

Dutch Education Council

# Building connections

Renée van Schoonhoven

**The Education Council is an independent governmental advisory body covering all domains of education (policies) and consisting of experts from academia and education practice. The Council provides advice, both solicited and unsolicited, to the Government, especially the Minister charged with education matters. Moreover, both chambers of the Dutch Parliament may ask the Council for advice. Local authorities can call on the Education Council in special cases of local education policy.**

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The Education Council is literally and figuratively unavoidable in the Dutch educational system, in which the Council has fulfilled an essential function for more than a hundred years now. It will need to remain a perfect example of flexibility and agility in the coming decades, because it is only with that flexibility and agility that it will be possible to build the connections that are so necessary in the educational system. Professor van Schoonhoven expands on this statement in her essay written to mark the EUNEC twentieth anniversary.



The Dutch Education Council is unavoidable. At least, that is my conclusion if I look back briefly at the ways in which I have come into contact with the Council during the course of my career. It started back in the 1980s, when I was studying Sociology at Erasmus University Rotterdam and was lucky enough to be the student assistant to the educational sociologist Mart-Jan de Jong. His colleague Han Leune was at that time president of the Education Council. That meant that Mart-Jan had to take over a good chunk of the academic work that was being 'neglected', and he wasn't always very happy about that. But the Education Council was quite simply the most authoritative body in the Dutch education system, and if your colleague is invited to lead it, you simply take on the extra burden. A few years later I came into contact with Fons van Wieringen and, under his supervision, was able to carry out research as an external doctoral student on terms of employment and HR policy in education. I had barely begun my project when... he too became president of the Education Council. I remember him being enormously happy and proud to achieve this honour; he took his work for the Council extremely seriously for many years thereafter. He often did so with an enormous amount of enthusiasm, pleasure and humour, though there were some advisory projects which he found hard work. And that showed. As it happens, the current Council president, Edith Hooge, also obtained her doctorate during that same period, and she will undoubtedly share this recollection.

Over the last twenty years, I have also occasionally been able to make a contribution behind the scenes to the creation of the Council's advisory reports. As a result, I have developed an enormous admiration for the dedication of the staff, the staff office, and the role of the secretary. Yes, the Council is an authoritative institution, but that authority doesn't happen all by itself. Rather, it stems from the huge amounts of work done by the staff and the Council, and from the quality they deliver as a result. I will return to that at the end of this essay.

The Council is still unavoidable in my present work in educational law. No to the educational system meaningful bill goes through Parliament without first receiving advice from the Council. That advice not only finds its way

into policy and politics, but also into lecture halls and into educational law research, as recently happened with the advisory brief on improving the mission of schools in relation to citizenship.

The Education Council is literally and figuratively unavoidable. That of course applies not just in my work, but above all in the Dutch educational system, in which the Council has fulfilled an essential function for more than a hundred years now. And I expect it to continue doing so over the coming decades. That does not of course mean that the Council's capacity and working methods are set in stone. On the contrary, I expect the Council to be a perfect example of flexibility and agility in the coming decades. And it will need to be, because it is only with that flexibility and agility that it will be possible to build the connections that are so necessary in the educational system.

I will expand on this statement in this essay. To do this, in section 1 I will first situate the mission and working methods of the Dutch Education Council today, in 2020; in doing so, I will inevitably have to look briefly at the history of the Council and the developments that have taken place within it. I will continue in section 2 to briefly describe developments in the public decision-making about education in the Netherlands and the social context in which those developments have taken place. The concluding section will highlight the importance of the Council's work both in the here and now and in the near future.

### **The Dutch Education Council in 2020**

The historical roots of the Education Council go back more than a hundred years. The perceived need to educate the people not only provided a backdrop for the settlement of the long-running struggle for equality of school funding, but also for the installation of the Education Council by law in 1919.<sup>1</sup> The creation of the Council was described as '*... the first step (...) towards achieving an improvement in education.*' Against this backdrop, the Council was to be staffed with 'persons who may be expected to have a mastery of the educational and pedagogical issues of today and who are able to identify, sift and promote the elements of value from among

the wide array of insights and views.' The Council members were to be drawn from different sections of the community; this was also intended to help Council meetings contribute to prolonging the – still brittle – peace in the schools funding struggle. The Council was charged with 'focusing exclusively on preparing measures of general import, needed to raise and maintain the pedagogical standard of education.'<sup>2</sup> The Explanatory Memorandum in fact stressed several times that the work of the Council was to be kept separate from the activities of the civil servants at the newly established Ministry of Education; the activities of the Council were also not to impinge on the territory of the Inspectorate of Education, and vice versa. In short, the independence of the Education Council was important from the start; it must not become part of the Ministry of Education, and that is still the case today.

The functionality, configuration and working methods of the Council were inspired by the launch of a new phase in the relationship between policy, science and educational practice. This correspondence between the form and function of the Council on the one hand and the relationships between policy, educational practice and science on the other was later reflected in the four different phases that can be distinguished in the Council's work.<sup>3</sup>

Following its launch in the first half of the twentieth century, the Council had the onerous task of seeking a focus for its work: was the Council above all an *educational reformer* or a *guardian* of the equality (especially financial equality) between private and public schools? The function of arbitrator and guardian of the freedom of education dominated in this early period. Thereafter, the form and function of the Council between 1955 and 1975 were shaped mainly by *educational reform and democratization*. The focus in this period was on expanding the educational system, raising the school-leaving age, and improving education. In the last two decades of the twentieth century, all this changed once again and the Council acquired a new and formal role as the definitive advisory body for the government. This meant less emphasis on the importance of educational reform as such and a greater emphasis on the importance of evidence-based policy. Finally, from 1997 onwards, we see a more customized role for the Council,

with a return to its core task of advising government and Parliament on the broad outlines of education policy, of education legislation and of the implementation or application of that legislation.<sup>4,5</sup> The law stipulates that the Council must consist of a minimum of eight and a maximum of nineteen members.

The change of direction in 1997 was in fact fairly rigorous in the sense that the number of Council members was reduced from more than 80 to a maximum of nineteen. All manner of tasks which had been placed with the Education Council over the decades were scrapped; the Council was charged with shifting its focus to advising on broad outlines of policy.<sup>6</sup> All these changes did not of course take place in a vacuum, but were part of a broader move towards a substantial reduction in the number of government advisory bodies, achieved through the Advisory System (Reform) Act, to give it its official title (*Herzieningswet adviesstelsel* in Dutch), better known as the 'Desert Act' (*Woestijnwet*). Its purpose was to slim down the advisory system and increase its transparency, to restore the primacy of politics and open a window on political decision-making. Put differently, the forest of advisory bodies meant it had become unclear whether policy was still being determined by government and Parliament, and it was felt that there was a need to cut down large tracts of this forest, including in the field of education policy.<sup>7</sup> The 'Desert Act' marked the formal end of the original Education Council in 1997, with the new Council being established more or less simultaneously.<sup>8</sup> The legal requirement for advisory bodies to give advice was abolished and replaced by the power to request advice. All this fitted in with 'the general commitment of central government to place responsibility for decision-making more in the hands of politicians and less in the hands of experts and representatives of particular interests.'

Today, twenty years after this fairly radical change, we can say that the new Council has stabilized in terms of its form and functionality. In 2020, the Council has nine members in addition to the president, all of whom participate in the Council in a personal capacity; the Council is now supported by a professional staff and professional secretary. The Work Programme for 2020 describes the Council's objectives: (1) promoting the

quality of public decision-making on education; (2) contributing to building connections between government and society; and (3) acting as a critical sparring partner for government and those working in education.<sup>9</sup> The Minister adopts the Council's Work Programme, but the Council naturally formulates the Programme itself based on discussions with Ministers, Parliament and stakeholders from the field of education. The Education Council advises across the full breadth of the education system, from primary and secondary right through to higher education. Its advisory reports are characterised by a solid scientific basis combined with a focus on practice, whilst respecting the core focus areas for the longer term such as the relationship between public and private education, between differentiation and selection and between the continuing concern for and freedom of education. According to the Work Programme, in addition to the necessary advice on legislation, topics earmarked for advisory reports in 2020 include more inclusive education, differences between boys and girls within the school system, and, last but not least, freedom of education.

A relevant question, partly in the light of the EUNEC anniversary, is whether the Education Council still 'works' in 2020? A first answer to this question comes from the report of an evaluation of the Council in 2019.<sup>10</sup> That report shows that, without exception, relevant stakeholders that are associated with the Council value the work done by the Council. In this sense, the Education Council's value added is plain.

*The Council in 2020 is regarded as an authoritative, independent and expert advisory body. Its strength lies above all in the quality of its advice, and in the analyses on which that advice is based.*

The evaluation also points out that further improvements are possible, though these are mainly concerned with what I would regard as the more operational and pragmatic aspects, such as 'pay attention to the number of advisory reports you publish' and 'communicate more, and more clearly, with those working in the field', and so on. Without doubt, the Council and its staff are already working on these recommendations.

In short, the Education Council is in a good position in 2020. The quality it delivers and the appreciation of its work are high. Everything is in order. The question then is, can that be sustained over the next decade?

### **And what now?**

Until the end of the last century, the role of the Education Council was unambiguous – or, perhaps, one-dimensional – in the sense that, before taking any political decisions, Ministers at the department of Education, Culture and Science would first parade their policy proposals past the advisory councils. There were many, institutionalized consultation bodies in which policy proposals were discussed, before ultimately ending up with the final advisory body, the Education Council. After that came the parliamentary debate.

Not only did the positioning of the Council itself change from 1997, so did the way in which policy proposals ultimately come to Parliament. It was not just the Council that underwent a transformation;<sup>11</sup> the years around the turn of the century also ushered in changes to the whole system, the interwoven web of consultative bodies in and around the Ministry of Education, Culture and Science that had arisen during the period of 'constructive education policy'.<sup>12</sup> That interwoven web included bodies which focused on educational content programming, such as the Central Committee for Educational Consultation (CCOO) and later the Primary and Secondary Education Consultation Forum (POVO). There was also a consultation system in which the employment conditions of teaching staff were discussed. Over the course of twenty years this was devolved to the collective bargaining system that prevails today. Policy proposals which passed through this web of consultations could count on 'support'. At the same time, this process was also sluggish and cumbersome: 'The Minister could not move so much as a single comma without those working in education (...) being involved in the decision. Then there was the POVO, to which the Minister had to appeal in an almost Stalinist atmosphere if he wanted to do so much as move a semicolon. (...) Every implementation plan was chewed over, pre-digested, to an almost corporatist degree.'<sup>13</sup> 'Support' for the proposals by no means always translated into genuine support for

the policy among teachers; it regularly transpired that the representatives in the consultative bodies were closer to the politicians and the policy than to those actually teaching in schools.<sup>14</sup>

In the first decade of this century the dense, closely interwoven consultation system was slowly but surely dismantled. Writing in 2010, Bronneman observed that the consultation between the Ministry of Education, Culture and Science and those working in education had become a much less institutionalized process than in the past. She noted that dialogue now took place not only with directly involved educational organizations, but also with individual stakeholders and external experts. There is also a great deal of consultation on individual policy items, such as 'appropriate education'.<sup>15</sup> The Education Council has itself observed that this trend does not necessarily mean that policy, legislation and regulations will immediately enjoy more support from direct stakeholders. The Council therefore advocates different kinds of representation in the creation of policy, legislation and regulations, with a view to achieving a better alignment with the wishes and needs of education.<sup>16</sup>

Going back to where we started at the beginning of this section, today, in 2020, we can say that the Education Council can no longer be positioned as a one-dimensional factor in the decision-making process with regard to education policy. For one thing, that process itself no longer consists solely of a single, broadly composed decision-making channel. There is no longer a network of fixed discussion partners and regulated consultation forums in which decisions on education policy are prepared. Instead, there is a melee of (ever-changing) representations and relationships, both as regards the type of stakeholders with which consultations take place and as regards the intensity of those consultations. Some legislative proposals are drafted without any consultation at all with (co-)stakeholders; this was for example the case with the Vocational Education and Training (Early Registration and Right to Admission) Act (*Wet vervroegde aanmelding en toelatingsrecht tot het mbo*). On the other hand, there are also processes in which the Ministry of Education, Culture and Science works very closely with selected representatives of education practice in developing policy, legislation and

regulations. This happened in the run-up to the Register of Teachers Act (*Wet op het lerarenregister*), for example – though as it turned out, this did not guarantee the implementation of the Act, large parts of which have still not come into effect; deliberations are currently under way on repealing these unimplemented legal provisions.<sup>17</sup>

### **| *Uniformity has made way for multiplicity***

We see this increasing multi-dimensionality not just in policy making structures,<sup>18</sup> but also in the types of governance employed in administration and policy, including governance in and of education. Here again, we can say that uniformity has made way for multiplicity. According to several authors, the explanation for this lies in the transition to a 'late-modern' society, in which governance concepts that prevailed until well into the twentieth century are becoming less and less effective. In abstract terms, this is because the sources of authority, organizational capabilities and institutional frameworks have begun diverging from each other, in turn meaning there are fewer links than in the past between the point of intervention of a policy and its envisaged effect. Where in the middle of the last century, for example, there was still a fairly solid link between institutions such as the family, church and school on the one hand and political parties on the other, these links are much less self-evident today. Social relationships are much more non-linear and organic in nature; lifestyles and networks are today more changeable and more fluid.<sup>19</sup> This has resulted in a quest for forms of governance which are more fit for purpose in today's context, for example by making use of the (flexible) networks that are already present within society.<sup>20</sup>

Put differently: in the twentieth century the legislator largely used the instrument of hierarchical governance, involving (a) laying down in legislation and regulations;<sup>21</sup> in the 1980s, a second governance concept was added, namely (b) outsourcing to the market, followed by a third option, (c) consulting with those working in the field on the importance of customization, network relationships and self-regulation.

Today, we see a mix of these three options in the practice of education policy and legislation – though it is not always clear whether this mix is being applied deliberately. In her study, Hooge, for example, characterizes the mix of options used in practice by the Ministry of Education, Culture and Science as 'flexible network governance by the government', but also adds the caveat that it is unclear whether this form of governance is deliberate and intentional.<sup>23</sup> It is also unclear whether the governance option ultimately used is the most appropriate. Bannink and Bosselaar write in this respect that we do not know what constitutes an ideal form of governance at the present juncture, implying that 'we must learn to live with the insight that we have to take a position ourselves in a field that is and will continue to be characterised by multiplicity.'<sup>24</sup>

In his recent publication on governance, *Besturen zonder wij*, Bannink formulates it a little more critically, as 'in reality, we are just scrambling around without a focus'. In an era when we know more and more, we also know more and more different things. At the same time, the diversity of wishes and desires of people and organizations only increases. The premise that both knowledge and preferences can be linked together in some way – a premise that must be met for effective governance based on a given hierarchy, market or network – is being met less and less often. In other words, there is virtually no 'we' any more on which policy can be based. Instead, we are juggling with a variety of governance concepts in the hope that the 'happy meal' that is the ultimately constructed governance mix might contain a nugget. And sometimes it does.

Bannink makes four recommendations to administrators and policy makers. First: do not work from the basis of assumed uniformity, but start from the premise that existing governance concepts assume the presence of a 'we' which is by no means always still present. Governance is a thorny issue for which there are no uniform or unambiguous solutions. Second: be fully aware that governance is about influencing relationships between actors and that it is always necessary to take into account the preferences and actions of those actors. Third: rather than a 'we', there is a collection of individual 'I's', which means that actors ultimately always make their own

choices; moreover, those choices will ultimately manifest themselves in actual actions in practice, rather than stemming directly from covenants or consultation agreements. Fourth and finally: against this background, governance is above all a question of ploughing on, continuing to try to find the right mix, hard work, continuing to engage in interaction, all with the principal objective of thoroughly understanding what others are saying and obtaining a realistic picture of the likely practical actions after agreement has been reached at the negotiating table or following a consultation round. All in all, Bannink argues that this means that governance in 2020 is not a matter of building on commonality, but above all of creating commonality.<sup>25</sup>

### **Building connections**

The recent evaluation by Baars et al. does not contain an analysis of what the changing societal and administrative context as outlined above means for the work of the Education Council. The evaluation culminates in a number of clear recommendations: try to limit the number of advisory reports in the future; with this in mind, focus mainly on the big strategic issues in education policy; make the switch from analysis to recommendation in the advisory reports easier to follow by exploring possible scenarios, and so on. As commented earlier in this essay, these tips are valuable and the Council and its staff will undoubtedly already be working on implementing them. But are they sufficient?

In his farewell address in 2011, Fons van Wieringen remarked that the advisory reports of the Education Council are so good because they are taken seriously, adding in the same breath – and to some hilarity in the audience – that they are taken seriously because they are so good. He was being completely serious, however, stressing the importance for Dutch education of ensuring that this virtuous circle is maintained and nourished in the decades ahead.

In short, we may – or perhaps must – expect a good deal from the Education Council going forward. The bar is high, and it needs to be. It will be clear from the foregoing that these ambitions can be met if the Council strives to be sufficiently agile in the coming period in the ever more fluid

world of education, in which variable governance mixes abound and – just as in society in general – there appears to be no clearly identifiable 'we'.

*It will be key not to start from the traditional presumption that we (can) know everything and that we will ultimately reach a consensus, but above all to engage in interactive dialogue with all manner of bodies and stakeholders involved in education policy.*

The results of this interaction can and will undoubtedly lead to the production of advisory reports by the Council in the 21st century which are good and which are taken seriously. The added value of the advisory reports will however lie above all in the process by which they are created, because it is with these processes the Education Council meets the growing need for connection in education policy.

## Literature list/References

- Baars G. & al. (2019). *Evaluatie Onderwijsraad 2013-2018*. Rotterdam: Universiteit Rotterdam.
- Bannink, D. (2019). *Besturen zonder wij. In een samenleving zonder wij*. Amsterdam: VU University Press, p. 100.
- Bannink, D. & Bosselaar, H. (eds.) (2018). *Het probleem samenwerken. Duiden en verbinden: ironische uitwegen voor vastgelopen samenwerking*. Den Haag: Boom bestuurskunde.
- Brans, M., Van Damme, J. & Gaskell, J. (2010). *Education councils in Europe. Balancing expertise, societal input and political control in the production of policy advice*. Brussels: Eunec.
- Braster, S. & Vermeerssen, C. (2004). *De onderwijsraad en de herziening van het adviesstelsel*. Den Haag: Onderwijsraad.
- Bronneman-Helmers, R. (2011). *Overheid en onderwijsbestel. Beleidsvorming rond het Nederlandse onderwijsstelsel (1990-2010)*. Den Haag: Sociaal en Cultureel Planbureau, p. 91.
- Van Damme J. & Brans, M. (2013). *Advisory bodies as boundary organizations. Evidence from a European comparative study of education councils*. Grenoble: Paper ICPP.
- Hajer, M. (2003). 'Policy without polity? Policy analysis and the institutional void' *Policy sciences* 36( 2003): 175-195.
- Hooge, E. (201è). *Sturingsdynamiek op stelselniveau: lenige netwerksturing door de overheid*. Tilburg: TIAS School for Business and Society, Tilburg University.
- Hoppe, R. & Halffman, W. (2004). 'Wetenschappelijke beleidsadvisering in Nederland. Trends en ontwikkelingen' in: *Beleidswetenschap* , 2004(1): 31 – 61.
- Idenburg, P. (1970). *Naar een constructieve onderwijspolitiek*, Groningen: Wolters-Noordhoff.
- Kubben, R. (2019). 'Een eeuw bij de les. Honderd jaar Onderwijsraad, een terugblik' in: *Onderwijsraad Lessen. Special 100 jaar* 14(1): 16-17.
- Lash, S. (2003). 'Reflexivity as Non-linearity' *Theory, Culture & Society* 20 (2): 49–57.
- Onderwijsraad (2014). *Onderwijspolitiek na de commissie-Dijsselbloem*. Den Haag: Onderwijsraad.
- Onderwijsraad (2019). *Jaarverslag 2018*. Den Haag: Onderwijsraad.
- Onderwijsraad (2019). *Werkprogramma 2020*. Den Haag: Onderwijsraad.
- Van Schoonhoven, R. (2017). 'De Wet op het lerarenregister: enkele aandachtspunten bij uitbesteding van wetgeving op grond van een voorbeeld' in: Zoeteman, S. (ed.), *Uitbesteding van wetgeving*. Is.l.: Nederlandse Vereniging voor Wetgeving, 49-92.

- Van Schoonhoven, R. & Brekelmans, F. (2020). *Enerzijds, anderzijds. Scenario's voor de regulering van medezeggenschap vmbo-mbo*. Utrecht: Onderwijsgechillen.
- Scott, W. (2014)(4th edition). *Institutions and Organizations. Ideas, Interests, and Identities*. Los Angeles: Sage.
- Van der Steen, M. (2019). 'Controle en verantwoording publieke waarde in netwerken' *TPCOnline* 2019(mei): 4-9.
- Van Wieringen, A. (2011). *Verwachtingsvol onderwijs*. Den Haag: Onderwijsraad.

## Notes

- 1 Stb. 1919, 49.
- 2 *Kamerstukken II* 1918/19, 265, 3.
- 3 Kubben, R.(2019). 'Een eeuw bij de les. Honderd jaar Onderwijsraad, een terugblik' in: *Onderwijsraad Lessen. Special 100 jaar 14(1):* 16-17.
- 4 Wet op de Onderwijsraad; *Stb.* 1997, 220.
- 5 In the laws governing primary and secondary education, the Education Council also plays a role as an adviser to the Minister with regard to attainment targets for education in the Friesian language. The Council can also act as an adviser to Municipal Executives and municipal Councils on issues relating to freedom of education in municipal education accommodation policy.
- 6 *Kamerstukken II* 1996/97, 25 041, 3, *Stb.* 1997, 220.
- 7 *Kamerstukken II* 2015/16, 28 101, 15.
- 8 Braster, S.& Vermeerssen, C. (2004). *De onderwijsraad en de herziening van het adviesstelsel*. Den Haag: Onderwijsraad.
- 9 From: Werkprogramma Onderwijsraad 2019.
- 10 Baars G. & al. (2019). *Evaluatie Onderwijsraad 2013-2018*. Rotterdam: Universiteit Rotterdam.
- 11 Van Schoonhoven, R (2017). 'De Wet op het lerarenregister: enkele aandachtspunten bij uitbesteding van wetgeving op grond van een voorbeeld' in: Zoeteman, S. (ed.), *Uitbesteding van wetgeving*. [s.l.]: Nederlandse Vereniging voor Wetgeving, 49-92.
- 12 Idenburg, P.(1970). *Naar een constructieve onderwijspolitiek*. Groningen: Wolters-Noordhoff.
- 13 *Kamerstukken II* 2007/08, 31 007, nr. 6, p. 42.
- 14 *Kamerstukken II* 2007/08, 31 007, nr. 6, p. 129.

- 15 Bronneman-Helmers, R.(2011). *Overheid en onderwijsbestel. Belevingsvorming rond het Nederlandse onderwijsstelsel (1990-2010)*. Den Haag: Sociaal en Cultureel Planbureau. p. 91.
- 16 Onderwijsraad (2014). *Onderwijspolitiek na de commissie-Dijsselbloem*. Den Haag: Onderwijsraad.
- 17 Initiatiefwetsvoorstel Bisschop en Kwint tot afschaffing van het lerarenregister en het registervoorportaal; Kamerstukken II 2018/19, 35 145, 2.
- 18 Van Schoonhoven, R. & Brekelmans, F. (2020). *Enerzijds, anderzijds. Scenario's voor de regulering van medezeggenschap vmbo-mbo*. Utrecht: Onderwijsgeschillen.
- 19 Scott, W. (2014)(4th edition). *Institutions and Organizations. Ideas, Interests, and Identities*. Los Angeles: Sage. S. Lash, 'Reflexivity as Non-linearity'. In: *Theory, Culture & Society*, 2003, 20 (2), p. 49-57.
- 20 E. Hooge, *Sturingsdynamiek op stelselniveau: lenige netwerksturing door de overheid*. Tilburg: TIAS School for Business and Society, Tilburg University 2017. M. van der Steen, 'Controle en verantwoording publieke waarde in netwerken'. In: *TPCOnline*, May 2019, p. 4-9.
- 21 Bannink, D.& Bosselaar, H. (eds.) (2018). *Het probleem samenwerken. Duiden en verbinden: ironische uitwegen voor vastgelopen samenwerking*. Den Haag: Boom bestuurskunde.
- 23 Hooge 2017, p. 7.
- 24 Bannink & Bosselaar (2018), p. 31:
- 25 Bannink, D. (2019). *Besturen zonder wij. In een samenleving zonder wij*. Amsterdam: VU University Press. p. 100.

