

# LÍNEAS PARA EL ESTABLECIMIENTO DE UN CÓDIGO DEONTOLÓGICO PARA LA INSPECCIÓN DE EDUCACIÓN

## GUIDELINES FOR THE ESTABLISHMENT OF A CODE OF ETHICS FOR THE EDUCATION INSPECTORATE.

**José María Lozano Salinas**

PhD in Educational Science. Autonomous University of Madrid.  
Inspector of education. Madrid.

### **Resumen**

En la celebración del 175 aniversario de la creación del cuerpo de Inspectores de Educación se presenta la oportunidad de ofrecer unas líneas del que desarrollar, desde la normativa básica, un código deontológico para sus miembros. El autor presenta esta propuesta abierta y que plantea que deberá ser consensuada y asumida personalmente y por cada unidad de gestión como herramienta para fortalecer los criterios de gobernanza y el compromiso con la calidad del sistema educativo, último objetivo de la labor de los inspectores de educación, que es finalmente trabajo para fortalecer el futuro de la sociedad.

Desde una investigación personal y con la consulta de las fuentes pertinentes de carácter normativo, académico, histórico y comparado se

presenta una propuesta de ocho líneas sobre las que construir tanto un código deontológico, como su correspondiente código de conducta.

Aunque la intención es dotar de estabilidad temporal a la propuesta, como elemento fundamental del denominado como ADN de la Inspección de Educación, no se nos escapa que la propia Inspección tiene como finalidad servir a la sociedad, en constante proceso de progreso y readaptación, por lo que la propuesta, que consideramos coherente en este momento, debe ser objeto de evaluación y podría ser susceptible de ampliaciones o ajustes. En este sentido nos remitimos a la afirmación de González Vila (2000, p. 85), «la Inspección será sustancialmente la misma o no será».

**Palabras clave:** *Sistema educativo, inspección de educación, deontología.*

### **Abstract**

In celebration of the 175th anniversary of the creation of the Body of Education Inspectors, the opportunity arises to offer some guidelines from which to develop, from the basic regulations, a code of ethics for its members. The author presents this open proposal, which he proposes should be agreed and assumed personally and by each management unit as a tool to strengthen the criteria of governance and the commitment to the quality of the education system, the ultimate objective of the work of education inspectors, which is ultimately worked to strengthen the future of society.

Based on personal research and consultation of the relevant normative, academic, historical and comparative sources, a proposal of eight lines is presented on which to build both a code of ethics and its corresponding code of conduct.

Although the intention is to provide temporary stability to the proposal, as a fundamental element of the so-called DNA of the Education Inspectorate, we are aware that the purpose of the Inspectorate itself is to

---

serve society, in a constant process of progress and readaptation, so that the proposal, which we consider coherent at this time, must be subject to evaluation and could be subject to extension or adjustment. In this sense, we refer to the statement by González Vila (2000, p. 85), «the Inspectorate will be substantially the same or it will not be».

**Keywords:** *Educational system, education inspection service, deontology.*

## I. Introduction<sup>1</sup>

We are on the threshold of the celebration of an event of great sentimental significance for education inspectors: the promulgation of the Decree of 30 March 1849<sup>2</sup> which established a new organisation of the schools of public instruction and created the Body of Inspectors of Education: Decree published during the reign of Isabella II. It is remarkable to note in the Madrid Gazette itself that the Presidency of the Council of Ministers, prior to the Decree itself, reports on the situation of the monarch in the following terms: "The Queen our Lady (Q.D.G.) and her august royal family continue without any news of her interesting health".

The proposal of the Decree fell under the responsibility of the minister in charge: Minister of Commerce, Public Instruction, and Public Works, at that time Juan Bravo Murillo, during that period. Juan Bravo Murillo held this portfolio during the first part of Narváez's third government, from 10 November 1847 to 31 August 1849<sup>3</sup>, and was replaced by Manuel Seijas

---

<sup>1</sup> In coherence with the assumed value of gender equality, all the denominations used in this text in generic terms or in masculine gender, should be understood to be made indistinctly in feminine gender.

<sup>2</sup> *Real Decreto de 30 de marzo de 1849 sobre la conveniencia de dar una nueva organización a las escuelas normales de instrucción primaria, y la necesidad de crear Inspectores para este ramo de enseñanza (Gaceta de Madrid no. 5315, of 2 April 1849).* <https://www.boe.es/datos/pdfs/BOE//1849/5315/A00001-00002.pdf>

<sup>3</sup> [https://www.congreso.es/es/historico-diputados?p\\_p\\_id=historicodiputados&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&\\_historicodiputados\\_mvcRenderCommandName=mostrarDetalle&\\_historicodiputados\\_texto=bravo%20murillo&\\_historicodiputados\\_nombre=&\\_historicodiputados\\_genero=](https://www.congreso.es/es/historico-diputados?p_p_id=historicodiputados&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&_historicodiputados_mvcRenderCommandName=mostrarDetalle&_historicodiputados_texto=bravo%20murillo&_historicodiputados_nombre=&_historicodiputados_genero=)

Lozano. It is accepted doctrine that the material drafting of the Decree was the responsibility of the then Director General of Public Instruction, Antonio Gil de Zárate.

This ephemeris prompts us to reflect on various aspects that this author allows himself to set out in the first lines: firstly, and by way of introduction, on the significance of the timing of the celebration. It is true, as González Vila (2000, p. 83) pointed out in the previous ephemeris, that "celebrations have no other singularity than that projected by the system with which we measure time in our culture". The truth is, assuming his same arguments, that time is ours and what we put in it is of time itself. We are memory, project and desire; and time is made of memory and desire.

In this scenario, it is neither an entelechy nor a temporary arbitrariness, but a requirement of remembrance and project. That is the objective with which we face the blank paper: an ignominious and cruel challenge, or one of passionate recreation that confronts me once again with the personal commitment acquired with a deservedly centenary profession. And within the opportunity, we must also justify its pertinence. Perhaps we could refute the celebration by the course of history itself: it is no less true that the *Cuerpo de Inspectores de Educación* (Body of Inspectors of Education) was converted into the *Cuerpo de Inspectores al Servicio de la Administración Educativa* (Inspectors in the Service of the Education Administration), declaring it to be extinct, in Law 30/1984<sup>4</sup> of measures for the reform of the Civil Service and after 135 years of existence. But it is also true that these

---

&\_historicodiputados\_tituloNobiliario=&\_historicodiputados\_eleccionesDesde=&\_historicodiputados\_eleccionesHasta=&\_historicodiputados\_division=&\_historicodiputados\_circDistrito=&\_historicodiputados\_circunscripcion=&\_historicodiputados\_distrito=&\_historicodiputados\_assu=&\_historicodiputados\_fraccion=&\_historicodiputados\_fechaAltaDesde=&\_historicodiputados\_fechaAltaHasta=&\_historicodiputados\_fechaBajaDesde=&\_historicodiputados\_fechaBajaHasta=&\_historicodiputados\_orden=0&\_historicodiputados\_num=116039

<sup>4</sup> Ley 30/1984, de 2 de agosto, de medidas para la reforma de la Función Pública (BOE no. 185, of 3 August 1984).

<https://www.boe.es/buscar/pdf/1984/BOE-A-1984-17387-consolidado.pdf>

inspectors were integrated in the services, developing their functions in a formative way, giving continuity to the entity at the time when the Organic Law 9/1995<sup>5</sup>, the new law, which was to be the basis for the participation, evaluation and governance of educational establishments, created (not *ex novo*) in its art. 37 the Body of Inspectors of Education. We consider that there is a functional, organic, and normative continuity and total link between that Body created in 1849 and this one revived in 1995, because as Rodríguez Adrados (2000, p. 31) states "these are the old teachers and the old inspectors that we praise: the new ones continue in their footsteps", showing, because the historical development has forced it, a worthy and bloody scar.

And also, as a relevant justification, without being conclusive, because of the link between the Education Inspectorate, as a public service, and the criteria of European governance and accountability. In this sense, and as Conejero (2015) points out, we intend to make a proposal that uses the public value creation approach that formulates both the knowledge of available public services, in the first place, for the subsequent evaluation of policies and the analysis of effectiveness, and public value definers in relation to the objectives emanating from the public decision-making process (Moore, 1998; Coats and Passmoore, 2008).

These criteria are clearly aligned with references to elements of what is known as *Gobierno abierto* (Open Government) (OECD, 2010; Conejero, 2012), such as transparency, which requires that the actions of administrative units be subject to public scrutiny, where civil society can benefit from and/or challenge the actions and results of the public sector, and responsiveness understood as the ability to adapt and respond to new needs, demands, and ideas, placing the citizen at the center of public action and designing mechanisms for shared decision-making.

---

<sup>5</sup> *Ley Orgánica 9/1995, de 20 de noviembre, de la participación, la evaluación y el gobierno de los centros docentes* (BOE no. 278, 21 November 1995).

<https://www.boe.es/boe/dias/1995/11/21/pdfs/A33651-33665.pdf>

In this sense we accept the proposals of the same author (2015) regarding the term *governance*<sup>6</sup> which presents it, citing Mayntz (1993) as an emerging paradigm: "a more cooperative form of governance, where state and non-state institutions, public and private actors, participate and often cooperate in the formulation and implementation of public policy".

In this celebration, we can use it internally to "appraise the contribution of educational inspection throughout its history as an agent for improving the educational system and to use it as a basis for updating and renewing the inspection function". However, we could also use it for another more social and outreach-oriented objective, such as "raising awareness of the tasks, functions, powers, and competencies performed by educational inspectors as an essential quality factor in our educational system and spreading, among different stakeholders, the contributions of educational inspectors to the improvement of our educational system over its 175 years of existence, thus providing a criterion of diachronic governance". These thoughts are addressed to those who, in good faith, assume responsibilities of management, association or representation of those we are celebrating today.

In the paper that along with Ángel Ocaña I gave at the *III Jornada Formativa: La Inspección de Educación: Aprendizaje y Transformación* (3rd Training Day: The Education Inspectorate: Learning and Transformation) organised by USIE-Madrid (Lozano and Ocaña, 2024), we ended with a proposal for the selection of four elements that we believe bring together the essential functional core of the Education Inspectorate (González Vila, 2000, p. 86), or in other words, the DNA of the Education Inspectorate (Lozano, 2019). This proposal focuses on the exercise of the education

---

<sup>6</sup> As Conejero (2015) points out, the word *governance* is a neologism and a concept that comes from economics, and more specifically from the theory of transaction costs; in 1979 Williamson published an article entitled *Transaction-cost economics: the governance of contractual relations*; however, until the beginning of this century there was no unanimity when it came to translating governance, the most commonly used words were *gobernanza* and *gobernación*.

inspector as a global agent of rights; on the permanent presence in educational centres and services; on the impact that his or her action should have on the improvement of designs, processes or results; and on the deontological specificity of education inspectors, beyond the codes of conduct established generically for public employees.

It is the intention of this author to develop this subject in the following lines, but not as a closed code, but as a proposal of some lines on which a code of professional duties could be built in a consensual and personally assumed way, in order to enrich the exercise of the profession itself.

The text will be organised starting with a section that will begin with a simple epistemological approach, justifying the path from a general deontology of teaching to a specific deontology for education inspectors; then we will provide some sources that can enrich the uniqueness of a deontology for education inspectors.

Next, a justification will be given for limiting the proposal to a continuous and consensual dialogue, in permanent dialogue, debate and confrontation with the reality that is emerging. And we will end with the proposal of eight lines for the concrete establishment of a code of ethics for Education Inspectorate, as well as with some conclusions that aim to invite reflection and joint action on the proposal formulated.

## **II. On professional ethics and professional deontology**

It is not the purpose of these lines to carry out an analysis of the philosophy of duties, professional ethics, normative ethics or professional deontology, but to show, as has already been pointed out, some general lines that could articulate a code of ethics for education inspectors, as we believe that it is relevantly one of the *essential* elements that we have mentioned above.

The following is a brief reference to what professional ethics is and means and why a professional code of ethics for education inspectors is needed.

### - Professional ethics

Deontology (from the Greek δέον, -οντος déon, -ontos 'what is necessary', 'duty' and -logy 'knowledge', 'study') is defined as "the part of ethics that deals with duties, especially those governing a professional activity, as well as all the duties connected with the exercise of a given profession"<sup>7</sup>. Se define también como la parte de la filosofía moral dedicada al estudio de las obligaciones o deberes morales. The *Charte de déontologie de l'Inspection Générale de l'Éducation, du Sport et de la Recherche* [IGAENR], (Code of Ethics of the General Inspection of Education, Sports, and Research)<sup>8</sup> defines it as "the set of rules of behavior that govern a profession and the set of duties that professionals impose on themselves in the exercise of their profession.

Sanroman et al. (2015) establishes two types of deontology: prescriptive deontology, which determines behaviour based on the rules laid down or necessary for coexistence, and applied deontology, which establishes the duties of everyday life.

The term originated in the first third of the 19th century as the *science of duties*. In this sense, and applied to the professions, we can specify that what is known as professional deontology is concerned with determining and regulating the set of ethical responsibilities that arise in relation to the exercise of a profession, especially those whose dimensions have a high social repercussion and intervention, such as, in the first instance, health or education.

---

<sup>7</sup> Real Academia Española. <https://dle.rae.es/deontolog%C3%ADa>

<sup>8</sup> Décision du 29 octobre 2021 portant adoption de la charte de déontologie de l'inspection générale de l'éducation, du sport et de la recherche [MEN12132853S] (Journal Officiel de la République Française no 0271 of 21 November 2021). <https://www.legifrance.gouv.fr/download/pdf?id=s8Q4ronDPeSNpynq3hZEDmgPIRv7gOmlegJaPV6kUU0=>



The code of ethics par excellence corresponds to the Hippocratic oath taken by health professionals, which guides professionals in the practice of their profession, as established and developed by Remis (2009).

Given the characteristics of teaching and its great social impact, it has always been concluded that the teaching profession should also have a code of ethics, and, in various forms, it has come to be specified in different models. This is the case of the Education Inspectorate, as a teaching body, and intrinsically, organically and normatively linked to the teaching profession.

In this line, and within the teaching profession, it is necessary to mention the meeting of the *Consejos Escolares Autonómicos y del Estado* (Autonomous and State School Councils) held in 2012, which concluded<sup>9</sup>:

It is necessary to add a clear awareness of the ethical dimension of the teaching profession, understood as a professional commitment made up of values, attitudes and styles of behaviour with a social goal: that of training the citizens of the future.

This is so because teaching is an intellectual and moral activity, in the sense that it is for the benefit of people and humanity. It is also because the teacher is a source of influence for his or her students, who can use him or her as a role model and even as a guide in matters that have little to do with the particular subject being taught.

In this respect, it is worth mentioning the codes of ethics for the teaching profession developed by the *Consejo General de Colegios Oficiales de Doctores y Licenciados en Filosofía y Letras y en Ciencias* (General Council of Official Colleges of Doctors and Graduates in Philosophy and Letters and

---

<sup>9</sup> Consejo Escolar del Estado (2015). *El profesorado del siglo XXI. XXI encuentro de consejos escolares autonómicos y del Estado*. Secretaría General Técnica.  
<https://www.educacionyfp.gob.es/dam/jcr:f88f1d40-af31-4fae-8c6b-fb5536f8ab71/21encuentroconsejosescolares2012-pdf.pdf>

Science) in 1996 and 2010<sup>10</sup> which have been gathered by Jover and Ruiz (2013) and which also provide a very interesting structure and lines.

Within what Sanroman et al. (2015) called prescriptive deontology, it is necessary to mention two different but closely linked dimensions: a general dimension that affects public employees and another more specific dimension that can be linked to the one we propose for the Education Inspectorate.

### III. About the sources from which we can draw

Once the object of these lines has been approached, we will channel the production from a variety of sources that could be used to justify the proposal or to criticise and enrich it.

It is true that in order to undertake this task, it is necessary to refer historically and necessarily, among others, to art. 82 of the Law of 17 July 1945<sup>11</sup> on Primary Education, which is considered an important, albeit simple novelty, due to the time in which it was drafted and very much subject to the specific historical moment; to the now anachronistic, although with interesting singularities, approach of Serrano de Haro (1970); to the paper by Chavarría (2003); to the code of ethics of education inspection in Catalonia, established by the *Associació d'Inspectors d'Educació de Catalunya* [AIEC] (Association of Education Inspectors of Catalonia) (2010), which present specific values, of free adherence, with behaviours to promote and behaviours to avoid<sup>12</sup>; to the resolution establishing the *Carta de Buenas Prácticas de la Inspección de Educación en la Comunitat Valenciana* (Code of

---

<sup>10</sup> Consejo General de Colegios Oficiales de Doctores y Licenciados en Filosofía y Letras y en Ciencias.

[https://www.consejogeneralcdl.es/archivos/profesion\\_docente.pdf](https://www.consejogeneralcdl.es/archivos/profesion_docente.pdf)

<sup>11</sup> Ley de 17 de julio de 1945 sobre Educación Primaria (BOE no. 199 of 18 July 1945).

<https://www.boe.es/datos/pdfs/BOE//1945/199/A00385-00416.pdf>

<sup>12</sup> *Associació d'Inspectors d'Educació de Catalunya* [AIEC]. [http://www.aiec.cat/wp-content/uploads/2015/04/Codigo\\_etico\\_esp.pdf](http://www.aiec.cat/wp-content/uploads/2015/04/Codigo_etico_esp.pdf)

Good Practices for Educational Inspection in the Valencian Community)<sup>13</sup>, with an interesting proposal of good practices of a general nature and good practices in professional relations —with the administrations, with educational agents, with society and with colleagues—; to the proposal of criteria or principles of action formalised in 2012 in the Code of Ethics of the General Inspection of Education, Sports, and Research, as a forerunner of the *Código Deontológico de la Inspección General de la Educación, el Deporte y la Investigación* [IGÉSR] (Code of Ethics of the General Inspectorate of Education, Sport and Research) approved in 2021; to the interesting book by Torres Vizcaya (2021); to the proposal made in Chapter VII of Rodríguez et al. (2021); and, among others, to the vague but incipient regulatory frameworks that are also being timidly enacted by some autonomous communities.

But we would like to open the focus and broaden the proposals from more global and open approaches, in which very different, or perhaps asymmetrical, aspects or dimensions can contribute some element of relevance and singular or even structural enrichment, together with the modest contribution of the experiential sphere itself. We have no doubt that these general proposals, as has already been pointed out, will have to be specified and evolve, as society itself evolves, and the organisational parameters and criteria for action of a service linked to the continuous improvement and renewal of society will also have to evolve. Based on art. 27.8 of the Spanish Constitution of 1978<sup>14</sup>, the general dimension is based on art. 103, which states:

1. The Public Administration serves the general interest objectively and acts in accordance with the principles of efficiency,

---

<sup>13</sup> *Resolución de 2 de junio de 2011, de la Secretaría Autonómica de Educación, por la que se establece la Carta de Buenas Prácticas de la Inspección de Educación en la Comunitat Valenciana* [2011/7562] (DOCV no. 6556 of 1 July 2011).  
[https://dogv.gva.es/datos/2011/07/01/pdf/2011\\_7562.pdf](https://dogv.gva.es/datos/2011/07/01/pdf/2011_7562.pdf)

<sup>14</sup> *Constitución española* (BOE no. 311, 29 December 1978).  
[https://www.congreso.es/docu/constituciones/1978/1978\\_cd.pdf](https://www.congreso.es/docu/constituciones/1978/1978_cd.pdf).  
Consolidated text in: <https://www.boe.es/buscar/act.php?id=BOE-A-1978-31229>

hierarchy, decentralisation, deconcentration and coordination, with full submission to the law and to the law.

[.../...]

3. The law shall regulate the status of civil servants, access to the civil service in accordance with the principles of merit and ability, the peculiarities of the exercise of their right to organise, the system of incompatibilities and the guarantees for impartiality in the exercise of their functions.

This general principle of action by the public administrations is the basis for the provisions of the aforementioned third section, which are set out in Chapter VI, "Duties of public employees. Code of Conduct", of Title III, "Rights and Duties. Code of Conduct for Public Employees", of Royal Legislative Decree 5/2015<sup>15</sup>.

This regulatory framework establishes the code of conduct for public employees in art. 52; the ethical principles in art. 53 and the principles of conduct in art. 54.

The code of conduct it establishes (art. 52) focuses on the diligent performance of the tasks entrusted to them in accordance with the regulatory framework and a series of principles of action: objectivity, integrity, neutrality, responsibility, impartiality, confidentiality, transparency, exemplarity, austerity, accessibility, efficiency, honesty and respect for equality between women and men.

The ethical principles (art. 53) comprise twelve specific points, which we consider to be organised in three sections. The first four are of a very general nature: respect for the Constitution and the legal system; satisfaction of the general interest with impartiality in accordance with principles of loyalty and good faith with the administration and with conduct

---

<sup>15</sup> *Real Decreto Legislativo 5/2015, de 30 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto Básico del Empleado Público (BOE no. 261 of 31 October 2015).*

<https://www.boe.es/buscar/pdf/2015/BOE-A-2015-11719-consolidado.pdf>

based on respect for fundamental rights. The following three (5, 6, 7) and the ninth are presented with a negative formulation: they shall abstain from matters in which they have a personal interest; they shall not enter into financial obligations with entities that may entail a conflict of interests; they shall not accept favourable treatment, privileges or advantages; and they shall not influence the expediting of procedures that directly or indirectly benefit them. The remaining four are also of a general and positive nature, although somewhat more specific: acting with the principles of efficacy and efficiency; diligent compliance; exercise with dedication; and the imperative of secrecy and confidentiality.

As for the principles of conduct (art. 54), they are developed with eleven points, which we shall now explain as follows:

1. They shall treat citizens, their superiors and other public employees with attention and respect.
2. The performance of the tasks corresponding to their job shall be carried out diligently and in compliance with the established working day and timetable.
3. They shall obey the instructions and professional orders of their superiors, unless they constitute a clear breach of the legal system, in which case they shall immediately bring them to the attention of the appropriate inspection bodies.
4. They shall inform citizens on those matters or issues they are entitled to know about and shall facilitate the exercise of their rights and the fulfilment of their obligations.
5. They shall administer public resources and assets with austerity and shall not use them for their own benefit or that of persons close to them. They shall also have the duty to ensure their conservation.

6. Any gift, favour or service on advantageous terms that goes beyond the usual, social and polite customs shall be refused, without prejudice to the provisions of the Penal Code.

7. They shall ensure that documents are recorded and retained for transmission and delivery to those subsequently responsible for them.

8. They shall keep their training and qualifications up to date.

9. They shall comply with the rules on health and safety at work.

10. They shall bring to the attention of their superiors or the competent bodies any proposals which they consider appropriate for improving the performance of the duties of the unit to which they are assigned. To this end, provision may be made for the creation of an appropriate body responsible for centralising the receipt of proposals from public employees or members of the public for improving the efficiency of the service.

11. They shall ensure that citizens are attended to in the language they request, provided that it is an official language in the territory.

As for the more specific dimension (that specific prescriptive deontology we mentioned earlier), this is contained in article 153 bis, "Principles of action of the Education Inspectorate", of Organic Law 2/2006<sup>16</sup> of Education, in the wording given by Organic Law 3/2020<sup>17</sup>. The Community of Madrid has incorporated it for inspection in Chapter VII of Order

---

<sup>16</sup> *Ley Orgánica 2/2006, de 3 de mayo, de Educación* (BOE no. 106 of 3 May 2006).

<https://www.boe.es/buscar/pdf/2006/BOE-A-2006-7899-consolidado.pdf>

<sup>17</sup> *Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación* (BOE no. 340 of 30 December 2020).

<https://www.boe.es/boe/dias/2020/12/30/pdfs/BOE-A-2020-17264.pdf>

732/2021<sup>18</sup>, which regulates the organisation, structure and functioning of the Education Inspectorate of the Region of Madrid.

Article 153 bis of Organic Law 2/2006, which is a novelty in the regulatory development of the Education Inspectorate, establishes four general principles of action.

a) Respect for fundamental rights and public freedoms, defence of the common interest and democratic values and avoidance of any conduct that could lead to discrimination on grounds of origin, gender, sexual orientation, religion, opinion or any other personal or social circumstance.

b) Professionalism and independence of technical criteria.

c) Impartiality and efficiency in the achievement of the objectives set.

d) Transparency in terms of the aims of its actions, the instruments and techniques used.

Order 732/2021 devotes, in the same way, three articles to this important subject: art. 58, dedicated to professional ethics; art. 59 to ethical principles and art. 60 to principles of conduct. It is necessary to point out the great parallelism that exists between articles 52, 53 and 54 of Royal Legislative Decree 5/2015 and articles 58, 59 and 60 of Order 732/2021, without the proposal of Order 732/2021 having entailed any specific novelty. The content of art. 153 bis of the Organic Law is included in an excessively camouflaged form in art. 2.4 of the aforementioned Order 732/2021.

When proposing general guidelines for the establishment of a code of ethics for education inspectorates, it might seem appropriate to organise

---

<sup>18</sup> Orden 732/2021, de 24 de marzo, de la Consejería de Educación y Juventud, por la que se desarrolla el Decreto 61/2019, de 9 de julio, del Consejo de Gobierno, por el que se regula la organización, estructura y funcionamiento de la Inspección Educativa de la Comunidad de Madrid (BOCM, no. 82 of 7 April 2021).  
[https://www.bocm.es/boletin/CM\\_Orden\\_BOCM/2021/04/07/BOCM-20210407-20.PDF](https://www.bocm.es/boletin/CM_Orden_BOCM/2021/04/07/BOCM-20210407-20.PDF)

them into different dimensions, following the proposal-example of the Consejo General de Colegios de Colegios de Doctores y Licenciados en Filosofía y Letras y en Ciencia (General Council of Colleges of Doctors and Graduates in Philosophy and Arts and Science) for teachers (Jover and Ruiz, 2013), which, after some general principles of action, proposes four dimensions (commitments and duties in relation to pupils; commitments and duties in relation to the educational institution; commitments and duties in relation to colleagues); commitments and duties in relation to students' families and guardians; commitments and duties in relation to the educational institution; and commitments and duties in relation to colleagues), although in the case of the Education Inspectorate, we propose an organisation in line with the three dimensions in which the Education Inspectorate is assumed to intervene —system, centre and classroom (Moya, 2018)—, adding a fourth specific one linked to the profession itself.

In this way, the initial structure could be considered to be made up of the following dimensions: lines oriented towards the educational system; lines oriented towards the educational centres, services and communities; lines oriented towards the classroom and the teaching/learning process; and finally, lines oriented towards the profession itself.

However, the very approach of presenting general lines of a global nature, with structural synergies and a holistic nature has led me to disregard the dimensions set out above at this point, as we perceive that each line proposed shows links in the different dimensions. Even so, it is considered that the proposed organisation can be susceptible of forming an interesting code of ethics from which to develop a specific code of conduct that is presented as a proposal for those entities and managers who consider them acceptable.

As a preamble to the proposal of general guidelines for the establishment of a code of ethics for the Education Inspectorate, it is necessary to mention the need for the Education Inspectorate to have a



body, which must necessarily be constituted at regional level, with the necessary autonomy, and which would act as an Ethics Committee of the Inspectorate, Ethics Council, etc., such as the Autonomous University of Madrid itself has<sup>19</sup> or the tax administration<sup>20</sup>. This body, which in the field of French educational inspection was reflected in the College of Ethics of the General Inspectorate of the Administration of National Education and Research and currently in the National College of Ethics in Education, Youth and Sport, is the first of its kind in France<sup>21</sup>, would be responsible for resolving conflicts of an ethical nature, establishing criteria for action and keeping a possible code of ethics for each Education Inspectorate up to date. It is necessary for this body to be made up of personalities of recognised prestige in the field of educational inspection, with a long track record, and external personalities with solid training and experience in the implementation of ethical and deontological codes.

#### **IV. On the appropriateness of consensual dialogue rather than regulatory imposition.**

It is not the purpose of this proposal, as has been repeatedly pointed out, to serve as a solid and closed pillar for the construction of a code of ethics. Education inspectors tend to move in normative imperatives and in the cumbersome legal hermeneutics. It might seem excessively adventurous to string together a dense compilation in the form of a code of conduct and succeed in dazzling or cajoling a decision-maker to make it his

<sup>19</sup> Comité de Ética de la UAM. <https://www.uam.es/uam/investigacion/comite-etica>

<sup>20</sup> Resolución de 17 de junio de 2021, de la Presidencia de la Agencia Estatal de Administración Tributaria, por la que se crea la Comisión Consultiva de Ética (BOE, núm. 214, de 7 de septiembre, pp. 108239-108242). <https://www.boe.es/boe/dias/2021/09/07/pdfs/BOE-A-2021-14649.pdf>

<sup>21</sup> *Le collège de déontologie de l'Éducation Nationales, de la Jeunesse et des Sports*. <https://www.education.gouv.fr/le-college-de-deontologie-de-l-education-nationale-de-la-jeunesse-et-des-sports-12302>

The existence in the French Republic of the Committee on the Ethics of Educational Data is considered very significant (*Le Comité d'Éthique pour les Données d'Éducation*).

<https://www.education.gouv.fr/le-comite-d-ethique-pour-les-donnees-d-education-12146>.

or her own and impose it in his or her area of competence. In the first instance, it would be a useful tool for disciplined inspectors who would add a sort of new normative fabric to the one already accumulated in their technical management and professional development. We are inclined to think, moreover, that such a proposal would bear little fruit.

On the contrary, the idea behind these paragraphs is to offer some lines, some sources, a collective dialogue that germinates in a commitment that is elaborated and assumed personally and collectively. A focus that orients professional practice with the formative purpose of resolving the problems, conflicts or dilemmas that repeatedly appear in our path. Furthermore, it could also guide, at the highest level of management, the construction of action plans focusing on the necessary horizon that should guide the steps of educational inspection, which is none other than the service to society, making its educational process fruitful, as well as the criteria for accountability of the institution.

In this proposal, this author is not unaware of the reality in which we are moving codes of conduct have been defined within soft law and have received more than one setback in the dialogue, which should also be asymmetrical, in the courts of justice. For example, the recent STS 403/2023<sup>22</sup> in Case 1/411/2022, brought by the Asociación Profesional Justicia Guardia Civil (JUCIL) against Royal Decree 176/2022<sup>23</sup>, of 4 March, approving the Code of Conduct for Civil Guard personnel, which implements Organic Law 11/2007<sup>24</sup>, of 22 October, regulating the rights and duties of

---

<sup>22</sup> *Tribunal Supremo. Sala de lo Contencioso. Judgment 403/2023 (6 June).*  
<https://vlex.es/vid/935811718>

<sup>23</sup> *Real Decreto 176/2022, de 4 de marzo, por el que se aprueba el Código de Conducta del personal de la Guardia Civil (BOE no. 55 of 5 March 2022).*  
<https://www.boe.es/boe/dias/2022/03/05/pdfs/BOE-A-2022-3477.pdf>

<sup>24</sup> *Ley Orgánica 11/2007, de 22 de octubre, reguladora de los derechos y deberes del personal de la Guardia Civil (BOE no. 254 of 23 October 2007).*  
<https://www.boe.es/buscar/pdf/2007/BOE-A-2007-18391-consolidado.pdf>

Guardia Civil personnel and Law 29/2014<sup>25</sup>, of 28 November, on the Personnel Regime of the Civil Guard. The annex to the Royal Decree sets out a list of fifty values, principles and rules and concludes with a decalogue for its members. It is the sentence that clearly differentiates between the ethical regime and the disciplinary regime.

It is therefore, or should be, a personal commitment incorporated from the collective dialogue as a commitment to the progressive improvement of one's own profession to serve society and not fall into the regulatory and disciplinary imperative.

## **V. Proposed guidelines for the establishment of a code of ethics for education inspectorates**

A proposal for general guidelines for the establishment of a code of ethics for education inspectorates is now presented. The reader will see that the different strands are linked together to establish an interconnected network of principles and codes of conduct.

A. The right to education and equity. The fundamental axis that should govern the constitution of a code of ethics for educational inspection is the basis and purpose of the work carried out by the Education Inspectorate: "to guarantee the right to education, as well as the rights and the observance of the duties of all those who participate in the teaching and learning processes". From this foundation and basis, two elements are conveyed which we consider equally nuclear: one is the one established by Rodríguez et al. (2021) when linking Education Inspectorate to equity:

Fairness in the treatment of different schools; fairness in the treatment of students; fairness in the treatment of native or immigrant

---

<sup>25</sup> Ley 29/2014, de 28 de noviembre, de Régimen de Personal de la Guardia Civil (BOE no. 289 of 29 November 2014). <https://www.boe.es/buscar/pdf/2014/BOE-A-2014-12408-consolidado.pdf>

students; fairness in the treatment of teachers and in their relations with management teams, parents, etc.

This approach is a consequence of the effective exercise of the right to education of minors and is materialised in giving the fairest treatment in each case so that education is one of the decisive factors of social equalisation. Rodríguez et al. (2021) conclude with a statement that we fully accept in the sense that "justice does not lie in equal treatment, but in the treatment that is necessary in each case". This perspective should guide the work of education inspectors by articulating actions and resources towards the most vulnerable population.

And the other is the consequent flexibility to ensure that the enforcement of rules and regulations is geared towards that end. Torres (2021, 96) uses the term *epikeia*<sup>26</sup> which we believe perfectly defines the prudent, balanced and flexible exercise according to the context. Torres (2021, 97) notes that:

The use of *epikeia* is not to play at twisting the rules and much less to indulge in the difficult and serious task of legal interpretation; on the contrary, the inspector must interpret the educational laws, always trying to comply with them, of course, but with the unrenounceable plus and with the claim to be fair and equitable.

Alongside these elements, there are other important tools that complement the principle: the first is empathy<sup>27</sup>, which is the ability to understand the other's point of view and to contextualise their interests. And

---

<sup>26</sup> The *Real Academia Española* defines the term *epikeia*, from the Greek ἐπιείκεια, *epieikeia* 'moderation', 'equity', der. from ἐπιεικῆς *epieikḗs* 'moderate', 'equitable'; (f) Moderate and prudent interpretation of the law, according to the circumstances of time, place and person.

<sup>27</sup> The *Real Academia Española* defines the term *empathy*, from Greek ἐμπάθεια, *empátheia*.  
1. f. A feeling of identification with something or someone. 2. f. The ability to identify with someone and to share their feelings.

the second, which Torres also cites (2021, 89), is prudence<sup>28</sup> In this way, and based on a rigorous knowledge of the system and its elements, the inspector will be able to guide the procedures and provisions to guarantee, with prudence and in an adapted manner, the exercise of the right to education in equity, greasing, as we never tire of pointing out to the new generations of inspectors, the heavy, wired and rusty regulatory edifice.

B. Independence. The next line cannot be other than that of independence: freedom of judgement, impartiality and objectivity. This line is intrinsically linked to the loyalty of the Education Inspectorate to society and to the functions entrusted to it. In this way, the Education Inspectorate must ensure that its analyses, reports, recommendations or opinions are based on appropriate and pertinent procedures for collecting and processing information of all kinds.

Education inspectors must refrain from any kind of bias. Their judgements may not be distorted or contaminated by previous positions, similar situations or any material or even moral interests they may have. Their analyses and conclusions must be based solely on the results of their enquiries, investigations and experience, respecting the professional requirements of neutrality, objectivity and impartiality.

The independence of the Education Inspectorate must apply imperatively in all areas of its work (including in the personal sphere). In this way, there should be no circumstances that could make the education inspector vulnerable, even in appearance, to any pressure or influence, nor should they risk damaging either their reputation or the dignity of their function.

C. Discretionality. Another of the lines of action considered necessary is that of discretion, with a double aspect. On the one hand, the indispensable technical discretion, as the power to decide according to principles or

---

<sup>28</sup> The *Real Academia Española* defines the term *prudence*, from the Latin *prudencia* as (f.) temperance, caution, modelling; and (f.) wisdom and good judgement.

standards that are considered to be justifiably applicable; not subject to external or hierarchical instructions. In this sense, administrative discretion increases the freedom of judgement available to the Education Inspectorate to make a proposal or adopt a specific decision, as it is based —exclusively— on criteria or grounds of a technical nature.

On the other hand, discretion as professional confidentiality is linked to reserve and secrecy. Education inspectors are subject to professional discretion regarding the information they must know or generate in the course of their work. The reports and documentation generated by the Education Inspectorate are intended exclusively for those in charge of them, who are the only ones who can make them public and are the only ones who can establish the appropriateness of their use and publication.

Education inspectors must take particular care in their documents, in their concrete and written terms, respecting protected secrets and the relevance and timeliness of the information provided. This obligation of confidentiality must be enforced both during and after the performance of their duties, and even after temporary or permanent cessation of their duties as inspectors.

D. Exemplarity. Given his or her status as a teaching official, the impact of his or her actions and the visibility among officials and different sectors of the educational communities, the education inspector must be especially careful to avoid any behaviour or action that could damage dignity<sup>29</sup>, honour<sup>30</sup> and the reputation of the inspectorate.

---

<sup>29</sup> The *Real Academia Española* dictionary defines the term *dignity* as (f.) gravity and decorum of people in the way they behave. <https://dle.rae.es/dignidad?m=form>

<sup>30</sup> The *Real Academia Española* dictionary defines the term *honour* as (m.) the moral quality that leads to the fulfilment of one's duties with respect to others and oneself and (m.) m. the glory or good reputation that follows virtue, merit or heroic actions, which transcends the families, persons and actions of the person who earns it. <https://dle.rae.es/honor?m=form>

Even in private life, the education inspector, like any other civil servant, but even more so as a member of a supervisory body, must be irreproachable in his or her respect for laws and regulations.

The members of the inspectorate must inform the centres and services or entities on which they intervene of the nature, purpose and, where appropriate, the protocol of their actions. During their interventions and actions, the education inspector shall behave in a balanced and courteous manner, without aggressiveness or complacency towards the persons being listened to, but with a solid and rigorous character, and shall maintain this attitude whatever the circumstances. In the course of their work, education inspectors may not accept or request anything that could call into question their independence, impartiality and honesty.

E. Professional secrecy. Education inspectors must strictly respect the personal obligation of confidentiality that binds all civil servants, and more particularly those whose judgement and actions have a specific value with evidential and *quasi-notational* value.

In their external actions and activities, the education inspector shall not emphasise their membership of the institution, nor shall they pass on details of their work, nor shall they refer publicly to actions already carried out or current.

The education inspector, along the lines proposed in the Code of Ethics of the General Inspectorate of Education, Sport and Research of 2021, shall refrain from adopting any public position, whether in writing, orally or through social networks, which may harm the dignity of the post or the reputation of the service.

In the case of participation as candidates in electoral processes or the exercise of elected mandates, education inspectors shall take great care to avoid any confusion between their status as an education inspector, which they shall not use as an electoral argument, and that of an elected candidate. They shall ensure that, when they sit on deliberative bodies,

make public statements or respond to interviews in their capacity as elected representatives or candidates for election, they do not mention their status as an education inspector. In the same vein, they shall ensure that their mandate does not prejudice the exercise of their functions.

F. Integrity. Another general line that is considered important for the establishment of a code of ethics for education inspectors is that of integrity and the prevention of conflicts of interest. Conflicts of interest are situations of interference between public interests and public or private interests that may influence or appear to influence the independent and impartial exercise of their functions. Education inspectors shall take care to put an immediate end to situations of conflict of interest in which they find themselves or may find themselves.

In this regard, it is primarily the responsibility of education inspectors themselves (irrespective of how they are provided) to ensure that their activities, personal voluntary actions or private activities, as well as their personal and family ties, do not place them in a situation of conflict. The existence of a potential conflict of interest, not initially resolved, should be referred to the proposed Ethics Board<sup>31</sup>.

In no case may an education inspector participate in actions relating to centres, services or bodies in which the inspector has exercised responsibilities or with which the inspector has had a relationship for at least the previous four years, and a fortiori when the persons with whom the inspector has worked in a hierarchical relationship are still in active service.

In such cases, education inspectors are obliged to report the potential conflict of interest situation to their management and must withdraw from the action. Education inspectors shall refrain from any relationship of interest with those involved in the scope of their responsibilities that may compromise or appear to compromise the guarantee of impartiality towards them.

---

<sup>31</sup> Proposed body.



G. Knowledge and training. Permanent commitment to training and scientific updating. The professional situation of education inspectors, their continuous advice and intervention in centres and services and the obligatory research and intervention for the preparation of reports on any educational dimension, must provoke a solid commitment to training and scientific updating on the most diverse fields: psychological, pedagogical, social, curricular, organisational, regulatory, etc.

The status of the education inspector makes him/her an example and a permanent advisor, so that constant updating and relevant and necessary research must be a hallmark of education inspectors in the practice of their functions and in their private lives. This dynamic, which must be seriously considered in the elaboration of action plans, will provide him/her with an in-depth knowledge of the whole system and its different dimensions, which will favour the *epikeia* mentioned in the first line above.

This updated and permanent knowledge will provide the education inspector with the necessary anticipation, understood as "the practical talent acquired by the maturity of the profession" (Torres, 2021, 117).

Education inspectors must be seen, in this sense, as a formative reference for their centres and services and for the education system as a whole; therefore, access, permanence and evaluation must take this important aspect into consideration. The perception of the expert knowledge and experiential background of education inspectors must be comparable to the scientific training of university teachers, always guaranteeing solid knowledge and success in their training interventions.

H. Collegiality. Collegiality should be understood as a general principle of the work of education inspectors, both in the performance and in the transfer of their work, as it promotes the objectivity and quality of their work as a collective. In this way, and within the framework of established procedures and protocols, the members of the corps must be attentive to the complementarity of approaches and to the expression of the

polyvalence and diversity of different points of view. In this line, education inspectors must share their knowledge, skills and experience, combining mutual respect, rigour, listening skills and freedom of judgement.

In case of disagreement, inspectors should work together to reach a reasonable consensus under the responsibility of the person in charge of the matter or the head. It is in the case of profound and irreconcilable disagreement that the intervention, if necessary, of the Ethics Board mentioned above, becomes necessary.

This collaborative work also has an external dimension by linking up with other units or control bodies with which the education inspectorate can and should co-operate fully, setting high standards, offering their specific methodologies and defending the legitimate points of view and interests they promote in the public education service.

Without pretending to be exclusive, as a development of the basic normative framework and from a selection of the sources cited, from the field of experience itself or from others that may be found, these are the basic lines on which it is considered that a code of ethics and the corresponding code of conduct for education inspectorates should be built.

## VI. Conclusions

As has already been pointed out, and without detriment to the code of ethics that affects them as public employees, the education inspectorate, integrated in the field of education, must have a specific nature. Not different, as codes of ethics are very demanding in themselves, but distinctive and with singular elements due to their object of intervention, as is the case, for example, with the code of ethics of tax inspectors,<sup>32</sup> or the duties and code of conduct of the labour inspectorate<sup>33</sup>. All of these are

---

<sup>32</sup> *Código ético de los inspectores de hacienda.*

[https://sede.agenciatributaria.gob.es/static\\_files/Sede/Tema/Agencia\\_tributaria/Codigo\\_etico\\_AEA\\_T.pdf](https://sede.agenciatributaria.gob.es/static_files/Sede/Tema/Agencia_tributaria/Codigo_etico_AEA_T.pdf)

<sup>33</sup> *Ley 23/2015, de 21 de julio, Ordenadora del Sistema de Inspección de Trabajo y Seguridad Social (BOE no 174 of 22 July 2015).* <https://www.boe.es/buscar/pdf/2015/BOE-A-2015-8168-consolidado.pdf>

deployed from the principles of the EBEP <sup>34</sup> but they show specific specificities.

The aim of these lines is to present some pillars, some fundamental principles on which the elaboration of a code of ethics and its corresponding code of conduct organised in the four proposed dimensions should be based, from a dialogical, debated, discussed, reflected upon and finally agreed upon approach. This field of action will be capable of overcoming the here-and-now attitude that leads us astray from the horizon that must inevitably guide the action of Education Inspectors. It will be up to the reader to give this proposal, these justifications, these sources, this instrumental proposal for accountability, and even the methodology proposed, combining views, if he/she considers it so, in the same channels.

The objective that has encouraged this author has been none other than to provide a tool to strengthen a profession that has the best possible purpose: the progress of society. Its implementation, development and its reflexive use and also its formative articulation for the new generations of education inspectors or its continuous process of reformulation, evaluation and adaptation, will depend on the consensus it achieves. This author considers it indispensable within what he has called the DNA of Educational Inspection. (Lozano and Ocaña, 2014).

And if it is considered right, when we celebrate the bicentenary of the Inspectorate of Education, we will meet and see the opportunities it has provided, as well as the evolution of events and the weaknesses or strengths of the Inspectorate and of this Inspectorate. This 175th anniversary of the creation of the Education Inspectorate is presented to us as an opportunity to strengthen our technical and ethical commitment to the present society, which is an active commitment to the future of society.

---

<sup>34</sup> *Forma simplificada de referirse al Real Decreto Legislativo 5/2015 que aprueba el texto refundido de la Ley del Estatuto Básico del Empleado Público [EBEP].*

We are the heirs of those who have preceded us as inspectors in an effective struggle for the improvement of education, which is the improvement of society, and we must now assume the responsibility of being the transmitters of these important functions so that they continue to be effective in the future. We must now assume the responsibility of also being the transmitters of these important functions so that they continue to be effective in the future. It is undoubtedly a demanding scenario for those of us who have received from society the responsibility of exercising this essential function.

## References

- Chavarría Navarro, X., y Borrell Closa, E. (2003). La deontología profesional del inspector de educación como compromiso de calidad docente. *Jornadas Estatales Fórum Europeo de Administradores de la Educación. El profesorado: el compromiso docente con la educación*.
- Coats, D. y Passmore, E. (2008). *Public Value: The Next Steps in Public Service Reform*. London: The Work Foundation.
- Conejero Paz, E. (2012). Gobierno abierto y democracia participativa. *Revista 3c Empresa, Investigación y pensamiento crítico*, 13, pp. 1-12.
- Conejero Paz, E. (2015). Rendimiento, evaluación y rendición de cuentas de las administraciones públicas en España. *RIPS: Revista de Investigaciones Políticas y Sociológicas*, 13(2).
- González Vila, T. (2000). Sobre el futuro de la inspección educativa. Consideraciones en el umbral del siglo XXI. En *150 años de Inspección educativa: la Inspección ante el siglo XXI. Actas del Congreso Nacional de Inspección Educativa* (p. 83-124). Anaya.
- Gichure, C. W. (1995). La ética de la profesión docente. Estudio introductorio a la deontología de la educación.
- Jover Olmeda, G. (1995). Líneas de desarrollo y fundamentación en el campo de la deontología de las profesiones educativas. *Teoría de la educación: revista interuniversitaria*.
- Jover Olmeda, G., y Ruiz Corbella, M. (2013). El código deontológico de la profesión docente: evolución y posibilidades. *Edetania*, (43), p. 113-131.
- Lozano, J.M., Ocaña, A. (13 de marzo de 2024). *175 años de la inspección de Educación. Una mirada al pasado para entender el presente y fortalecer el futuro*. III Jornada Formativa. La Inspección de Educación: Aprendizaje y Transformación. USIE. Madrid

- Lozano Salinas, J.M. (23-25 de octubre de 2019). *El ADN de la Inspección* [Presentación de póster]. XX Encuentro Nacional de Inspectores de Educación. USIE. Sevilla.
- Mayntz, R. (1993). Governing Failure and the problem of governability: Some comments and the problem of governability, en J. Kooiman (ed.). *Modern Governance*. Londres: Sage.
- Moore, M.H. (1998). *Gestión estratégica y creación de valor en el sector público*. Paidós.
- Moya, J. (2018). Capacidad profesional de la Inspección de Educación [CPIE]. Propuesta investigadora.
- OCDE/INAP (2010). *Panorama de las Administraciones Públicas*. INAP/MAP.
- Remis, J. A. (2009). Pasado y presente del juramento Hipocrático: Análisis de su vigencia. *Revista argentina de radiología*, 73(2), p. 139-141.
- Rodríguez Adrados, F. (2000). IV. Discurso de presentación. Consideraciones en el umbral del siglo XXI. En *150 años de Inspección educativa: la Inspección ante el siglo XXI. Actas del Congreso Nacional de Inspección Educativa* (pp. 31-34). Anaya.
- Rodríguez Bravo, M. F., Alcalá Ibáñez, M. L., Miguel Pérez, V., Montero Alcaide, A., Camacho Prats, A., Galicia Mangas, F. J., y Tébar Cuesta, F. (2021). Marco para el buen desempeño de la inspección educativa. MBDIE. Retos y desafíos por alcanzar. *Supervisión 21: Revista de Educación e Inspección*, (62).
- Sanromán Aranda, R., González Jaimes, I. y Villa Caballero, M. S. (2015). Los principios éticos y las obligaciones civiles. *Boletín mexicano de derecho comparado*, 48(142), p. 313-338.

- Serrano de Haro, A. (1970). *Deontología del inspector de enseñanza primaria: aportaciones y sugerencias*. Paraninfo.
- Torres Vizcaya, M. (2021). *Deontología de la inspección educativa. Vademécum de normas de proximidad*. La Muralla.