education in a whole neighbourhood. Ideas such as an area-based premium with area-based incentives should also be considered. For example, a poorly performing school often struggles to attract good teachers and head teachers. If such institutions could be linked with successful local schools, then the leading institution could hire teachers that serve both schools. That way pupils who otherwise do not experience the best teachers could also enjoy that pedagogical benefit. Similarly, it would avoid the high costs in time and money of busing children out from failing to better schools. We know that institutions that involve middle class parents and pupils do better than class-segregated institutions; linking the two and tying the rewards of each to the progress of the other would do much to elevate the poorly performing and the otherwise abandoned students in remnant schools. Initiatives like the Birmingham Educational Partnership, chaired by Estelle Morris, which

attempt to create an area-based 'family of schools' should be recognised and championed, and we should ask what would be needed to make this work elsewhere. Thinking radically, one could even pay by area rather than by institution so that no incentives are paid unless all do well. The devolution argument is winning in all other public services, as it is now recognised that place-based approaches work best. Why would we consider education to be separate from this agenda? It is time to create the incentives around areas so that place need not be a determinant of progress.

7. Establish teaching as a highly skilled intellectual profession, with greater social and academic recognition through the introduction of 'Queen's Scholars'- PhD students placed in secondary schools in return for public support to teach school-age children for a year:
Key to virtue theory is valuing the valuable, and our best classroom teachers are still not prized highly enough. To tackle this there needs to be a clear pathway beyond Teach First (which does brilliant work with highly qualified graduates) which would focus on attracting post-graduates rather than just graduates into the teaching profession. For what is notable is the clear division between the high status awarded to scholars teaching in universities and the low status given to teachers. If we could blur the dividing lines between universities and secondary schools we would go some distance to tackling the status issue. After all, what is the difference between nurturing and educating the mind at different stages of life? Various approaches suggest themselves: one is to introduce premiums and pathways for teachers already in the profession to study for Masters degrees and PhDs. Another is to encourage those with such qualifications to enter the teaching profession. We are seeing a large surfeit of PhD graduates with relatively few academic positions at universities open to them. In France it is perfectly respectable to begin an academic career in a secondary school or *lycée*. Simone Weil and Jean-Paul

Sartre, amongst other famous French academics, began their careers in secondary schools. It is still normal for teachers at secondary schools in France to write books that contribute to academic debate at the highest level. In the UK it used to be the case that intellectuals would seek a position in a public school. We need to establish this as the norm in England across all secondary schools of whatever type. It is a crucial aspect of a virtue-focused philosophy that all can be shaped into excellence and all can flourish. This measure would go some way towards ensuring that we begin to create equal access to the highest levels of intellect and ability, regardless of which institution one attends.

The benefits would be multiple. Schools would be kept permanently refreshed with the latest scholarship and ideas. Pupils would know and experience the excitement of engaging with debate at the highest level. Other staff would learn from their colleagues and be encouraged to raise their academic game. One could imagine that part of expanding the funding of graduate education could be asking the recipients of state grants for PhDs to spend a year in schools before or after qualification, endowing those institutions with the latest scholarship and thinking. An appropriate name for such a scheme would be Queen's Scholars: as a distinct and competitive award it could help academic progression and curriculum development within schools, as well as give a higher educational focus and status to all of our schools.

8. Develop University Schools:
All universities should develop a partnership with a school in their area such that a University School is formed. Allied to the aims of our proposal above, this would also help to re-intellectualise schools with all of the attendant benefits. In addition, this innovation would introduce a new type of institution into the school mix that could focus on the latest pedagogical research applied in practice to a single lead school. This is already being launched with

the University of Birmingham, and we believe it should be rolled out to all universities. These University Schools could then become local centres of excellence that teachers from other schools could visit and learn from. Each University School could also become an educational hub of innovation that could try different approaches with different ability groups to see what would best help children progress and flourish. For this reason we do not think that these schools should select solely on ability, as we want all ranges of human creativity and ability to be educated in University Schools, such that the benefit of partnership with our leading educational institutions could impact all children of different abilities and talents. Conceivably, different universities could collaborate in such an approach or instead adopt schools in areas less well served by universities. This would be for places and institutions to decide.

Law Profession

9. Establish a 'duty to mediate' for all solicitors and barristers: The legal profession risks losing its sense of higher purpose as the defender of justice and truth. We need a renewed emphasis on the place of arbitration and dispute settlement, grounded in a less adversarial form of the profession that is more responsive to both sides in any given dispute. Building on the Woolf Report and the Jackson Review, and the practices adopted as a result, we need to further re-align some aspects of the legal system so that all cases in both civil and criminal law are initially assessed for possible mediation by adopting principles of truth-finding and dispute resolution. There will always be those cases where justice is best served by quickly moving to adversarial court cases but increasing recourse to mediation would save money both for the government and individuals in lengthy court costs, and make greater use of the ingenuity and skill of lawyers. Fees for such a process would be less burdensome for those bringing cases and would therefore

not require an adversarial battle that requires total victory in order to get cost recovery. In further developing this model of legal practice, lawyers could be sworn to establish the truth prior to the initiation of mediation to restore a greater sense of virtue and justice to what it means to be a lawyer. We call on the Government and the legal regulators to research the benefits of creating a duty for all legal professionals to assess for mediation in every case and where appropriate actively promote out-of-court settlement. In civil law, this could include penalties for those who unreasonably refuse this course of action, and in criminal law, whilst remaining strictly voluntary, this could be tied to restorative justice principles.

10. Introduce a pro-bono obligation as part of the professional obligation of all lawyers: Pro-bono is a significant feature of a considerable part of the profession already. Many solicitors and barristers undertake a considerable

amount of below cost or free work in the course of their professional lives. However, it is also the case that for many lawyers, the law has become for them no more than a revenue generating business. This 'it's a business' approach undermines the profession's vocation and can greviously harm its ethics. It is also a major source of public hostility. A mandatory pro-bono obligation regulated by the professional bodies could help inculcate an understanding across the profession that the law is not just a business but also and most importantly a vocation. This measure would build public support and provide far greater access to justice. The pro-bono obligation would be set notionally at 10% of a lawyers work output but regulators should take account of lawyers on very low incomes, such as in the legal aid field and introdce a lower pro-bono rate of 5% for those firms whose turnover merits it. We calculate this will produce some 30 million hours of free legal advice for the public each year in England and Wales.

11. Require all lawyers to swear an oath upon qualification: There has been a loss of trust in lawyers, compounded by a feeling of powerlessness amongst both clients and legislators to effect behavioural change in legal practitioners. Nonetheless, there is a continued reliance on lawyers. This makes for a frustrated relationship between all involved at the interface with the law. We believe that requiring all lawyers to swear an oath upon qualification – combined with a new emphasis on ethics in legal education and training – would re-assert a sense of vocation in legal practitioners and help to re-establish bonds of trust between clients and lawyers. Oaths are, of course, just part of the answer, but they do provide a visible public confirmation that what people are seeking in their legal advisors is something that they have sworn to provide. A qualifying oath would further affirm professionalism through making clear the code of conduct to which lawyers are expected to adhere.

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1.

Introduction

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"To be virtuous is not only to exhibit a good character as a professional through one's conduct. Rather, developing a virtuous character amongst professionals and across professions is about restoring ethos and excellence not just as private goods circulating amongst practitioners but as new public goods..."

Mainstream politics and policy tend to focus on values that maximise either individual happiness or collective utility. What is missing is attention to virtue. This means achieving a certain consistent 'habit' and forming of 'character' in ways that contribute to personal fulfilment, mutual flourishing and the common good. Such an approach shifts the purpose of professions beyond purely instrumental ends. For example, the purpose of education is not so much to serve the needs of the state or the market by providing transferable skills and boosting the employability of students. Rather, it is to form their character and enable them to fulfil their potential, to discover and realise the unique talents of each and everyone.

Seen from this perspective, the public and policy debate on professional ethics has been limited in that it has largely assumed rather than examined the virtues that reflect the ethos of teaching, law, medicine or other professions. Virtues are present in most teachers, lawyers and doctors but often absent from daily practice. This is because of insufficient realisation that virtuous behaviour is central to the professions and to fulfilling their public role. In this report, ResPublica seeks to redress this imbalance by drawing on the research of three recent reports from *The Jubilee Centre for Character and Virtues* which provide fresh findings about the ways virtue and character can address professional dilemmas and improve professional conduct. ResPublica argues that the establishment of virtue should be a key priority of the professions. The report makes a political and public policy case

for introducing an explicit virtue approach in professional practice as a means of raising standards and improving the quality of public service provision. In this manner we seek to supplant the utilitarian and formalistic approach to professional practice, arguing instead that the proper foundations of the professions lie in an orientation to, and a practice of, virtue.

The problems vary across the three professions that this report examines. The all-too-prevalent focus on career and the need to make money, especially in law (at least in public perception) can stifle the much-needed emphasis on what is virtuous. In medicine, technical knowledge confers power and as a result ethical knowledge and the practitioner-patient relationship suffer by comparison. In teaching, the diverse needs of pupils set against the rather rigid series of targets makes creating an over-arching good seem too utopian a task. Medical practitioners, teachers and lawyers face so many time constraints that they are, understandably, focused on task-orientated modes of professional conduct. Most worryingly, professionals seem to lose the sense of joining vocation to their daily practices, especially in the teaching profession where issues of recruitment and retention are prevalent. Work pressures are too high and the standards that govern professional practice are becoming meaningless. These conditions are central to the level of disengagement among professionals from the public, which marks the virtue gap between the professions and the people they are meant to serve.

Recent scandals within the health service, for example, serve to demonstrate that professional standards, codes of conduct and ethical training can be ineffectual if a culture of cutting corners to meet targets supplants and suffocates established professional and intrinsically virtuous practice. The command/obedience model of ethical conduct arguably undermines the very cultural architecture that needs to be developed to nurture and strengthen virtuous practice. Compliance with the letter rather than the spirit of the rules is too often what amounts to supposedly ethical conduct, which can lead to deeply unethical consequences.

This ResPublica report examines and aims to develop what it means to be a virtuous professional and what it takes for a profession to be virtuous. It defines as the central foundation of virtue the use of practical judgment in acting with conscience in personal and professional life. Thus, to be virtuous is not only to exhibit a good character as a professional through one's conduct. Rather, developing a virtuous character amongst professionals and across professions is about restoring ethos and excellence not just as private goods circulating amongst practitioners but as new public goods also vouchsafed and shaped by the public and those whom the professions serve.

Modern conceptions of ethics in the public services and professional circles are outcome driven and performance orientated. In both day-to-day practice and in ethical training, professions lack the space and priority of fostering virtue. There is little that would allow or encourage members of the profession formally to contribute towards defining the virtues of their profession. Furthermore, there are apparently no clear mechanisms for external perspectives (the public) to play a part. Insightful observations from outsiders or recipients of professional services who are not tied to the cultural assumptions implicit in each profession are indispensable and yet hardly present in developing the values of each profession. This lack of dialogue and engagement of members of the profession, as well as users and citizens, forces professional values out of the public sphere and haemorrhages the trust between professionals and the public.

This ResPublica report therefore backs to the work of the Jubilee Centre at large and the specific reports on professional ethics which strengthen the case for bringing about a broad cultural shift in the way the professions conceptualise character and ethical practice. There is a need for a stronger emphasis on virtue and character in our society as a whole. Professions are ideally placed to demonstrate and lead a common project whereby each individual is an important contributor in a collaborative effort to develop better practice and shared values.

2.

The Crisis We Face

"The underlying problem for teaching, legal and medical practice is an increasing loss of purpose for the professions as a whole and a loss of vocation for individual professionals."

The lack of an embedded culture of virtue in society is highly damaging to the wellbeing and flourishing of all individuals. Our ability as a country to support one another within a shared sense of values and culture is in grave danger if the institutions and professions we expect the highest standards from are losing their ability to set the best example and command popular support.

A variety of indices suggest declining levels of trust in the UK. For example overall trust in other people dropped from 60% in 1959 to 30% in 2005 and has since further declined.[6] Moreover, when it comes to trust in institutions Britain is at 52% compared to the global average of 54%, and the country ranks lower than Canada, The Netherlands, Singapore, Indonesia, India, Malaysia, UAE, China, Mexico, Hong Kong, Australia, Brazil, Germany and Argentina.[7] More specifically, the past decade has seen a decline in trust in several professions. The figures for senior police officers are down 23 points, from 72% to 49%; local police officers are down 13 points, from 82% to 69%. Even family doctors (down from 93% to 82%) and school teachers (88% to 70%) have seen double-digit falls, though both still occupy the two top places.[8] All this pertains to an erosion of the social capital needed to develop a cohesive and healthy society. Institutions and the professionals that exist within and through them are an essential component of a vibrant civic society. Collapse of public trust in institutions and professionals should particularly concern us, not least because in many ways we are a service nation. In terms of trust the United

Kingdom as a whole should aspire to lead rather than languish.

Nevertheless teachers and medical professionals are highly trusted by the public, and those working in the legal profession – despite scoring much lower in comparison – are far more trusted than bankers, politicians and journalists.[9] However, these levels of trust cannot be taken for granted and neither are they necessarily indicative of clear virtue in practice. Recent and indeed ongoing scandals within the health service have shaken confidence in the NHS reliably to provide even its most basic functions. The Patients Association has recently stated that 'the challenges in the NHS must not excuse failings in the quality of treatment or patient experience of care'.[10] In education Ofsted has warned of 'quantity and distribution' problems, which Sir Michael Wilshaw has argued, combined with the 16% drop in new teachers 'risked creating a polarised education system in which the best schools cherry pick the most impressive teachers'.[11] This is of particular concern given the increasing population of school age children.

We argue that the underlying problem for teaching, legal and medical practice is an increasing loss of purpose for the professions as a whole and a loss of vocation for individual professionals. At the root of much of this is an approach to management and organisational governance that assumes people are ultimately selfish, greedy and therefore cannot be trusted. For this reason, management will focus on

getting employees to act in accordance with organisational rules, procedure and performance targets, instead of engaging in an ongoing dialogue on an equal footing about how best to achieve common aims and shared purpose.[12] In addition, there is also a 'results-based' focus so that employee performance can be 'effectively' measured, monitored and audited. Within public sector organisations and especially in professional ones this approach to institutional organisation and performance leads to ever-greater levels of mistrust between professionals and those tasked with managing them. In fact, it seems to engender in practice the very mistrust it assumes in theory. This is without mentioning the resultant bureaucratic burdens that use up as much as 40 per cent of valuable professional time.[13]

The Medical Profession

In recent years terrible scandals in relation to institutional failure within the NHS have been uncovered. A Care Quality Commission report found 'truly appalling and shocking' levels of dignity and provision of nutrition during spot visits to hospitals. It also established that less than half the hospitals inspected were found to provide satisfactory levels of care.[14] The Francis report drew particular attention to the failure 'to tackle an insidious negative culture involving a tolerance of poor standards and a disengagement from managerial and leadership responsibilities. This failure was in part the consequence of allowing a focus on reaching national access targets, achieving financial balance and seeking foundation trust status to be at the cost of delivering acceptable standards of care'. Robert Francis QC goes on to say that '[t]he story would be bad enough if it ended there, but it did not. The NHS system includes many checks and balances which should have prevented serious systemic failure of this sort. There were and are a plethora of agencies, scrutiny groups, commissioners, regulators and professional bodies, all of whom might have been expected by patients and the public to detect and do something effective to remedy non-compliance with acceptable standards of care. For years that did not occur.'[15] Last month an investigation by the Parliamentary and Health Service

Ombudsman 'found that patients have spent their last days in unnecessary pain, people have wrongly been denied their wish to die at home and that poor communication between NHS staff and families has meant that people were unable to say goodbye to their loved ones'.[16] Further investigations into Winterbourne,[17] Orchard Hill,[18] Morecambe Bay[19] and Furness[20] indicate a level of crisis that is as perplexing as it is shocking.
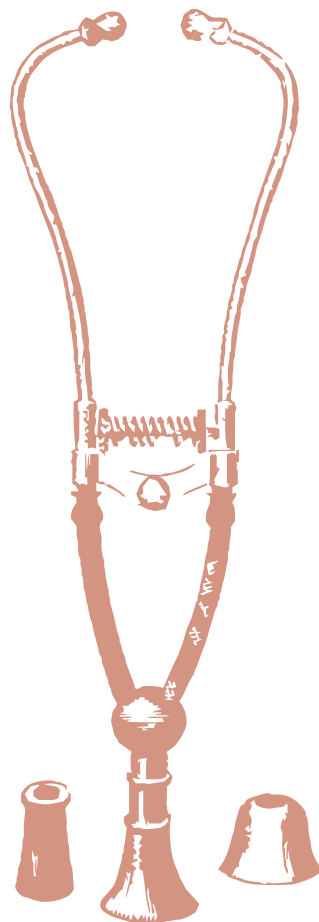
This litany of chronic failure is not just the result of systematic and managerial failure. It is also and perhaps above all symptomatic of a deeper problem of the loss of strong commonly held virtues that need to be developed and strengthened within the medical profession. This is illustrated by the fact that in so many cases the procedures and safeguards designed specifically to prevent such failure were not followed, and strong indicators of problems did not lead to the responses one might expect both from the hospitals themselves and also from those tasked with overseeing them.

The Keogh Review suggested 'a more banal spectacle of mediocre hospitals, struggling to meet one improvement target after another with little help'.[21] But if this more banal reality as described is the case, then that still falls short of what patients legitimately want and expect. A recent survey found that 'two-thirds of the public believe being treated with dignity and compassion by NHS staff is as important as getting the best medical treatment', yet 'two-fifths who have been in hospital or know someone close to them that has say that they have been treated with a lack of dignity and compassion during a stay in the last five years'.[22] These are all strong indications that our health system is not just failing to live up to the expectations of the public but also that the system itself is not ordered towards its purpose – namely compassionate care for fellow human beings. It currently seems that it is barely feasible to provide 'whole person' care within the current set-up. As we argued in our 2014 report *Power to the People: The mutual future of our National Health Service*, the problem with our health system is that it prioritises competition and hence fragmentation over collaboration, combined with bureaucratic burdens that stifle accountability.[23] Given all this, it is hardly surprising that in a time of tight budgets there has been an inability to improve the quality of care that patients receive. With a system of improvement targets, there is no emphasis on, let alone honouring of, those whose behaviour represents the care and compassion most people know to be the signs of a good practitioner. The attentiveness to patients which is so important and yet has been clearly lacking[24] is actively discouraged rather than being incentivised. This undermines the dignity of both the patient and the practitioner, leaving both frustrated and mistreated.

The Teaching Profession

The teaching profession is now driven by exam success and ongoing assessment, rather than the flourishing of individual pupils. Of course exam success is a vital part of education but in the attempt to raise academic results as a whole a focus on individual pupils is missing. Each pupil is different and has different needs, talents and purposes in life but the current approach

to success with its heavy focus on regular summative assessment means that a more responsive approach to each individual is often unrecognised and rarely actively encouraged. Despite the increasing focus on exams and assessments the evidence is largely unpersuasive as to whether there has been commensurate and corresponding increase in standards.[25]

There have been recent reports of teachers routinely helping pupils to cheat which follows on from earlier reports of examiners giving teachers secret advice on how to improve GCSE and A-level results.[26] Regardless of whether such practices are widespread, the fact that the pressurised environment where such conduct is covertly incentivised clearly undermines the teaching profession as a whole and not just the vocation of each teacher tempted to use such avenues.

The dominance of exams and other target based performance has arguably led to other serious problems. For example 83% of teachers reported workplace stress, with 89% citing workload as a problem.[27] In addition we have seen a recent increase in teachers' suicide rate of 80%.[28] The workload issue has become such a concern that the Secretary of State Nicky Morgan has promised to prioritise reducing the burden,

stating that 'I don't want my child to be taught by someone too tired, too stressed and too anxious to do the job well'.[29] It seems unlikely that this alone will stem problems of recruitment and retention. Government statistics show that between November 2012 and November 2013, one in ten teachers left state-funded schools. There are even more serious issues of teacher recruitment on the horizon, with OFSTED itself warning that just as pupil population is increasing there has been a drop in the number of graduates entering the profession. Moreover, the number of new teachers has fallen by 16 per cent over the last five years, with 8,000 fewer trainees in secondary schools alone.

Legal Profession

The legal profession has seen an erosion of its sense of wider social purpose and vocation to ensure access to justice for all. Lawyers are still more trusted that politicians, bankers and journalists, but trust in the profession compares poorly with teachers and doctors, and even this level of trust has decreased in recent years. A 2013 YouGov survey of 1,702 adults found that 42% trust lawyers to tell the truth, down from 47% in 2011. This

compares with 80% for doctors and 70% for teachers. For a profession that at its core ought to be strongly associated with establishing the truth, the fact that less than half the public (their clients) trust lawyers to tell the truth is a grave cause for concern. Furthermore research suggests the public are also less confident that their consumer rights will be protected when they use lawyers.[30] Most clients' feelings of mistrust are not shaped by a single incident but by multiple incidents and underlying perceptions of the profession. Andrew Caplen, President of the Law Society has raised serious concerns about public perceptions.

'Compliance which compromises ethical standards is not helpful at all. We need to properly define and protect the brand of solicitor. The maintenance of professional standards and ethical behaviour is essential' – Andrew Caplen, President of the Law Society[31]

Despite high levels of respect for the profession as a whole, serious concerns exist about the way services are delivered and in particular the lack of transparency in costing and charges. "I don't know any other profession where they give you a quote, then double the estimate halfway through the work"; this quote from a

client clearly illustrates a frustration that is doubtless shared by much of the public.[32] Yet despite this frustration clients necessarily continue to rely on the expertise of legal practitioners. Recent research released by the Legal Services Consumer Panel shows that 44 per cent of consumers fail to complain when dissatisfied with their solicitor, as compared to an average of 27 per cent of customers in other areas of the services sector. This suggests that there are more barriers present when complaining to law firms than for other businesses. As acknowledged by Elisabeth Davies, Chair of the Legal Services Consumer Panel, this sense of powerlessness not only damages confidence in legal services, but also means that 'law firms miss an opportunity to learn from their mistakes, innovate and improve the service they offer.'[33]

Behind these specific concerns, there is arguably a wider malaise developing that has come with the increasing commodification and marketisation of a once noble profession. The solicitors' side of the profession has undergone very serious consolidation over recent decades. Smaller firms have been incorporated into larger firms that arguably provide a more consistent service[34] but one that this is more transactional and less relational. In addition, cuts to the legal aid budget and increased competition from large firms from Australia and the US mean that there is a growing emphasis and prioritisation on making money. Although a tension between making money from the service provided and serving the client's interests have long existed it is now far more pronounced. This increases the temptation to cut corners to make ends meet financially rather than serve the higher principle of Justice.

Consider this assessment by Lord Phillips of Sudbury:

In a country awash with evermore law and regulation of baffling complexity, lawyers are commensurately indispensable as the gatekeepers of justice. Yet the truth is that we are increasingly obsessed with our own profit. The idea of lawyering being a vocation, or a profession, seems out of date to many solicitors who consider themselves just business people.

Unwise changes to the legal framework within which legal services are delivered have greatly contributed to this decline.

Lifting the cap on the size of firms, allowing them limited liability, payment by conditional or contingency fees and now majority ownership of law firms by non-legal corporations (including online gambling companies) has been collectively devastating to the culture. The huge respect and satisfaction which went with being a leading citizen in one's community, rendering major pro bono service to it, is no longer at all common. Yet most solicitors are still good people.

The irony is that in this 800th anniversary year of Magna Carta Chapter 40 of the same is no less relevant than it was then – "To no man will we sell or deny or delay right or justice."[35]
– Lord Phillips of Sudbury

The comments of Lord Phillips convey a strong sense of a profession losing its distinctive sense of purpose and becoming just another type of money-making business. In commercial law there is a lack of emphasis on serving the spirit of law and justice with corporate clients, for the public most notably in tax avoidance but more specifically with 'corporate filibustering'. Martin Wheatley, CEO of the Financial Conduct Authority, recently expressed his frustration at a ResPublica event.

We've had the experience where we've had a rogue trader, and we've gone to the firm and said, can we talk to the manager and they said, we're not sure who that is. We did the work and identified at least four people who

could be the responsible manager. So they come to us armed with a battery of lawyers to give us convincing reasons why they were not the manager.[36]

Clearly there is a lack of commitment to advising clients on what might be regarded as unacceptable behaviour by wider society and the impact on longer term prosperity especially with regard to reputational damage that takes years to create and can be lost very quickly. Indeed the perception that the legal profession is just a 'posh boys club' has recently been confirmed by reports that the UK's best firms are "systematically excluding" clever applicants because of working class backgrounds, with the research indicating that this is driven by the imperatives of cost-effectiveness and efficiency.[37]

Barristers are above all seen and respected as exemplars of all the highest attributes and expertise of the profession, but it seems even they have not been immune to compromising their stated purpose.

The bar has an exemplary ethical history but there are some trends that concern me because they could seriously dilute that sound ethical reputation. I have especially in mind the developing practice of effectively paying disguised commissions to solicitors for the provision of instructions to counsel (including payments from Legal Aid fees designated for counsel). 'Case farming' in my view is inconsistent with the role of counsel as objective and dispassionate legal advisers.[38]
- Lord Carlile of Berriew

Lord Carlile's concerns show that there is a very serious and potentially damaging practice developing at the bar. If it becomes widely understood that in order to create an income for themselves barristers are buying up cases from solicitors using payments from the legal aid budget that are allocated for the specialist advice that they give, this would certainly gravely undermine trust in what has been long thought of as an ethically unassailable part of the legal profession. In other words, if barristers are making money by cutting corners in the quality of advice they give whilst simultaneously misusing taxpayers' money to give cover for their lack of service, then that would seriously damage the high ethical standards with which barristers have traditionally been associated.

Moreover, in part as a result of the growing 'litigation culture' and a greater demand for lawyers, the legal profession has become over-specialised. This makes it highly impractical for a single lawyer to establish a holistic oversight thereby serving their client's needs, further adding to the non-relational and transactional forces at work that weaken the relationship of trust.

The overarching purpose of the legal profession is to provide speedy and efficient access to justice to all. Yet only 42% of the public have any confidence that our criminal justice system deals with cases promptly and efficiently, with 64% lacking confidence that it meets the needs of victims and only 44% have confidence that it will bring people who commit crimes to justice.[39]

The court system of England and Wales is under increasing pressure, with the burden of a high and increasing numbers of cases which are often drawn out often at great expense to the taxpayer. Litigation is still currently the default scenario within the civil justice system with jury trials all too often the preferred recourse for those charged with a criminal offence. In both the civil and criminal arenas of law the confrontational approach dominates, an inquisitorial model based on establishing the truth is fundamentally lacking. Much like our politics, the adversarial system prevails.

In 1996 Lord Woolf's report Access to Justice highlighted the importance of non-court dispute resolutions within the civil justice system. He argued that early dispute resolutions that avoided going to court should be encouraged and even suggested that those who unreasonably refused negotiation could incur costs. Ultimately though people were informed of or encouraged to resort to Alternative Dispute Resolution (ADR) before resorting to Judicial Review. Much of the problems surrounding so called judicial congestion and the resultant cost implications therefore remained.

Following this Lord Justice Jackson in 2010 concluded in his review that ADR was still substantially under-used and that the likely benefits were still not widely known or understood. Although there has been increased take up of non-court options it is clear that despite two very high profile endorsements mediation and arbitration remain drastically under used. Models of ADR are almost entirely absent from the criminal justice system and despite increasing awareness of restorative justice, its potential as an alternative to lengthy and costly court proceedings is still barely recognised let alone understood.

If all this were not sufficient concern we can also see that further and potentially even more troubling concerns lie on the horizon. Despite recent attempts to improve the response to child abuse cases,[40] the profession must be aware of the highly serious reputational damage if it comes to light that there have been clear failings at the Crown Prosecution Service (CPS) and in the office of the Director of Public Prosecutions (DPP) in taking seriously and moving with due speed when it comes to both high profile and less prominent historical abuse cases. Given that the Goddard Inquiry clearly intends to investigate all such cases as widely as possible,[41] the legal profession as a whole must endeavour to demonstrate its responsiveness to the survivors of such appalling crimes.

All this suggests a considerable erosion of what is at the very core of the legal profession, namely the relationship of trust in the expertise and good judgment of the lawyer. It can hardly be a surprise that such damaging factors have not only eroded trust in the profession but have also led to a loss of clear ethos, vocation and purpose for lawyers themselves.

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3.

What is a Virtuous Professional?

And what does it mean for a profession to be virtuous?

"Professions are not simply occupations but rather vocations."

"Above all people prioritise human relationships over anonymous transactions."

What do we mean by 'virtue'?

Virtue is not an empty, moralistic word. Instead, it runs with our spontaneous inclination to pursue the goods that are specific to all human activity – being a good parent, neighbour and indeed colleague. This can perhaps best be understood as a mode of personal fulfilment and mutual flourishing. It seeks to fulfil one's character and to pursue purposes that are internal to professional performance in cooperation with others based on shared ends. To be virtuous is to use judgment in choosing a course of action, that expresses through one's conduct what the person values - their humanity. Virtue ethics does not ask, first and foremost, what we should do faced with such and such a predicament, but rather what should we *consistently* be doing *at all*. What sort of character do we want to be and how should we order this desire in an acceptable way to our relationships with others?

By emphasising notions of goodness and purpose, virtue ethics differs fundamentally from conceptions of morality or business ethics that focus on maximising individual

happiness, collective utility, or corporate social responsibility. Virtue offers a more holistic perspective that is not limited to purely instrumental value but extends to shared ends or finalities. In this manner, virtue ethics shifts the emphasis from regulating behaviour to fostering character. Virtue is not about moral codes of conduct, or externally imposed rules and regulations. Rather, virtue marks the development of good habits through practice in collaboration with a supportive community based upon shared values. At the heart of virtue ethics are notions of excellence and ethos – that people can reach their highest human potential and do so in ethical ways that promotes the flourishing of others too. This can be achieved with a different set of institutions and practices that provide incentives and rewards for virtuous behaviour. It is in human flourishing and pursuing the good life that the complete expression of human potential for excellence is realised.

Central to the pursuit of a good life are the virtues that define the *character* of a person. Character connects knowledge and skills to judgment. To foster character is to help professionals develop the ability to do 'the

right thing' in response to moral dilemmas at work.[42] However, this is less about problem-solving and more about what Aristotle called 'practical wisdom' (*phronesis*) – linking our motivations and values to professional purpose and the right course of action.[43] In short, virtue promotes 'good doing' rather than 'do gooding'.

In comparison to versions of character-based ethics that focus on individual behaviour,[44] the tradition of virtue ethics accentuates the mutual flourishing of the patient, client or student and the common good that is open to all.[45] The purpose of professions is not merely to fulfil a narrow function but to help achieve wider ends by serving the needs and interests of individuals and society. In teaching, for example, this prepares individuals both for the workplace but also for civic duties and obligations. From this perspective, professionals are not so much service providers as servants of the person whose health, legal representation or learning they are supporting.

Professions are not simply occupations but rather vocations. They involve expert knowledge and the ability to exercise judgment with a view to achieving the purposes that are specific to each profession as well as the wider goal of mutual flourishing.[46] Crucially, judgment is much more than the application of formal rules and regulations. It requires education into virtue, fostering a moral tact that enables professionals to act as a fully rounded human being, not a reduced or truncated version that is selfish, greedy and distrustful of others.

What does it mean to be a virtuous professional and profession?

Virtue in the professions is about values embodied in practices, good habits formed over time and a process of developing skills of discernment and practical judgment. Thus virtuous action is not about resolving a series of isolated moral problems. Rather, virtue in the professions concerns the overarching conduct of professionals – *what* they do and *how* they do what they do, but also *why* they do what they do in the ways they do it.[47] Virtue is a *capacity* that a person can develop through *practice*. Moreover, virtue generally produces 'good' outcomes

and yet it cannot be defined only in terms of its results.[48] To be virtuous represents the 'highest of the human condition',[49] 'an end itself' as a particular kind of excellence orientated towards the common good.[50]

From this perspective, professionalism is intimately connected to the ethos with which professionals fulfil their responsibilities. For a profession to be virtuous involves building professional *capacity* (beyond instrumental competence) such that professionals habitually make the right choices, because all of their choices are based on *integrity* underpinned by the ethical principles embodied in the good practices of the profession. Therefore, a virtuous profession embodies the principles that underpin rules. However, unlike rules, principles require judgment before acting and not just the application of abstract, formal standards. No amount of rules and codes of conduct defined by professional bodies or the state can determine *what professionals actually do at the point of contact or service with the users and citizens*. This is perhaps why increasingly the emphasis is on self-regulation rather than on external regulation and enforcing rules. At the core of genuinely good conduct lie the values that professionals use to guide their practice, particularly in regard to the relationships with users such as patients, clients or pupils.

Research by the Jubilee Centre for Character and Virtues shows that there are many barriers that prevent this understanding of 'virtue' to thrive and become inculcated, not least of which is the *phronesis* gap in professional education.[51] The prescriptive educational system and the limited attention given to virtues in professional training and development programmes partly explain the problem and explicate other factors identified to contribution to this gap including: firstly, the role of Government policy expectations and quasi-accountability measures; secondly, the changes in the governance of organisations and the profession; thirdly, the changing expectations by 'patients', 'clients', 'parents and pupils' in part as a result of advancements in technology that make information readily available. All these forces contribute to the growing commercialisation of legal service provision and the health care sector, which coupled with the increased workloads in teaching leave little room to recognise the gap let alone bridge it.[52]

To address this gap, the work of the Jubilee Centre highlights the importance of fostering character and virtue through a relational engagement where professionals and the users and citizens they interact with mutually seek to pursue the common good. . For example, the research shows that doctors approach their relationship with patients with a capacity to care for others, to show patience, curiosity, creativity, courage, honesty, teamwork and humour. Similarly, lawyers seek through their legal practices to serve others' interests through fairness and justice. Across the career stages of teachers the desire to 'make a difference' is central to their view of the 'ideal' professional.[53] Common to all three professions is the point that virtue balances the intrinsic worth of being a good professional with the extrinsic benefits that professionalism provides for users and citizens.

What do people value and expect?

Professionalism in the sense of virtuous action is actually what people expect. The research conducted by the Jubilee Centre clearly shows how important the services that the three professions provide are to the wider functioning of society. Moreover, users and citizens demand more than ever greater professionalism: as a survey by Ipsos MORI suggests, 'Public expectations for public services are high, especially for core services to which they have a strong attachment such as the NHS; more than half of the public agree that they now expect more of government than they do of God. It is clear that in difficult economic times, it will simply not be possible for Britain's public services to meet the public's expectations in full. Hard choices will have to be made – but how do the public want priorities to be determined?'[54]

Other recent research confirms that the public value 'delivery, timeliness, information provision, professionalism and staff attitude' in their public services.[55] The research also acknowledges the importance of different factors that can vary for different types of service; 'in health, for example, being treated with dignity and respect is seen as especially important by the public'.[56] Similarly, in legal advice provision, 'having someone to talk to', who is knowledgeable, qualified and experienced, seems to be given great significance.[57] Finally, in relation to teaching,

the teacher and pupil relationship is to be founded on honesty, dignity and trust.[58] In short, people value and expect services that are personable, relational, tailored, highly efficient and effective. This is grounded in the widely held belief that people both need and deserve them.

Above all, people prioritise human relationships over anonymous transactions. A common thread that runs throughout these sets of expectations between the public and the professionals – be they doctors, lawyers or teachers – is the quality of the relationship. Patients, clients and parents/pupils want to feel safe and assured that they can trust professionals to support them on issues that they feel most vulnerable. Virtue is key, as it transforms a producer-consumer transaction into an interpersonal relationship of trust and cooperation for mutual flourishing.

What do professionals want from their professions?

"Why do people work? Why do so many people hate their jobs?"[59] These questions call attention to the conditions that affect motivation and commitment, reward and recognition at work as well as all aspects associated with performance and productivity, engagement, happiness and wellbeing.[60] Beyond survival and the need to earn a living, work is a place of belonging and a space of personal growth, self-esteem, self-actualisation and fulfilment.[61] Therefore, jobs and professions are an important contributor to identity and social prestige in pursuit of a higher purpose. At the same time, they are also governed by a *social covenant* and not merely a formal, legal contract, which currently tends to define the way the employment relationship is understood.[62]

Moreover, the Jubilee reports show that the choice to become a teacher, a lawyer or a doctor is largely determined by the kind of person a professional aspires to be. Professionals are attracted to a profession as much by the prestige and the quality of life it provides, as they are attracted to the values and principles it represents. This is why an 'ideal' professional is ultimately someone who also seeks to be a good person as well. The opportunity to fulfil a wider social role and make a contribution to social wellbeing is consistent with what users and citizens seek from virtuous professionals. The public want the kind of relationship with professionals that are best reflected in virtuous professional conduct, not merely professional conduct in accordance with rules and regulations.

Crucially, professional identity is intimately connected to the sense of a professional who they are as a person.[63] This, in turn, derives from their values and is reinforced by their experience, including the role models around them – hence the importance of virtuous character formation. In short, evidence abounds that what professionals want from their professions matches that which this report defines as virtue: first, the flourishing of the individual and the pursuit of a higher purpose (in line with a person's own identity); secondly, the desire to deliver a good service towards the common good.

The problem is that the conditions for virtuous professions and professionals are under threat. Across law, medicine and teaching (as well as other professions), Britain has a model that is both state-dominated and market-driven. This model combines central bureaucratic targets with purely profit-oriented aims and practices. The result is a set of regulated transactions between producers and consumers, which have reduced relationships of professionals and citizen to contractual exchange and eroded the true purpose of professions – to strive for both excellence and ethos through the practice of virtue.

Moreover, the current system has a negative impact on the level of engagement in

professional practice. For example, doctors, lawyers and teachers are overwhelmed by work pressures to the extent that this undermines their professionalism. Many are increasingly disengaged from their own professional practice and from the relationship with users and citizens and the cultural stigma emanating from professional misconduct cases challenges not only their professional identity but also their self-concept.[64] Linked to this is the fact that the dominant model adversely affects the spaces (in the sense of the physical space and a sense of belonging to the workplace) where interpersonal relationships of trust and cooperation are formed and sustained. Indeed, the Jubilee reports illustrate how relational disengagement is also fuelled by the absence of sufficient investment in the workplace and in other structures that foster virtuous practice across the professions.[65]

Professional Codes of Conduct: Why are these not enough?

The Jubilee Centre research confirms the findings of other studies, which suggest that ethical codes of conduct have done little to prevent professional malpractice.[66] The tradition of taking a pledge in some professions and the call for other professions to do the same (e.g. in banking) is one of the emerging themes in the area of professional ethics.[67] The focus in this report on personal character and on virtues also shows that the virtue gap cannot simply be bridged through greater regulation or the introduction of new top-down rules that would essentially dictate how one should behave as a professional.

Addressing the virtue gap is therefore as much a call for further education and training as it is a call for performing professional roles with the necessary degree of *detachment*. Such detachment is both integral to maintaining a professional attitude, even if the moral status of detachment itself remains unclear. However, detachment is deemed necessary for one's professional wellbeing in order to align personal with professional identity and keep a psychological and emotional distance from users.[68] This is not uncommon in the medical and legal profession where professionalism involves delivering bad news and experiencing human vulnerability (especially at the end of life).

This call for detachment as a way of addressing the virtue gap is not in contradiction to the relational engagement this report advocates. Instead, it reinforces the idea of 'care-full' professional conduct to provide good judgment and serve morally worthwhile ends.[69]

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4.

The Way Ahead

How to Respond

To address the virtue gap and foster virtuous professions, this report proposes three innovative ideas and policy avenues: first, a call to purpose; second, a transition from personalisation to humanisation; third, a shift from codes of conduct to the practice of virtue.

"This report argues that professions and institutions which are predominantly driven by targets tend to end in failure."

A call to purpose

This report argues that professions and institutions which are predominantly driven by targets and results tend to end in failure. They are a disappointment both for professionals and users or citizens because they neither produce a good service nor make a wider contribution to society. For this reason, the only genuine alternative is to build institutions and professions that are governed by goals and oriented towards higher purposes. This is why the report argues for a 'call to purpose' and for the re-purposing of professions. Ultimately the overarching purpose is to promote human flourishing and the common good, which can be cultivated at local and national levels.

At a national level, purpose should be central across all government departments and key to both political debate and public policy-making on restoring trust in professions. For example, the primary purpose of education is neither the teaching of transferable skills for reasons of employability nor even the development of citizenship but rather the transmission of knowledge and wisdom for the fulfilment of oneself and others. Likewise, care and medicine are about healing and the well being of society, not just health and safety. The law profession should aim for justice and truth, not simply the application of laws. In short, we need national leaders to cultivate a society that pursues goods, truth and justice.

At a local level, this report suggests that communities should be central to facilitating such a culture and holding professions and institutions to account. An emphasis on virtue is vital to recover and renew the importance of leadership, ethos and accountability. This is why Britain needs a de-bureaucratisation of the teaching profession in particular – to give teachers and communities the space to discern this purpose and identify their own means to meeting the outcomes they set out to achieve. Like healthcare and the legal profession, education requires principles that should apply universally. But paradoxically this can only be achieved by a diversity of particular practices that meet diverse needs.

Our understanding of virtuous professionals must therefore move beyond simply 'occupation' and towards vocation. More so than academic skills, vocational skills involve practical wisdom and judgment. The practice of virtue, not the enforcement of rules, can foster the capacity of professional to discern what is best for users and citizens. As argued in the previous chapter, virtue for a professional means working towards the

purpose of the profession and towards what it means to flourish in one's own talents and desires. A professional works best when they work toward their own purpose and that of the profession at the same time.

A good example, given its distinctiveness and complexity, is the legal profession, the overarching purpose of which is to provide swift access to justice to all. In the public understanding of what justice means there is a strong sense of both fairness and the establishment of the truth. The current adversarial system where both parties to any proceedings are automatically disposed to a form of justice which is focused on all out victory for one and total defeat for the other is arguably less in keeping with a more reflective British sense of fair play than a more inquisitorial model which would be more easily accessible in non-court resolutions. Both Restorative Justice and Alternative Dispute Resolution should become far more deeply embedded throughout the justice system. Non-court responses to both crime and civil dispute could be completely integrated formally into the institutional framework of legal dispute and criminal proceedings.

The real savings of Restorative Justice compared to the average costs of bringing an individual to court are seen in that it involves less paperwork, less police time and results in a much lower chance of the case going to appeal. Arguably, it may even further encourage a guilty plea, which is far more cost effective for the court system.

In a time of reduced legal aid and overall tightening of budgets the principle of access to justice is arguably suffering as a consequence. Both ADR and RJ not only represent an important means of improving effective access to justice, they are also widely recognised to be significantly less costly to both the taxpayer in general and the private litigant. Focused on establishing a mutual sense of the truth and even reconciliation both represent a fair minded and indeed idealistic form of proceeding. If the legal profession has lost a sense of its own vocation with individual lawyers losing a sense of their own purpose beyond making a living, then embedding assessments of the appropriate model of mediation in absolutely every case could see a reinvigoration of noblest aims of what it means to be a lawyer

together with a much more satisfactory outcome for many in civil disputes and indeed for those who have suffered from the impact of criminal behaviour.

What is also clear is that given recent cuts to the legal aid budget there is an increasing phenomenon of litigants in person, unrepresented by Counsel, such individuals are more closely guided by the Judge than has ever been the case, this leads to judges inevitably exercising greater control of their courtroom but critically adopting a more inquisitorial, less adversarial, approach to justice. In our view this is welcome. High quality investigatory assessment work has been done to explore the practicalities of potential broader reforms to our system of law drawing from other traditions including Canada.[70] In our view given the crisis in the legal profession we believe there is a strong scope for the implementation of profoundly innovative and practical reforms to our court system so that when this model leads to speedier and more efficient access to justice inquisitorial practices should be adopted, with specific training for Judges and Counsel made available if required.

The loss of trust in the legal profession is ultimately detrimental to all involved at the interface of the law: clients, legislators, and lawyers themselves.

'What is it that you want to profess in seeking to enter the legal profession?'[71]

Answering this question could form a significant first step in engendering a sense of vocation in newly qualified lawyers. The need to return the professions to being founded on the performance of duties is widely acknowledged. Lord Phillips of Sudbury blames 'burgeoning legal, regulatory and technical complexity' for ever-narrowing specialisation which marginalises the qualities of character and practical wisdom. Instead, we are left with 'legal technicians'. Thus, 'the practice of law loses its status as a calling and degenerates into a tool with no more inherent moral dignity than a hammer or a gun'.

An acknowledgement of the obligation to serve the public good, and the duties entailed by this in the practice of the law, is necessary to return law to its proper status as a vocation. Many law societies and bar associations around the world require

members to take oaths, whilst QCs and judges already take an oath on appointment.

The Institute of Legal Executives has moved forward with implementing an oath to enter the profession, and the former Chief Executive of the Law Society Desmond Hudson has also expressed that he was 'attracted by the idea of an oath'.[72] Lord Phillips is one of the strongest proponents of an oath for solicitors, to remind entrants to the profession of expected standards and ethics.

'We need to affirm our professionalism as never before'

A demonstration of intent to honourably to pursue the common good is necessary for restoration of trust- not only with clients, but also for responsibility to be returned to the legal profession from the state:

'If the ideal of Solicitors serving Justice and the Common Good is to be strengthened, as it urgently needs to be, we must start by anchoring that vocation in a specific ethical commitment, in other words an oath. Such an Admission Oath, taken in public, would thus be the essential prelude to a life in the law'.
- Lord Phillips of Sudbury

A qualifying oath would make clear the expectation incumbent upon the lawyer that they will adhere to a code of conduct, practicing 'honour, probity and principled judgment'. It would also remind the newly qualified lawyer of the solemnity of their chosen profession, and the privilege of entering into a vocation dedicated to upholding justice and the rule of law.

On a par with the protection afforded to doctors by the Hippocratic Oath, a lawyers' oath would also protect lawyers against any obligation to take on cases which conflict with their conscience- for example, should assisted suicide become a matter for judicial interpretation.

Regarding concerns that an oath could be too abstract and therefore ineffectual (as voiced by former Chief Executive of the Bar Council David Hobart), we recognise that in order to avoid becoming a mere PR exercise, a lawyers' oath would have to be embedded in a wider prospectus of change in the legal system. An oath would serve this wider programme of change through opening up

space for discussion around what it means to practise law with integrity. It could thus encourage law courses to better incorporate a consideration of practical wisdom into their curricula.

Part of such a fundamental re-orientation of the legal profession is a much greater emphasis on the importance of ethical education as part of legal training. Unlike medicine, law studies do not currently include sufficient elements that focus on ethos and virtue. This generates the impression for law students (who will in time become solicitors, barristers and judges) that ethics is an optional extra. Coupled with the indifference of large law firms to provide ethical training, this state of affairs exacerbates the lack of virtue in the legal profession. Therefore this report argues for compulsory ethical education at university, and at colleges that offer law conversion courses and throughout professional development provided by employers.

From personalisation to humanisation

As a result of state-dominated and market-driven models, citizens are increasingly

viewed as consumers of service provision rather than as persons. At the same time, the recent 'personalisation' of public service has in fact led to ever-more impersonal and anonymous relations that breed distrust and undermine cooperation. The reason is that the central state has outsourced service provision to large corporate businesses that cut the workforce to a bare minimum and dumb down customer service, with the client doubling as worker as illustrated by the trend towards 'self-service' and computer-operated 'self-help'. In this manner, 'free to choose' has become increasingly synonymous with being free to lose.

Therefore this report echoes the position of other recent research that it is not the personalisation of public service that stands to deliver value, but instead the *humanisation* of public service provision. Humanisation calls for a focus on the quality of the human relationships underpinning service provision. Public services are not products or goods that can be bought or sold off the shelf. They are better understood as 'value propositions',[73] which are embedded in the relationship between those involved in creating such value. As the RSA's 2020 commission on public services put it: 'Our understanding of how value is created from services

has matured. Rather than viewing public services as though they were goods – complete 'things' that are presented to service users – services might better be seen as 'value propositions' where actual value is co-created in the relationship between provider and user'.[74]

This co-creation of value implies that a doctor treating a patient is not only focusing on delivering solutions to the patients' health, but is also committed to improving their quality of life. Similarly, a patient is not only responsible for following the guidance of their doctor to improve their health, but also for linking this to their own efforts to live their life well.[75] That is why in relation to healthcare, for example, this report argues for a 'relationship holder' and a prioritisation of holistic care for a person. The co-creation of value provides a framework around which the practice of virtue can be placed at the heart of each profession and its particular purpose. Such a 'virtue-centric' approach is very much consistent with the wider acceptance that 'value for money' needs to encompass '…the optimum combination of whole-of-life costs and quality (or fitness for purpose) of the good or service to meet the user's requirement'.[76]

To restore trust in professions, this report makes the case for the practice of virtue or 'values-in-use' – as opposed to values that are merely professed but not practised.[77] The practice of virtue or 'values-in-use' refers to how professionals and users of public service live their values. This shifts the emphasis away from contractual ties to relationships and from utility to mutual flourishing. Instead of more personalisation, the practice of virtue fosters greater humanisation by encouraging a more relational and cooperative approach to public service.

From codes of conduct to the practice of virtue

This report makes the case for virtuous professions and professionals not merely as an aspiration, but as a practical response to the lack of emphasis on virtue that underpins the crisis of the professions. At the core of this is a crisis of confidence in professionals and serious doubts about whether professions contribute to the wider

well being of citizens in society. Business as usual and more of the same will only exacerbate the problems that characterise education, law and healthcare. By contrast, embedding virtue in the professions enables the co-creation of value that helps professionals and users to have better public services and to flourish. In turn, such an approach can sustain innovation and productivity that are all central to human flourishing in the UK.

What is therefore required is a reassessment of human nature along more realistic lines. Human beings are not by nature selfish, greedy and distrustful of others - an abstract theory with no scientific basis - nor do they pursue ever-greater power and wealth. Rather, they seek social recognition, a place in society and mutual flourishing. Selfishness, greed and distrust are largely the result of wrong institutions and practices that incentivise and reward bad behaviour and thus become a self-fulfilling prophecy. To embed virtue in profession requires and involves social structures that provide incentives and rewards for good behaviour, starting with spaces for learning how to become virtuous. Central to this report is the Aristotelian idea that 'we are what we repeatedly do. Excellence then, is not an act, but a habit', i.e. virtuous professions require spaces for the forming of habit by exercising phronesis.[78] Thus, the way forward is to invest in creating platforms for such practising across professional life.

Rethinking the process of learning to become and remain professional

This report makes a case for virtue as the cornerstone of the ethical framework in law, medicine and healthcare. The case for virtue ethics is a case for moral conduct that is not founded on formal guidelines, rules, laws and scientific principles, output targets, or compliance with procedure and minimum standards. The reason is that all these ethical frameworks tend to abstract from the distinct ethos and the specific practices of each profession that produce good public services and contribute to the flourishing of citizens.

Moreover, the size, complexity and culture of the workplace are not reflected in such standard ethical frameworks. Little attention is given to the power of this space of action

to challenge the integrity of professional practice. By instilling unwritten mandates of 'the way we do things around here', the workplace culture provides a crucible context shaping ethical conduct through processes of socialisation. For example, work pressures and a lack of creative space to rethink professional practice serve to maintain routines that prevent excellence and a greater contribution to the well being of society.

All these conditions create a framework that simply does not work. It doesn't inspire and motivate professionals with pride and confidence, dutifulness and conviction, aspiration and ambition, attentiveness and tenacity. It merely encourages and rewards mediocrity and getting by with what is possible to do and still get away with it – instead of a focus on professional and moral excellence that virtue ethics aspires to.

This report has already accounted for the shortcomings of the dominant approach in socialising members into the profession and guiding them through their journey of becoming professionals. By relying on *codes of conduct* that guide practitioners on how they 'should ideally' perform their practice, they perpetuate modes of learning that encourage a solution based 'delivery system' of professional practice, as we have already argued.[79] This means that professionals learn how to do the basic aspects of professional practice following context-specific guidelines that tend to perpetuate the status quo of mediocre service provision and dysfunctional relationships with the users of public services.[80] In short, the prevailing model instils a mentality of 'standard operating procedures' and a mode of learning, which relies on pre-defined knowledge and can therefore lead professionals into a trap of complacency fuelled not least by narcissism.[81]

In reality, the complexity of professional practice requires imagination, resourcefulness and the capacity to interpret and respond to each situation using one's judgment. This situated approach to acting professionally calls for an alternative approach to learning in professional practice. It is a mode of learning that embraces the unknown. It focuses on the experiences that call for judgment, not only because of the moral dilemmas they present but the tensions over the appropriate course of action that

call for accountability. Central to this mode of learning is not what is already known, but how to draw on one's virtues to act with integrity, courage and honesty for the common good.[82]

The findings of the three Jubilee Centre reports add to current debates about learning to become a leader in work organisations where much of the professional work is conducted. This report would not take the view that professionals are to be equated with leaders, at least not in the traditional way in which leadership has been conceived in heroic terms and among figures in positions of power and authority. Instead, this report positions professional practice as an act of *leading a virtuous life*. In this respect, it joins in recent efforts to capture the art of leadership and is particularly concerned with the ways those who exhibit leadership potential grow to become leaders.[83]

Moreover, most professionals recognise that cultivating character and virtue takes place through practice over time.[84] Hence character in professions is not a matter of reaching an end point, but a matter of continuous growth to become human. Instilling an orientation to character formation is consistent with other recent research that promotes practising as a mode of learning that embeds critical thinking at its core.[85] Instead of the routine approach to learning dominating current professional education, we need new spaces for practising virtue and phronesis. From the very beginning of training to enter the profession, the curricula of legal, medical, and teaching courses should create space for students to consider what it means to exercise ethical judgment and practice with integrity. Through this continuing embedding of phronesis, the fundamentals of professional practice – the tensions and dilemmas – come to be seen as a process of transformation as professionals learn to accept and expect the unexpected. Practising virtue is about providing exposure to professionals to opportunities that will maximise their experience of learning to change how they learn. It is in this juncture of being curious to work with the unknown that virtue has the most potential to emerge and contribute to excellence because practising sharpens up practical judgment.[86]

Beyond reflective practice - the examined life

Such practical judgment would be concerned with promoting an attitude that is geared less towards 'what do I need to avoid doing, so I do not get into trouble' to an attitude of 'what ought I to do to be *good* and do *good* in my practice'. A focus on the *goods* of professional practice is one way of enhancing the relational engagement between professionals and users that is central to this report.[87] This would entail returning to the core foundation of any practice, which ought to produce excellence and ethos based on trust and cooperation.[88]

What this means is that if professionals and professions are to become virtuous they need to also learn to develop the capacity to see and think critically about their practices (what they do, how they do it and why they do it in the ways they do), both individually and collectively. It is this exercising of collective (social) *conscience* that this report argues is vital in embedding virtue in professional practice. However, the process of embedding social conscience in professional practice is no longer a matter of education in the traditional sense. This report argues for a systematic investment in examining professional life.[89] This is distinctive from reflective practice in that it involves a commitment to learning and

changing otherwise referred to as 'reflexive critique'[90] This means that leading a virtuous professional life demands a commitment to examining and re-examining consciously professional life. Akin to Socrates' dictum that 'an unexamined life is not worth living' captured in Plato's apology, learning to cultivate professionalism is not a matter of learning the ropes and certainly not a matter of reflecting on one's actions only. It is a fundamental call to go beyond reflection on/ in action.[91] It is a call to master the art of being reflective – being critical of one's reflections and actions and committed to learning and changing in search of their humanity.

This report calls for the notion of examined professional life to be instigated as an integral aspect of professional practice and instigating learning and changing in order to bridge the virtue gap. It offers professions and professionals an invitation to improve their actions by being virtuous not only in their approach to what they do, but also in developing the attitude to seek to do good in what they do and make a difference to society in doing so. Therefore the report strongly supports further research that develops not only a portfolio of such crucibles in professional practices, but acts as a platform for innovative learning in professional practice.[92]

In summary, this report calls for a new approach to public service provision beyond abstract codes of conduct toward the practicing and the cultivating of virtue in a given professional context. In the previous chapter the report argued that codes of conduct, guidelines and educational programmes that set out to address a series of moral dilemmas at work are insufficient to inculcate virtue and thus help restore trust in the professions. Huge strides have been made toward promoting the importance of virtue and virtuous practice in many professions, but what is ultimately needed is the space to learn and form habits of virtue from others and with the support of others within the context of the complexities that many of these professionals will face on a day-to-day basis. We need public honour status and collective conscience not merely feedback loops. This will mitigate the need for 'whistle-blowing', which already acknowledges a failure in the system.[93] Our approach seeks to promote cultivating professional practices that will over time generate an automatic search and re-search as well as a support network to ensure that problems are flagged early and dealt with in a caring and virtuous way.

70   Glaholt, D.W, and Rotterdam, M. (1998) 'Toward an Inquisitorial Model for the Resolution of Complex Construction Disputes' *Construction Law Reports.*

71   Lord Phillips of Sudbury, 'Are the liberal professions dead, and if so, does it matter?', *Clinical Medicine,* Vol 4, No. 1, 2004

72   Legal Futures (2010) 'ILEX considers legal version of Hippocratic oath' [Online]. Accessible at: http://www.legalfutures.co.uk/latest-news/ilex-considers-legal-version-of-hippocratic-oath-3 [Accessed 23 June 2015]

73   2020 Public Services Trust at the RSA (2010) From social security to social productivity: a vision for 2020 public services – The Final Report of the Commission on 2020 Public Services RSA. Available at: http://clients.squareeye.com/uploads/2020/documents/PST_final_rep.pdf [Accessed 31 March 2015]

74   Op. cit. (p. 22)

75   Gawande, A. (2014) 'Being Mortal: Illness, medicine and what matters in the end'. London: Profile Books.

76   HM Treasury (2003) 'Green Book'. Available at: www.hm-treasury.gov.uk/economic_data_and_tools/greenbook/data_greenbook_index.cfm [Accessed 31 March 2015] (p.19)

77   This notion of value-in-use is inspired by Argyris' and Schön's reference to 'espoused theories' and 'theories in use' that show people have mental maps with regard to how to act in situations. In agreement with their thesis this report argues that it is only when what is espoused is being put to use that values (and theories) come to life. Argyris, C. and Schön, D. (1974) *Theory in practice: Increasing professional effectiveness*, San Francisco: Jossey-Bass.

78   Pabst, A. (2015), "A habitual disposition to the good': on reason, virtue and realism', *Global Discourse*, 5(2), pp. 261-79.

79   Lester, S. (2010) 'Professions and being professional'. Available at: http://www.sld.demon.co.uk/profnal.pdf [Accessed 1 April 2015];

80   Gawande, A. (2014) 'Being Mortal: Illness, medicine and what matters in the end'. London: Profile Books.

81   Antonacopoulou, E.P. and Sheaffer, Z. (2014) Learning in Crisis: Rethinking the relationship between organizational learning and crisis management. *Journal of Management Inquiry,* 23(1):5-21. Antonacopoulou, E.P. (2006) 'The Relationship between Individual and Organisational Learning: New Evidence from Managerial Learning Practices', *Management Learning,* 37(4), pp. 455-473.

82   Snyder, S. (2013) Leadership and the art of struggle: How great leaders grow through challenge and adversity. San Francisco: Berrett-Koehler Publishers. Davenport, T.H. and Manville, B. (2012) 'Judgment Calls: Twelve Stories of Big Decisions and the teams that got them right'. Boston, MA: Harvard Business School Press.

83   Antonacopoulou, E.P. (2012) 'Leader-ship: Making Waves'. In Owen, H. (Ed) *New Insights into Leadership: An International Perspective*, pp. 47-66. London: Kogan Page. Crossan, M., Mazutis, D., Seijts, G. and Gandz, J. (2013) 'Developing Leadership Character in Business Programs', *Academy of Management Learning and Education*, 12(2) pp. 285-305. Shotter, J. and Tsoukas, H. (2014) 'In search of *Phronesis*: Leadership and the art of judgment'. *Academy of Management Learning and Education*, 13(2): pp. 224-243.

84   Antonacopoulou, E.P. (2008) Mastering Business Action: Implications for Management Learning in Business Schools. In M. Bild, P. Märtesson and K. Nilsson (eds). *Teaching and Learning at Business Schools*, 279-293. Gower: Hampshire. Antonacopoulou, E.P. (2006a) Working Life Learning: Learning-in-Practise. In Antonacopoulou, E.P., Jarvis, P., Andersen, V., Elkjaer, B. and Hoeyrup, S. (Eds) *Learning, Working and Living: Mapping the Terrain of Working Life Learning*, 234-254. London: Palgrave. Antonacopoulou, E.P. (2006b) Modes of Knowing in Practice: The Relationship Between Learning and Knowledge Revisited. In Renzl B., Matzler, K. and Hinterhuber, H.H. (eds) *The Future of Knowledge Management*, 7-28. London: Palgrave

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86   Antonacopoulou, E.P. (2015) 'Practising Innovating Through Learning-in-Crisis: Realizing the Impact of *Man-agement* in HRM Practice'. In Shipton, H. Budwar, P, Sparrow, P. and Bimrose, J. (eds) *Human Resource Management, Innovation and Performance: Looking Across Levels*, Chapter 8. Hamshire: Palgrave. Antonacopoulou, E.P., (2008a) On the Practise of Practice: In-tensions and ex-tensions in the ongoing reconfiguration of practice. In D. Barry and H. Hansen (eds) *Handbook of New Approaches to Organization Studies*, pp. 112-131. London: Sage. Antonacopoulou, E.P. (2008b) Mastering Business Action: Implications for Management Learning in Business Schools. In M. Bild, P. Märtesson and K. Nilsson (eds). *Teaching and Learning at Business Schools*, 279-293. Gower: Hampshire.

87   Antonacopoulou, E.P. (2014) The Experience of Learning in Space and Time. *Prometheus*. 32(1): 83–91. Antonacopoulou, E.P., (2008) 'On the Practise of Practice: In-tensions and ex-tensions in the ongoing reconfiguration of practice'. In D. Barry and H. Hansen (eds) *Handbook of New Approaches to Organization Studies*, pp. 112-131. London: Sage.

88   The moral philosopher Alasdair MacIntyre put this well: practice should reflect "coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended". McIntyre, A. (1981) 'After Virtue: A study in moral theory'. London: Duckworth. p. 187.

89   The notion of examined life that we promote here is not to be confused with that of Grosz. S. (2013) 'The Examined Life: How we lose and find ourselves'. NY: W.W. Norton & Co Inc., albeit we do recognise the valuable contribution of psychoanalysis. We we referring to the examined life as a mode of learning to be reflexive. This view of reflexivity is in line with the basic philosophical foundations of Socratic inquiry captured in Plato's Apology verse 38a stating that: '38a] and if again I say that to talk every day about virtue and the other things about which you hear me talking and examining myself and others is the greatest good to man, and that the unexamined life is not worth living, you will believe me still less. This is as I say, gentlemen, but it is not easy to convince you. Besides, I am not accustomed to think that I deserve anything bad. If I had money, I would have proposed a fine…' Plato. (1966) 'Plato in Twelve Volumes, Vol. 1' translated by Harold North Fowler; Introduction by W.R.M. Lamb. Cambridge, MA, Harvard University Press; London, William Heinemann Ltd. Available online at: http://www.perseus.tufts.edu/hopper/text?doc=plat.+apol.+38a [Accessed on 15 June 2015].

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93   Bolsin, S., Faunce, T. and Oakley, J. (2005) 'Virtue ethics: healthcare whistleblowing and portable digital technology'. *Journal of Medical Ethics* Vol. 31, no. 6 (2005): 612-618. Available online at: http://jme.bmj.com/content/31/10/612.full [Accessed on 30 May 2015].

5.

Conclusion and Recommendations

"What the public want is clearly what most professionals want to deliver. Focusing on a strong sense of partnership and mutual guardianship with the public is the precondition of professional survival and renewal."

There is much cause for concern, and much ground for hope. We are at a critical juncture where our most valued and needed professions can either continue in modes of thinking and working, often imposed upon them from outside forces, which are eroding the very purpose of their work. Or we can harness and develop what it means to be a good professional, drawing on the very idealism which has evidently brought so many into their profession. As the research shows the values of care, compassion and service mark both new entrants and established practitioners, what is lacking is a recognition by the public that these principles are realised in the practice of the professions.

The three professions that *The Jubilee Centre for Character and Virtues* have examined clearly have practitioners who aspire to an 'ideal' and, indeed, the evidence of their research is that these professionals extol the virtues that they identify with the ideal doctor, lawyer and teacher. What is needed is not just the nurturing and strengthening of these virtuous characteristics, but the recognition and acknowledgement of these qualities among the general public. Until these interior beliefs of professionals are made exterior for all to see, and all to shape, then professionals will struggle to convince the public of their values and their value.

What the public want is clearly what most professionals want to deliver. Focusing on a strong sense of partnership and mutual guardianship with the public is the precondition of professional survival and renewal. Our recommendations attempt to do just this.

Summary of Recommendations

Across the Professions

1. Give communities the right to re-purpose public services: If a local institution which receives public funding is manifestly failing to such a degree that it harms its users, communities should have the power to call that public service back to its original purpose. Rather than exclusive intervention by the central state or its proxies, a measure which often struggles to address the causes of failure, the community concerned should be granted a right to take control of the service and to reorient it toward the public good. We argue this because the recent scandals in public services are often the result of following centrally imposed targets that do not reflect the true purpose of the service concerned. By arguing for takeover we are not arguing for management of complex services by citizens but for the re-direction of those public services to the goals needed and determined by the public. To facilitate this we recommend the initial use of a **'Local Citizens' Jury'** to enable citizens to interrogate a public service that is in need of re-purposing. A Local

Citizens' Jury would be made up of a representative sample of those on the electoral roll in a given area and would have the power to convene and compel testimony from those involved in providing the service. Local Citizens' Juries would be facilitated by expert convenors, with the support of local civil servants and advisers. We believe that local citizens should have the ability to put the service that is in question on trial, be it schools or hospitals, and explore as a community why it is failing. We also believe that the authority responsible for this service should agree to abide by the Citizens' Jury's conclusions and recommendations. In extreme cases, the Jury should have the power to dismiss the board controlling the public entity and appoint its own board members. This *re-purposing* should be understood as having the power to re-orient the public service to its proper purpose.

2. Create a 'Virtue Path' for all three professions:

The teaching, law and medical professions have faced in different ways the same demand for better behaviour and ethos-oriented services. The only response to this demand has been a further proliferation of rules and regulations, which we have argued is neither effective nor adequate. Rather, each profession needs to emphasise and celebrate their most virtuous practitioners: those who most embody the ideals of teaching, medical care or the law. The General Medical Council (GMC) has already begun to incorporate aspects of virtue into its medical training, but this does not go far enough. Virtuous character (which is what people should aim for in their progress throughout professional life) needs to be encouraged through professional education and workplace learning such that it becomes a way of living one's practice. In each profession and at every stage, exemplary professionals should be honoured and recognised as role models, by both their peers and those they serve, and they should be made supervisors

and judges of those who come after them. Such figures should also be rewarded through an increase in their professional status as 'Ambassadors' of the profession. We call on the GMC, the Solicitors Regulation Authority, the Bar Standards Board, the Department for Education and Ofsted to begin to research and explore a set of practices that move beyond rule-based approaches and towards recognising character and culture in staff, rewarding those who best exemplify the goals of the profession. Crucial to the success of this would be some element of both peer and public participation in the selection and judgment of those so honoured.

Medical Profession

3. Give patients the 'right to holistic care', and support doctors and nurses and external organisations in delivering such care:

In health, we have lost the ability to care for patients in a properly co-ordinated and holistic fashion. The health service is now highly fragmented, and as a result it struggles to deal with long-term complex conditions. It has become increasingly difficult to give patients the wrap-around care they need and deserve. NHS patients are often referred to other NHS services by their general practitioner in a confusing and disjointed manner. There needs to be a 'relationship holder' for all patients in their journey from their GP to their hospital and all subsequent care and support. GPs are supposed to have that role but are clearly struggling to provide it. Building upon existing practices of named carers, ward matrons, and patients' champions, we recommend that NHS England explore how to initiate in all aspects of the care pathway scope for doctors or nurses to take full and personal responsibility for patients under their care. A 'right to holistic care' should be made available to patients such that they can task medical professionals and nurses with this responsibility, should either party deem that it is needed.

This right to holistic care should be upheld by Monitor (the health service regulator) as part of its duty to promote integration. If necessary, especially in the case of chronic conditions where the NHS is failing so badly, we would argue that letting other external suppliers compete on the basis of offering holistic care to patients who need it would help things dramatically. We believe that this would do much to free up money from a failing acute sector and promote both innovation and integration in our health service. We recommend that NHS England investigate how doctors, nurses, and organisations external to the NHS might be able to provide this level of wrap-around care at each stage in a patient's journey through the NHS.

4. Introduce a new call to accountability to pre-empt developing problems in hospitals and care institutions:

From the perspective of compromised institutions, whistle-blowing is too late in the day and is simply an acknowledgement that many things have already gone wrong. Developing problems need to be pre-empted and responded to swiftly as soon as they arise. There needs to be a collaborative approach amongst staff, and all health professionals need to be empowered to step up as soon as they sense something is potentially going awry. We therefore propose that all hospitals and care institutions introduce a new **'stop the line'** philosophy. This process has already been inaugurated with positive results in Hinchingbrooke Hospital in Cambridgeshire. Despite Circle Healthcare's lamentable withdrawal from NHS provision, many of the innovations there were laudable and should be replicated. The 'stop the line' philosophy allowed any employee who felt that the fundamental mission of the hospital was being compromised, to 'stop the line', which immediately froze the situation that engendered the 'stop' and ensured that top executives responded immediately to the problem at hand. This resulted in widespread culture change and a much swifter recognition of emerging problems. We believe this 'stop the line' call should

be rolled out across the NHS. This mechanism should sit alongside a recognised **'public honour status'** for those staff who rightly made such calls leading to the avoidance of greater and more damaging negative outcomes.

5. Establish cross-specialism meetings as universal practice throughout the country:
Whilst cross-disciplinary meetings throughout parts of the NHS are locally present in a number of areas, they are not yet universally practised. We need to see meetings of all health professionals who interact with patients across all services (including those that impact on the NHS) meeting regularly to co-ordinate their work. Existing examples of this practice demonstrate that problems for individual patients are more quickly resolved, saving time and money, by ensuring that there is no doubling up of administrative tasks, and that patients are not stranded between public servants keeping rigidly to their areas of specialty. Regular meetings on an ad-hoc basis should be non-hierarchical, and all voices should be heard regardless of status, with the aim of giving a comprehensive assessment of the patient whose health issue has yet to be resolved satisfactorily. Ahead of the expected formal integration of health and social care, we call on NHS England to lead the establishment of such team meetings across all relevant services as standard practice. Lessons from the Devo-Manc devolution of the NHS in Greater Manchester that ResPublica argued for should provide the ideal model for this type of local integrated working. It is clear that moving ahead with such an approach would ensure significant improvements in how service users are treated and the speed with which their problems are resolved. We believe, especially in chronic cases, that this attempt to recover holistic interventions would allow the original vision of medicine to be realised by the professional and recognised by the patient.

Teaching Profession

6. Introduce 'local school support zones' to uphold educational standards and cultivate institutional purpose:
The cost to areas or neighbourhoods from an emphasis on exam results by individual school has often meant that those failing fall yet further behind. What we ask is the local and national incentive to take on the challenge represented by poorly performing schools. If we have an educational philosophy founded solely on escaping the poorly performing rather than transforming them, then there will always be those who lose out and pay a terrible cost for doing so. Our struggling schools need a collaborative and supportive framework, underpinned by the most successful schools in the area and the expertise therein. We therefore call on the Department for Education to introduce '**local school support zones**', with responsibilities and rewards accruing to successful schools to lead on local school standards, assessments and practices. This idea has in different guises and different countries been argued for before, but never, we would argue, has it been fully and properly practised in the UK. The consequence is that too many children find themselves trapped in poorly performing schools with relatively few options to change that outcome. We know from all manner of evidence that shifting school performance requires amongst other measures new approaches, new modes of governance and the adoption of a more challenging curriculum. Partnership with a more successful school offers, we believe, a better pathway to establishing excellent education for all.

We believe that, in addition to an individual pupil premium, the Department of Education should look at area-based initiatives to raise the standards of education in a whole neighbourhood. Ideas such as an area-based premium with area-based incentives should also be considered. For example, a poorly performing

school often struggles to attract good teachers and head teachers. If such institutions could be linked with successful local schools, then the leading institution could hire teachers that serve both schools. That way pupils who otherwise do not experience the best teachers could also enjoy that pedagogical benefit. Similarly, it would avoid the high costs in time and money of busing children out from failing to better schools. We know that institutions that involve middle class parents and pupils do better than class-segregated institutions; linking the two and tying the rewards of each to the progress of the other would do much to elevate the poorly performing and the otherwise abandoned students in remnant schools. Initiatives like the Birmingham Educational Partnership, chaired by Estelle Morris, which attempt to create an area-based 'family of schools' should be recognised and championed, and we should ask what would be needed to make this work elsewhere. Thinking radically, one could even pay by area rather than by institution so that no incentives are paid unless all do well. The devolution argument is winning in all other public services, as it is now recognised that place-based approaches work best. Why would we consider education to be separate from this agenda? It is time to create the incentives around areas so that place need not be a determinant of progress.

7. Establish teaching as a highly skilled intellectual profession, with greater social and academic recognition through the introduction of 'Queen's Scholars'- PhD students placed in secondary schools in return for public support to teach school-age children for a year:
Key to virtue theory is valuing the valuable, and our best classroom teachers are still not prized highly enough. To tackle this there needs to be a clear pathway beyond Teach First (which does brilliant work with highly qualified graduates) which would focus on attracting post-graduates rather than just graduates into the teaching profession. For what is notable is the clear division between the high

status awarded to scholars teaching in universities and the low status given to teachers. If we could blur the dividing lines between universities and secondary schools we would go some distance to tackling the status issue. After all, what is the difference between nurturing and educating the mind at different stages of life? Various approaches suggest themselves: one is to introduce premiums and pathways for teachers already in the profession to study for Masters degrees and PhDs. Another is to encourage those with such qualifications to enter the teaching profession. We are seeing a large surfeit of PhD graduates with relatively few academic positions at universities open to them. In France it is perfectly respectable to begin an academic career in a secondary school or *lycée*. Simone Weil and Jean-Paul Sartre, amongst other famous French academics, began their careers in secondary schools. It is still normal for teachers at secondary schools in France to write books that contribute to academic debate at the highest level. In the UK it used to be the case that intellectuals would seek a position in a public school. We need to establish this as the norm in England across all secondary schools of whatever type. It is a crucial aspect of a virtue-focused philosophy that all can be shaped into excellence and all can flourish. This measure would go some way towards ensuring that we begin to create equal access to the highest levels of intellect and ability, regardless of which institution one attends.

The benefits would be multiple. Schools would be kept permanently refreshed with the latest scholarship and ideas. Pupils would know and experience the excitement of engaging with debate at the highest level. Other staff would learn from their colleagues and be encouraged to raise their academic game. One could imagine that part of expanding the funding of graduate education could be asking the recipients of state grants for PhDs to spend a year in schools before or after qualification, endowing those institutions with the latest scholarship and thinking. An

appropriate name for such a scheme would be Queen's Scholars: as a distinct and competitive award it could help academic progression and curriculum development within schools, as well as give a higher educational focus and status to all of our schools.

8. Develop University Schools: All universities should develop a partnership with a school in their area such that a University School is formed. Allied to the aims of our proposal above, this would also help to re-intellectualise schools with all of the attendant benefits. In addition, this innovation would introduce a new type of institution into the school mix that could focus on the latest pedagogical research applied in practice to a single lead school. This is already being launched with the University of Birmingham, and we believe it should be rolled out to all universities. These University Schools could then become local centres of excellence that teachers from other schools could visit and learn from. Each University School could also become an educational hub of innovation that could try different approaches with different ability groups to see what would best help children progress and flourish. For this reason we do not think that these schools should select solely on ability, as we want all ranges of human creativity and ability to be educated in University Schools, such that the benefit of partnership with our leading educational institutions could impact all children of different abilities and talents. Conceivably, different universities could collaborate in such an approach or instead adopt schools in areas less well served by universities. This would be for places and institutions to decide.

Law Profession

9. Establish a 'duty to mediate' for all solicitors and barristers: The legal profession risks losing its sense of higher purpose as the defender of justice and truth. We need a renewed emphasis on the place of arbitration

and dispute settlement, grounded in a less adversarial form of the profession that is more responsive to both sides in any given dispute. Building on the Woolf Report and the Jackson Review, and the practices adopted as a result, we need to further re-align some aspects of the legal system so that all cases in both civil and criminal law are initially assessed for possible mediation by adopting principles of truth-finding and dispute resolution. There will always be those cases where justice is best served by quickly moving to adversarial court cases but increasing recourse to mediation would save money both for the government and individuals in lengthy court costs, and make greater use of the ingenuity and skill of lawyers. Fees for such a process would be less burdensome for those bringing cases and would therefore not require an adversarial battle that requires total victory in order to get cost recovery. In further developing this model of legal practice, lawyers could be sworn to establish the truth prior to the initiation of mediation to restore a greater sense of virtue and justice to what it means to be a lawyer. We call on the Government and the legal regulators to research the benefits of creating a duty for all legal professionals to assess for mediation in every case and where appropriate actively promote out-of-court settlement. In civil law, this could include penalties for those who unreasonably refuse this course of action, and in criminal law, whilst remaining strictly voluntary, this could be tied to restorative justice principles.

10. Introduce a pro-bono obligation as part of the professional obligation of all lawyers: Pro-bono is a significant feature of a considerable part of the profession already. Many solicitors and barristers undertake a considerable amount of below cost or free work in the course of their professional lives. However, it is also the case that for many lawyers, the law has become for them no more than a revenue generating business. This 'it's a business' approach undermines the profession's vocation and can grievously harm its ethics. It is also

a major source of public hostility. A mandatory pro-bono obligation regulated by the professional bodies could help inculcate an understanding across the profession that the law is not just a business but also and most importantly a vocation. This measure would build public support and provide far greater access to justice. The pro-bono obligation would be set notionally at 10% of a lawyers work output but regulators should take account of lawyers on very low incomes, such as in the legal aid field and introdce a lower pro-bono rate of 5% for those firms whose turnover merits it. We calculate this will produce some 30 million hours of free legal advice for the public each year in England and Wales.

11. Require all lawyers to swear an oath upon qualification: There has been a loss of trust in lawyers, compounded by a feeling of powerlessness amongst both clients and legislators to effect behavioural change in legal practitioners.

Nonetheless, there is a continued reliance on lawyers. This makes for a frustrated relationship between all involved at the interface with the law. We believe that requiring all lawyers to swear an oath upon qualification – combined with a new emphasis on ethics in legal education and training – would re-assert a sense of vocation in legal practitioners and help to re-establish bonds of trust between clients and lawyers. Oaths are, of course, just part of the answer, but they do provide a visible public confirmation that what people are seeking in their legal advisors is something that they have sworn to provide. A qualifying oath would further affirm professionalism through making clear the code of conduct to which lawyers are expected to adhere.

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94   Ministry of Justice (2010) Public confidence in the Criminal Justice System: findings from the British Crime Survey 2002/03 to 2007/08. London: The Stationery Office.

About the Jubilee Centre for Character and Virtues

The Jubilee Centre for Character and Virtues is a unique and leading centre for the examination of how character and virtues impact on individuals and society. The Centre was founded in 2012 by Professor James Arthur. Based at the University of Birmingham, it has a dedicated team of 30 academics from a range of disciplines: philosophy, psychology, education, theology and sociology.

With its focus on excellence, the Centre has a robust and rigorous research and evidence-based approach that is objective and non-political. It offers world class research on the importance of developing good character and virtues and the benefits they bring to individuals and society. In undertaking its own innovative research, the Centre also seeks to partner with leading academics from other universities around the world and to develop strong strategic partnerships.

A key conviction underlying the existence of the Centre is that the virtues that make up good character can be learnt and taught. We believe these have largely been neglected in schools and in the professions. It is also a key conviction that the more people exhibit good character and virtues, the healthier our society. As such, the Centre undertakes development projects seeking to promote the practical applications of its research evidence.
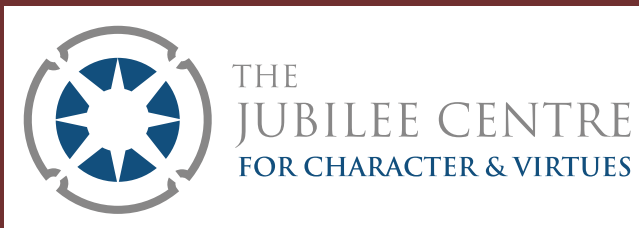
Virtue   *Virtue*   *Virtue*

The professions of law, medicine and teaching provide a vital link between public service and the wider common good. Yet this understanding of their purpose has already broken or is close to breaking. Despite the heroic efforts of many practitioners, the professions are losing their civic moorings and too often have come to be seen as self-serving interest groups. Moreover, even the conception of professionalism founded on the performance of duties has been eroded, with transactional activity and the meeting of imposed targets coming to characterise practice. The resultant loss of trust has been detrimental to both practitioners and users of services.

In *Professions We Trust: Fostering virtuous practitioners in teaching, law and medicine* the argument is made that members of the professions need to serve the common good in order to return law, medicine, and teaching to their proper status as vocations. This entails not just asking practitioners to reassert their sense of professional purpose that is no longer enough. What they must do is make their own values manifest and get the public to validate and see them as what they indeed want from professionals. Creating this new relational good between professions and those who call upon them is the precondition of any progress at all. Private virtues are no longer enough, what is needed is the establishment once more of the public virtues that the professions uphold and the shaping and endorsement of these by the general public.

THE JUBILEE CENTRE
FOR CHARACTER & VIRTUES