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POSITION OF THE PARTICIPANT

Summary

The Education Council is an independent advisory body, set up by the act of 15 may 1997 (the Education Council act). The council advises, whether requested to or not, on the main features of the policy and legislation in the field of education. The council advises the ministers of Education, Sciences and Cultural Affairs and of Agriculture, Nature Management and Fisheries. The upper and lower chambers of the states general can also request recommendations from the council. Local authorities can, in special cases of local education policy, call on the services of the Education Council. The council consists of nineteen members who are appointed in a private capacity.

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SUMMARY Position of the participant

Recommendations of the Education Council issued to the Minister of Education, Sciences and Cultural Affairs, dated 1 July 1998. Order number 980367/220.

POSITION OF THE PARTICIPANT

Summary

The issues

The Ministry of Education, Culture and Science requested the Education Council to submit an advice on the development of a (future-oriented) policy concerning the position of participants in education. Initially this request only involved higher education, and the students' charter in particular. In consultation with the ministry, the scope of the issue under consideration was expanded. It was agreed that the Council would first submit a survey containing a broad analysis of the participant's position. Themes that should be included in this survey are "the rights and obligations of the education participant" and the possible role of the participant within the context of the quality control of education. The term participant in education encompasses students, training course participants, pupils and their legal representatives (parents, carers of minors).

The central issue concerning this advice can therefore be formulated as follows:

What are the possibilities and limitations of changes in the position of the participant?

Approach

In order to gain insight into the participant's position in the various sectors of education, a description was made of current legislation and regulations and current policy developments, as well as how these instruments operate in practice. An inventory was also made of the determinants of the policy and of further policy developments. Subsequently, the participant's position in relation to other actors and their influence on various aspects of education were evaluated. The conclusions drawn from this evaluation form the ultimate recommendations of the Education Council.

Background

Legislation and regulations

Current legislation and regulations on the position of the participant and on current policy developments in this area apply to the subjects below.

- S Provision of information for the choice of school and the choice of studies (in all sectors of education).
- S The participation in decision-making and the participation in management, which although permitted is not legislated (in all sectors).
- S The pupils' and students' charter and related regulations (secondary and higher education).
- S The education contracts and related regulations (vocational training and adult education ('BVE sector')).
- S The right of complaint (explicitly legislated in all sectors with the exception of the BVE sector).

Current practice

The description of the operation in practice of the aforementioned instruments is based on available research data. The most significant bottlenecks that arise in practice are:

- S Insufficient objective and good quality information for the choice of school and studies
- S Little interest in participation in decision-making on the part of participants.
- S The participant's limited knowledge of his rights and duties as laid down in the pupils' and students' charter and inadequacies in examination regulations, test and qualification programmes, and education and examination regulations.
- S The as yet limited value of the education contract in the BVE sector.

Determinants of policy

The Education Council regards the following developments in society and in education as being determinants of policy with regard to the participant.

Demographic and socio-cultural developments. In particular, individualisation, increasing social diversity and inequality, increasing variety in forms of cohabitation, increasing cultural diversity and the need for greater social cohesion.

Extensive technological developments and changes on the labour market. This particularly involves the growing importance of knowledge and information and communication technology (ICT), movements between job categories, movements in educational qualifications and the growing importance of lifelong learning.

Changes in thoughts about management and policy. During the 1980s, government policy initiated decentralisation, reconsideration of the government's role, deregulation, reorganisation of the government department, reduction in the size of the government department and privatisation. These developments were expressed in the educational policy by the changing role of central government and reinforcement of the position of local authorities, governing bodies and market players. The changing role of the central government can be characterised as deregulation in certain areas (including personnel policy) and (re)regulation in other areas (such as attainment targets, profiles and junior general secondary education / pre- vocational education).

Changes in participation in education. Partly as a result of the fact that school careers have become longer, the average student is becoming older. In addition, a growing number of pupils with different social backgrounds are participating in education (external democratisation) and the composition of groups within the schools has become more heterogeneous.

Changes in the educational content. During the past decades the *content* of education has become more differentiated. In recent years the government has initiated various (re-) integration projects, in part to bring regular and special education closer together and realise more structure in secondary education, the BVE sector and higher education. The *design* of education has also undergone development. This applies particularly to greater flexibility in order to accommodate the wishes and needs of individual participants.

Changing the distribution of expenses. In recent years the distribution of the expenses of education has shifted between government and the participant in education, in particular in the education of pupils of school age. Increasingly, expenses have to borne by the participant. It may be possible that this hampers the accessibility of education. Furthermore, access to this facility in the BVE sector (which is formally 'zero-threshold') is increasingly determined by the priorities of local authorities and the institutions themselves for certain target groups. In a number of cases output funding is threatening accessibility, particularly for weaker social groups.

Organisational changes. This mainly concerns increases in scale at institutions and the professionalisation of institutions and teachers.

Reflection

Context

Various a) *actors* are involved in education that have a greater or lesser influence on b) various *aspects* of education. To this end, they have access to c) various *instruments*.

Re a) Actors are the government, other institutions and social groups, the business community, lecturers and participants. Together they form a dynamic forcefield.

Re b) Aspects of education involve the choice of the school and acceptance, the objectives of the education, the content, the design, the evaluation, the funding and spending of resources.

ad c) The participant's formal instruments have been mentioned above. Other actors have more or less the same instruments.

These three perspectives are discussed below in the following order. First the perspective of the *actors* (the participant in particular) and the *aspects* is discussed. This is followed by a reflection on the *instruments* available to the participant. The Council then draws conclusions based on these reflections.

Reflection on the actors and aspects of education

The participant's influence on the *objectives* of education is limited. In primary and secondary education, the government has primacy in determining the attainment targets, the exit qualifications and examination requirements. In the BVE sector, the national bodies determine which professional education courses are offered and the associated exit qualifications. Higher education institutions have a high level of autonomy. The Council does not deem it appropriate at this time that a shift takes place in the roles of the various actors to determine the objectives of education, in any case not as far as it involves the participant's contribution in this respect.

The participant's influence on the *content and design* of education is limited, certainly in primary education and the first stage of secondary education. In view of the importance of the intellectual preparation of citizens in our society, the primacy of the government and educational institutions in this matter is appropriate.

During the second stage of secondary education, in the vocational training and adult education sector and in higher education, the participant definitely has / is given a say in the content and design of education, and in his own educational path in particular. This joint involvement of various actors assumes the professionalism of institutions and lecturers and the ability of the participant to take part effectively. Both assumptions are not, however, always a reflection of reality. Institutions in particular display not only professional, but also calculating behaviour that entails that the participant's interests are not always sufficiently taken into consideration (cancelled classes are a good example in this context). Furthermore, not all participants are equally equipped to make the correct choices (insufficient ability to make choices, calculating behaviour). In view of the weak position of the target group in secondary professional education and adult education, the Council deems it appropriate to reflect on the position of the participant in co-determining the content and design of his educational path.

As far as the *evaluation* of the education is concerned a distinction can be made between the evaluation of *pupil performance* on the one hand and the evaluation of the *quality of the institution* on the other hand. The testing of the learning results of *pupils* is directly related to the objectives, attainment targets, exit qualifications and examination programmes. The Inspectorate of Education has signalled a number of shortcomings in examination regulations, in testing and exit programmes and graduation regulations in various sectors of education.¹ The Council regards these findings as being particularly problematical in secondary education and the vocational training and adult education sector, in view of the participant's position in these sectors.

Traditionally, the Inspectorate of Education is responsible for the quality control of the *institutions*, by monitoring the quality standards. Institutions in higher education and even more in the BVE sector have been allocated a growing role in monitoring their own quality. The way in which this is performed then becomes the subject of (meta) evaluation by the Inspectorate. The participant's role in quality control is clear and specific in certain areas (teacher assessment), but is mainly indirect (co-determination) or in the form of a safety net (statutes, contracts, right of complaint). On the whole, various instruments are available, but the participant's actual input is limited. In particular, the Council has its doubts about the effectiveness of educational contracts in the BVE sector.

The Council has no fundamental comments on the *funding and the contribution of the participant*. The same applies to the *spending of resources* and the participant's say in this, apart from the comment that in higher education the shift in the distribution of expenses from the government to the participant is not currently reflected in a greater direct co-determination on the part of the participant in the allocation of resources. During the phase when study programmes and institutions are selected, this co-determination can be strengthened, particularly through improved provision of information.

Reflection on the instruments

Participants and institution already influence each other during the school selection phase. Participants can choose 'with their feet'. Partly as a result of demographic developments (fewer pupils in certain age categories), educational institutions are increasingly finding themselves competing with each other in the 'battle for the students'. This can affect the objectivity and quality of the information for prospective participants. Furthermore, the output funding entails certain risks for the accessibility for weaker groups.

The introduction of a school guide may bring about improvements in information on primary and secondary education. It still remains to be seen whether the so-called quality card for secondary education will be able to contribute to this. It will depend on its form and content.²

Similar instruments are lacking in the BVE sector, while in addition the choice of schools is limited as a result of increases of scale in the sector. The accessibility of what is formally intended to be a zero-threshold facility appears to be increasingly under threat. As a result of the target group policy of local authorities and institutions, certain groups

¹ See the various reports by the Inspectorate of Education (1997-14; 1997-15; 1998-3; 1998-4) and the 1997 Education Report (Inspectorate of Education, 1998).

² See also the Council's recommendation on the quality card (Onderwijsraad, 1 July 1998).

are given priority over others. Furthermore, output funding and accessibility are at odds with each other. Pupils with a relatively large risk that they will not conclude a course with a qualification are admitted less often or admitted on condition (laid down in an education contract) that they make sufficient progress within a few months.

Although a great deal of information is available to choose a school or course in higher education, the *objectivity, quality and accessibility could be improved*. Just as is the case in the BVE sector, here too output funding and the battle for the favours of the potential participant are affecting the objectivity and quality of the information on the part of the institution. Accessibility can be improved if relevant information is supplied by different sources.

In summary: the Council's position on the information for the selection of a school is that the developments regarding the school guide in primary and secondary education within the context of this recommendation on the position of the participant do not require further elaboration. In 1996 the Council expressed its viewpoint on the school guide and expressed its concern about the objectivity and comparability of information, particularly when background information is lacking. The same can be said of the quality card.

Although these forms of information provision can be subject to interpretation problems, the Council considers it advisable that similar instruments, containing objective, high quality and accessible information (see also the conclusions), also be made available in higher education. The problems involved in the choice of school and studies in the BVE sector are of a different nature; here it is primarily the accessibility of education as such that raised serious questions.

The second instrument available to the participant is that of *participation in decision-making*. Participation in decision-making is suffering from a lack of interest and knowledge on the part of the participant. From this perspective, the Council is of the opinion that the instrument as such does not need to be changed. Limited participation by the participant is not problematic as such, in any case not sufficiently so that further government regulation is essential. In view of increases in scale, the greater autonomy of institutions and the increasing divergence between the interests of the staff and those of the participant, however, it may be worth considering amending the regulations pertaining to participation in decision-making. The Education Council does not regard the matter sufficiently urgent to introduce this subject for further recommendations as an extension of this investigative recommendation on the position of the participant at this stage. The problems involved in participation in decision-making will be submitted to the Council in due course within the framework of the minister's policy response to the evaluation of the Education Participation Act of 1992. The Council will then consider this matter further.

A number of implementation problems as result of the MUB (Modernisation of University Administration Structure Act) have been noted in university education. Although the transition of co-management to participation in decision-making has been realised at institutional level in terms of the management structure, the organisational culture has not yet advanced this far and a great deal remains to be done at faculty and teaching level. However, in view of the fact that the MUB came into effect recently, it is still too early to draw any conclusions at this stage.

Participants are unaware of and show little interest in the *pupils' statutes* in secondary education. The *examination regulations* and the *test and exit programmes* suffer from serious shortcomings. On these grounds the Council finds that pupils must be provided with better information about the content of these documents (to be provided by schools or other institutions). In addition, other ways of protecting the interests of the participant are available, in particular more effective supervision of schools.

Students in higher education are also not greatly interested in the *students' charters new style*. The Council does not automatically regard this as being problematic. The study of the charters did not reveal bottlenecks that require further regulation by the government. It is thought that institutions and participants are sufficiently capable of introducing improvements where necessary, particularly when it comes to the familiarity with and the accessibility and readability of the charters. The deficiencies in the *graduation regulations* and in the *Education and Examination regulations* do not require the intervention of the government either, according to the Council.

Education contracts are only regulated in the BVE sector at present. Initial results show that the position of the participant and the position of the institution are so far apart that one can hardly speak of a contract between two equal partners. For example, the restricted choice of institutions, the actual acceptance requirements laid down by the institutions – owing to the pressure exerted by output funding, the (part-time) compulsory education, the naturalisation

obligation for newcomers, the lack of information for the participant about the content and implications of the contract, doubts about the extent to which the participant is able to determine his educational path effectively in consultation with the institution, the limited extent to which the contract can be enforced (for instance when classes are cancelled). The idea that the education contract offers the participant an instrument with which he can act as a 'countervailing power' (with a withdrawing government) is not yet demonstrated in practice. The weak position of the participant in the BVE sector in relation to that of the institution is such a cause for concern that the Education Council deems it essential to further consider this problem in the near future. Furthermore, it should be noted that the education contract also causes problems for the institutions, particularly as a result of the additional administration involved.

It is unlikely that further regulations or other instruments in the hands of the participants will solve the problem. The institutions should rather be called to order with regard to their professionalism. Within the context of the Adult and Vocational Education Act (Wet Educatie en Beroepsonderwijs - WEB) this is expected of institutions, but the objectives to be aimed for are not always clear. The (lack of) quality standards at educational institutions should be reconsidered, so that institutions can be offered clear reference points. Other ways of improving the professionalism of institutions are also available. The evaluation of the WEB should not be postponed until the statutory time. With regard to the *right of complaint* the Council does not see any fundamental bottlenecks that require further regulation. A matter of concern, however, is that institutions do not attach much importance at present to the collective right of complaint as regulated in the MUB.

Conclusions

In the opinion of the Education Council, there are no significant bottlenecks in *primary education* at present that require further government regulation, at least not from the point of view of the participant.

With regard to *secondary education*, the Council has some concerns about the pupils' statutes, examination regulations and test and exit programmes.

The Council finds that in *higher education* the information provided for the selection of an institution and studies should be improved. A transparent supply is a precondition for making a well-considered choice. In recent years the supply has become clearer as a result of restructuring and this process is still continuing. However, the completeness and objectivity of information about courses and institutions demand further improvement. The Council recommends that all available information should be utilised more effectively. The analysis and presentation of this information should preferably be in the hands of an independent institution and not the parties directly involved (institutions and students). It may be worth considering the LDC, Expertise centre for career issues, which is currently producing the Study Guide for higher education with descriptions of the content and design of courses. The information should focus on the courses themselves and opportunities available on the labour market on completion of the course. More detailed recommendations on the type of information and the way in which this information is collected are beyond the scope of this recommendation. It will be clear, however, that this information must be easily accessible at regional level.

Furthermore, it should be kept in mind that the availability of objective information will not automatically imply a different, better selection process on the part of the future student. Many factors play a role in the selection process, with more sources of information (such as advertising by institutions) and information filters (such as parents and friends) than just the objective information presented.

The bottlenecks identified by the Education Council in the *BVE education sector* have been discussed above. They are summarised here.

As far as information for the selection of a school is concerned, the BVE sector lacks the instruments currently being introduced in primary and secondary education (school guide and quality card). In addition, the choice of a school is limited as a result of increases in scale in the BVE sector. Accessibility to this formally zero-threshold facility increasingly appears to be threatened by the preference policy for certain target groups on the one hand and output funding on the other hand.

The problems involved in accessibility have an impact on the education contracts. Apart from the limited choice of institutions and the actual acceptance demands made by the institutions – as a result of the pressure exerted by output funding – the Council would also like to point to (part-time) compulsory education, the naturalisation obligation for

newcomers, limited information available to the participant about the content and implication of the contract, doubts about the extent to which he is capable of determining his educational route in consultation with the institution and the limited extent to which contracts can be enforced (for instance when lessons are cancelled). These observations indicate that the position of the participant and the position of the institution are so far apart that the education contract does not function as a contract between equal partners. The idea that the education contract offers the participant an instrument with which he can act as a 'countervailing power' (with a withdrawing government) is not yet demonstrated in practice. The weak position of the participant in the vocational training and adult education sector in relation to that of the institution is such a cause for concern that the Education Council deems it essential to further consider this problem in the near future. The Council considers it to be unlikely that further regulation or other instruments in the hands of the participants will solve the problem. The institutions should rather be called to order with regard to their professionalism.

At present the institutions' ability to act professionally and autonomously is curtailed by various context factors (legislation and regulations, effect of other actors) and limited financial resources. Much is expected from the institutions within the context of the WEB, but the objectives that should be aimed for are not always clear. The (lack of) quality standards at educational institutions should be reconsidered so that institutions can be offered clear reference points. Other ways of improving the professionalism of institutions are also available, for example by adding stimuli to the funding system, intensifying supervision of quality assurance and improving the facilities of institutions that serve this purpose. In this context, the Council is of the opinion that the evaluation of the WEB should not be postponed until the statutory time in 2001.

*Recommendations issued by the Education Council can be viewed and downloaded from the website:
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