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Ethical humility in probation

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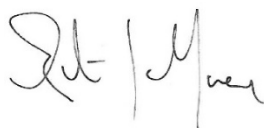
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Foreword

HM Inspectorate of Probation is committed to reviewing, developing and promoting the evidence base for high-quality probation and youth offending services. *Academic Insights* are aimed at all those with an interest in the evidence base. We commission leading academics to present their views on specific topics, assisting with informed debate and aiding understanding of what helps and what hinders probation and youth offending services.

This report was kindly produced by Frederic Reamer, highlighting the importance of practitioners' humility and reflective practice when managing ethical issues in probation. We can all miss relevant clues and we are all fallible to an extent, especially when required to make complex decisions on less than optimum information. Crucially, exercising ethical humility can help practitioners to reflect on their judgments and be non-defensive and open to new ideas, contradictory information, and advice, with a willingness to consult and learn. The role of ethical humility can also be considered at the individual, interpersonal and organisational levels, with high levels of humility increasing the likelihood of leaders fostering a culture that values honesty, respect, trustworthiness and integrity, with employees benefitting from greater psychological safety. Concurrently, practitioners must be given the time and space to reflect on the moral dimensions of their work and the key decisions they are required to make.



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The views expressed in this publication do not necessarily reflect the policy position of HM Inspectorate of Probation

1. Introduction

Probation practitioners sometimes face moral uncertainty in their work that requires skilled judgment. These decisions may entail vexing questions about the limits of probationers' privacy, informed consent protocols, paternalism, compliance with allegedly draconian policies, allocation of limited resources, and whistle blowing, among others. Especially since the early 1980s, practitioners have been introduced to a wide range of conceptually rich ethical decision-making protocols. Practitioners' increasingly nuanced grasp of ethical issues reflects the broader expansion of ethics education in the professions generally, including medicine, nursing, psychology, mental health counseling, and marriage and family therapy, among others (Banks, 2012; Barsky, 2019; Council on Social Work Education, 2022; Martin, Vaught and Solomon, 2017; Reamer, 2018a). Core competences related to professional ethics typically address practitioners' ability to:

- make ethical decisions by applying relevant standards, relevant laws and regulations, and models for ethical decision-making
- cope with moral ambiguity
- use reflection and self-regulation to manage personal values and maintain professionalism
- demonstrate professional demeanor in behaviour, appearance, and communication (oral, written, and electronic)
- use technology ethically and appropriately to facilitate practice outcomes
- use supervision and consultation to guide professional judgment and behaviour.

These core competencies, which are especially relevant to probation, focus primarily on practitioners' grasp and application of key concepts and decision-making protocols. They also highlight the importance of practitioners' humility and 'reflective practice' when managing ethical issues (Dewayne, 2006; Kaushik, 2017). This *Academic Insights* paper will explore these concepts further, highlighting the potential benefits for probation practice.

2. The nature of ethical humility

Ethical humility – also known as moral humility – is generally defined as having an awareness of moral fallibility (Gow, 1996; Kupfer, 2003; Mason, 2020). According to Smith and Kouchaki (2018, p. 79):

'Moral humility is a virtue composed of having (a) a recognition of one's own moral fallibility, (b) an appreciation for the moral strengths and moral views of others, and (c) a moral perspective that transcends the self'.

More specifically, the concept of humility has been seen to entail (Peterson and Seligman, 2004; Tangney, 2002; Watkins et al., 2018; Worthington and Allison, 2018; Worthington, Davis and Hook, 2017):

- making an honest assessment of one's skills and abilities
- a willingness and ability to acknowledge one's mistakes
- a genuine openness to new ideas, contradictory information, and advice (see also the earlier [Academic Insights paper 2021/14](#) by Kemshall)
- being non-defensive
- keeping one's self in perspective, with limited self-centeredness
- a keen appreciation of the many ways that people can contribute to the world.

Regarding probation work, the concept of humility implies a quality where practitioners are less than absolutely certain about their moral instincts and judgments. In this respect, practitioners who do their best to navigate and manage complex ethics-related circumstances may, like everybody else, labour under what moral philosophers have dubbed *bounded ethicality* (Chugh, Bazerman and Banaji, 2005), *moral disengagement* (Bandura, 1999, 2016), *ethical fading* (Tenbrunsel and Messick, 2004) and *inattentional blindness* (Chabris and Simons, 2010). These phenomena, when they occur in social care and probation, may warrant ethical humility. Bounded ethicality entails human beings' limited awareness of the moral nature of their actions. The concept is rooted in Simon's (1957) well-known concept of bounded rationality, which refers to people's inherently limited understanding of key variables that are relevant to decisions and limited cognitive capacity. Simon argues that people routinely opt for what he calls 'heuristics' to make decisions rather than strict, rigid rules of optimisation.

The concepts of bounded rationality, bounded ethicality, and heuristics are clearly relevant when probation practitioners must make complex ethical decisions based sometimes on limited information, particularly when providing services during crises (Schwab, 2012). Examples include practitioners' decisions to disclose confidential information without probationers' consent to protect a third party from harm, manage conflicts of interest, address a colleague's unethical conduct, or navigate boundary challenges when probation practitioners and people on probation have overlapping social connections. According to Kahneman (2003), heuristics are cognitive shortcuts or rules of thumb that simplify decisions under conditions of uncertainty. Use of such heuristics leads to what Simon (1957) refers to as 'satisficing', a term that blends the words satisfy and suffice. Satisficing is a decision-making strategy discussed in economics that aims for a satisfactory or adequate result, rather than the ideal or optimal solution. This is because in some circumstances, aiming for the optimal solution may not be feasible or even possible, especially during the kinds of crises that often arise in probation. Simon argued that rational choice is not always possible and that, at times, 'realism' in the form of satisficing is necessary. The fact that probation practitioners sometimes find heuristics and satisficing necessary in the face of complex moral dilemmas should lead to ethical humility.

Moral disengagement occurs when practitioners convince themselves that ethical standards do not apply to them in a given circumstance (Detert, Treviño and Sweitzer, 2008; Moore,

2015). According to Bandura (1999, 2016), Dahl and Waltzer (2018), and Smith and Kouchaki (2018), people can engage in moral disengagement for various reasons, including:

- blaming the victim (e.g. it's the person on probation's own fault; he/she had it coming)
- diffusion of responsibility (e.g. everybody else does it)
- displacement of responsibility (e.g. my supervisor told me to do it)
- moral justifications (e.g. it's for the greater good)
- advantageous comparisons (e.g. it's not as bad as what others are doing).

For example, probation practitioners might blame the victim (such as victims of interpersonal violence) for their use of substances to numb their pain or engage in what Bandura calls moral justification, where practitioners convince themselves that unethical conduct in a given situation is necessary to achieve a greater good (for example, exaggerating facts in order to take enforcement actions against a high-risk individual).

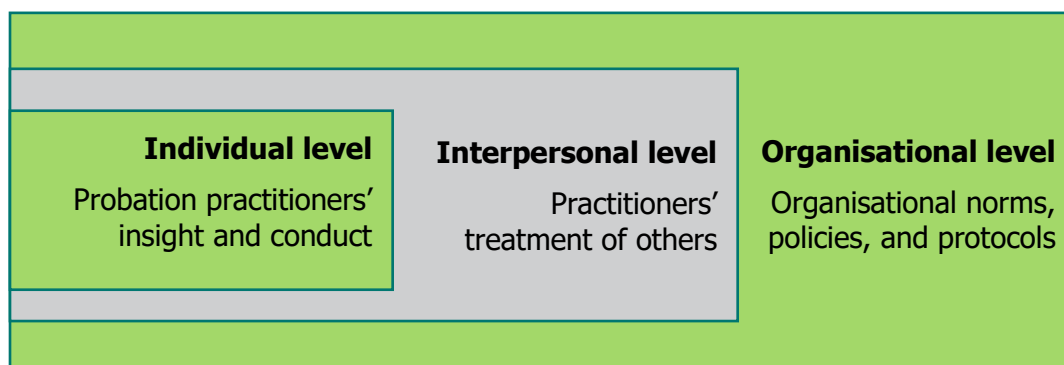
Another cause of moral disengagement takes the form of mis-presenting possible injurious consequences. Probation practitioners might minimise, distort, or ignore consequences in a way that rationalises unethical conduct, perhaps for self-serving purposes (Dahl and Waltzer, 2018). For example, a practitioner who becomes sexually involved with a probationer or exchanges flirtatious text messages might justify this behaviour by asserting that these activities are boosting the individual's self-esteem.

Ethical fading occurs when the ethical dimensions or aspects of a decision disappear from view or retreat into the background (Tenbrunsel and Messick, 2004). This can occur when people focus primarily on some other – nonethical – aspect of a decision and ignore or, in some instances, simply fail to see the moral dimensions of the decision. For example, probation supervisors may be so concerned about their supervisees' productivity (e.g. the number of meetings with probationers per day) that they overlook substandard or incompetent service delivery.

What has become known as *inattentional blindness* is well documented, that is, the capacity of people to completely miss what is right in front of their eyes, including ethical issues and dilemmas (Chabris and Simons, 2010). Probation practitioners, like members of every profession, sometimes miss important, morally relevant clues that are right in front of them. This may occur because practitioners are preoccupied with other matters, including crises, or, perhaps, do not have strong moral instincts or acumen.

2.1 Ethical humility: a conceptual framework

Analysis of ethical humility in probation should view the phenomenon through three principal lenses, encompassing humility at the following levels (Smith and Kouchaki, 2018):



Ethical humility at the individual level

One of the key challenges for individual probation practitioners is recognising ethical issues that are embedded in their work. Moore and Gino (2015) argue that some degree of moral humility is warranted because people sometimes are not aware of the ethical implications of

circumstances they encounter and decisions they must make. As Smith and Kouchaki (2018, p. 81) state:

'all people are morally fallible to an extent, and that fallibility often starts with the very way a person approaches a morally relevant situation... Having moral awareness, then, is somewhat of a prerequisite for engaging in thoughtful moral decision making – without it, such decisions are often made based on 'gut feelings' that may or may not reflect the morally relevant issues at hand'.

Failure to recognise morally relevant aspects of probation work can lead practitioners to make *amoral* (as opposed to *immoral*) judgments due to their 'moral inattentiveness' (Reynolds, 2008) and 'moral blind spots' (Bazerman and Tenbrunsel, 2011). According to Smith and Kouchaki (2018): 'We envision a person with greater moral humility to be more morally attentive, because they will likely approach decisions with a greater amount of moral caution, acknowledging their own moral fallibility. Their moral vigilance will increase the scanning of decision environments for morally relevant information' (p. 81).

Research suggests that several factors may decrease probation practitioners' moral attentiveness and ability to recognise ethical issues embedded in their work. Colby and Damon (1992) argue that fear and anxiety about the possible harm to one's reputation if one fails to properly manage ethical challenges may be an obstacle. They claim that having a heightened sense of moral humility might help buffer against such anxieties, reducing the psychological barriers people face when thinking about confronting ethics-related challenges. Further, there is empirical evidence that practitioners sometimes have excessive self-confidence when they estimate their own ethical instincts in contrast to those of their colleagues (Steinman, Shlipak and McPhee, 2001).

In addition, research suggests that, at times, practitioners may neglect moral aspects of their work for self-serving reasons (Paharia, Vohs and Deshpande, 2013). For example, if probation practitioners have racial animus toward some probationers, they may actively resist training protocols designed to enhance racial awareness and cultural competence.

Recognising the vital importance of ethical humility in probation work, there is some risk in exercising excessive degrees of humility. One danger is that excessive ethical humility, which may be a function of a probation practitioner's level of self-esteem or confidence, may lead to moral indecisiveness and ethical apathy or insecurity. This can prevent practitioners from taking a moral position and challenging unethical conduct, which can lead to potentially dangerous forms of moral relativism. Excessive ethical humility can get in the way of the moral courage probation practitioners sometimes need in order to confront unethical conduct or activity in the workplace (Kidder, 2005; Reamer, 2021; Strom-Gottfried, 2016).

In order to be morally attentive and avoid moral blind spots, probation practitioners must have the ability to recognise ethical issues in practice. Practitioners must have the time to reflect on the moral dimensions of their work. Unreasonably large caseloads and overwhelming workplace demands, for example, can limit practitioners' ability to identify ethical issues (Shalvi, Eldar and Bereby-Meyer, 2012).

Ethical humility at the interpersonal level

Ethical humility also has implications for probation practitioners' relationships with others – especially people on probation, colleagues, and court personnel – in addition to enhancing ethical conduct at the individual, or intrapersonal, level. Probation practitioners who manifest ethical humility may be:

- perceived by probationers and colleagues positively due to the absence of arrogance or a "holier than thou" attitude (Epley and Dunning, 2000)
- more inclined to receive morally relevant feedback from others
- more inclined to treat others respectfully and serve as constructive ethics-related role models.

Owens et al. (2019) found that leaders who behave in ways that manifest ethical humility (for example, showing they are open to the ideas of others in solving ethical issues; showing appreciation for the moral strengths of others; admitting when they do not know how to solve a particularly complex ethical issue) help to increase the moral efficacy of people in their sphere of influence (i.e. enhancing individuals' confidence in their ability to perform in moral situations). They argue that expressions of leader humility model how to approach moral situations with care and deliberation, give colleagues opportunities to practice engaging in morally challenging situations by inviting them into the decision-making process, and validate colleagues' moral strengths and abilities.

Research suggests that humility is regarded as a morally valued trait that can enhance interpersonal relationships (Peterson and Seligman, 2004). More specifically, there is evidence that humility often increases an individual's inclination to be other-directed and to focus on other people's needs, consistent with the moral values of respect, care, empathy, and a commitment to others that are so central to probation work (Batson et al., 2002; Davis et al., 2011; Peterson and Seligman, 2004; Tangney, 2000, 2002). And, ethical humility – which entails being attentive to the potential negative impact of one's behaviour on others – may reduce the likelihood that probation practitioners will engage in morally destructive conduct, for example, abusing a probationer (Gray, Young and Waytz, 2012).

Finally, research suggests that people who have insufficient ethical humility and who are morally disengaged are more likely to be unduly influenced by others to engage in unethical conduct (Chancellor and Lyubomirsky, 2013; Tangney, 2000, 2002). For example, a probation practitioner who lacks ethical humility may be more inclined to falsify records if he is surrounded by colleagues who engage in this unethical conduct, a form of morally problematic contagion.

Ethical humility at the organisational level

High levels of ethical humility can increase the likelihood that those in leadership positions will foster a moral workplace culture that takes ethics and ethical conduct seriously and values honesty, respect, trustworthiness, integrity, and related virtues (Johnson, 2021). Evidence suggests that morally humble leaders in organisations provide compelling role models to employees and this can increase the likelihood of ethical conduct and reduce the incidence of ethical misconduct (Brown, Trevino and Harrison, 2005; Schwartz, Dunfee and Kline, 2005). Further, research indicates that ethical humility and associated moral leadership increases the likelihood that employees will experience a sense of psychological safety in the workplace, which, in turn, increases the likelihood that employees will be willing to speak up about any ethics-related or morally troubling issues, challenges, and discomfort (Edmondson and Lei, 2014). Also, ethical humility among organisational leaders may lead to fewer instances of unethical conduct among staff or what is known as 'collective corruption' (Ashforth and Anand, 2003; Brief, Buttram and Dukerich, 2001; Gino, Ayal and Ariely, 2009).

Ethically enlightened organisational policies and protocols, especially those designed to address ethical dilemmas that arise, can enhance probation organisations' ethical humility. Comprehensive and nuanced organisational codes of conduct are especially important, particularly when they encourage probation practitioners to seek consultation when faced with a challenging ethical issue. In theory, codes of conduct can alert practitioners to the complexities of difficult ethical judgments related to the limits of confidentiality, conflicts of interest, boundary issues and dual relationships, allocation of limited agency resources, and management of colleagues' impairment and misconduct, among other issues (Reamer, 2018b).

2.2 Ethical humility and the reflective practitioner

Ideally, ethical humility in probation work increases the likelihood that practitioners will reflect on their moral judgments and, in the event they err in any significant way, learn from

their mistakes. This tendency is consistent with Schon's (1983) compelling discussions of the importance of being a reflective practitioner in his influential and groundbreaking book *The Reflective Practitioner: How Professionals Think in Action* (see also the earlier [Academic Insights paper 2022/07](#) by Phillips et al.)

Schon's thesis, based on his extensive empirical research, is that the most skilled and effective professionals have an impressive ability to pay critical attention to the way they conduct their work at the very same time that they do their work. Schon coined the terms 'knowing-in-action' and 'reflection-in-action', which suggest that some professionals can take a step back and think hard about what they are doing while they are doing it.

Ordinarily the concepts of knowing-in-action and reflection-in-action are applied to practitioners' cultivation and use of technical skill, whether in probation work, surgery, architecture, town planning, engineering, or dentistry. Probation practitioners would do well to extend the application of these compelling concepts to their identification and management of ethical issues in the profession in an effort to be ethically humble. Ideally, effective practitioners would have the ability to recognise and address ethical issues and challenges as they arise in the immediate context of their work, not later when a colleague points them out or they are named in an ethics-related complaint. Put another way, probation practitioners would have a refined 'ethics radar' that increases their ability to detect and respond to ethical issues with humility. As Smith and Kouchaki (2018, p. 84) note regarding the importance of self-reflection as a component of ethical humility:

'in the aftermath of an unethical decision, we expect those with moral humility to be self-reflective. They will be more likely to acknowledge that their choice was a mistake, rather than seeking to justify it. And after non-defensively accepting that there is a discrepancy between their behaviour and the person they want to become, we expect them to seek ways to learn from their past mistakes'.

Ethics-related reflection-in-action that incorporates ethical humility entails three key elements: knowledge, transparency, and process.

Knowledge

- Skillful and humble management of many ethical dilemmas requires a firm understanding of core ethics concepts and prevailing ethical standards.
- Pertinent ethics standards exist in several forms, including codes of ethics relevant to probation, agency policies, prevalent practice standards in probation, and relevant statutes and regulations.

Transparency

- Humbly reflective probation practitioners who sense an ethical issue share their concern with supervisors, colleagues, and appropriate administrators; these practitioners do not claim to be ethically omniscient and are not defensive.
- An effective way to protect probationers and practitioners alike is to avoid any suggestion that the ethical issue is being handled "in the dark". Such clarity demonstrates probation practitioners' good faith efforts to manage ethical dilemmas responsibly.

Process

- Although some ethical decisions in probation are clear-cut, many are not. Often, they require painstaking analysis and consultation with thoughtful colleagues. Ethically humble probation practitioners are not afraid to expose their uncertainty.

Further, ethically humble practitioners are inclined to seek highly focused ethics consultation when complex moral dilemmas arise. Over the years, ethics consultation has assumed a variety of forms and tasks that can be usefully incorporated into probation settings (Aulisio, Arnold and Youngner, 2003). Ethics consultation is typically available to practitioners who encounter challenging, sometimes deeply troubling, case-specific ethical dilemmas (Beauchamp and Childress, 2019).

3. Conclusion

The concept of humility is central to probation. A truly comprehensive application of the concept should entail several elements, including an understanding of:

- the diverse implications of ethical humility in probation settings
- the ways in which ethical humility can help prevent overconfidence
- the mechanisms to enhance probation practitioners' ability to identify and meaningfully address workplace challenges that arise at the individual level, interpersonal level, and organisational level.

Ethically humble leaders foster a culture that values honesty, respect, trustworthiness and integrity, while ethically humble practitioners have the ability to function as reflective practitioners who are aware of challenges at the very moments they arise and conceptualise and implement a course of action. These practitioners are non-defensive and open to new ideas, and especially appreciate when consultation with colleagues is appropriate to enhance their management of challenges.

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