Education councils in Europe

Balancing expertise, societal input and political control in the production of policy advice

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It is my pleasure to congratulate the European Network of Education Councils (EUNEC) on its ten year anniversary. Just as Education Councils are key advisers to their national governments, their European network has become a significant stakeholder in our Europe-wide cooperation in education and training.

This pivotal role cannot be underestimated. European bodies carry important messages both ways. They are a vital channel for informing educationalists in their home countries about European policies and about the results and progress that come about from the cooperation between Member States. They also keep the European Commission up to date on the needs of the education and training sector throughout Europe, and help us to direct our work to the maximum benefit of our citizens, of our member countries, and thus of Europe as a whole.

In the ten years since the creation of the European Network of Education Councils, the education and training landscape has changed significantly in Europe. The central role of education in shaping our future is now beyond dispute. We know with certainty that concerted action across Europe in education and training can make a real difference to people's lives and contribute to the process of European integration.

Europe 2020, our new strategy to deliver smart, sustainable and inclusive growth rests on the clear understanding that recovery must be built on knowledge, skills, and the ability to innovate for a sustainable future.

Education and training are centre-stage. This is a clear sign that all policymakers, not just educationalists, understand that education is key for our future, as we come to grips with today's challenges: globalisation; energy and sustainability; technological change; new job and skill profiles; and, of course, the economic crisis.

The Europe 2020 strategy also emphasises that change cannot happen without involving stakeholders and civil society in the debate on our future. We already call on, and count on, civil society in our European cooperation on education and training, but I have no doubt that there is much to gain by strengthening our dialogue even further.

It is my hope that EUNEC will continue to contribute to the work of the European Union over the next decade; you will be a valuable partner and link with the national implementation of Europe 2020 and our strategic framework for European cooperation in education and training.

By continuing to work together, we can build an innovative and inclusive Union that prizes the unique potential of every citizen.

José Manuel Barroso, President of the European Commission

Preface

Participation and consultation of citizens and stakeholders as a key element in policy decision making is generally being recognized as a main indicator of good governance. Active involvement in the decision making process is no longer a privilege of civil servants and professional politicians. Citizens and directly involved stakeholders no longer accept to be the subject of policy without a level of involvement and consultation. Decision making processes across several levels (the community level, the regional level, the national level, the European level), often include efficient and effective ways for involvement and participation of citizens. There are many different ways to shape wider stakeholder participation: internet polls, hearings with representatives from action committees or interest groups, expert opinions and recommendations, …

The same processes are utilised by many other societal domains such as environment, traffic and neighbourhood development. It is certainly important in education and training. The central theme of this study is focusing on participative models in decision making in the field of education and training.

Several European countries structure the participation of education stakeholders using formal bodies, known as education councils. Education councils are national or regional bodies that provide national and regional ministers and governments with policy advice on innovation in education policies. Education councils are platforms for consultation and can shape the policy advice given to governments in the context of emerging demands of society towards education.

Education councils are also diverse bodies with their own characteristics. Some countries and government prefer to work with stakeholder and interest groups separately and implement different models of engagement. However, there is a growing interest to examine the benefits of a council, both by governments and stakeholder organizations, aiming to make consultation processes more transparent and efficient.

Education councils play a major role as an interface between national, international and regional policies through their role as strategic advisory bodies. From that perspective, education councils come into the scope as partners to strengthen the creation of a European Education Area and can give a boost to the development of talents, highlighted in the new EU programmes Europe 2020 and Education and Training 2020.

EUNEC - the European Network of Education Councils - was created in 2000 as a platform for cooperation between several European education councils to strengthen participative processes at national and European level. The network functions as a knowledge platform for national education councils to strengthen their participative processes and to learn more about good practice at European level and national level. In that sense EUNEC is a meeting point for learning, benchmarking and exchange of good practice between educationalists involved in the policy process. Education councils and EUNEC could also be used to good effect to build links between policy goals and their implementation.

In order to underpin better these goals, EUNEC decided to undertake a study on the concept of participation, expertise, legitimacy and involvement of stakeholders and experts in policy making in general and in particular in education policy processes. The study should identify and describe the various existing models for consulting educational stakeholders in EU countries and make a typology of them. A second aim of the study was to enhance the quality of the work done in existing education councils, active members of EUNEC. EUNEC would benefit from a benchmarking exercise, describing in extent the

functioning of existing councils. This exercise clarifies the critical conditions and the various types of consultation.

The Jean Monnet funding by the Education, Audiovisual and Culture Executive Agency (EACEA) was an exceptional opportunity for EUNEC to question and discuss on a scientific basis ideas and concepts on participation and advisory work. We honestly want to express our gratitude to the EACEA for this opportunity.
A second word of gratitude is needed for the KU Leuven research team of the 'Public Management Institute', under the supervision of Prof. Dr. Marleen Brans and Jan Van Damme.

Last but not least, we want to thank the "founding fathers and mothers" of EUNEC. Ten years after its creation, EUNEC is a well organized network, active and proactive in the field of the European education policy. The support and encouragement of M. Domenico Lenarduzzi, head of the education division of the European Commission (1981-2001) was an indispensable stimulus for the creation of EUNEC. As he points out in his contribution to this book, he was convinced of the need to strengthen cooperation and dialogue between all educational stakeholders and the European institutions. Therefore we are very honoured he accepted to write a foreword in this book.

This study is for EUNEC and can be seen as a basis for looking to the future and for further improvement of the network and of education councils. EUNEC is convinced that all those involved in education (the European Commission, the governments of the Member States, the education councils, the stakeholders and all European citizens) can benefit from a European platform where major reforms in educational systems can be discussed thoroughly and prepared for a successful implementation. This aim is now at new a priority for the present European Commission. It is important to build in the years to come common platforms where education stakeholders such as EUNEC and European institutions can meet for discussion, consultation and commonly shared insights.

We hope that this study will help to underpin thinking on transparent and efficient structures for consultation, advice and dialogue between policy makers and stakeholder / interest groups in the field of education and training. This is an invitation to all councils, members of EUNEC, to other education councils, to the national governments and the European Commission to intensify the dialogue on building strong structures for participation and advice in the field of education and training. We hope also that the study will help governments to be more aware of the importance a participation structure such as the education council can play in making policy development more open to the stakeholders and to their interests.

Simone Barthel, EUNEC president

Mia Douterlungne, EUNEC general secretary

Préface

Le troisième millénaire sera caractérisé par une évolution scientifique, technologique, économique et sociale de plus en plus rapide, faisant de la 'Connaissance' la pierre angulaire de toute nouvelle politique économique et sociale.

Aujourd'hui, la vraie richesse, les performances économiques, la compétitivité et l'emploi ne reposent plus seulement sur la production des biens matériels, mais principalement sur la production de la connaissance (par la recherche), sa transmission (par l'éducation et la formation) et sa mise en valeur (par l'innovation).

Par conséquent l' éducation et la formation sont aujourd'hui, plus que jamais, au cœur des préoccupations de l'Europe et une des principales priorités de la stratégie 'Europe 2020'.

Fondée sur le principe de subsidiarité, la coopération européenne en éducation s'est construite essentiellement sur base volontaire par la méthode ouverte de coopération.

Le programme Erasmus, lancé en 1987, a permis, à ce jour, à environ deux millions et demi d'étudiants de compléter leur formation dans une Université d'un autre Etat membre. Il a été à l'origine du développement de programmes de coopération européenne dans tous les niveaux de l'enseignement (Socrate), de la formation professionnelle (Leonardo da Vinci) et dans la recherche en éducation. Les États membres de l'UE et la Commission européenne ont renforcé leur coopération en 2009 avec le cadre stratégique pour la coopération européenne dans le domaine de l'éducation et de la formation – 'Éducation et formation 2020' - faisant suite au précédent programme de travail "Éducation et formation 2010" lancé en 2001.

Les progrès réalisés depuis plus d'une trentaine d'années dans la coopération européenne dans ce domaine sont extraordinaires: l'enseignement supérieur a un nouveau visage (processus de Bologne) et l'on peut parler d'un 'Espace européen de l'enseignement supérieur', les qualifications tendent vers plus de transparence et même une certaine convergence (processus de Copenhague) grâce notamment au cadre européen des certifications, la mobilité est rendue possible tant pour les étudiants que pour les apprentis ainsi que pour les enseignants, entre autres grâce aux ECTS et aux ECVET. Apprendre tout au long de la vie devient une réalité acceptée par le plus grand nombre et l'on progresse dans la validation des acquis… Bref si on est loin d'être au bout du chemin, on peut dire que l'espace européen de l'éducation et de la formation existe et se développe.

Mais aucun changement ne peut se faire en profondeur sans la participation volontaire et active des nombreux acteurs sociaux, partenaires de l'éducation et de la formation. De plus en plus les États ont voulu reconnaître ces partenaires en créant des instances formelles de consultation et de concertation. Ce sont notamment les Conseils de l'éducation composés de représentants et/ou d'experts de différents horizons. Ces Conseil sont des lieux importants où se réfléchissent et se construisent progressivement les politiques d'éducation et de formation de demain. Ils sont aussi des lieux où se diffusent des idées nouvelles, où se construisent les coopérations. Au niveau européen, la Commission a eu à cœur d'aider ces Conseils à constituer un réseau européen, EUNEC, qui est actif depuis 10 ans déjà. Le programme Jean Monnet a reconnu la qualité du travail mené en octroyant une bourse à EUNEC pour l'aider à fonctionner mieux encore et à se développer davantage.

Je voudrais saluer ici l'initiative d'EUNEC qui a voulu, à travers une étude universitaire, mieux comprendre les Conseils qui constituent le réseau, mieux comprendre en quoi et comment ils participent à la construction des politiques éducatives nationales, régionales et européennes.

J'invite les États à prendre en compte l'intérêt que représente 'un Conseil de l'éducation et de la formation tout au long de la vie' pour une construction démocratique des politiques éducatives et une meilleure implémentation de l'esprit de coopération européenne.

Domenico Lenarduzzi,
directeur général honoraire de la Commission Européenne

Table of Contents

List of figures

1. Introduction

> 1.1. Problems and goals

The increasing complexity of the policy environment has been critical for the conduct of advising government on policy. Policy advice can be defined as an opinion or recommendation offered as a guide for future policy. This advice can come from different sources such as experts, businesses, individual citizens, representatives, etc.. Today, so-called 'wicked problems' combining scientific uncertainty with societal dispute, challenge traditional ways of policy making and of policy advice. Governments are increasingly dependent upon external information, knowledge, expertise and support in order to successfully deliver policies (Peters and Barker 1993). And whilst seeking policy advice is nothing new in the world, modern democratic governments must contend with these increasingly complex policy topics combined with increasing scrutiny from a population where media embedded interest groups, and even individual citizens can monitor every decision taken.

The backdrop of this environment has meant that modern policy advice appears to be at a crossroads between two different paths, one towards professionalization and the other towards interactiveness. The road towards professionalization is a movement towards increasingly academic and scientific policy analysis and evaluation. Thus, this route increases the government's capacity for problem solving through increasing the scientific knowledge base available for policy decisions. Interactiveness, on the other hand, is based upon the need of democratic governments to garner support for their decisions, to appear to be following the wishes of the people or at least acting in their interests. Policy decisions down this path involve direct consultation and interaction with target groups, bringing citizens directly into the policy making process with the assumption that their support will mean that the policy solutions are not only in the public's interest but are also sustainable. With the more pessimistic view being that the government's job is easier if the core groups are already supporting the policies themselves (Brans & Vancoppenolle 2005). Moreover, it has also been stressed that during the policy making process, attention should already be paid to policy implementation. Those responsible for policy delivery have knowledge and information which should be included at an early stage of the policy making process. Elmore (1985) stresses the need for 'forward and backward mapping' during the policy making process. This again indicates the need for policy development in interaction with those who have the knowledge and resources needed for successful implementation.

Internationally, there appears to be a development towards more and more diverse mechanisms of public consultation and participation in the policy making process (Van Damme & Brans 2008a). In parallel, there has been a development towards a broadening of sources of advice, with an expanding involvement of actors from both within and beyond the governmental system. Not only academic experts and big interests are being consulted, but also individual citizens, specific target groups, etc.. Advice has accordingly become more competitive and contested. The value of academic or professional expertise is itself contested against the value of those with so called "experience based" expertise, or lay expertise. The consequence of greater advice competition is that the policy adviser is under greater pressure to ensure the 'product' reflects the government's needs (Halligan 1995;Waller 1992) In other cases, however, there appears to be more of a symbiotic relation between professionalization and interactiveness, when, for example, academic experts set the scientific boundaries for subsequent policy discussions (Van Damme & Brans 2009).

Next to professionalization and interactiveness, a third discourse can be discerned, a discourse that focuses on political primacy, with the underlying fear of interest group 'capture' of a policy domain. This view posits that political decisions should be taken independently by the government, by those officially mandated, with any advice coming from independent experts and not from those with even the smallest possible vested interest in particular policy outcomes. Clearly here there is

direct tension between the public management perspective, in which policy is believed to be increasingly developed in complex policy networks and communities and the traditional public law perspective that ascribes specific powers to the different governmental actors (Hendriks & Tops 2001).

Thus, advisory bodies such as education councils –which can be considered as specific mechanisms of consultation or participation- operate at the crossroads of different challenges to the policy making process, pressured by the need to contribute to evidence based policy development, by the need to assist in building policy support, and by the need to deliver advice that does not infringe too much upon the discretion of political actors to make the final policy decision. However, whereas these trends often appear to be in tension, they can also be intertwined. For example, when as mentioned before, academic experts set the limits for subsequent policy discussion, or when lay experts provide a societal check on policy plans developed from a more academic background. By providing a system with checks and balances, by including a diversity of actors in the policy making process, at the right time and in the right way, in a transparent process with clear roles and responsibilities, these trends can possibly be successfully reconciled. In today's society, policy needs to be developed in a transparent, open, inclusive and informed manner, as well as achieve efficient and effective policy results, in order to be (perceived as) legitimate. Empirical evidence indicates that both scientists and societal stakeholders are increasingly aware of the need to pay attention to the multiple faces of legitimacy. For example, even exclusively scientific advisory bodies often feel the need to consult with stakeholders in order to increase the legitimacy of their advice (Van Damme & Brans 2008a). Likewise, societal stakeholders invest in research so as to make their case stronger.

In the end it appears that the goals and activities of advisory bodies are a highly varied mix of reviewing scientific findings; offering instrumental policy advice; introducing public values in the debate; establishing common ground; ensuring a certain degree of policy support; stimulating understanding between actors and/or perspectives; decreasing tensions and conflicts; stimulating reflection and learning, etc.. in a cocktail of complex and intertwined objectives that the advisory body must strive towards if the value of its advice is to remain high. Advisory bodies operate in a competitive policy environment where advice is coming from multiple sources and with different claims to legitimacy. Therefore, they have to be able to gain and sustain access to the policy making process. Not only the advice itself needs to be of high quality and of high relevance, the advisory body itself also needs to establish and maintain a high status in order for their advice to be taken into account. While they are trying to do this, they have to walk a thin line between a number of tensions: act as a countervailing force or as an expert committee? Deliver short term instrumental or long term conceptual advice? Should that advice be on demand or pro-active? Should the advisory body be closely linked to the 'mother' department or at a critical distance? Whatever the answers to these questions be, research indicates that a constructive interaction between the constituent and the advisory body is crucial for a successful 'landing' of policy advice (Van Damme & Brans 2008b). What appears to be crucial is the way in which the advisory body is able to function as a real 'boundary organisation' bridging the worlds of science, state and society, tailoring to the needs of different actors (cfr. Infra).

Whilst advisory bodies are now a common feature of the policy making process in many countries, recent knowledge of their organisation and functioning, and of their development over time is lacking. Wielemans & Herpelinck (2000) indicate that education councils share in this lack of academic and governmental attention. There is a need to better understand the functioning of advisory councils from a policy science perspective, and to increase the understanding of the ways in which their functioning can be aligned with modern challenges to policy-making. Research in this field can not only contribute to better policy making in the field of education, but also to the academic literature on governance, public participation, public advisory bodies and their production of policy advice.

The overall framework that we use in this research will be that of policy legitimacy. Legitimacy is a central feature in policy studies. What does legitimate policy entail? How does policy advice by means of education councils contribute to legitimate policy? What types of education councils exist? What trends can be discerned in the way such councils operate? How is the advisory process organised? What is the influence of different aspects of the institutional arrangement on the outcome? The answers to these and other questions can contribute to the government's quest for legitimacy, both in terms of the efficient and effective solution of complex societal problems (output legitimacy), and in terms of the transparency, openness and quality of decision-making (input and throughput legitimacy). The answers to these questions can also lead to specific and concrete areas of improvement in the organisation of policy advice by education councils.

> 1.2. Research questions

In this research project empirical knowledge will be built up about national and regional advisory bodies in the field of education policy. The main part of the research is descriptive. We will analyse the membership of the councils, internal organisation, legal base, status, level of autonomy, funding, institutionalisation, etc.. and have attention for the political context in which they have been set up. We will look at the contribution of education councils to the policy making process and the way in which they deal with current societal developments, such as policy advice competition (descriptive component). We will attempt to construct a typology of education councils (models) on the basis of this analysis and literature review.

Additionally, the explanatory component of the research will begin to explore the influence of the type of institutional arrangement on the outcome. In order to do this, we will have to define the different components of the outcome, such as the innovativeness of the advice, policy impact, participant learning, conflict resolution, etc. A specific focus will be on the impact of advice on actual policy ("advice utilization"). We will look at the influence of specific aspects of the institutional arrangement on the outcome, such as the legal status of the council, council membership, etc. We will develop hypotheses on critical success factors, which need to be tested in subsequent research. However, we have to bear in mind that there are important contextual differences in the political systems in which the councils operate. Thus, simply copying the status, membership, work procedures, etc.. of a successful council into a different political system is not a guarantee for success. Nevertheless, the normative component will offer some guidance and recommendations on how to improve the impact of policy advice by education councils.

These questions guide the research:

1. What are the different types of education councils in international comparative perspective? (descriptive). The following sub questions will be dealt with:
    a. *How are education councils organised and institutionalised (membership, internal organisation, legal status, social status, level of discretion, funding, institutionalisation,..).*
    b. *What accounts for different modes of institutionalisation?*
    c. *What types of education councils can be identified? How is the process of advising organised with respect to the policy making process?*
    d. *What is the impact of education councils on the policy making process?*
    e. *What is the impact of current societal developments on the organisation, institutionalisation and policy impact of education councils?*
2. What is the influence of different aspects of the institutional arrangement on the outcome? (exploratory/explanatory). The following sub questions will be dealt with:

a. *What is the impact of legal status on the outcome?*

b. *What is the impact of membership on the outcome?*

c. *What is the impact of process design and management on the outcome?*

> 1.3. Methodology and research phases[1]

In this study, we make use of a mix of data collection and research methods, more in particular literature research, questionnaires and in-depth case studies, based on document analysis and interviews. Experience with prior research has taught us that the advantages of one method may outweigh the disadvantages of another and that different methods can be applied in a complementary way. Survey research was considered, but not deemed feasible within the budgetary and time constraints of the project.

In the first phase we started with literature research. The literature review was oriented towards developing theoretical insights and a conceptual framework. We departed from concepts and research protocols from policy advice literature. Some research has been done e.g. on the use of scientific policy advice (Brans et al. 2004;Florence et al. 2005;Jasanoff 1994;Mac Rae & Whittington 1997;Oh & Rich 1996;Peters & Barker 1993;Webber 1992). Other relevant streams of literature contributed to the conceptual framework (network theory, interactive policy making, democratic theory, etc.). We have thus translated different concepts in an analytical research framework, as well as developed axes with dimensions along which to compare different education councils.

In the second phase we analyzed a broad range of EU and EFTA education councils, based on specialist databases such as Eurydice and IBE, supported by online information from the relevant councils and questionnaires. We developed 15 basic council fact sheets. This broad overview helped us in gaining insight in the organisation and institutionalisation of councils, current trends, the different types of councils, the way in which the advisory process is organised, etc..

The third phase comprises case studies. In an extensive description of the participating EUNEC full and associate member councils, we present 6 detailed council descriptions. These are for the most part constructed from interviews with the relevant members and information from secondary sources. Education councils decided voluntarily to participate in this part of the study. Information was gathered on the council's founding, structure, membership, status, relation with the ministry, etc.. Each of these councils was subsequently placed on the axes previously developed.

Also included in the case comparison, is an exploration of processes and products of the selected councils. In a study of pieces of advice through document analysis and interviews, an attempt is made at understanding how the institutional organisation, and the process characteristics of a council affected the output. One of the questions, for example, is what the use (or utilization) of the council's advice was? We also looked at other result areas, such as advice innovativeness. To what extent does the advice offer new insights? To what extent has the advice been taken up by policy makers? This is actually a more instrumental and short term 'take up' of advice, other dimensions of advice utilization are also possible (cfr. Infra). A specific focus in this phase of research is the reconstruction of the advisory process of the education council in detail. Two specific pieces of advice produced by each council are analysed, one of which that has been

[1] The authors would like to express their gratitude to Ellen Fobé and Bart De Peuter for editorial assistance, Gianluca Ferraro and Sarah Scheepers for editoral assistance and language support, to all the members of education councils and their administrations, and to administrators of education departements, who provided us with data and contributed to the interviews. We also thank Dr. Ingermarie Conradsen from the University of Roskilde for assistance with the Danish fact sheet and A. Corca for providing research assistance with the Romanian, French, and Hungarian factsheets.

labelled as successful by the council, one as unsuccessful. This will allow us to gain insight in the standards of success utilized by the councils, and possible success factors for policy impact. The research did confirm, however, that measuring impact is highly problematic, and our conclusions on this theme run risks of speculation.

We also looked at more general 'council' variables such as legal status and membership, as well as some specific 'advice' variables such as timing and policy windows. The cases were chosen after consulting the steering group. The aim was to have a diverse mix of councils.

It must be born in mind that it is difficult to link an outcome with specific aspects of the institutional set-up of an individual council, due to the varying political, administrative and societal environments in which they operate. Therefore we will have to be cautious in the generation of conclusions. However, we will develop some hypotheses on critical success factors for advice impact/utilization. These hypotheses will need to be tested in subsequent research.

The final stage comprises policy recommendations. We hope to provide this way opportunities for policy learning and transfer between Education councils. However, again we must be cautious, and be considerate of the very different policy environments in which all the councils operate.

2. Theoretical Framework

> 2.1. Introduction

In this section we lay the theoretical foundations for the conceptual model. We start with defining some key concepts, after that we look at the policy cycle and the role advisory councils play as a specific mechanism of consultation in the policy making process. We look at the different developments such as professionalization, interactiveness and the discourse on political primacy, bringing these together in the need for increasing the legitimacy of policy. Finally, we will develop our perspective of the education council as a possible 'boundary organisation' bridging the worlds of policy making, science and society.

> 2.2. Defining key concepts

If we are to differentiate between, and analyse, education councils, it is important to first define what it is we refer to. A theoretical definition is important as it will allow us to better identify councils for inclusion within the study. However, such a theoretical definition must be inclusive enough to incorporate a number of different structures European wide. At first glance it appears easy to classify advisory bodies as education councils or not. However, the sheer variety of bodies which define themselves as education councils must be considered. Therefore, a definition needs to be distinctive enough so as to identify core elements, but inclusive enough to incorporate different structures.

There are a number of definitions which we can turn to. Wielemans & Herpelinck (2000) in their work provide the most useful definition, defining an education council as a "public yet independent body, involved in the shaping of policy decisions at one of various points in the policy process with a legally defined form and status, with members as representatives of social groups". This definition provides a good starting point, however it leaves us with some difficulties.

First of all, it excludes privately organized councils (such as the Estonian council).Next, we must be cautious with the definition of 'independence', and must reject the concept that councils can simply be described as independent or not. Rather we argue that independence is a range in which councils are either more or less independent depending upon everything from membership through to control of their budgetary and of their agenda. One might criticise this by saying that an independent body has both the ability to form its own agenda and the ability to administer its own independent budget. However, you cannot do this without identifying how great a control over the agenda a council has. If for example a council has the right to pursue its own agenda, but chooses to waive that right on politically sensitive issues, is it still an independent body? Additionally some councils do not seek to set the agenda but rather to answer questions set by the government. Moreover, how can independence be defined through membership with the majority of councils containing members appointed by the minister? In these cases can they be considered independent? Even where mechanisms exist to generate an independent presidential position, can one truly define a president elected by parliamentary majority, where the minister's own party is usually in the majority, to be independent? We also do not wish to exclude councils where ministry officials are directly present in the council, particularly those where the minister can chair the council. We see these only as an extreme type of political body, an almost government internalised education council.

Thirdly, it appears not to be crucial for an education council to have a legally defined status. Again, we argue that legal status is a range with some councils having a more clearly defined legal status than others. For example, in some cases education councils are officially recognized and subsidized by government, and sometimes there is a legal requirement to consult the council as an official step in the policy making process. In other cases, there is no such legal status. It has to be

remarked that councils can shift from one legal status to another. Thus, whereas legal status is not a criterion in our definition, it is a very interesting variable to map in the research. Finally, membership should not be limited to representatives of social groups. Some education councils have experts as members who do not speak as representatives of social groups. Other councils have a mixed membership. Education council members may also not represent groups but broader interests, or even society as a whole.

We therefore opt for the following definition in this research:

An education council is "a (semi-) permanent body which is privately and/or publically funded, whose principal goal is to provide advice on educational policy, which is to a certain extent embedded into the policy making process, and which achieves a certain degree of independence from any single interest through the presence of a range of members from different social groups, political affiliations and/or academic perspectives." Note that in this definition, it is not specified whether or not the policy advice is requested by government. Again, there is a range of possibilities. In the definition we stress the (semi)permanence of the council and indicate that the council is not dependent on a specific interest.

> 2.3. Policy cycle

> 2.3.1. Introduction

In order to understand how an education council operates, it is essential to understand the dynamics of the policy cycle. An advisory body can play a role in the different stages of the policy cycle.

For the majority of this section we will turn to the comprehensive description on the policy cycle provided by Howlett, Ramesh & Perl (2009). We shall begin with a brief outline of the origin of the concept. Next, we will outline the current view of the policy making process, including a description of the main actors which operate at each stage of policy making process. Subsequently, we shall discuss the different stages of the policy making process in detail describing how advisory bodies, and education councils in particular, might act to effect each stage. Finally, we shall highlight the possible criticisms of the policy cycle approach which will be considered during our analysis.

The policy cycle at first appears a deceptively straightforward concept: a government decides upon a policy which they then implement. However, the process by which policy is developed is decidedly complex to explain. For example, it is crucial to understand how the government has picked up a policy idea, how their agenda was set. Likewise a policy idea is rarely formed in an implementable state, and thus requires development over time. Early literature on the policy cycle were not as simplistic as this. They did, however, make similar assumptions. For example, authors such as Lasswell (Howlett, Ramesh, & Perl 2009) suggested that the policy cycle was conducted entirely within the government with no external influences or agendas affecting it. Whilst the fallacy of such an assumption is evident even to laymen in the field of policy studies today, it was far less evident during the infancy of the field of policy studies. Such work, despite its errors, provides a useful foundation for the later, more contemporary works, which we consider as underpinning the policy studies field as it stands today.

In the next part we will briefly describe the different stages of the policy cycle.

> 2.3.2. Policy cycle, a step by step description

A useful conceptualisation of the policy cycle is provided to us by Howlett, Ramesh & Perl (2009). In it they detail not only the policy cycle in its entirety, but the actors involved at each stage,

allowing us to map the interaction of education councils with the process. One particularly useful aspect of their illustration is that it is staggered, demonstrating the inclusiveness of each stage of the process.

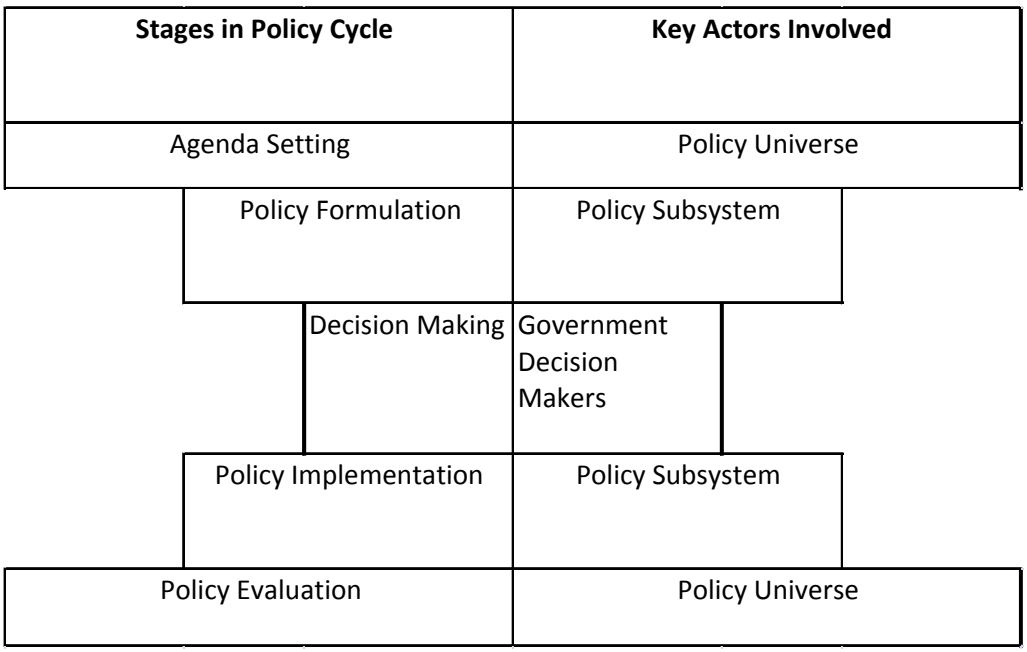

figure 1: policy cycle

(Source: Howlett et al. 2009: 13)

The first phase of the process, the agenda setting stage, is the placing of the policy upon the government's agenda. In this stage policy problems move from the societal agenda to the government's agenda. The societal agenda is not limited, with almost any topic which is of significance to the policy universe. This agenda is thus only constrained by the imagination and motivation of the actors involved in the process.

Whilst in theory actors' imaginations are unlimited, their motivation may often play a crucial role in an issue arising on the government's agenda. Ministers are unlikely to willingly tackle issues which put at risk their political future through controversy or with short term costs and only long term goals. Organisations are often just as unwilling to upset their members as politicians are in upsetting the public, particularly over controversial issues. Smaller, less representative groups have an advantage in that they are more able to highlight controversial issues pushing for them to be placed upon a government agenda. Their less diverse membership means that the risk of internal controversy is smaller than with larger organisations. This already raises interesting issues to consider when analysing education councils, e.g. impact of council membership on agenda setting.

The actors at this stage in the policy cycle are identified as the 'policy universe' (Howlett, Ramesh, & Perl 2009): i.e. the widest possible level of participation, incorporating everyone that might be directly or indirectly affected by changes in the policy arena. In the case of education this is conceivably the entirety of society, from parents, students and teachers through to firms which require educated labour and the government civil servants which monitor education on a daily basis. It therefore comes as no surprise that any change in education, from minor changes in book

monitoring to sweeping changes in examination standards receive a great deal of attention from all actors present within society. Perhaps the greatest confirmation of this is that any change, big or small, is easily picked up in the popular press in whatever country education is being adapted.

The media in particular plays a central role in placing items on the agenda of the government, particularly highlighting issues which society deems in need of reform. Repetition rates, exam results and problems of school quality all focus the public's attention on issues which by virtue of democratic government become of central concern to political decision makers. Media attention, however, is not universal, notably they lack the specific perspectives of experts in the field, instead reflecting the general background of their readership. Thus, although they are quick to tackle social issues as and when they develop, they often lack the foresight to anticipate problems which are not currently perceived as important or controversial, and thus newsworthy. The media, though, are a useful tool for those interest groups which are capable of anticipating such problems. Interest groups made up of members sourced from the education sector are possibly more capable of identifying such issues because of their greater technical knowledge of the sector. Just as government uses the media for mobilising public opinion in favour of an agenda item, education council's too can highlight issues using the media as a mechanism for placing topics on the government's agenda. Education councils can thus choose to play a role in the agenda setting stage of policy.

Theoretical considerations of agenda-setting processes offer useful concepts for understanding the way in which policy problems and concerns are marked for government action.

Initiator	*Public support*	
	high	*low*
Societal actors	External initiation	Internal initiation
Government	Consolidation	Mobilisation

figure 2: agenda setting

(Source: Howlett & Ramesh 1995)

Items can be externally initiated when it is primarily interest groups who press for action. Problems may also be placed on the agenda by government actors, who subsequently seek to mobilise or consolidate support amongst societal actors, possibly using the media.

A particularly useful conceptualisation of agenda-setting processes is Kingdon's (1995) stream model. According to this model, policy problems are connected to solutions and government action when three rather independent streams connect into policy windows: the problem stream, the policy stream and the political stream. Further in the text, we highlight how education councils can foster policy entrepreneurship to help connect these streams and successfully push perceived problems and preferred options on the government's agenda.

The second step of the policy cycle is called "policy formulation". Topics on the agenda are far from complete. Strategies may still need clarification and informational and operational advice give 'operational shape and impact to objectives' (Halligan 1995; Pollitt 1994). The policy idea indeed requires operationalising to develop it from an idea into a policy proposal with concrete aims and mechanisms to achieve those aims. Essentially the idea must be made realisable. Data and analysis need to be brought into the policy proposal. We use the example of curriculum reform. The policy idea placed upon the agenda may be that the current curriculum fails to promote foreign language effectively. This would then be developed in the policy formulation phase after the necessary

research into a more concrete suggestion that students should be exposed to foreign language education at an earlier age, that they should have an extra three hours of such education a week at the expense of other classes. The idea is thus built up at this stage, about what classes should be sacrificed for such a reform, and ideas such as greater access to foreign exchanges bolted on, along with budgetary and other resource constraints. Thus the policy has moved from an ethereal concept into a physical entity with specific goals and instruments.

It is at this stage that the actors involved, narrow to the more specific 'policy subsystem', generally understood as those stakeholders which have technical knowledge pertaining to the topic (Howlett, Ramesh, & Perl 2009). In the case of the education sector, the policy subsystem consists of interest groups such as teachers, students, certain business organisations as well as academics. It is this group that traditionally works together with the civil service in transforming a policy idea into a specific policy option. It is notable that the exact constitution of the actors involved at this stage is dependent upon which actors are traditionally recognised as educational stakeholders. This can vary considerably between countries depending upon their democratic traditions with specific reference to pluralist and corporatist networks.

From a more normative perspective, it is not easy to stipulate which actors should be involved at this stage. However, it can be pointed out that there is a relation between the number of actors involved and the length of time it takes to formulate the policy. Additionally, it has been argued that the greater the number of actors providing input into the policy process, the greater the risk that these actors will erode the innovativeness of the policy (Forester 1984;Lindblom & Cohen 1979). This is due to the fact that change is always painful for at least some of the actors, and the greater the change the greater chance that the position of the actors will be hurt in some way. As rational actors, therefore, interest groups are likely to resist changes which cause them pain, (Becker 1976;Becker 1983;Becker & Murphy 2001) leading to the erosion of policy innovativeness where more distinct interests operate. We would thus expect that the greater the number of groups involved in the policy formulation process, the more difficult it is for policy to be innovative favouring instead incremental change. This argument can be expanded to the realm of advisory bodies, leading us to expect that the more inclusive the education council the less innovative the advice. At the same time, however, much depends on the type of actors included in the policy subsystem. Few actors with distinct interest may also be assumed to block innovative perspectives from actors not represented in the council.

Thirdly, the "decision making" stage. Once the policy has passed through the formulation phase the actors are further reduced to that of the official government decision makers. It is at this phase that the government decides whether they wish to implement a specific policy. This is perhaps the phase with the least number of actors involved. However, this is not to say that there is no external influence. Government decision makers are likely to receive pressure to implement a policy which has a great deal of public support. Advisory bodies can also play a role in this stage, and can, for example, seek to generate support from important political actors such as Parliament for their point of view on a particular policy. Likewise advisory bodies may make their members available for government decision makers to illustrate their opinion on a given issue. Also, the more an advisory body is (legally) entrenched in the policy making process, the more access the advice may have within this stage of the policy making process. For example, in some cases advisory bodies have their advice officially attached to proposed policy, increasing the possibility of informing and influencing decisions.

It is during the fourth stage, the "policy implementation stage", that the policy re-enters the realm of the policy subsystem - which includes those actors that must implement the policy as it has been laid down in the official legislation. There is a great deal of power at this stage with the actual policy implementers, as these are the actors who must interpret a given policy. It is thus natural that the more supportive the actors within the policy subsystem are, the more effective the

implementation will be. It is thus in a government's interests to generate as much support as possible for a policy from within the policy subsystem.

We would thus expect that the more inclusive an education council, and the greater the influence of the education council on the policy implementation process, the more likely that a policy will be successfully implemented. To turn to the curriculum example, should an education council be very inclusive of interests and the government listen closely to its advice, the more likely the curriculum policy will be successfully implemented.

The final stage of the policy cycle is that of "policy evaluation". We say 'final' due to the cyclical nature of the policy making which we shall go into below. In this final stage a policy is evaluated for its effectiveness, efficiency, etc. This evaluation is wide, including everything from academic evaluations, internal evaluations within the policy subsystem, to general public debate in the policy universe as to their satisfaction with a particular policy. Thus, the actors can be understood as being from the policy universe.

It is at this stage that actors may learn from the results of the policy, educating themselves. Returning to our example, actors may study the results of applying the new curriculum, learning that students suffer in a particular subject area. This knowledge will help educate the education sector so that future reforms will be able to draw on such experiences in an attempt to avoid similar problems arising in future. Above all policy making is cyclical in nature, thus lessons learnt at this stage will assist in forming future policy agendas through the education of all actors involved.

Advisory bodies can play a twofold role at this stage, the first being the comprehensive evaluation of the results from an informed standpoint, and the second, in the distribution of the findings for the general education of the policy field.

> *2.3.3. Criticisms*

The policy stage model which we have presented here is far from being the sole model used within the realm of policy studies. This said there are distinct advantages to this model over its peers and it is one of the most popular in terms of analysing the entire system. However, its clarity and straightforwardness is also its principal weakness. For those experienced in the field of policy making will know firsthand that it is far from a straightforward linear process. It is possible that ideas will be further refined in the decision making stage and thus the division between policy formulation and decision making could be construed as artificial. Policies may also be revised without any evaluation to speak of. This said simplification is important if we are to understand the process without the model becoming too complex to truly understand. The stages model thus sacrifices some detail in order to present a clear analytical model, through which we can approach the different roles education council might play in the life cycle of policies.

> 2.4. Policy advice and consultation

We have defined policy advice as an opinion or recommendation offered as a guide for future policy. This definition clarifies the official status of advice, i.e. its non-binding nature. From a formal perspective then, there is also no conflict with political primacy. On the other hand, from a network perspective, the interdependence of government and other societal actors is often being stressed. Today governments often do not have the resources and capacities to opt for a go alone strategy and develop and implement policy by themselves. Thus, although non-binding, advice coming from parties who have the power to implement, block or hinder policy often bears substantial weight on the final decision-making.

How can we differentiate policy advice from other forms of interaction on policy? The OECD uses a framework to define information, consultation and active participation in terms of the nature and direction of the relationship between government and citizens (OECD 2001). There is an increasing level of citizen involvement and influence on policy making from information towards active participation. There are quite a lot of these kinds of ladders of participation (Arnstein 1969;Edelenbos 2000;Thomas 1990) and they are often inadequately able to differentiate between different forms of interaction, as they mix characteristics such as level of influence and level of interaction (Van Damme & Brans 2008a). Nevertheless, the OECD framework provides a good starting point for framing 'policy advice' in our study.

Both consultation and active participation in the OECD framework lead to delivering a product with the status of advice to the government. However, advice can also come unsolicited (Halligan 1995), when citizens or stakeholders give their opinion on policy issues, without being specifically requested to do so. At least for this study, it appears to be relevant to include this type of interaction. For clarity's sake, we do not differentiate in the framework between the different groups of advice givers, such as academic experts, citizens or civil society, etc.. We dichotomize here between government and society. This leads to the following framework on types of policy advice:

	Initiative	*Communication*	
Society informing government	With society	One way	Society produces and delivers information for possible use by government. The advice is not requested by government. Government can decide whether to process the advice.
Government consulting society	With government	Two way	Governments define the issues for consultation, set the questions and manage the process. Societal stakeholders are invited to provide feedback on policy topics. The advice is requested by government. Government processes the advice.
Society-government interaction	Both possible	Integrative	Societal stakeholders and government collectively define policy topics for discussion. Both groups actively interact with each other.

figure 3: types of policy advice

In this "ladder of policy advice", we start with unrequested advice from societal actors towards government, over requested advice on topics selected and predefined by government, to advice on topics collectively selected and defined by government and society. The ladder starts with a one way flow of information, over a two way flow of information (question-answer), and ends with an integrative flow of information, with more possibilities for coordination, feedback, etc..

So-called 'wicked problems' challenge traditional ways of policy making and of advising government. Governments are increasingly dependent upon external information, knowledge, expertise and support in order to successfully deliver policies (Peters & Barker 1993). But also citizens (or at least specific citizen groups, or stakeholder groups) appear to proactively inform and/or lobby governments on policy issues. This leads to an increase in policy advice being

produced and delivered. Studies have indicated that governments actively seek to interact with citizens and societal stakeholders, and do this in ways that are often more intensive then they have been in the past. Thus, there also appears to be an increase in the number and diversity of public consultation arrangements in policy making (Lowndes, Pratchett, & Stoker 2001;OECD 2001;Papadopoulos & Warin 2007). These can be aggregation systems such as referenda and opinion polling, integrative systems such as open planning processes and consensus conferences, as well as complex arrangements combining aggregation and integration/deliberation (Van Damme & Brans 2008a). In some cases participants even have the opportunity to determine the final outcome of policy processes (coproduction, co decision). However, also more "traditional" systems such as public hearings and advisory councils are often being maintained or even intensified. Next to public consultation, there also appears to be an increase in expert consultation. Moreover, certain societal groups increasingly play an active role in informing and/or lobbying government about their experiences, perspectives, and opinions.

The result of these developments is an increasing competition between different mechanisms of interaction, consultation, and participation, and an increasingly complex policy making process. One of the crucial questions for policy management is how to efficiently and effectively organize these processes of advice and interaction as part of the policy making process.

In previous research we have mapped different arrangements of public consultation and participation, and linked them to specific democratic regimes (Van Damme & Brans 2008a) based on a model of Frank Hendriks (Hendriks 2006). Specific arrangements can be said to be typical for a certain democratic system and culture. For example, in a Westminster style democracy green papers are commonly being used as a way of gathering written input of organisations (and these days also more often from individual citizens). Administrators will collect the reactions to these consultations, use the information gathered and balance the interests of those involved. There is no interaction between the societal stakeholders themselves. A very different system can be found in consensual democracies where often (semi-)permanent advisory bodies are set up where societal stakeholders repeatedly interact with each other on policy issues, and sometimes with policy makers.

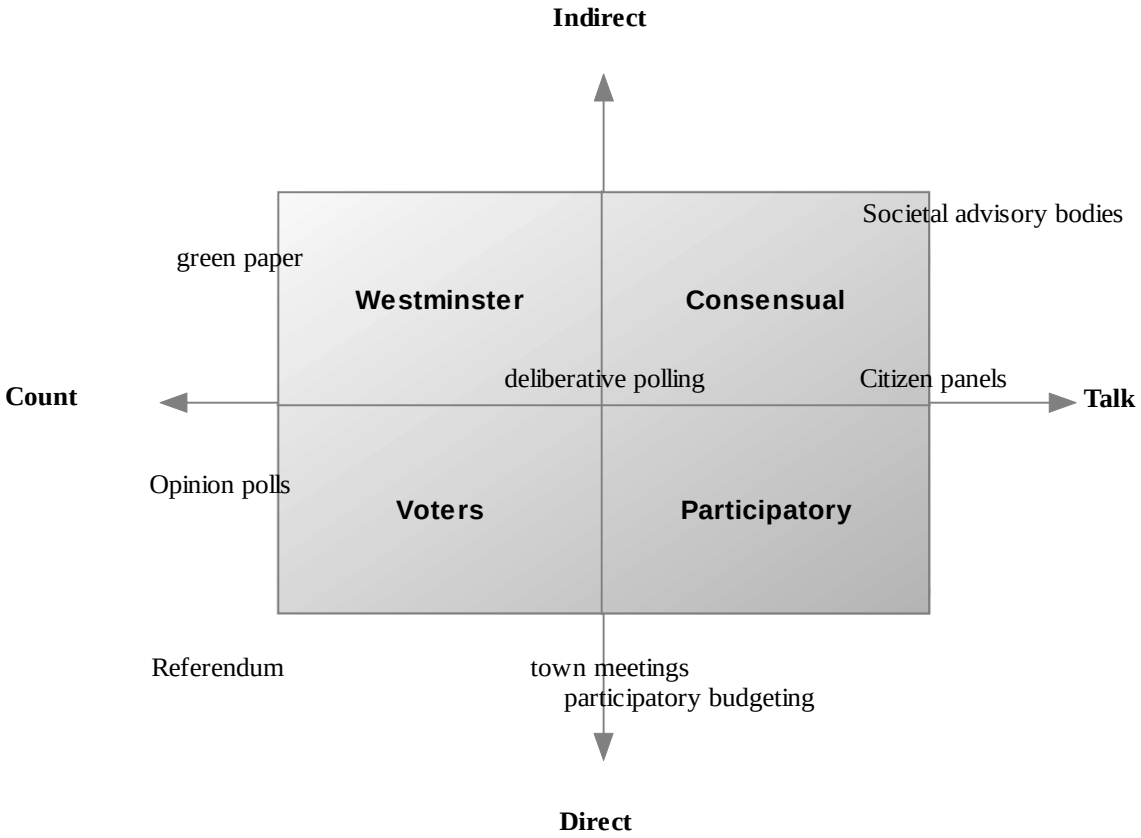

figure 4: arrangements of public consultation and participation

(Source: Van Damme & Brans 2008a)

In this previous study we established that in both Westminster style democracies and consensual democracies (such as the Netherlands and Belgium) there is an increase in the use and diversity of arrangements used for consultation and participation (Van Damme & Brans 2008a). Also often arrangements that are related to direct democratic systems (voters' and participatory democracy) are being introduced, such as citizen panels, participatory budgeting, consensus conferences, etc.. But, as Schudson has observed (Schudson 1999), more traditional institutional arrangements (such as (semi)permanent societal advisory bodies in consensual political systems) are often maintained, although they do feel pressure from different democratic perspectives. In response, such institutional arrangements are often adapted in order to keep their relevance and legitimacy in a changing environment (cfr. Infra).

> 2.5. Advisory bodies as permanent systems of policy advice

We have used the following definition to describe an education council in this research, "a (semi-) permanent body which is privately and/or publically funded, whose principal goal is to provide advice on educational policy, which is to a certain extent embedded into the policy making process, and which achieves a certain degree of independence from any single interest through the presence of a range of members from different social groups, political affiliations and/or academic perspectives."

As been stated before, there are other mechanisms of providing advice and of interacting with experts or societal stakeholders, such as ad hoc advisory bodies, green and white papers, consensus conferences, opinion polls, citizens' juries, etc.. What appears to be crucial in comparing these

mechanisms is the level of interaction among the different parties involved, and the "life time" of the mechanisms. Both elements are of course connected, as the fact that certain advisory bodies achieve a (semi)permanent status has implications for the level of interaction between the members and/or government representatives.

If we compare two typical arrangements for policy advice and consultation, both stemming from different democratic traditions, the Westminster style democracy and the consensual democracy, it quickly becomes clear that the role of government is quite different. In the case of the "green paper", the government is assumed to be best placed to analyze and balance the information, opinions and recommendations that have been gathered in the field. The government gathers and analyses written comments coming from different organisations (and sometimes individuals). As such, advice goes to the government "unfiltered". The government has access to all the advice that has been produced (and sometimes is the only actor who has this access) . However, a possible down side is that the government is able to pick and choose advice which supports its own agenda against advice which may criticise it.

In the case of more permanent advisory bodies, societal representatives regularly meet in a forum environment and usually try to generate a consensual opinion, or at least some common ground on government policy, at the minimum more complete evidence or more extensively, certified and agreed upon information and analysis. An important difference is that the members of these kind of advisory bodies have the chance to educate themselves on the perspectives of others before presenting a piece of advice to the government. Moreover, they also get to know each other better on a more personal level. Also, they will often use consensus as a decision-making rule. In comparison, in the green paper case (which is more bilaterally oriented between government and diverse parties), only government becomes informed about the different perspectives. There is no decision-making rule as such, there is no explicit "weighing" of comments, as all the opinions are simply gathered and used as input for policy.

In conclusion, it is clear that these two arrangements of gathering policy advice are intrinsically different, as they are based on a different role and type and intensity of interactions from the different parties involved.

> 2.6. The benefits of policy advice

Organizing policy advice can have numerous benefits. In previous research we have mapped out result areas for public consultation and participation in the policy making process (Van Damme & Brans 2008b). The same result areas also broadly hold for policy advice.

We combine objective and subjective result areas, on both content and process level. We are aware that other benefits than the ones included here can be discerned, such as increasing transparency and accountability, developing citizen trust, improving government image, citizen empowerment, etc.. However, for clarity's sake we have limited ourselves to those deemed most relevant for our study.

First of all, the innovativeness of policy advice. Bringing in new and diverse parties in the decision making process will allow for new values and perspectives to be taken into account. However, the information that is being generated needs to be within the policy frameworks that have been set. Input has to be innovative and creative as well as useful. Not only advice innovativeness, but also the impact of the advice on policy needs to be analyzed. More often than not, ideas which have been generated in advisory processes do not seem to have any impact on the formal policy processes. In the study we will pay attention on policy impact of advice ("advice utilization"), as

informing and/or influencing policy is often the main aim of both government actors as those involved in education councils, albeit looked at from different perspectives.

Second, if we take a broader focus it becomes clear that advisory processes can also lead to other results. Thus, next to objective content results, we can also look at results at the process level. On this level, an important element is the level of conflict resolution which has been achieved. Another result is the level of social learning. A more long term result can be the development of mutual trust, as insight is gained in the perspectives, values and interests of the different parties involved.

However, not only objective results need to be taken into account, also the more subjective evaluation of the parties involved. Do they feel satisfied about the results obtained? Are they happy with the impact of the advice? Are they happy with the way the process was set up and managed? We can look at the satisfaction level of policy makers, of members of education councils, and of the broader community. Satisfaction of stakeholders on both content and process level can be an important indicator for policy support.

	Objective results	*Subjective results*
Content results	• Innovativeness • Impact on policy	• Satisfaction with content results
Process results	• Social learning • Conflict reduction • Trust	• Satisfaction with process results

figure 5: result areas of policy advice

> 2.6.1. Innovativeness & policy impact

Bringing in new and diverse parties in the decision making process will allow for new values and perspectives to be taken into account. To what extent does the advice bring in these new and innovative perspectives on the problem or on specific solutions? Have specific problem perceptions been brought to the fore that would otherwise have been overlooked? Has a new, more integrated problem definition been developed? Has a new direction for possible solution been explored? Have flaws in proposed policy been identified? Innovation can also be less "creative", for example, by reviewing the state of knowledge on a certain subject. Or by means of finding some common ground, based on scientific evidence, or on shared problem perceptions, etc.. Specific attention should be paid to input that can lead to better policy implementation and service delivery.

However, not only need new problem definitions, solutions, or perspectives to be developed, they also have to be within the scope of the intended policy and of those actors responsible for setting up the policy. The information that is being generated needs to be within the frameworks that have been set. Input has to be creative as well as useful in order to have policy impact.

How can we measure the impact of policy advice? This is notoriously difficult to conceptualise as well as translated in operational elements (Bekkers et al. 2004). Can we look at whether the advice was accepted or rejected by the government? Could we consider whether the advice was good advice or not? There are a plethora of possible ways in which an advice could be measured each with its drawbacks and possible criticisms. How can we, for example, measure how far advice was

accepted by the government without considering the quality of that advice? Do we consider an advisory council as having been successful if it successfully provides bad advice? Finally, should we ignore the long term effects of advice, can we consider a piece of advice a failure if its impact is not immediate, or must we wait a designated time until we can rule a piece of advice as having no effect? All these things need considering when attempting to understand whether a piece of advice has been successful or not. Thus, considerations of impact, success and failure require a measure of normative consideration based upon experience and qualitative evidence, particularly when attempting to make not only comparisons but international comparisons as we do in this project. Despite these remarks however, work exists which provides us with a perspective of how impact may be measured which will be examined first. Most of this work comes from studies of knowledge utilization, which focuses on the relationship between science and policy-making, but the relevance of typologies in this field can quite easily be extended to conceptualising the utilization of advice.

Reminiscent of Weiss' work on research utilization (Weiss 1980), four kinds of impact have been differentiated by Bekkers et al (2004). Instrumental, where the advice leads to an immediate change in the behaviour in line with the recommendations of the advice. Secondly, the advice can be conceptual, where the advice leads to a change in the knowledge, opinion, or argumentation of individuals or organisations. Advice can thus serve an 'enlightenment' function. Thirdly, the advice can be agenda setting, when a new subject is put on the societal or political agenda. And fourthly, there can be political-strategic impact, in that the advice is being used to increase the position of one or more players (Bekkers, Fenger, Homburg, & Putters 2004).

Knott & Wildavsky attempt to bring together the various perspectives on what they call "utilisation" into a single step by step model (Knott & Wildavsky 1980). The model's usefulness is demonstrated by its continual use by subsequent authors (Landry, Amara, & Lamari 2001;Van de Graaf & Hoppe 2006). However, the stages which Knott & Wildavsky developed have not gone undeveloped over time. As such, the most recent adaptation from Van de Graaf & Hoppe shows some important changes. This does not, however, diminish the usefulness of the original model.

Knott & Wildavsky, identify six distinct approaches to the consideration of utilisation. The authors summarise these approaches indicating the arguments both for and against in each case. The first approach that the authors identify arises from the 'social engineering theory', and defines utilisation as the immediate and direct impact of a major research project on policy. This is perhaps the most instrumental of the approaches. In Brans et al. (2004) we have found evidence of quite a lot instrumental use from pedagogical research on multilingualism and diversity in schools. The second approach considers more, the long term nature of education policy, designated the 'gradual enlightenment theory' or 'knowledge creep' theory, it is based upon the assumption that utilisation is something which occurs over long periods of time. Advice accumulates diffusing through the policy process over time. The idea is that it is that it requires an accumulation of evidence or diffusion to allow for new perspectives to penetrate the policy field. Our earlier research on immigration policies have for instance shown how the demand side causes of labour market discrimination of immigrants was picked up by policy-makers more than a decade after research had first evidenced this perspective (Brans et al. 2004). What Knott & Wildavsky identify as the least demanding approach to the subject is the definition of utilisation as the flow of information. Whilst this can be deemed to be simply the receiving of policy advice by policy makers, it is more commonly understood as the reading/digesting of such knowledge. Although as the authors identify, determining the awareness of policy makers is a very difficult task, it is useful for us as several of the education councils we consider do have mechanisms for forcing the policy makers to consider the information. This can be through anything from regular formal or informal feedback mechanisms or through the method of disseminating the information. Utilisation may also depend upon the stage in which the knowledge is being used. This ranges from the 'reception stage' - in which utilisation was where policy makers receive policy relevant information-, to the

stage of 'impact' where the utilized information supported tangible results in policy implementation. This last step also takes into account the problem of 'bad advice' (Knott & Wildavsky 1980).

Van de Graaf and Hoppe (2006) have adapted the 'utilization ladder' into six steps. We illustrate this step process below.

Step 1	Transmission
Step 2	Cognition
Step 3	Reference
Step 4	Effort
Step 5	Adoption
Step 6	Application

figure 6: 'utilization ladder'

(Source: Van de Graaf and Hoppe 2006)

"Transmission" is utilisation in terms of the transfer of knowledge from advisory bodies to policy makers and social stakeholders/citizens. This is something we can certainly identify within the education councils. The second step of "cognition" is utilisation through inputs being digested by the policy makers, stakeholders/ citizens. This is a stage which is much harder for us to examine. The third step, "reference", is the utilisation through the use of the inputs in policy and public debate. Again this is something which we can identify to a certain extent and in the least identify mechanisms within the council designed to stimulate such utilisation, or the feedback mechanisms through which policy-makers report back to councils. The fourth step, "effort", is the utilisation of knowledge through the effort policy makers have made to adopt the recommendations given. This is very difficult to determine, for example, how does one determine whether a government has made an effort, as the difficulty of making an adoption is not considered. The fifth step, adoption", is about effecting policy choices and the government's final decision. Although again we find difficulty arising from the fact that governments are perfectly capable of picking and choosing. Thus 'adopting' parts of the advice which are in agreement with their current policy rather than adapting their policy to meet to advice. Making this determination is at times quite difficult. The sixth and final step defines utilisation as the "application" of policy advice demonstrated in the use of advice in policy practice.

Although this ladder is useful for our own research, we must bear in mind however, that not all the areas are entirely transparent for us, and that our consideration along these lines will be imperfect. Van de Graaf en Hoppe (2006), based upon the original work by Landry, Amara and Lamari (1980) identify different theories as to why organisations are able to climb this ladder. These will be useful for us to consider in determining the effectiveness of advice as it identifies the conditions under which a council might better penetrate the policy making system of their country. One thing which Hoppe underlines is that focusing on the 'user's need' fails to determine a climb in the ladder. Better he suggests is that a body concentrates on the user's context, whether or not the research is considered pertinent as well as timing and credence given to the research.

This is something we come back to when considering councils as boundary organisations and the role of dissemination strategies of councils. But let us again be cautious. Whilst Hoppe underlines dissemination as a method of attaining a position on the ladder, he is quick to highlight however, that this does little more than to allow for a successful 'transmission', with little effect on the higher stages (Van de Graaf en Hoppe 2006).

In sum, from the literature on knowledge utilisation, we will investigate the nature of utilisation of the advice of education councils, as well as the conditions that favour successful transmission of advice. Assessing the final products of advice in concrete policy decisions and actions, let alone impacts on practice, will fall beyond the scope of our research.

> 2.6.2. Social learning & conflict reduction

If we take a broader focus it becomes clear that advisory processes can also lead to other results than policy impact. On a process level, an important element is the level of conflict resolution which has been achieved. Intensive processes are often intended to bridge the gap between different perspectives on the issue, or at least increase an understanding of the values and motives of other parties (Kickert, Klijn, & Koppenjan 1997). This is often related to group dynamics, to the intensity of interaction, learning processes, to gaining insight in the values and perspectives of other parties. Behind this element of conflict resolution is the idea of social learning processes. To what extent have participants learned about the perspectives and opinions of other participants and or governmental actors, and to what extent have they adapted their own perspective? To what extent has the process been "transformational"?

A more long term result can be the development of mutual trust, as insight is gained in the perspectives, values and interests of the different parties involved.

> 2.6.3. Satisfaction & policy support

However, not only objective results need to be taken into account, also the more subjective evaluation of the parties involved. Do they feel satisfied about the results obtained? Are they happy with the impact of the advice? Are they happy with the way the process was set up and managed? We can look at the satisfaction level of policy makers, of members of education councils, and of the broader community. Satisfaction of stakeholders on both content and process level can be an important indicator for policy support. When members of education councils are representatives, then often policy support amongst council members is generally considered to be an indicator for broad policy support.

But what does support mean? Support has been defined by Ruelle en Bartels as "an interest driven evaluation of a political situation by target groups of a policy (Ruelle & Bartels 1998). Based on this evaluation, the target group accept this policy actively or passively or offer resistance" (de Graaf 2007). This definition combines an attitude and actual behaviour. Often, the level of support amongst stakeholders is quite important, because they have to implement policy or at least not resist it.

How does support come about? From a theoretical point of view, the level of support is related to the level of satisfaction with both process and results. People can be satisfied because they highly value the specific outcome (e.g. their advice has been literally taken over in a policy document), but also because they value the process. For example when they have learned more about the perspectives of others, about the complexity of the policy process or because they feel they have had enough chances of influencing the outcome. In the following framework (Boedeltje 2009) we have linked advisory process results with policy support. We indicate that the road from results to support is not a linear one.

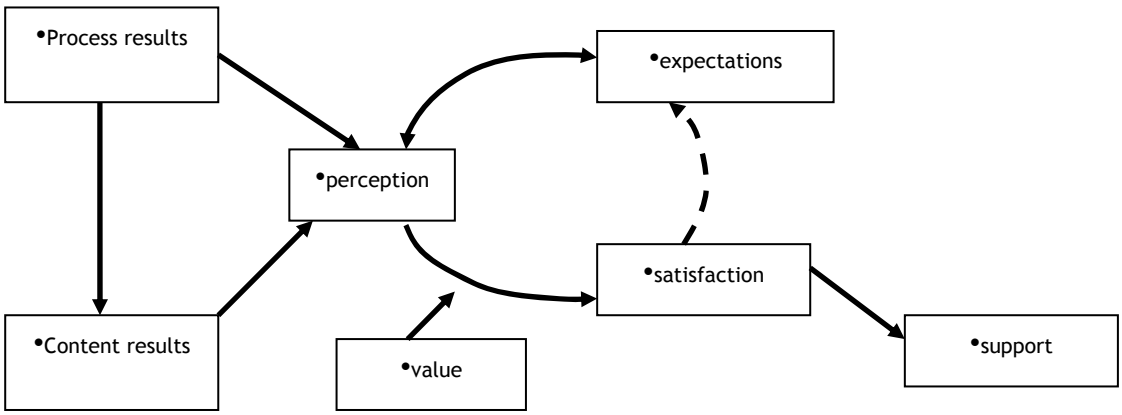

Figure 7: Policy support

> 2.7. Trend of expertisation of policy making

Different trends in policy making can be discerned. In the next sections we will first have a look at the trends of expertisation and interactiveness in policy making. Next, we will elaborate upon the recurring discourse on political primacy. Finally, we will relate these trends and discourses to the need governments feel to increase policy legitimacy.

A stream of literature that is useful for this project centres on the trend of expertisation of policy-making by means of policy advice. The need for professionalising policy correlates with societal developments and the problems with which government is confronted. In general this can be considered as an increased cognitive difficulty of policy issues and fields (Peters & Barker 1993). To handle this, policy makers increasingly rely on experts and advisory bodies. However, despite the increase in the complexity of policy fields, advisers are nothing new. Advisory councils such as those in the field of education are a relatively recent phenomenon, however their roots are embedded at the very establishment of modern government. Governments are no stranger to advisors, there is even medieval literature which details advice to monarchs on who to listen to and how, the most famous being the works of Machiavelli. Further works by courtiers such as Castiglione became famous for detailing the courts of the time, but also included subtle advice on how a courtier should influence the king and thus government policy. This may seem somewhat abstract, and no one is comparing the modern government advisory system to a medieval court. Yet, it does demonstrate that as long as governments have existed they have sought and been given advice. This highlights for us that a government has a need for advice, the basic reason for which is that it is impossible for an individual to perfectly predict the results of any action let alone the results of complex policies. Thus, lack of information can lead to a failure in the implementation of policy, or even gross unintended consequences after policy implementation which can cause much damage in important realms such as education. Thus, the greater the level of information available to the government throughout the formation of policy, the greater the chance the policy can be implemented successfully.

The problem of imperfect information is compounded by the way in which modern democracy operates often with ministers appointed to departments where they have little background knowledge. This situation is of course moderated by the experience that department civil servants will often have in their specialist field. Although they often lack the practical field knowledge which comes from those who operate in the policy environment proper and the stakeholders whom the policy will directly apply to. Further, policy fields in the modern world are becoming increasingly complex requiring policies to become more intricate to deal with the changing

environment. This requires a level of knowledge which a single individual simply cannot hope to provide with so many actors involved in the implementation process that even an experienced government department cannot fully predict every possible consequence. Thus external advisors, whilst always needed in the political sphere are becoming an increasingly important aspect of government policy formation.

As a response to the call for more interactiveness and the fact that traditional knowledge suppliers such as scientists and professionals have come under pressure, a new branch of literature within policy science has developed around the notion of experience-based expertise (Collins & Evans 2007). Whilst this perspective of the field of research is young, it has a long history stretching back to 1979 (Lindblom & Cohen 1979), with questions over whether social researchers add to the basic knowledge provided by those locally. This perspective has been promoted by Fischer (1993) who discusses the countervailing pressures of citizens and experts in the policy making process. Discussing the complexities of the policy making process he describes the pressure for increased technocracy over that of democracy. He outlines the value of local knowledge raising the issue of the increased distrust of citizenry on the role and neutrality of experts which they consider elitist at times. Fischer suggests that citizens are local experts with at least equal value to social researchers in the field. This issue is as yet unresolved with supporters of both perspectives, thus we would expect there to be a division in the councils of Europe reflecting this depending upon their own social and environmental backgrounds. The literature on the difference between professional experts, experience-based experts and stakeholders without expertise is important as it links the processes of expertise and knowledge supply to such basic trends in modern policy making as expertisation and interactiveness.

> 2.8. Trend of interactiveness in policy making

> *2.8.1. Interactive governance*

The tendency towards interactiveness in policy-making is dealt with in the governance literature. However, governance is itself a fairly loose term with no clearly defined limits, the study of governance is the study of the process of managing society and it therefore covers many different aspects. This does not, however, detract from its importance, there has been increasingly large amounts of work in the area of governance as people began to identify the large array of social groups which influence the policy making process.

Interactive governance is a way of conducting policies whereby a government involves its citizens, social organisations, enterprises, and other stakeholders in the early stages of the policy process (Edelenbos & Klijn 2005). As a new type of horizontal steering, interactive policy making can be situated in the network governance literature. This literature stresses that many actors are involved in policy making and that these actors not only possess vital resources to realise policy goals and outcomes but also have different perceptions on the problem definition and on possible solutions. Policy is developed through complex interactions between actors, which have to be managed in order to achieve interesting outcomes (Koppenjan & Klijn 2004). Effective network and process management in such a context are crucial. Part of this process management can be devoted to developing rules and guidelines that make for a deliberate process, which focuses on a discussion that is open, reflective, argumentative and as power free as possible.

Notwithstanding the more normative elements, these more horizontal and cooperative forms of steering are primarily explained in functional or instrumental terms by the imperatives of governability (output side of legitimacy) (Papadopoulos & Warin 2007). Thus instrumental objectives such as policy enrichment and policy support appear to be central. Issues of input legitimacy (access to the policy making process) and process legitimacy (a fair and transparent process) are included in quite a few normative definitions of interactive policy making (Van Damme

& Brans 2008a), but empirical research seems to indicate however that these normative aspirations of interactive governance are not often actually achieved (Cornips 2008;de Graaf 2007). Faced with real life situations, 'real politik' and power play seem to dominate. Those actors with more power, are allowed access to arenas with wider decision making possibilities. Deliberation is approached from a rather instrumental perspective, as helping to overcome differences and producing a shared collective meaning in the sense that in can help resolve conflict and dispute, less as having inherently positive effects.

In a way interactive governance is new in that it tries to involve more actors, more deeply and at an earlier stage of policy making, in a process that is deliberative, inclusive, etc.. There are quite some normative elements involved derived from deliberative political theory. From another perspective, interactive governance is not so new, in that it builds on elements of consensual decision making, on systems of negotiation of the government with important stakeholders, etc.. Thus it is reminiscent of (neo)corporatism, but tries to be more inclusive and more deliberative.

> 2.8.2. Corporatism

In political science, public advisory bodies are often addressed as a feature of corporatist state-society relations. However, studies are often limited to advisory bodies in the socio-economic sector (e.g.Van Waarden 1992), which explains a bias for analysing their interest-representation function, and not other functions such as the organisation of expertise or the creation of policy support.

Pluralism is associated with competition between interest groups, corporatist decision making is associated with negotiations between them. Debates over corporatism go back decades with evidence of organised interests coming from as far back as the guilds in the medieval era. Corporatism has received considerable attention, both positive and negative, with the very word corporatism holding, for some, highly negative connotations. The word has become synonymous for the public with interest capture of the policy making process, backroom dealing and a loss of democratic parliamentary control over the policy making process. The background of this debate is the battleground over political primacy, which is addressed later. Corporatism can be seen as a specific form of public participation in the policy making process. There is a wide variety of literature on corporatism. Its basis lies in the role of key interest groups in society (Cawson 1986;Lembruch & Schmitter 1977;Peters & Barker 1993;Schmitter 1977;Williamson 1989). Professions such as teaching are represented by their union, and so the teachers union can be considered to represent the interests and opinions of teachers. Thus, when a government comes to develop education policy, consultation of the teachers union can be considered consultation with teachers in general. This consultation provides the knowledge and opinion of teachers, without the government having to consult every teacher individually.

Advisory councils can and have been seen as typically neocorporatist structures. Specific stakeholders are being given privileged and often institutionalised access to policy arenas and in return will provide the government information and policy support. They will also, to a certain extent, keep their members "under control". These kind of structures are a place for bargaining and compromise. The members are an elite and have considerable experience in consultation and participation, policy development, as well as knowledge over the subject matter itself. They often also have specific implementation capacity, further increasing their bargaining power, because those responsible for policy delivery have knowledge and information which should be included at an early stage of the policy making process. This has been called the need for 'forward and backward mapping' during the policy making process (Elmore 1985).

Whereas these kinds of fora and arenas can be quite functional from the perspective of both government and elite stakeholders (see also the concept of "succes" in Howlett, Ramesh, & Perl 2009), there is also the idea that the win-win is limited to the members that are directly involved.

The costs, on the other hand, are in that perspective often carried by those parties not involved in the policy making process. Also, it has been said that there is 'capture' of the policy domain by one or more players. In reaction to this sense of capture, governments can actively seek to dismantle these kinds of policy networks. Although criticism over the risk of capture is present in both pluralist and corporatist literature, it is notable that in the pluralist case the risk arises from those groups with the greatest resources, traditionally big business. In comparison in corporatist countries the risk arises not from those groups which have the greatest resources, but from those groups which are officially recognised by the government and given a privileged position in the policy making process. Thus certain groups are integrated into the policy making process often at the expense of others leading to criticism by the excluded groups that the policy making process has been captured by the privileged groups.

However, some argue that "doing business", should be done in small numbers. If everybody is at the table, it becomes increasingly difficult to come to a solution that is acceptable to all parties. Therefore, trying to make certain structures more inclusive can potentially also lead to a demise of the structure, a loss of status of the structure, etc.. Thus advisory bodies such as education councils can possibly find themselves in the situation in which they have to choose either to limit their membership or to avoid particularly divisive issues, limiting the scope of the council.

Another important feature is the representativeness of those stakeholders selected to play a role in the policy making process. Including representative stakeholders may increase the legitimacy of government policy. Two criticisms can arise. Firstly, there is debate over whether a union represents the interests of its members as a whole, or if it also has an additional organisational agenda therefore reducing its representative legitimacy. Secondly, questions can be raised over whether the membership encompasses the totality of teachers present in the country and therefore the coverage of its representation. Membership is also often highly restricted to societal organisations which are recognised as having a key interest in the policy area concerned. Principal-agent theory raises problems of information asymmetry between mandate holders (agents) and the members of their reference groups (principals) (Papadopoulos & Warin 2007). To what extent do representatives seek out their own interest or the interest of their organisations instead of the interests of the represented. Moreover literature on distributive coalitions and rent-seeking teaches that rational participants will seek to maximise benefits of policy choices and externalise costs to actors excluded from them (Papadopoulos & Warin 2007).

Thus, whilst we cannot simply define an educational council as corporatist, it does provide us with a useful perspective. We can look for common corporatist traits in councils such as a strict representative structure and deep rooted involvement in the policy making process.

> 2.8.3. Pluralism

Pluralism is considered a part of the Anglo Saxon democratic tradition. The majority of literature on the topic comes from American political scientists such as Dahl based upon the American system. Dahl describes the pluralist system as a democracy in which a number of interest groups compete with one another for influence. Typically a pluralist system is characterised by the interaction of resources and interests, along with the assumption that these groups compete using the resources in order to gain influence over the political arena. These groups operate privately and the assumption is that the government must act as a neutral arbiter balancing, interests to garner knowledge in the formation of policy (Dahl 1982).

Thus, in such a system, it is up to the government to balance the interests and technocratic knowledge in the forming of policy. Such a system can be criticised. For example, as resources are rarely equally distributed, this may mean that those with the greatest level of financial and organisational resources are most able to form interest and pressure groups so as to influence government policy making. In the same vein well organised groups have the greatest motivation,

and opportunity, to monitor government policy making in order to protect themselves. Other groups often lack the resources and managerial skills to either monitor policy or focus their advice. The fear is that certain groups are better able to mobilise greater resources than others. Such voices are therefore often drowned out under those of big interests.

Alternative criticism comes from accusations of elitism where the fear is that we are governed by a political elite which plays only lip service to interests whilst ignoring their concerns. By preventing direct access to the policy making process for interest groups the government can manage rather than balance interests, for example choosing to listen only to those who agree with current the current government agenda. This is particularly true where governments are attempting to implement radical and socially painful reform, as they can superficially legitimise decision making by picking interest groups and playing them off against each other. The legitimacy debate is one which we will come back to further on.

> *2.8.4. Direct democracy*

Direct democracy has received a lot of attention from authors such as (Lijphart 1999;Weale 2001). Its proponents would suggest that, in the extreme, policies should be opened up to the public as a whole allowing public participation from the very conception of a policy.

The literature on participatory democracy indicates that representative democracy does not sufficiently stimulate citizen involvement (Barber 1984). The professionalization of decision-making leads to citizens loosing control over their immediate environment (Fiorino 1990). Participatory democracy stresses the need for sustained citizen involvement in everyday political life, regardless of the specific mechanisms of participation. Participation in this view increases civic competences as well as the overall legitimacy of the political system. Theories of participatory democracy stress not only that participation is highly valued by the public, but also that public virtue is likely to arise from citizens' direct and sustained involvement in public affairs. Open access to policy making is from this perspective crucial. Here input legitimacy is at stake. Inclusive policy making can be viewed from different angles, however. Not only from the direct democracy perspective, but also from the professionalization of policy making agenda.

Deliberative democratic theory, on the other hand, stresses process legitimacy more than input legitimacy. Whereas the aim is to increase citizen involvement as well, a major focus is being placed on the deliberative quality of the process itself. According to Chambers (2003) deliberative democratic theory emphasises dialogue and accountability: "talk-centric democratic theory replaces voting-centric democratic theory". Consent is being replaced by accountability (understood as "giving an account", publicly explaining and justifying public policy) as the prime driver of legitimacy. Deliberative processes have to contribute to a transformative process. By opening up towards perspectives of other participants, people can learn from each other and develop a new, richer perspective.

From a different angle, for example New Public Management, there are also tendencies to include 'citizens as consumers' in the policy making process. In order for policy to be more effective, the expertise of consumers can be beneficial. Consumers are being given a 'voice' in policy development. This voice in development is often mirrored by 'choice' in the implementation phase. If citizens are not satisfied with the services delivered, they "take their business elsewhere."

However, it is possible to point out the failures of too great a level of participation in California and Switzerland. The debate over representative against direct democracy is long and ongoing. However, there is much support for the belief that direct democracy in issues such as this is not effective. People are slow to become involved and participate, even if they have the right they do not always have the time or inclination to become involved, unless the policy is a direct threat to

them. This would leave the advisory system open to abuse from those with the resources to exploit access ironically creating greater risk of capture than other forms.

Whilst the debate over direct democracy may appear to be a dead end, it does provide an example of the type of competition which can arise with governments asking the public directly for their opinions on issues of policy. Alternative forms of participation such as e-consultation, deliberative polling, 21the century town hall meetings, etc.. are becoming more popular, particularly with the internet giving the public a new conduit to participate with the government. Thus the debate should not be dismissed. It also highlights an important theme running through all the advisory bodies to government, legitimacy and participation. It can be argued that some education councils are in fact a representative method of public participation in the policy making process. This further touches the legitimacy debate over the validity of consultation to a non-elected body representative or not. Thus the theme of how each council maintains its legitimacy is an important and recurring one.

Mayer, Edelenbos & Monnikhof (2005) indicate that how we evaluate processes of interactive policy making, will depend on the perspective on democracy that we use. An instrumental view on democracy from a representative democratic perspective sees interactive processes as allowing policy makers to gain input from the citizens as well as to garner support. The normative view posits that interactive processes can offer a channel to citizens to get to know the democratic system better. From a direct democratic perspective the instrumental view will stress interactive processes as means to exercise direct influence on policy decisions, whereas the normative view will emphasize interactive processes as a medium for democratic expression and control. These different perspectives will lead to very different aspirations towards processes of interactive policy making. Management of expectations is crucial in such a context (Mayer, Edelenbos, & Monnikhof 2005).

> 2.9. The discourse on political primacy

Next to expertisation and interactiveness, a third discourse can be discerned, a discourse that focuses on political primacy. This view posits that political decisions should be taken independently by the government, by those officially mandated. In a context where there is a high degree of uncertainty, a lack of consensus on facts and on the political values and goals at stake (Hoppe & Peterse 1998), decision-making should rest with those that have a mandate to decide and are accountable for their decisions. As suppliers of advice and expertise are no longer a separate class or structure but entangled in the political power processes, there is a risk of capture by non-accountable interest groups, technocrats, and the like. This risk to the policy making process is highlighted by authors criticising the corporatist and direct democracy literature. They question the input legitimacy of allowing non-accountable institutions access to the policy making process, highlighting the fact that there is no way to hold them to account for decisions they have made. Thus they can provide imbalanced or misleading advice without the public being able to punish them in any way. Worse, depending upon the influence of the advisory council on the policy making process, this can leave a policy domain effectively under the control of an unelected body, so one unaccountable to the public, undermining the democratic system. In our research we can consider whether this issue of input legitimacy has been considered in the structure of the council. For example, we can look at ways in which the government can hold the council accountable for its advice.

From the political science literature above, we can see a normative division between those theorists who support greater direct participation, the role of organised social groups, and those supporting of political autonomy/primacy. Advocates of corporatist structures, stress the system is representative of social groups thus increase participation in this way, they also point to the output legitimacy, through its success. Whilst direct democracy adherents point out that the increased

participation is itself a form of increased legitimacy for any policy decision reached. Authors writing on political autonomy, caution against both, due to the risk of policy domain capture by the interest groups in corporatist decision making structures, and reduced outcome legitimacy in states where there is too great a level of participation. The environments in which all the councils operate, and even the councils themselves, are affected by the debates between the three views. They are engrained within society and thus we will expect to see the influence of these countervailing forces on each council's constitution.

> 2.10. Policy advice and the need to increase policy legitimacy

Policy advice can be situated at the crossroads of different trends in policy making: expertisation and interactiveness. At the same time, the literature on political primacy stresses the traditional public law perspective where clear roles and tasks are hierarchically structured and divided.

Expertisation refers to enhancing the government's capacity for effective problem solution by relying on policy analysis and evaluation. The need for policy support, on the other hand, requires a degree of interactiveness with target groups and citizens. The assumption is that their support will contribute to sustainable policy solutions, and in a more pessimistic view, at least prevent a complication of policy implementation (Brans & Vancoppenolle 2005). A third trend that needs to be addressed is the recurring discourse of political primacy with the underlying fear of the 'capture' of a policy domain by interest groups. In this view, political decisions should be taken by those mandated and should not be developed in closed networks, iron triangles, etc. Policy advice should be delivered by independent experts and not by those parties who have an interest in the policy development. Clearly, there is a tension between these different trends, and accordingly, different world views and perspectives on democracy. Moreover, the increasing complexity of the policy environment has been critical for the conduct of advising government. There has been a broadening of sources of advice, with an expanding involvement of actors from both within and beyond the governmental system. Advice has become more competitive and contested. Professional expertise is contested by other types of expertise, for example by experience-based expertise.

As a specific mechanism of public participation, advisory bodies are confronted with these different trends in policy making. On the one hand they are supposed to contribute to evidence-based policy development, on the other hand they also need to play a role in building policy support. If we look behind these developments, we can see that they share a common aim of increasing policy legitimacy. In today's world, policy needs to be effective and efficient, but also needs to be developed in a process that is transparent, open, informed and deliberative. In short, policy needs to be legitimate.

But what does legitimacy entail? Legitimacy is a complex and multilayered concept (Beetham & Lord 1998). Generally speaking, legitimacy ensures that citizens are willing to accept policy. According to Rosenthal et al.(1996) policy can be defined as legitimate when three principles are respected. In the first place, legitimacy depends on the principle of legality. Policy has to abide by certain norms and rules. Secondly, policy needs to be developed in a democratic way. Stakeholders have to have had the possibility to influence policy and policy makers need to be accountable (and give an account) of their decisions. And thirdly, policy has to be effective and efficient. This third principle includes elements such as acceptability and implementability. However, other authors stress that these more objective perspectives contrast with the subjective evaluation of policy. Saward (1993) states that legitimacy is the subjective evaluation by different individuals or organisations. In this way, the three principles of Rosenthal will be ranked as well as evaluated differently according to different stakeholders. Thus, legitimacy becomes a complex and multifaceted concept.

In reference to processes of public consultation, we can speak of internal and external legitimacy. The external legitimacy refers to the way in which such processes are linked up with the politico-administrative policy-making process. Here, often the issue of political primacy is at stake, as some fear that policy is being prepared or negotiated in 'iron triangles' in such as way so that politicians have to accept these. The internal legitimacy refers to the legitimacy of the public consultation in itself. Here, we can differentiate between input, process and output legitimacy. Consultative and participative processes are supposed to enhance the output legitimacy of policy making. Decisions are supposed to be more efficient, owing to the involvement of knowledgeable local or sectoral actors. At the same time, decisions are supposed to be more effective, as strongly concerned stakeholders are involved (Papadopoulos & Warin 2007). Thus, policy support will increase and the implementation of policy will be more effective. This we can call the managerial or the instrumental perspective.

However, these processes also are supposed to contribute to democracy, as they strengthen input and process legitimacy. Issues of input legitimacy (open access to the policy making process) and process legitimacy (a fair and transparent process) are for example stressed in quite a few normative definitions of interactive policy making (Van Damme & Brans 2008a). This double-barrelled democratic perspective stems from the literature on participatory democracy and on deliberative democracy. The literature on participatory democracy indicates that representative democracy does not sufficiently stimulate citizen involvement (Barber 1984), and that the professionalization of decision-making leads to citizens loosing control over their immediate environment (Fiorino 1990). Participatory democracy stresses the need for sustained citizen involvement in everyday political life, regardless of the specific mechanisms of participation. Participation in this view increases civic competences as well as the overall legitimacy of the political system. Deliberative democratic theory, on the other hand, stresses process legitimacy more than input legitimacy. Whereas the aim is to increase citizen involvement as well, a major focus is being placed on the deliberative quality of the process itself. According to Chambers (2003) deliberative democratic theory emphasises dialogue and accountability: "talk-centric democratic theory replaces voting-centric democratic theory." (308). Consent is being replaced by accountability (understood as "giving an account", publicly explaining and justifying public policy) as the prime driver of legitimacy. Deliberative processes have to contribute to a transformative process. By opening up towards perspectives of other participants, people can learn from each other and develop a new, richer perspective.

> 2.11. Advisory bodies as boundary organisations

Overall, we can see a communicative rationality behind the different perspectives on legitimacy, as the success of policy in today's world hinges less on hierarchical relations or the use of coercion, and more on credibility (Majone 2001), on interaction and communication in a networked society.

What roles can advisory bodies play in such an environment? Possibly, they can be of high relevance in providing a bridge between the different worlds of policy making, science and civil society. In such a way that also different perspectives on policy legitimacy are reconciled. Thus, they generate a forum of communication, interaction and negotiation between these different worlds. This we can link with Kingdon's work on agenda-setting (1995) Kingdon focused on the role played by policy entrepreneurs in constructing and utilizing opportunities for agenda-setting, the so –called "policy windows".

In Kingdon's model three sets of variables are said to interact. First, the problem stream, refers to the perception of problems as public problems. Only a small portion of problems are taken up for serious consideration by the government, and thus make it on the institutional agenda (Howlett & Ramesh 1995). The policy stream (we can also call this the solution stream), consists of analysts examining problems and proposing solutions. The political stream is composed of factors such as swings of national mood, administrative or legislative turnover, and interest group pressure

campaigns. Whereas these different streams have their own logic and follow their own path, at certain times interaction between these streams is possible, this is called a "window of opportunity". However, unlike for example in the "garbage can" model of policy making, problems and solutions are to be brought together by policy entrepreneurs at a moment when the political will exists for a decision to be made. Policy entrepreneurs are the "linking pin" between the different streams. Interestingly, Kingdon asserts that policy windows can come about not only because of events such as crises, scandals or accidents, but also by institutionalized events such as periodic elections or budgetary cycles. Kingdon differentiates between four types of policy windows, form random to more routinized, in which institutionalized procedural events trigger predictable window openings (Howlett, Ramesh M, & Perl 2009). Possibly, in some political systems the number of policy windows will generally be smaller than in others. For example, when a coalition government is in charge, opportunities appear to be smaller, as political deals in the beginning of the legislature often severely limit problem and or solution redefinition during the rest of the legislature.

Kingdon's perspective on agenda-setting combines an institutional perspective with a role for policy entrepreneurs to force policy problems and solutions on the institutional agenda. The stability of the agenda-setting in a specific policy domain depends on the existence of a stable policy subsystem (Howlett & Ramesh 1995). This policy subsystem will delineate the dominant policy discourse, the basic framework of viable problem definitions and solutions. This framing will then also control the types of actors that will be involved, the types of solutions developed, etc. Again, the tendency of technocratization will direct the framing of the problem in a way that input of technical experts is crucial, whereas the tendency of interactiveness will frame the issue in such a way that broader societal discussion, expertise and/or support is needed. A policy subsystem will to a large extent stipulate the level and kind of interaction in a specific policy domain.

Whereas according to Kingdon policy entrepreneurs are needed to use the opportunities of policy windows, we believe this bridging function can also be institutionalized in fora such as advisory bodies, where the worlds of expertise, civil society and political decision-making meet. As the boundaries between these worlds are (increasingly) blurred, we can speak of "boundary organisations" (Guston 2000) linking up between worlds with different rationales.

The concept of boundary work comes from the policy sciences but also from comparative research in science and technology studies (STS). As the relation between experts and policy makers can be seen as a complex and contested division of labour, we can speak of a boundary that "demarcates who can and cannot be considered an expert in various degrees, and articulates the coordination between actors who have come to be considered as 'experts' and 'policy makers'" (Halffman & Hoppe 2004). Crucial concepts are demarcation and coordination as both worlds continuously need to negotiate their boundaries and manage their interaction. Whereas traditionally there was a clear demarcation between science and the state, in recent years science-society boundaries are being challenged by imperatives of accountability, user collaboration and practical utility (Raman 2005). Thus, the traditional high degree of autonomy being awarded to science is reduced. As has been argued earlier, this development is mirrored in the increasing demands on policy development, as policy increasingly needs to be "evidence based", developed in an open and interactive way, etc..

We find the concept of boundary work particularly interesting as it indicates that even though the worlds of policymaking and science/knowledge follow different rationales, and often have different perspectives and goals, they also appear to be increasingly interdependent, and need to be coordinated so as to increase their functionality and legitimacy. As traditional boundaries are breaking down, boundary work has become more important (Raman 2005).

Typical for boundary organizations is that they are accountable to multiple worlds and thus serving multiple masters (from a principal-agent perspective). Principal-agent theory holds that organizational relations may be understood as a series of delegations of authority from principals to

agents within or between organisations. The success of a boundary organisation is determined by principals on either side of the boundary, both of whom rely on the boundary organisation to provide them with the necessary resources (Guston, 2000). As Guston puts it, for such an organisation its "dependence is as important as its independence," because its stability is not derived from isolating itself but by being accountable and responsive to opposing, external authorities. This holds for scientific advisory bodies, but possibly even more so for advisory bodies with representatives of stakeholders, as bringing in representatives is a typical bridging strategy.

Indeed, the application of boundary work concepts can be extended to the study of advisory bodies, where three worlds meet, and not just the dichotomous worlds of science and policy-makers, to which much of the boundary literature as well as the more general knowledge utilization literature is restricted. In his work, Lindquist provides perhaps the earliest conceptualisation of interactions between science, society and policy-makers. He speaks of the 'third community', which includes societal organisations and organised interests, as well as think tanks and consultants. (Lindquist 1990) This third community seeks to 'inform and influence policy with information'(31). Their objectives are broader than those of scientific experts, who are primarily concerned with linking objective knowledge from research to policy concerns. Whereas both the worlds of science and the third community seeks to influence policy (Lindquist 2001), their objectives differ. Scientific experts offer an objective understanding of causes of problems and effective solutions; actors from the third community seek to steer policy choices in the directions of their proper interests and perspectives (Lindquist 1990).

Multiple lines of accountability will assure that the boundary organisation produces services that participating parties can use for their own purposes. Thus, even though the objectives of parties are not necessarily in line, the outcome of the work within boundary organisations is useful for multiple 'principals'. If we look at advisory councils, state representatives may stress for example the task of generating input and developing policy support, whereas the societal representatives may want to stress their privileged access to the policy making process and the possibility of influencing policy in a way profitable for their principals. Scientific experts take pride in the objective scientific framing of policy problems and solutions. Guston refers to Latour's (1987) image of the Janusian visage of science itself, to clarify that the boundary organisation speaks differently to different audiences and clients, which we can further conceptualise as the policy-makers, societal rank and file, and the truth (for science). We can also make the link here with the literature of interactive policy making, where management of expectations is seen as a crucial strategy. Boundary organisations seem to hold the possibility of delivering good results for the different parties involved, even though their perspectives and objectives may differ. This 'balancing trick' is what potentially makes boundary organisations so successful.

The knowledge produced by science and the third community seems indispensable for evidence based policies (Hoppe & Halffman 2004b;Leeuw 1993), and boundary organisations seem well-placed to blend different types of knowledge into advice useful for policy-makers. There is a further two insights from Lindquist that are useful in this respect: the distinction between different kinds of information; and distinction between forms of dissemination.

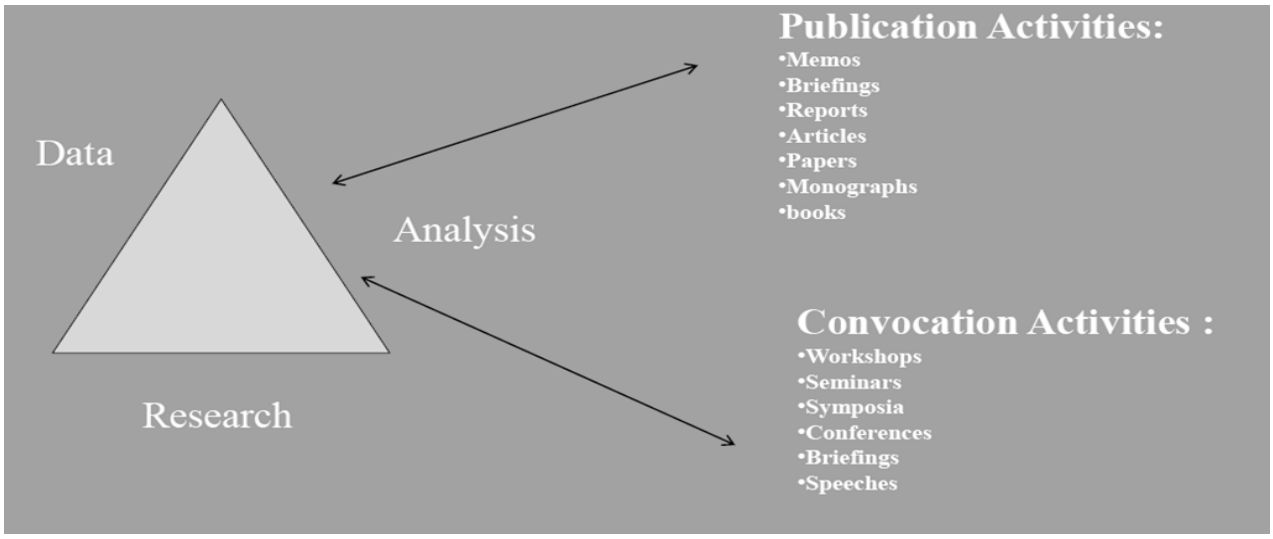

Figure 8: dissemination

(Source: Lindquist 1990)

According to Lindquist (1990) knowledge may consist of raw data, for instance from statistics or monitoring, research evidence, and analysis. All three kinds are relevant for policy-making. Research reveals the relationship between different policy variables, and may offer new perspectives on understanding problems or of ways to solve them. Analysis in turn relies more on a manipulation of data and research. It helps to develop and promote preferred policy options. These different kinds of information and the actors diffusing them connect in boundary organisations.

To be sure, the distinction between types of information is not always clear cut. Peters and Barker (1993) point out that (objective) facts and (interpretative) analysis are often closely connected. It can be expected that the blended information is heavier on analysis, given the political context and time constraints in which policies are made (Chabal 1993). The collection of objective facts or commissioning of research is particularly constrained when the time for producing advice is limited. When time is more generous, strategic advice can benefit from a research base and a reconciliation of opposing perspectives (Peters & Barker 1993;Weiss 1982). But in many instances we can expect boundary organisations to transfer advice with common grounds on the best available evidence.

According to Guston (2000), successful boundary organisations please multiple principals, or multiple audiences, and through their independence they can behave in an entrepreneurial way. Lindquist's scheme is inspiring as to the varied forms in which advice might be disseminated and customized to different audiences.

3. Conceptual Model

> 3.1. Introduction

In this conceptual model we aim to bring together key components and insights of the theoretical section in a model that we can readily use for analyzing education councils and advisory processes.

> 3.2. Policy legitimacy

The key concept that we start form is legitimacy. As we have argued, there is a strong need to increase policy legitimacy. Legitimacy is a complex and multilayered concept (Beetham & Lord 1998). In today's world, policy needs to be effective and efficient, but also needs to be developed in a process that is transparent, open, informed and deliberative. The policy process has to abide by certain norms and rules, be developed in a democratic way where stakeholders have access to, where they can have their voices heard. Policy makers need to motivate their decisions, have to be accountable for their decisions, etc.. Thus, we can differentiate in our framework between legality, democracy and performance.

Is policy that is effective and efficient, and was developed in a democratic way, according to certain rules and norms, legitimate? Maybe from a normative perspective this question can be answered in a confirmative manner. However, some authors stress that these more objective perspectives contrast with the subjective evaluation of policy. Saward (1993) states that legitimacy is the subjective evaluation by different individuals or organizations. In this way, the three principles of Rosenthal (1996) will be ranked as well as evaluated differently according to different stakeholders. This insight is in line with the literature on policy support. The results will be perceived and weighed differently by the different parties involved. For example, research has indicated that policy makers often have the perception that there has been quite a lot of policy impact of certain consultations, whereas societal stakeholders do not have that perception. If societal stakeholders greatly value impact and they have the impression that impact was limited, they will be less satisfied and will believe the process to be less legitimate.

In this framework we indicate that, next to the normative perspective which posits the norms of legality, democracy and performance, there is also an evaluative perspective (cfr. Supra: policy support model). The advisory process as a system of consultation needs to contribute to the different elements of and perspectives on policy legitimacy.

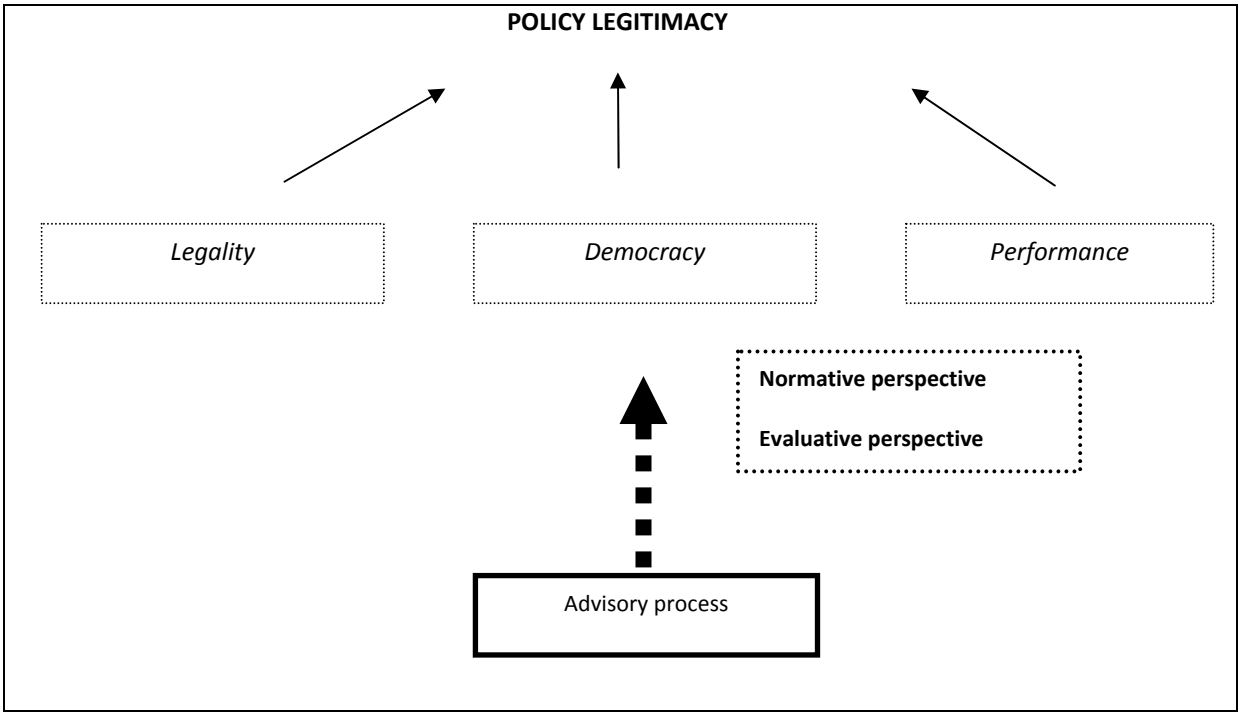

figure 9: policy legitimacy

> 3.3. Legitimacy of education council/advisory processes

If we turn to education councils as specific mechanisms of generating advice, and as instruments of consultation and participation, we can see that they are confronted with this increasing need for (more) legitimate policy. On the one hand they are supposed to contribute to evidence-based policy development and to provide the best available knowledge. On the other hand they also need to play a role in making the policy process transparent, interactive and communicative. From a normative perspective, they have to be organized so that they contribute to policy that is in line with norms such as inclusiveness, accountability and efficiency.

We can differentiate between input, throughput and output legitimacy. As for the output legitimacy, advisory processes need to contribute to policy decisions that are more efficient, owing to the involvement of knowledgeable local or sectoral actors. At the same time, final policy decisions are supposed to be more effective, as strongly concerned stakeholders are involved (Papadopoulos & Warin 2007). Thus, and here we already make a link with the evaluative perspective, if stakeholders are involved, have a chance to influence policy, and their contributions are to a certain extent taken into account, policy support will increase and the implementation of policy will be more effective. This we can also call the managerial or the instrumental perspective. In the framework we speak of "policy enrichment" as increasing the output legitimacy of the advisory process.

However, these advisory processes also are supposed to contribute to democracy, as they strengthen input and process/throughput legitimacy. Issues of input legitimacy (open access to the policy making process) and process legitimacy (a fair and transparent process) are for example stressed in quite a few normative definitions of interactive policy making (Van Damme & Brans 2008a). This double-barrelled democratic perspective stems from the literature on participatory democracy and on deliberative democracy. Important norms for the advisory process (that takes place in the education council as a structure) are, for example, inclusion, diversity, transparency, independence, accountability, etc..

Again, next to a normative perspective we place an evaluative perspective. Advisory processes that heed certain rules and norms are not automatically perceived and evaluated in a positive manner. From an evaluative perspective, advisory processes have to contribute to policy that is positively evaluated by stakeholders, that is perceived and valued as legitimate. If stakeholders are satisfied with process (input and throughput) and/or output, this will also be a good indicator of the level of policy support. In this framework, we combine a normative and evaluative perspective on the legitimacy of the advisory process (in the education council).

LEGITIMACY OF ADVISORY PROCESS/EDUCATION COUNCIL		
From a normative perspective		
Input legitimacy	Throughput legitimacy	Output legitimacy
• Diversity • Representativeness • Inclusion • Transparency	• Information equality • Equality in interaction • Independence • Openness • Transparency • Depth in interaction • Accountability	• Innovativeness • Impact on policy
From an evaluative perspective		
• Satisfaction with input results (part of process)	• Satisfaction with throughput results (part of process)	• Satisfaction with output results
• **Policy support (overall satisfaction)**		

figure 10: legitimacy of the advisory process/education council

> 3.4. Empirical model

We also develop a model that should be helpful in generating possible causal relations between different variables. We look at variables that can be situated in the input, throughput and output phase of the advisory process. These variables are useful for the descriptive stage of the process, to describe items such as membership, social and legal status of the council, etc..

However, they are also useful for the exploratory stage of the research. We will try to develop hypotheses on possible relations between different variables (RQ2). More specifically, we will try to gain insight in variables that are related to a specific result area, i.e. the impact of advice on policy. Impact we have operationalized as “advice utilisation”. Organisational characteristics of advisory councils such as membership and status (both situated in input phase) can be analysed and linked to impact.

What elements can play a role in stimulating the impact of advice on policy? Mechanisms of information, coordination, feedback and involvement between the regular policy stream and the advisory stream can increase policy advice take-up (Van Damme & Brans, 2008a). Being embedded in the formal policy process, in a formal or informal way, through its social or legal status, seems to help in providing these links with the policy stream. Whereas education councils are not designed to fit a specific policy situation, they often do enjoy privileged access to the regular decision-

making process. Thus, the extent to which advisory councils enjoy social and/or legal status is possibly related to their policy impact.

What about membership? First of all, membership is related to social status. High status members bring a higher status to the council. But we can also look at the representativeness and diversity of the council. Possibly, a more diverse council is able to bring together different perspectives and generate more innovative ideas. On the other hand, a more homegenous group will possibly be faster in delivering its advice. When the council consists of representatives of organisations, a different kind of advisory process will develop than when members are simply speaking for themselves and out of their expertise. We can expect processes to take a longer time, as representatives have to consult their organisations. We can also expect the advice to carry more weight when it is coming from a group that can be labelled as representative, and this kind of advice would then also have more impact.

As for the througput or process phase, we can expect certain rules to be related to impact. For example, when advice is decided upon in consensus, it will possibly bear more weight, especially when it is coming from representatives. Also, the more intensive the interaction and the more communities are involved in the interaction while developing the advice, the more impact we can expect.

Different variables such as legal and social status, discretion, membership, etc.. thus appear to be important in order to achieve good results. In the next framework we have identified a number of variables. However, other variables could have been identified and analyzed (such as in the input phase e.g. general trust in government, government consultation policy, political commitment towards the work of the council in particular, power relations, etc.. or, in the process phase e.g. level of process management, and, in the output phase e.g. member satisfaction, policy makers' satisfaction, level of social learning, etc.). However, due to time constraints we have had to limit the scope of the study, and we could not engage for instance in surveys on satisfaction of members and government officials[2]

There is, of course, a link between the empirical model and the legitimacy models presented earlier. For example, when we study membership, we look at indicators such as diversity of the council and representativeness, which are related to input legitimacy. Then, we can for example conclude that a certain council has a high score on input legitimacy (from a normative perspective). In this section, however, we explore whether some variables such as high social and legal status, or a diverse membership are positively related to impact of the advice on policy.

EMPIRICAL MODEL		
Input phase	Throughput phase	Output phase
• Administrative support • Legal status • Social status • Principals • Membership • Role • Discretion	• Decision making • *Information sharing* • Interaction intensity	• dissemination • quality (e.g. innovativeness) • utilisation

figure 11: empirical model for the study

[2] See Fobé et al. (2009) for this kind of survey analysis of advisory bodies.

For every variable we use one or more indicators. We use different methods for grading the data: a sliding scale from – to ++; yes/no whether or not the variable is present; and numbers , e.g. number of staff as indicator of administrative support.

> *3.4.1. Input stage: variables*

If we are to consider the input stage first, the variables which we have gathered data on are: administrative support; legal and social status; principals; membership; role, and discretion.

The first variable, administrative support, is designed to capture the general support structure behind the council. The two main sections of such a support are the budgetary support the council receives and the number of permanent staff. The first is highly evaluative, and its value dependent upon the council's voiced opinion on the topic.

The second simply provides the number of staff. In all cases below qualification is provided where needed.

Variable	*Indicator*	**- -**	**-**	**-/+**	**+**	**++**
Administrative support:	**Level of Funds**	Almost no funding	Limited	Neutral	Sufficient	Generous
	Permanent Staff	Number of Staff				

The second variable which we have identified is that of legal status. This can be understood as the level in which a council is legally entrenched or embedded into the policy making system. The indicators we identified are: government recognition, independence of budget, and legal requirements for consultation of the council and/or feedback by the government on the advice the council delivers.

Variable	*Indicator*	**Yes/No**
Legal Status:	**Government recognition**	Officially recognised as an advisory body or not.
	Independence of Budget	Independently administered budget or not.
	Consultation requirement	Legal requirement for council consultation or not.
	Feedback requirement	Legal requirement for government feedback on council advice or not.

The third variable, social status, is an attempt to capture the social standing of the council and is generally an observation of what has been said by the members of the councils themselves along with the government representatives interviewed. We thus place a value upon the social status of

the members themselves, and the president in particular as his/her position has been demonstrated as the most important.

Variable	*Indicator*	**- -**	**-**	**-/+**	**+**	**++**
Social status:	**Social status of the members**	Lack of status and recognition	Limited status, low recognition	Medium status, some recognition, often limited to specialised groups	Rather high recognition in society, specifically some members	Everyone on the council is a household name, and broadly recognised by members of society
	Social Status of the President	Lack of status and recognition	Limited status, low recognition	Medium status, some recognition, often limited to specialised groups	Rather high recognition , the president's name is generally well known	Very high recognition, the president's name is very well known and they receive a great deal of media attention

The next variable, considers the number of principals or 'masters' a council acts as an agent of. There is only one indicator we have used for this as it is easily observable as who the council reports to.

Variable	*Indicator*	**Number**
Number of Principals:	**Number of Principals**	Number of agents the council reports to, including government, parliament, and (organisations of council) members. Range between 1 and 3 principals

Further, we consider the membership of the council as being an important comparative element for identifying differences between councils. We focus upon the openness of the membership, this can also be called the boundary rule (Ostrom, Gardner, & Walker 1994): are there specific rules on who can become a member? Next, we look at the diversity of the council: do the members come from different communities and organisations. Thirdly, we consider whether the councils are representative or not (understood here as whether the members represent an organisation).

Variable	*Indicator*	**- -**	**-**	**-/+**	**+**	**++**
Member ship:	**Openness (boundary rules)**	Closed. Very specific membership rules	Rather closed. Specific membership rules.	Medium. Membership rules have some flexibility	Rather open. General and flexible membership rules.	Open. No member-ship rules
	Diversity	No diversity. Members from one or two groups within one community	Limited diversity. Members from more than two groups, within one community	Some diversity. Members from groups, within two communities	High diversity. Members from one or two groups, within three communities	Very high diversity. Members from more than two groups, within three communi-ties
	Indicator	**Yes/No**				
	Represen-tative	Yes/No				

Next we consider the role of the council which we divide into the scope of advice (long term v. short term) and whether the council has the right of initiative or not (whether the council can initiate the production of policy advice on a certain topic). We will also indicate whether this right of initiative is often being used.

Variable	*Indicator*	**LT**	**ST**	**B**
Role	**Scope**	Long term advice	Short term advice	Fairly equal distribution of both short and long term advice.
	Indicator	**Yes/No**		
	Right of initiative	Yes/No		

Finally, we consider the discretionary power of the council. We analyze the level of discretion a council has to organize its structure and work. As indicators we use the level of strictness of external rules and the flexibility that the council has in organising its structure and work. Both are related, as strict rules imply limited flexibility. For example, when there are no or only very broad

rules, the council can decide to add members, change member profiles, change working methods, set its own agenda, etc..

Variable	*Indicator*	**- -**	**-**	**-/+**	**+**	**++**
Discretion :	**Rules, flexibility**	Very low. Very strict rules. Very little room to self organize its structure and work.	Low. Strict rules. Little room to self organize its structure and work.	Medium. Rather strict rules. Some room to self organize its structure and work.	High Rather general rules. A lot of room to self organize its structure and work.	Very high. No rules. Freedom to self organize its structure and work.

> 3.4.2. Throughput stage: variables

We tackle the throughput stage in a similar manner, gathering data on decision making, information sharing, and interaction.

Decision making is perhaps the easiest to operationalise. We use the indicators: official consensus base (legal obligation to decide on advice by means of consensus), striving for consensus (informal rule to try to decide on advice by means of consensus), and any official mechanism for the inclusion of minority opinion into the advice (legal obligation to include minority opinion).

Variable	*Indicator*	**Yes/No**
Decision Making:	**Official consensus base**	Yes/No.
	Strives for consensus	Yes/No.
	Official mechanism for minority opinion inclusion	Yes/No.

From the literature we expect high levels of information sharing to be constructive in the process of developing advice. Therefore, our second variable, information sharing, was developed in order to measure the level of information sharing during the advisory process. However, in the research we have been unable to establish this.

The third variable, interaction intensity, is our most complex category in the throughput section, due to its highly disparate nature depending upon the process stage. For this reason we have divided it into the following indicators: internal interactions; communities involved; directionality

of Expert community interaction; directionality of Society community interaction; and directionality of Government community interaction.

The first indicator, "internal interactions", is the evaluative observation of the frequency and intensity of official interactions between council members in the council. How often and intensive do they meet and interact which each other?

The second indicator, "communities involved", is a documentation of the number and which of the three communities are most actively involved in the process of making an advice. Not only council membership should be looked at but also which of the three communities (academic expert community, civil society, and policy makers/government) interact in the process of developing an advice.

With the third indicator, "directionality", we analyse which communities interact and how intensively, whether interactions are mainly one way only (consultation) or two way (participation).

Variable	*Indicator*	
Interaction	**Internal Interactions**	Frequency and intensity of member interactions.
	Communities involved	The number and which of three communities are involved in developing the advice: academic experts, government, and society. Range from 1-3.
	Directionality: experts	Whether interactions are one way or two way with experts.
	Directionality: society	Whether interactions are one way or two way with society.
	Directionality: government	Whether interactions are one way or two way with government.

> 3.4.3. Output stage: variables

We analyze three variables in the output stage: dissemination, utilization, quality.

For the first variable, dissemination, we restrict ourselves to the destination of dissemination (government, media, parliament), the customisation of the product (whether the content of disseminated product is dependent upon the target of dissemination), and whether the information is published openly on the internet an thus available to the public.

Variable	*Indicator*	**Yes/No**
Dissemination	**To the government**	Yes/No
	To media	Yes/No
	To the parliament	Yes/No
	Customisation of the content	Yes/No
	Published on the Internet	Yes/No

The second output variable is that of quality. There are various factors which influence the 'quality' of the final product and some of them are highly evaluative and dependent upon the culture and context of an individual council.

We identify three indicators. First of all, innovativeness. Does the advice produced present a unique perspective? Is it innovative? Are new insights or information brought to the fore? Secondly, non-dilution. To what extent is the advice diluted? Is advice watered down? For example in order to find common ground? Are the edges somewhat softened, or is it a sharp-edged advice? The evidence base of advice is the third indicator of quality.

To be clear, this data is somehow qualitative, as it is based upon interviews and not upon actual analysis of text data. The data is constructed on the basis of appreciations of the general quality of the advice by our interviewees. These aggregate evaluations may hide variations between individual pieces of advice.

Variable	*Indicator*	**- -**	**-**	**-/+**	**+**	**++**
Quality:	**Innovativeness**	Very low	Low	Medium	High	Very high
	Non-Dilution	Very low	Low	Medium	High	Very high
	Evidence Base	Very low	Low	Some	High	Very high

A plethora of indicators can be used to determine the level of utilisation, the third variable. We restrict ourselves to four. Instrumental usage, whether advice is used immediately to influence current policy. Conceptual usage, where advice is used to change the knowledge base, the underlying thinking patterns of the decision makers, changing the perspectives or understanding on the causality of problems or preferred ways of solving them. Agenda setting usage, where advice is used to set the agenda of the government highlighting important future issues for the government's consideration. And finally, political-strategic usage, where council's advice is used to either underline the government's agenda or to provide legitimacy for the government's position, to justify decisions, to delay decisions, etc.. This data is highly qualitative, as it is based upon interviews and not upon actual measurable data of the level of utilisation, or of a systematic longitudinal test of numerous pieces of advice. We have asked knowledgeable actors about their perception of the measure of utilisation.

Variable	*Indicator*	**- -**	**-**	**-/+**	**+**	**++**
Utilisation:	**Instrumental**	Very low	Low	Some	High	Very high
	Conceptual	Very low	Low	Some	High	Very high
	Agenda Setting	Very low	Low	Some	High	Very high
	Strategic-Political	Very low	Low	Some	High	Very high

4. Typologies

> 4.1. Introduction

Recently there has been an uptake of interest in the study of advisory councils. Advisory bodies in the environmental sector have had the greatest focus, with for example a detailed typology being proposed by Halffman (2008) providing a basis for further advisory body research.

The most useful information arising from this is the general typology of advisory bodies which can be used as a basis for this research. Halffman's typology focused upon the roles of the councils themselves. However, it is restrictive in the sense that it does not consider beyond the dimension of a council's role, ignoring things such as the organisational structure of the council which could prove just as important for categorising councils. The typology still provides a useful method of categorisation. We will refer to this typology in the detailed council descriptions and in the case studies.

Halffman's typology suggests that we can typify the roles of an advisory council along the lines of review, instrumental, mediation, advocacy and reflection, which are the different tasks of councils. Initial study suggests that the education councils fulfill such roles as well.

What do these tasks stand for? "Review," he defines simply as the task of weighing and assessing knowledge, whereas the second task, "instrumental", refers to the reliability of the research procedures. "Mediation" refers to the role of the council in facilitating debate and generating common ground. The fourth task, "advocacy", is defined as whether the council takes sides in the debate. And finally, "reflection" refers to whether the council can consider and develop innovative new strategies for the policy environment in which they operate.

Halffman outlines these tasks in the following table, pointing out activities, typical questions that these tasks involve, and typical formats.

Tasks	*Activities*	*Typical Questions*	*Typical Formats*
Review	Integrate findings, overviews, assess overall state of knowledge, identify common denominator and unknowns.	What is the state of knowledge? What do we know about X?	councils of prominent scientists.
Instrumental	Measure, apply methods, tools, implement, provide data.	How much is X?	Engineering firms, consultants, contract research.
Mediation	Facilitate, support negotiations, interpret positions, bring actors and/or views together.	How can we resolve this controversy?	Workshops, meetings, e.g. in constructive technological assessment.
Advocacy	Defend, argue, provide arguments, promote issues, take sides.	Why is this policy not sound?	Concerned or activist scientists, possibly affiliated with an actor.
Reflection	Interpret, identification of overarching goals and strategies.	What is going on? Where do we go from here?	Public statements, books, public intellectual.

figure 12: overview of expert tasks

(Source: Halffman 2008)

Next, Halffman defines councils through their principal tasks, as well as their relationship to the government. In this way Halffman develops a typology of advisory councils as statist, corporatist, neo-liberal and deliberative.

He defines the "statist model" of advisory council as a body which provides information directly to the state without opinion or motivation. Thus lacking in advocacy tasks and being more concerned with review tasks. In this way the council is little more than an information gathering arm of the state. His second category, the "corporatist model", is one which represents pre-defined social interests and whose position is anchored in law, thus has distinctive advocacy tasks. The third category, the "neo-liberal model," he identifies as councils which treat knowledge as a resource to be traded only on the market, although likely to be more concerned with instrumental or reflective tasks. Fourthly, the "deliberative model", where knowledge is treated as a collective resource for public debate and discussion. Such councils are more concerned with mediation tasks, achieving consensus and general reflection.

Councils can also develop from one model to another, for instance from a corporatist to a more deliberative one.

> 4.2. Countervailing Forces

Hallfman's typology is useful to this research in that we can, with a little initial consideration apply it to this research. At first glance we can, very crudely, situate the Greek council into the statist camp, whilst the Spanish and Flemish councils provide a possible corporatist example. It can be argued also that the Estonian council fits into the deliberative model, whilst the Canadian council – which we have not included in this research- provides a possible example of a neo-liberal model. The Canadian council establishes its independence through its financing system, i.e. actors have to fund it in order to receive its reports and advice. Thus the government also pays for advice.

However, this typology is based solely on the main tasks as well as relation with the government, but other elements could also play an important role, such as, for example, its membership structure.

We have identified a number of common countervailing forces between which the councils are forced to operate, affecting everything from their membership to their interaction with the government. More specifically, we have identified five domains which are important for appreciating the differences between the councils, each has a direct effect upon their constitution.

The first is membership. We have identified earlier that experts can be either lay, academic or a mixture of both. This will have an impact on the type of advice provided, where the advice will will stem from an academic or experience-based background, or a mixture. Another important element, also related to membership, is whether the council members are (organisational) "representatives" or not. Whether or not members are organisational representatives will have an important impact on the type of advice produced. Possibly, membership is an important determinant for the role and tasks of the council. For example, councils with mainly lay representatives will often take on tasks such as advocacy and mediation.

Thus, we can create the following chart.

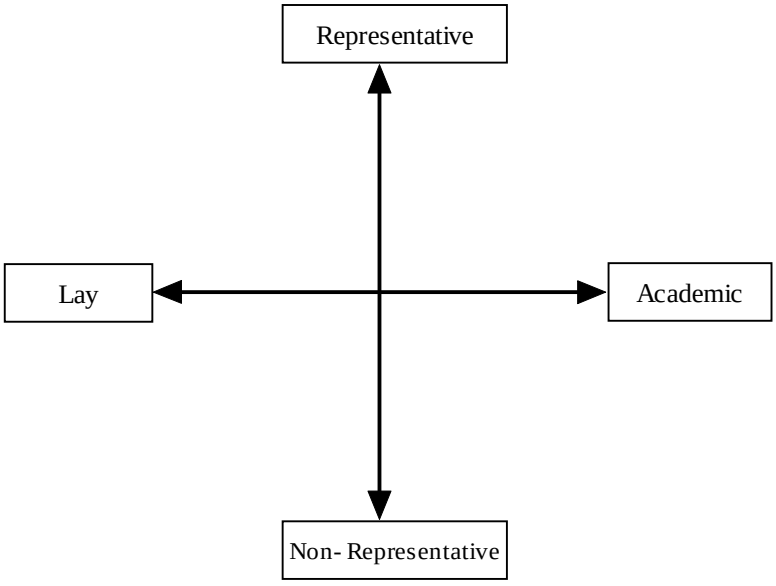

figure 13: membership

Typically, councils located in the top left of the chart would be those whose members are lay representatives, whilst those in the bottom right of the chart are those councils whose members

are academics not representing interests or organisations. Possibly, councils can also be located in the two other quadrants, and all kinds of mixed models are possible.

Another dimension which we analyze is the innovativeness vs incrementalism of the advice produced. Some councils actively work out disputes amongst interest groups in the policy sector, in effect clearing the way for policies to be adopted more easily by the government. Such advice is often more incrementalist than innovative as the different interests are being taken into account. The advice produced is the result of compromise and consensus. This is sometimes also accompanied by the distinction whether advice has" soft" or "sharp" edges. This provides us with the following dimension.

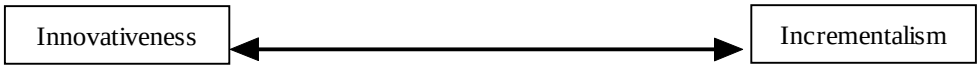

figure 14: innovativeness vs incrementalism

We can now consider the relation of the council with the government. There are different dimensions of pressure under which councils operate. The first is a question of how close to the government a council operates. In this way the dimension is the pressure of access to the policy field against the independence of the council itself. Thus we have councils which are mere extensions of the government department, with no independent budget to speak of and an agenda decided on by the government, against those which have next to no connection to the government or responsibility towards them.

The final dimension identified is the level of communication with the government, the intensity of interaction ranging from information, over consultation, to full and active participation. Thus whether the council simply provides answers to questions asked or its opinions to the minister on policy areas or whether there is actual ministry involvement in the council itself. Very often we will expect the two dimensions to be related, for example we would expect those councils closer to the government to have greater levels of participation by virtue. However, it is important to identify which councils maintain their independence whilst having open and intensive interaction with the government. The chart below outlines these dimensions.

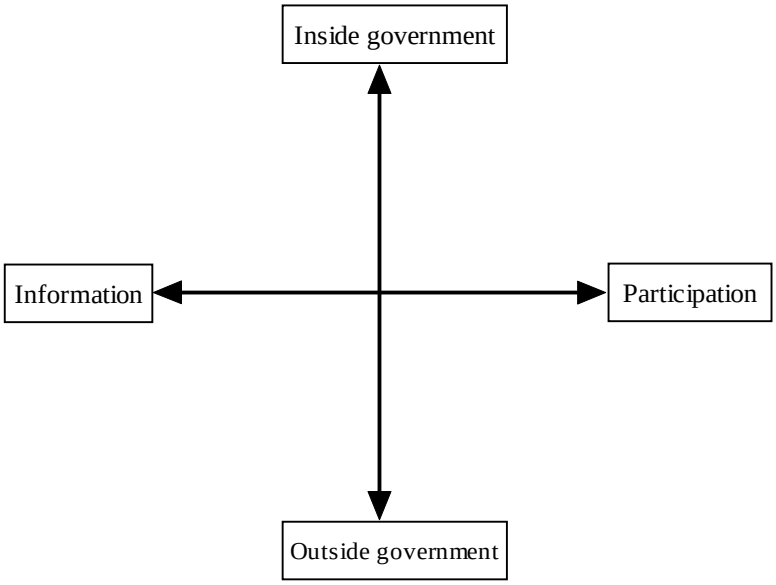

figure 15: government interaction

With locating our cases in the different dimensions we can begin to compare education councils and define their main differences and similarities, next to identifying where they sit in Halffman's typology.

5. Basic Factsheets

> 5.1. Introduction

This section contains the comparative basic factsheets for a number of educational advisory councils in the EU. They are designed to be comparative allowing the core features of the councils to be directly compared.

The important information for this part of the project is thus identified as: the constitution of the council, membership and structure, secretariat, role, and production.

1. Constitution
    - Name
    - Legal base
    - Recent developments
    - Budget
2. Membership
    - Chairman
    - Members
    - Structure
    - Presence in the council of government, educational stakeholders, societal actors and experts
3. Secretariat
    - Number of staff
4. Role
    - Role
    - Ling term vs short term advice
    - Response time for advice
    - Right of initiative for delivering advice
5. Production
    - Number of meetings
    - Physical products
    - Publication
    - Research base

The construction of these fact sheets appeared quite simple at the start of the project. However, numerous difficulties account for the eventual number and depth of fact sheets we developed. First of all, several countries originally included appeared not to fit the definition of education councils we used. We excluded for instance the Finnish council and the Welsh councils since they were either public bodies with decision-making power or dependent on one stakeholder group. Secondly, we were reliant upon a wide variety of sources and attempted as much as possible to triangulate

and cross validate information from such databases as Eurydice, education councils' websites, leading officials of councils, personnel of education departments, academic colleagues across Europe. The documentation of some countries would have demanded too much time and effort for this project to achieve. For instance in the case of Germany where there is a plethora of advisory bodies in the different Länder, but none was readily available as a case for inclusion in our overview. Thirdly, for the cases we have included the fact sheets are sometimes not fully balanced limited by differences in available information: e.g. for some cases we only have a general description of the secretariat, whereas for others we were able to include the exact number of staff. Increasing the depth of information would have required more detailed case studies instead of the six that we conducted. Having said this, there is a good geographical mix of factsheets on councils across Europe. Southern Europe is well represented, as is Continental Europe with France and the Low countries. We have fact sheets on one Scandinavian and two Baltic states, as well as two from Central and Eastern Europe with Hungary and Romania.

> 5.2. Basic factsheet Belgium (VLOR)

<table>
<tr><td>Council</td><td colspan="4">Name: Flemish Education Council (Flemish Community) :VLOR

Date Founded: 31juli 1990 (decree on education, II)

Legal Base: Educational Decree II 1990; Reform by the decree on participation in schools and the Flemish education council, 2nd April 2004.

Recent Developments: The 2004 decree placed a stronger emphasis on the pro-active and strategic objectives of the council and changed its composition, adding representatives of students' organisations, school principals, teachers and other 'technical/lay experts' in the education field. Governmental representatives can not be council member any longer (although they can be invited to the meetings).

Budget: The council has a significant working budget supplied by, but not controlled by, the education ministry. The council has a four-yearly management contract with government.</td></tr>
<tr><td>Chairman/

Membership</td><td colspan="4">Chairman: The chairman is elected by the members of the council.

Members: 151 members (with 151 substitutes) split between 5 different (sub)councils. Most members are nominated by their organisations. The member organisations are determined by legislation. The representatives of the principals are elected, the experts coming from the educational field are co-opted.

Structure: There council is divided into 5 different bodies: a general council (39 members); and four councils dealing with the different levels of education: a primary education council (24 members); a secondary education council (30 members); a higher education council (26 members) and a lifelong learning council (32 members). Below this are permanent commissions with specific remits. Ad hoc working groups and seminars can also be organised.</td></tr>
<tr><td></td><td>Government:

No
(invited as observer, no right to vote)</td><td>Educational Stakeholders:

Yes</td><td>Societal Actors:

Yes</td><td>Experts:

Yes
(lay experts i.e. teachers; no academic experts)</td></tr>
<tr><td>Secretariat</td><td colspan="4">26 full time members contracted by the council, 2 extra full-time members are involved in projects on a temporary basis.</td></tr>
<tr><td>Role</td><td colspan="4">Role: An official yet independent advisory body, the council is a discussion forum for educational stakeholders from which to present their advice and opinions to the government on educational policy in Flanders.

Long term vs Short term: The council provides both long term and short term advice.

Response Time: When the council is asked for advice by the minister, response time is 30 calendar days. In exceptional circumstances, a fast procedure of 10 working days is possible. However, when the council gives advice on its own initiative, there is no such time restriction.

Right of Initiative: On specific issues the minister is required to consult the council, but the council also has the right of initiative. Apart from this, the</td></tr>
</table>

	minister can ask the council to cooperate on specific projects on a temporary basis.
Production	Yearly meetings: Both the council and sub-councils meet about 10 times a year. Advisory Product: The council produces advice but also seeks to stimulate debate amongst educational actors. Publication: The advice produced by the council is disseminated to the minister, but also to parliament attached to the pertinent proposed legislation. Every advice is published on the internet and thus open to the public.

> 5.3. Basic factsheet Belgium (CEF)

<table>
<tr><td>Council</td><td colspan="4">Name: Council for Education and Training of the French Community in Belgium (Le Conseil de l'Education et de la Formation en Communauté Française de Belgique –CEF)

Date Founded: 12/7/1990

Legal Base: Law of 12/7/1990, modified by Law of 21/6/2001

Recent developments: The council offered high cohesive and political advice in the beginning of its existence, with intensive relations with the education ministry. Later the advisory field became more competitive with a multiplication of councils at different levels. This led to the council becoming more of a dialogue forum with political negotiations moving elsewhere. The 2001 law confirmed the role of the CEF, bringing it up to date, limiting membership to two terms and abolishing the task of delivering yearly reports on the state of education. Advice therefore became less political and more technical in nature. More attention is being paid to European issues. These days an increasing need is being felt to consult and collaborate with other councils and structures dealing with education. In the near future, confronted with a high number of consultative bodies dealing with the same issues, CEF seeks to increase its role as a transversal structure within the French community, the Walloon Region, and the relevant institutions in Brussels. Since 1990 CEF has produced over 100 pieces of advice.

Budget: The annual appropriation is entered into the ministry budget.</td></tr>
<tr><td>Chairman/

Membership</td><td colspan="4">Chairman: The chairman of each chamber is chosen among and appointed by the members of the chamber and then appointed by the government. The chairman of the council is alternated yearly between the chairmen of both chambers. The chairmen have a four year mandate.

Members: Total number is 100 members (51 active members and 49 substitutes) from 28 organizations. Members have a four year term and a two term limit. The members are divided between the chambers 60% (first chamber) to 40% (second chamber).

Structure: The council is divided into two chambers "La Chambre de l'Enseignement" (first chamber) and "La Chambre de la Formation" (second chamber). A higher education and an training chamber. However, only the plenary council can emit advice. All the members are invited to the meetings of both chambers.Next to the "ordinary meetings", conferences and seminars are organized .</td></tr>
<tr><td></td><td>Government:

Yes

(Within the first chamber)</td><td>Educational Stakeholders:

Yes

(Within the first chamber)</td><td>Societal Actors:

Yes

(Within second chamber)</td><td>Experts:

No

(Experts can be invited on ad hoc basis)</td></tr>
<tr><td>Secretariat</td><td colspan="4">The secretariat is coordinated by the Secretary General of the French Community. The secretariat consists of six "chargés de mission" who prepare the issue files and participate in the meetings and one person for administrative support. The "chargés de mission" are educational personnel, exempted for this task.</td></tr>
</table>

Role	Role: Provide long term advice to the government on educational issues. Inform its members. Promote dialogue and exchange of opinions among key stakeholders in education and training, crossing institutional task divisions, and aiming at developing a common language and an understanding of the different perspectives and opinions. The council stresses its independence and "transversality". Long term vs Short term: Mid to long term focus, strong European focus. Response Time: 2-3 months although issues can be fast tracked when necessary. Right of Initiative: Most of the work is on the initiative of the council. The minister can, but is not by law required to ask for advice (or research). Any member can make suggestions for issues to give advice upon.
Production	Advisory product: A program is established yearly with two "chargés de mission" preparing a file on the subject. They can use different methods, such as working groups, expert task forces, seminars, etc. The chambers and the councils are given frequent feedback on progress being made. Although the law specifies voting procedures, generally, advice in the council is produced consensually. Minority opinions, though rare, can be included. Publication: The advice is disseminated to the Government of the French Community (Minister-President, different ministers of education and training). Occasional meetings with ministers and their representatives, contacts with education committee of parliament of French Community.

> 5.4. Basic factsheet Cyprus

<table>
<tr><td>Council</td><td colspan="4">Name: Cypriot Education Council (Symvoulio Paideias)
Date Founded: 2005
Budget: Budget assigned by the education ministry.</td></tr>
<tr><td rowspan="2">Chairman/
Membership</td><td colspan="4">Chairman: The council is chaired by the Education minister
Members: The council has 40 members in the lower chamber, and 10 in the upper chamber.
Structure: The council is divided into an upper chamber and a lower chamber, the lower representing stakeholders and the upper representing relevant ministries.</td></tr>
<tr><td>Government:

Yes

(Including political party representatives and the minister)</td><td>Educational Stakeholders:

Yes</td><td>Societal Actors:

Yes</td><td>Experts:

Yes

Indirectly (only when brought in to represent member organizations)</td></tr>
<tr><td>Secretariat</td><td colspan="4">Four administrators seconded from the education ministry.</td></tr>
<tr><td>Role</td><td colspan="4">Role: Consensus building focusing on education reform and the promotion of dialogue.
Long term vs Short term: Both
Response time : usually 2 weeks
Right of Initiative: No, the agenda is set by the upper chamber, thus the education minister, but stakeholders can suggest topics of interest. There exists a specific right of consultation for all ‘reform’ legislation.</td></tr>
<tr><td>Production</td><td colspan="4">Yearly meetings: There are about 4 meetings a year but this depends heavily on the reform agenda of the ministry .
Advisory Product: advice presented to the Minister
Publication: online
Research: The council does not commission its own research.</td></tr>
</table>

> 5.5. Basic fact sheet Denmark

<table>
<tr><td>Council[3]</td><td colspan="4">Name: Council for evaluation and quality development in the primary school (Rådet for Evaluering og Kvalitetsudvikling af Folkeskolen)

Date Founded: 2006 (although a council structure has existed since 1993)

Legal Base: Primary School Act (consolidated) 2010

Recent developments: A stronger focus on evaluation was introduced in 2006 following PISA results

Budget: The council has an independent budget</td></tr>
<tr><td rowspan="3">Chairman/

Membership</td><td colspan="4">Chairman: Appointed directly by the minister from an executive committee of 3-5 academic and material experts also appointed by the minister.

Members: 21 appointed by the minister by recommendation from 17 organisations. Members are appointed for 3 years.

Structure:</td></tr>
<tr><td>Government:

No

(but local government representatives are present)</td><td>Educational Stakeholders:

Yes</td><td>Societal Actors:

Yes</td><td>Experts:

Yes

(3-5 experts with ‘material expertise’ appointed directly by the minister and making up the chairmanship)</td></tr>
<tr><td></td><td colspan="4"></td></tr>
<tr><td>Secretariat</td><td colspan="4">Three full time staff and one student.</td></tr>
<tr><td>Role</td><td colspan="4">Role: To assess and offer opinions and advice on the technical level and pedagogical development in the primary school as well as the pupils’ achievements. To assess the schools’ ability to contribute to the fight against pupils’ negative social heritage and their ability to increase the integration of pupils with a different ethnic background than Danish. Its reports have a strong academic evidence base in evaluating quality and producing recommendations to the Ministry. The law stipulates that government may consult this body on specific issues as well.

Long term vs Short term: The council answers policy questions in the short term but may also consider policy issues before they arise.</td></tr>
</table>

[3]Denmark has no general advisory council, instead there are multiple councils that specialize in giving advice on specific aspects of education. There are five individual councils or council structures, the first dealing with primary and lower secondary education, the second with upper secondary education, the third with vocational education and training, the fourth with higher education, and the fifth with further training. The council we outline here is the council dealing with primary and lower secondary education in the Danish Folkeskole.

	Right of Initiative: Yes, when the issue is related to primary education in some way.
Production	Yearly meetings: 2 Publication: An annual report to the minister, supplemented with a newsletter for broader dissemination Research: € 1,1 million for commissioned research.

> 5.6. Basic factsheet Estonia

<table>
<tr><td>Council</td><td colspan="4">Name: The Estonian Education Forum (Eesti Haridusfoorum)

Date Founded: 1995

Legal Base: Independence guaranteed in the NGO law

Recent Developments: reforms in 1999, and 2003.

Budget: Government provides funds for a single meeting a year and the salary of the administrator</td></tr>
<tr><td>Chairman/

Membership</td><td colspan="4">Chairman: Elected from amongst the members

Members: Membership varies year on year with groups invited to join as they become socially prominent. There is no limitation on such membership and the council includes representatives from teachers' groups, governmental organizations as well as educational stakeholders.

Structure: Divided into the Governing Board of 5-7 members including the chairman, and the Working Committee of 40 members. Additionally there exists an informal network supporting the council by discussing issues in parallel through a mailing list system. This list is not limited to council members and includes civil servants as well as educational experts not present in the council. This network contains approximately 1000 subscribers, although only a limited groups generates content. A member of the council's board acts as a moderator and administrator for the list.</td></tr>
<tr><td></td><td>Government:

Yes

(Open invitations to Ministry representatives in council; Minister present at Forum discussions; Government officials can subscribe to email list).</td><td>Educational Stakeholders:

Yes

(Present in both the council and mailing list)</td><td>Societal Actors:

Yes

(Present in both the council and mailing list)</td><td>Experts:

Yes

(Present in the council and mailing list and in informal network surrounding the council)</td></tr>
<tr><td>Secretariat</td><td colspan="4">A single paid administrator works with volunteers from the council who operate as the council's secretariat.</td></tr>
<tr><td>Role</td><td colspan="4">Role: A fully independent voluntary organisation providing ideas and information to the government and the education community.

Long term vs Short term: Long term strategic advice</td></tr>
</table>

	Response Time: Processing the advice generally lasts one year. Right of Initiative: Fully independent agenda but can be approached for advice by the government.
Production	Yearly meetings: Full forum meets once a year with smaller preforum meetings during the year to discuss specific issues and prepare draft text and resolutions. Advisory Product: The council produces written advice. Its main contribution is informing the debate, providing a constant flow of information and informed opinion to the government and educational stakeholders, through its forum activities and informal networks. Publication: Results published annually in an official journal and distributed via the mailing list. Research: The council does not conduct its own research.

> 5.7. Basic Factsheet France

<table>
<tr><td>Council</td><td colspan="4">Name: Superior Educational Council (Conseil Superieur de l'Education)

Date founded and legal base: 1989

Legal basis of Law n° 89-486 of 10th July 1989 (art. 1-16 and 1-33).

Budget: Negotiated with the ministry, could be categorized as semi-autonomous.</td></tr>
<tr><td>Chairman/

Membership</td><td colspan="4">Chairman: Education minister.

Expert Committee Chairmen: the directors of the central administration corresponding to each field of expertise (primary, secondary and tertiary education)

Members: 97 plenary members that represent professional, parental and business interests in educational policy (teachers, researchers, administrative staff, parents, students, pupils, territorial groups, family and early schooling associations, as well as educational , economic, social and cultural interest groups). The mandate of this group is 3 years with the exception of high school students representatives which is 2 years. Next to the plenary members, there are 49 permanent members and 49 substitutes elected by the plenary. There are also 3 specialized committees/ working groups –one on primary, one on secondary and one on tertiary education.</td></tr>
<tr><td></td><td>Government:

Yes

(presided by Minister)</td><td>Educational stakeholders:

Yes</td><td>Social partners:

Yes</td><td>Experts:

No

(or as stakeholders)</td></tr>
<tr><td>Secretariat</td><td colspan="4">One administrator appointed from the education ministry</td></tr>
<tr><td>Role</td><td colspan="4">Role of specialized committees: The role of the working groups consists in preparing the opinion of the council with regard to the educational curriculum, school schedule and more generally on the organization of education.

Long term vs. Short term: both

Right of Initiative: Yes. The council has the right to give its opinion and send it to any ministry (not only the education ministry) if it considers that a decision touches upon its core responsibilities. The ministry of education is obliged by law to consult the council.</td></tr>
<tr><td>Production</td><td colspan="4">Opinions on submitted questions, and proposals to ministers.</td></tr>
</table>

> 5.8. Basic factsheet Greece

<table>
<tr><td>Council</td><td colspan="4">Name: Greek National Council of Education (Ethniko Symvoulio Paideias)

Date Founded:1995 (FEK 156/31.7.1995 National Council for Education – Regulation of Subjects of Research of of Education and Further Training of Teachers), reformed 2003 (FEK 114/12.5.2003 Constitution, Organisation, operation, administrative support and seat of National Council for Education)

Legal Base: Law 2327 /1995

Recent Developments: The council was initially dormant and really only began its work after its reformation in 2003 and as such the council itself is fairly new.

Budget: No budgetary independence from education ministry; costs are paid as they arise.</td></tr>
<tr><td>Chairman/

Membership</td><td colspan="4">Chairman: proposed by the Minister of Education and endorsed by the Parliamentary Committee for Cultural Affairs.

Members: 38 within the core council, and three specialised sub-councils or chambers with between 35-50 members per body. Ad-hoc committee of experts of about 3-10 co-opted experts are also formed when topics are assigned to the council.

Structure: The Greek council can be separated into four bodies which operate quite independently from one another. The three sub-councils or chambers are concerned with higher education, technical education and primary/secondary education respectively. The main council does not operate as a recognisable umbrella organization with membership only partially overlapping and a separate remit from that of the sub-councils. The president also forms ad-hoc expert committees which work on the policy advice before it goes before the council chambers.</td></tr>
<tr><td></td><td>Government:

Yes

(Within the main council and sub-councils: Ministries as well as all national and European political parties represented)</td><td>Educational Stakeholders:

Yes

(Highly stratified: all rectors present within the higher education council for instance)</td><td>Societal Actors:

Yes

(including unions, confederation industry, orthodox church)</td><td>Experts:

No/Yes

(Not as members with right to vote in council proper: Can be present as experts in ad hoc committees and invited to sub-councils)</td></tr>
<tr><td>Secretariat</td><td colspan="4">A pair of administrators supplied from the education ministry. Policy advice is generally written ad-hoc involving all members of the expert committees. All the decisions and final advice of the sub-councils are written-up by the director.</td></tr>
<tr><td>Role</td><td colspan="4">Role: The council offers structural advice and administrative support for the ministry, providing advice on the foundation of policy. The council also allows for a level of dialogue between interest groups in education.

Long term vs Short term: the council gives short term operational advice, as well as advice on draft policies. Ad hoc expert committees may suggest reform proposals.

Response Time: Officially one month although the advice may take much more</td></tr>
</table>

	time. The minister generally waits for the advice even when beyond the period of 1 month. Right of Initiative: The council will not trespass on the sovereignty of the education minister and therefore, although the council may bring propositions before the minister, the council will not begin an investigation into a policy topic the ministry does not intend to deal with.
Production	Yearly meetings: Varies depending upon the council and the level of work going on at any particular time. Advisory Product: The product of the council is split between the two roles. The structural advice is relatively routine administration, opinions on adding university departments, renaming universities etc. The second is advice on current policy proposals. A special expert committee has produced a report on proposals for the reform of higher education in 2006. Publication: the President presents the advice to and discusses it with the Minister. When a new law is discussed, the advice is also presented to Parliament. Ad hoc committee members disseminate reports in media, conferences etc. Research: The council does not commission its own research.

> 5.9. Basic factsheet Hungary

<table>
<tr><td>Council</td><td colspan="4">Name: National Public Education Council (Országos Köznevelési Tanács)

Date founded: 1993

Legal base: created by law by the Ministry of Education

Recent developments: NA

Budget: small budget allowing for the 10 yearly meetings is provided from the budget of the Ministry of Education and Culture, through the decision of the Secretary of State within the Ministry.</td></tr>
<tr><td rowspan="2">Chairman/ Membership</td><td colspan="4">Chairman and vice-chairman: elected by the members, five-year mandate

Members: 20 representatives of the educational organizations and the Hungarian Academy of Sciences; 3 ministerial representatives appointed by the minister of education, total of 23. The 20 delegates represent the following groups: pedagogical professional organizations, institutes for teacher training(higher education), National Association of Employers/Chambers of employers, Hungarian Academy of Sciences

Structure: work and preparation made in committees: National Committee of Teacher Training and In-service Training; Committee of Final Exam; Schoolbook and Teacher Training Committee; Committee of National Framework Curriculum; Committee of Qualification of the Digital Teaching Material; Committee for Vocational Education.</td></tr>
<tr><td>Government:

Yes</td><td>Educational Stakeholders:

Yes</td><td>Societal Actors:

Yes</td><td>Experts:

yes</td></tr>
<tr><td>Secretariat</td><td colspan="4">One secretary within the Ministry of Education; one (other) person doing the organizational work and the protocol-writing processes for the council.</td></tr>
<tr><td>Role</td><td colspan="4">Role: professional advice for main decisions about public education. The council is a professional body preparing decisions, expressing its opinion, and making suggestions.

Long term vs. short term: mostly short term advice. Response time: 1-2 weeks

Right of initiative: yes</td></tr>
<tr><td>Production</td><td colspan="4">Yearly meetings: 10 official meetings per year, several other ad-hoc meetings

Product: NA

Publication: the chairman of the council gives advice to the Minister. The Chairman and Vice-chairman are allowed to make statements on behalf of the council, chief Secretary allowed to give information about the meetings of the council

Research: the council has no budget to initiate research on its own decision.</td></tr>
</table>

> 5.10. Basic fact sheet Italy

<table>
<tr><td>Council</td><td colspan="4">National Council of Education (Consiglio Nazionale della Pubblica Istruzione)

Date Founded: 1974

Legal Base: The council was established by the Decree n. 416 (1974)

Recent Developments: The Education Act 1994 is the act currently ruling most of the council’s activity and composition.

Budget: NA</td></tr>
<tr><td rowspan="3">Chairman/ Membership</td><td colspan="4">Chairman: The Education Minister

Members: 74 members elected from different categories of school personnel (members are appointed among teachers from all school levels, except universities).

Structure: The council is divided into 5 standing (horizontal) committees, each one specializing in different levels of education: pre-primary, primary, pre-secondary, secondary school and arts high school. It can set up ad-hoc (vertical) committees for discussing specific issues.</td></tr>
<tr><td>Government:

Yes

(Representative of the central administration. Members of the national Parliament cannot be part of the council.)</td><td>Educational:

Yes

(Representatives from different school levels)</td><td>Social partners:

Yes

(Representatives from business and unions)</td><td>Experts:

No</td></tr>
<tr><td colspan="4"></td></tr>
<tr><td>Role</td><td colspan="4">Role: A technical advisory body issuing opinions to the Minister. Consultation is required for the topics specified in the Education Act adopted in 1994 (structural reforms, teaching programmes, personnel appointment, etc.) or voluntary on legislative matters regarding education.

Long term vs Short term: Through the role described above, the council provides both long-term and short-term advice.

Response Time: NA

Right of Initiative: Yes</td></tr>
<tr><td>Production</td><td colspan="4">Yearly meetings: 4 meetings a year. Special meetings can be requested by one third of the council’s members at any time. The council is elected every 5 years.

Publication: The council issues an annual report assessing the state of education; the report is produced on the basis of data reported by school administrations.

Research: No research activity</td></tr>
</table>

> 5.11. Basic factsheet Lithuania

<table>
<tr><td>Council</td><td colspan="4">Name: Lithuanian Education Council (Lietuvos švietimo taryba)

Date Founded: 1991

Legal Base: Established in 1991, in education law and revised in 2000 by Directive Number 178. Legally embedded and protected in its work and research.

Recent Developments: Revised in the 2000 law primarily to monitor the National Education strategy established by the government.

Budget: Derives its budget from the education ministry.</td></tr>
<tr><td rowspan="2">Chairman/

Membership</td><td colspan="4">Chairman: Elected from amongst its members.

Members: 23 members elected for 3 year terms.

Structure: The council has no division in subcouncils.</td></tr>
<tr><td>Government:

Yes</td><td>Educational Stakeholders:

Yes</td><td>Societal Actors:

Yes</td><td>Experts:

Yes</td></tr>
<tr><td>Role</td><td colspan="4">Role: Discussion forum to provide advice on educational issues, to analyse and monitor the 2003-2012 National Education Strategy and to initiate public discussion and consultations with stakeholders.

Long term vs Short term: Provides both long term and short term advice. However, the focus is more heavily on long term strategic advice.

Right of Initiative: Yes, but agenda set in close cooperation with the ministry.</td></tr>
<tr><td>Production</td><td colspan="4">Yearly meetings: The council meets at least 4 times a year.

Advisory Product: There exists no legal consultation requirement. Presentations of findings and recommendations to the government, public and education interests.

Publication: The council publishes its minutes and resolutions; dissemination to broader public via the Ministry website.

Research: The council commissions some research and suggests issues in ongoing Ministry research projects.</td></tr>
</table>

> 5.12. Basic factsheet Luxembourg

<table>
<tr><td>Council</td><td colspan="4">Name: Higher Council for National Education (Conseil Supérieur de l’Education Nationale)

Date Founded: Loi du 10 juin 2002 portant institution d’un Conseil Supérieur de l’Éducation Nationale

Recent reform : none since in 2002 its present role was defined.

Budget: The council has a yearly working budget supplied and controlled by the education ministry.</td></tr>
<tr><td rowspan="2">Chairman/

Membership</td><td colspan="4">Chairman: The chairman is elected by the members of the council.

Members: 36 members, appointed by the Minister; 4 year renewable mandates. Members are nominated following proposals from educational stakeholders such as parents, students and pupils; teachers; school authorities (such as school inspectors, school principals, local authorities, religious organizations); social partners, and representatives from NGO’s.

Structure: The council divides into smaller committees</td></tr>
<tr><td>Government:

Yes

(national level and local government representatives)</td><td>Educational Stakeholders:

Yes</td><td>Social partners:

Yes</td><td>Experts:

Yes

(but no special expert status)</td></tr>
<tr><td>Secretariat</td><td colspan="4">A General Secretary and an administrative secretary, both employed at the Ministry for Education and Vocational Training)</td></tr>
<tr><td>Role</td><td colspan="4">Role: The council is a discussion forum for educational stakeholders from which to present their opinions to the Minister responsible for Education and Vocational Training.

Long term vs Short term: The council provides both long term and short term advice.

Right of Initiative: Yes, the council can give its opinion at its own initiative.</td></tr>
<tr><td>Production</td><td colspan="4">Yearly meetings: The council meets normally about 5 times a year.

Advisory Product: The advice produced by the council is disseminated to the Minister.</td></tr>
</table>

> 5.13. Basic factsheet the Netherlands

<table>
<tr><td>Council</td><td colspan="4">Name: Education Council of the Netherlands (Onderwijsraad)

Date Founded: 1919, and reformed in 1997.

Legal Base: Education Council Act of May 1997 guarantees its independence and position in the policy making process along with representative structure.

Recent Developments: Following a political debate about the Dutch system of advisory bodies the number of council members has been reduced from 14 to 12.

Budget: Budget is derived from the government but is administered independently.</td></tr>
<tr><td>Chairman/

Membership</td><td colspan="4">Chairman: The chairperson is nominated by the government and appointed by the crown.

Members: 12 educational experts, nominated by the government and appointed by the Crown. They are legally required to be broadly representative of the community, including gender and other minorities. 6 members are of an academic background and 6 are considered technical experts in the field.

Structure: The council divides into ad hoc working commissions with specific remits with the president present in each. These commissions prepare the advice before it is passed before the full chamber.</td></tr>
<tr><td></td><td>Government:

No

(At the Ministry a permanent liaison does exist facilitating communication between the council and ministry)</td><td>Educational Stakeholders:

No

(Although such groups are often consulted by the council)</td><td>Societal Actors:

No

(Although such groups are often consulted or proactively approach the council with their points of view).</td><td>Experts:

Yes

(Next to the technical and academic experts present, the council also co-opts additional experts on an ad hoc basis as and when more specialisation is required).</td></tr>
<tr><td>Secretariat</td><td colspan="4">12 professional and 8 support staff. The academic staff play a more central role in the generation of advice than most other councils. The 12 members of the council additionally spend about ½ or 1 day a week on council work.</td></tr>
<tr><td>Role</td><td colspan="4">Role: An independent governmental body to provide expert advice to the education ministry or parliament on own initiative or by request

Long term vs Short term: The council is more concerned with long term than with short term advice, e.g. opinions on policy against long term discussions on the strategic development of policy, although a combination of long term and short term also exist in several pieces of advice.

Response Time: Generally the process takes between two and six months.

Right of Initiative: Yes, but the council can also be consulted. The general agenda is set by the Ministry and notified to Parliament. Parliament can also ask the council directly for an advice.</td></tr>
<tr><td>Production</td><td colspan="4">Yearly meetings: 24 times a year, the members themselves officially dedicate ½ or 1 of every 5 days to council work, although in reality this can be more.</td></tr>
</table>

	Advisory Product: see below under publication. Publication: Conclusions are published on the website, as reports and in articles and are presented to the ministry, parliament and the education field. Research: The commission puts out to tender external research by outside experts.

> 5.14. Basic factsheet Portugal

<table>
<tr><td>Council</td><td colspan="4">Name: National Education Council (Conselho Nacional de Educação CNE)
Date Founded: 1987
Legal Foundation: Act of 1986, based upon previously designed structure.
Recent developments: The council is quite dynamic, both expanding and changing its working structure depending upon the ideas of the president of the day.
Budget: Funded by the government, although administratively independent.</td></tr>
<tr><td rowspan="2">Chairman/
Membership</td><td colspan="4">Chairman: Elected by Parliament.
Members: 68 members representing core interest groups.
Structure: Single chamber where discussion take place, above specialised permanent committees.</td></tr>
<tr><td>Government:

Yes

(Minister attends meetings when invited)</td><td>Educational Stakeholders:

Yes</td><td>Societal Actors:

Yes</td><td>Experts:

Yes

(co-opted experts as full members)</td></tr>
<tr><td>Secretariat</td><td colspan="4">12 full time staff members</td></tr>
<tr><td>Role</td><td colspan="4">Role: Production of advice through consensus.
Long term vs Short term: Both long term and short term advice
Response Time: Usually several months but for fast track advice response time is 10 days.
Right of Initiative: Yes, right to pursue own agenda and responds to requests from the government or the parliament on matters concerning educational policies.</td></tr>
<tr><td>Production</td><td colspan="4">Yearly meetings: At least 4 times a year, although regularly meets more than this, particularly in smaller groups.
Advisory Product: Varied, both written advice as well as promoting the social debate on education.
Publication: Statements and recommendations and annual report published in the official journal of the Portuguese Republic.
Research: Can commission its own research, although budgetary limitations.</td></tr>
</table>

> 5.15. Basic factsheet Spain

<table>
<tr><td>Council</td><td colspan="4">Name: Spanish State School Council (Consejo Escolar del Estado)

Date Founded: 1985

Legal Base: 1978 Constitutional principle of participation in education; Organic Law 8/1985 on the Right to Education (BOE 4.07.1985); Royal Decree 694/2007 (BOE 13.06.2007); the Rules of Operation approved by the Order of Education Minister ESD/3669/2008(BOE 17.12.2008; legal requirement for consultation.

Recent Developments: adaptation of membership structure to process of transferring education competences to Spanish regions.

Budget: The council budget is derived from the ministry although the council may spend said budget however it chooses within legal parameters.</td></tr>
<tr><td rowspan="3">Chairman/

Membership</td><td colspan="4">Chairman: President is appointed by the minister as a political post

Members: 106 members representing societal groups and experts

Structure: Divided into plenary, executive committee, participation board, committee of studies, committee of reports.</td></tr>
<tr><td>Government:

Yes

(Representatives are present within the council)</td><td>Educational Stakeholders:

Yes

(Including the Presidents of regional advisory councils)</td><td>Societal Actors:

Yes

(Including the church, woman’s organisations; people with disabilities)</td><td>Experts:

Yes

(Experts are present in group of 12 prestigious individuals, nominated by government)</td></tr>
<tr><td colspan="4"></td></tr>
<tr><td>Secretariat</td><td colspan="4">18 administrators employed by the ministry</td></tr>
<tr><td>Role</td><td colspan="4">Role: “Legitimisation through representation”. The council provides stakeholder participation in the legislative process.

Long term vs Short term: Mixed role through advice on draft legislation (short term) and annual report on the state of education (longer term).

Response Time: one month for short term advice; one academic year for annual report.

Right of Initiative: Yes</td></tr>
<tr><td>Production</td><td colspan="4">Yearly meetings: Plenary meeting at least once a year, smaller committees meet around 24 times a year.

Publication: Advice automatically attached to relevant legislative documents; annual report presented to Minister, Parliament and the whole of the educational community; results of discussions/seminars sent to Minister; active website.

Research: Mainly sourced through preparation of annual report and through seminars and workshops.</td></tr>
</table>

> 5.16. Basic factsheet Romania

<table>
<tr><td>Council</td><td colspan="4">Name: The National Council for the Financing of Higher Education (Consiliul National pentur Finantarea Invatamantului Superior)
Date Founded: 1995
Legal Base: Established by Education Law Nr. 84/1995
Recent Developments: None
Budget: Totally dependent on the Ministry of Education and no powers to negotiate budget. The council has no legal personality.</td></tr>
<tr><td rowspan="3">Chairman/
Membership</td><td colspan="4">Chairman: President is appointed by the minister as a political post
Members: 37 members representing societal groups
Structure: Divided into working committees and a bureau</td></tr>
<tr><td>Government:

No</td><td>Educational Stakeholders:

Yes</td><td>Societal Actors:

No</td><td>Experts:

Yes

(Present in the council in a specific group)</td></tr>
<tr><td></td><td></td><td></td><td></td></tr>
<tr><td>Secretariat</td><td colspan="4">4 members: President, 3 Vice Presidents and the Secretary of the Executive Committee</td></tr>
<tr><td>Role</td><td colspan="4">Role: Develops methods and principles of public funds distribution to state universities in Romania, having a consultative role in relation to the Ministry of Education. Annual report on state of education. Legal requirement for consultation.
Long term vs Short term: Mostly short-term as it advises rather on a year to year basis on the annual distribution on funds to universities.
Response Time: Generally one month
Right of Initiative: Yes</td></tr>
<tr><td>Production</td><td colspan="4">Products: advice to Ministry of Education, Report on state of educations
Research: General focus on conferences both at national and international level.</td></tr>
</table>

6. In-depth case studies

> 6.1. Introduction

Whilst the first stage of the project has sought to provide basic comparative descriptions of the education advisory bodies of Europe, the second stage is an explorative analysis of five of these bodies. This allows for a more detailed explorative analysis of the chosen councils. This stage was restricted, by dint of the project's scope, to 5 European (EUNEC member) councils. Of these we attempted to choose those councils, on a voluntary basis, which would provide not only a range of council styles, but also a geographical range. We have selected: the Dutch council, as the only independent 'expert' council; the Flemish council, due to its highly representational nature, professionalism and size; the Portuguese council, due to its transitional state and unique perspective on maintaining both legitimacy and independence; the Greek council due to the frequent reforms it has undergone along with the high level of state influence and the direct focus of its advice; and, finally, the Estonian Education Forum, as a unique advisory body focusing its advice production on educating the policy environment rather than directly on specific policies.

Notable exceptions from this second stage include representatives from the Anglo Saxon and Scandinavian countries, whilst the representation of Eastern Europe is weak. Whilst this was mostly due to the limited scope of the project, other reasons such as the lack of identifiable (semi-)permanent advisory bodies on educational policy at the national level in Northern Europe makes the inclusion of these countries in a comparative study difficult.

As previously mentioned, whilst the first stage of the project was to provide a descriptive outline, this second stage is a deeper explorative analysis. The goal is to begin to understand the process by which advice is formed, and how it differs between the advisory bodies. Ultimately we hope to identify those elements of the process which lend to the success of advice, as well as those elements which might undermine the effectiveness of advice.

After a brief methodology section we will present in depth case studies of the Portuguese, Dutch, Estonian, Flemish, and Greek councils. The presentation has been structured in the following manner: introduction; founding of the council; membership and structure, administrative support and budget; the council's role and tasks; legal and social status; relationship to the ministry; an analysis of set up, production, distribution, dissemination and impact of two specific pieces of advice, including a detailed analysis of advisory process; and, finally, an attempt at typologising the council.

> 6.2. Methodology

Data for this second stage of the project is built upon detailed interviews from as many perspectives as possible within the council. These interviews are themselves focused around, where available, two pieces of advice, both selected by the appropriate council, one a self defined 'success' and one a self defined 'failure'.

The interviews at this stage were carried out with a range of members, as well as the secretariat and government representatives. Where possible such groups have included: the current President; ex-Presidents (and other central figures involved in the creation of the council); senior and junior members of the secretariat; council members (where possible members have come from a range of backgrounds split depending upon how the council is organised, e.g. in the Dutch council both members of the technical and academic wings were interviewed);representatives of the education ministry (these can be council members or involved in working with the council).

The interviews were fairly open, and developed organically, however we did maintain a general structure to the questions which can be found in the appendix.

> 6.3. Portuguese council

> *6.3.1. Introduction*

The Portuguese council (Conselho Nacional de Educação) provides our study with one of the largest single body councils in Europe. The council is also old. Although by far not the oldest, it does provide an example of an established council, one which perhaps has outlived the political niche into which it has developed.

The council works out of a permanent building in Lisbon a stones-throw from the Lisbon Municipality. The council has a long history, and consists of 68 members and a solid secretariat. Whilst the agenda is primarily set by the central body of the council, the advice is produced by individuals with input coming from the rest of the council, both via committees and the council as a whole. The secretariat's influence on advice appears to depend entirely upon the individual or individuals placed in charge of a specific project. The council produces 2 or 3 pieces of advice a year, both limited by resources and by choice.

Advice from the council comes in two forms. The first is opinion-based advice, whilst the second is based upon opinions but supported by active research. However, there is no internal differentiation between the two forms advice takes, being entirely dependent upon the individual rapporteur chosen to produce the advice, coupled with the available resources. Advice from the council is thus primarily influenced by the rapporteur chosen to produce the advice, as well as by the range of interests which influence the advice through the council..

> *6.3.2. Founding of the council*

The council was founded as a product of Portugal's post dictatorship period which sought to incorporate increasing levels of public participation within Portuguese decision making. In the interviews it emerged that this was a common situation throughout Portugal at the time where the country moved to embrace public involvement and what was seen as the democratic process in every aspect of the society. Typical examples include both the election of school heads and hospital managers by, and from, teachers and doctors respectively. Such reaction against authoritarianism and the embrace of democratic practices established a sympathetic environment in which the council could successfully form.

Another product of the dictatorship was the general undermining of the Portuguese educational system which was seen to have been repressed under the authoritarian regime. It was accepted that major reform was required although there was disagreement on the form such reforms would need to take. An education advisory council would therefore be able to provide both expertise and legitimacy to the reforms, enabling the council itself to establish its own authority and legitimacy within Portuguese politics.

The education minister who established the council was not affiliated with the core political party in power and as such had less influence within cabinet meetings. Such an unfavourable position left the minister with a challenging position where he would likely have to fight a hostile cabinet for the necessary reform. In this political context, an independent council provided the legitimacy and weight needed, and so the council was born not only into an environment amenable to its existence, but in a situation where it was actually a relied upon part of the policy making process.

Thus, at its founding the Portuguese council therefore had a relatively great power base. Whilst this has been eroded over time as the situation has evolved considerably, it remains one of the more politically integrated councils.

> 6.3.3. Membership

With 68 members the Portuguese council is an example of a representative council. However, like most of the representative councils, mechanisms exist which allow for the inclusion of various experts within the council itself which support the body's general knowledge base.

The council is a representative body and most council members represent specific groups and interests. Likewise with most representative educational advisory councils it thus has stakeholders forming the core of its membership. It is notable that the enlargement from 55 to 68 members demonstrates a council considering the importance of participation and inclusion in the policy making process beyond that of the typical corporatist structure. This suggests that participation is one of the council's main agendas, and inclusion has indeed been considered very important.

However, there are academic experts also within the council, so as to provide an academic input into the policy debate. Although these are by far the minority of the council, it suggests a council which recognises the need for both lay and academic expertise in policy discussions.

Another interesting feature is that government representatives are included within the council, from both the national and regional level. Whilst representatives from the government are not uncommon, this level of participation is relatively high, with both the education ministry and parliament represented. By being so inclusive the council demonstrates its credentials at promoting informed policy debate as well as forming advice.

The government has no say in the nomination of representatives beyond its own. Each member organisation decides upon its own candidate individually. The membership of the council itself is for four year terms which are renewable, fostering an atmosphere of accountability. Thus those who do good work may be re-nominated whilst those who the representative organisations feel have done badly can be removed.

Perhaps the most important position of any advisory council is that of the chairperson. For the Portuguese council, the president forms the cornerstone because of his/her accountability and neutrality from both state and interest groups. The council president is elected by the parliament and as such the key position of the council is under the control of the parliament rather than an appointed minister. This in itself makes it very different from many of the other councils. This link to the parliament provides the council with a connection to the parliament's legitimacy, whilst simultaneously guaranteeing the providing independence of the council from the government of the day.

Almost as important is that the president is always a nationally renowned figure, usually from the field of education. This boosts the prestige of the council remarkably. Several presidents were professors at university, and one of them ex-education minister. But also the reputation of the president is dependent upon the success of the council whilst under his auspice. Thus he is held accountable for the actions of the council and a failure of the council or a bias in the advice will reflect badly upon the president's reputation. It is, therefore, in his best interests to retain the council providing good unbiased advice. This is supported by the roles which ex-presidents have taken when leaving the council, the third president becoming the minister of education.

The council itself is not unique in its representation of the government. However, the intensity of the interactions with political representatives in the council itself is quite high. Parliament is itself represented with a single member from each parliamentary body, whilst the government of the day appoints seven members. Each of the regions have a single representative, whilst the National Association of Municipalities has two of its own representatives.

Educational stakeholders are represented through seven members of educational establishments split between the levels of education. The organisations for parents, teachers and students, are each represented by two members, whilst a single member represents the student workers' association.

Society as a whole is represented by the traditional trade unions and employers, with two members from each, with one representative of the church. The council also includes two representatives of cultural organisations, one from the women's association as well as a representative from the national council of professionals and one from the 'private organisations for social solidarity'.

The academic element of the council is represented by seven members co-opted as persons of eminence in the field of education, whilst two members of academic bodies and two from educational institutions are chosen as experts. To complete the council there is also one representative chosen from each of the Academy of Sciences, the Portuguese History Academy and the Portuguese Society of Education Science. The academic weight of the council is therefore considerable, even compared to wholly 'expert' councils. The council itself appears a hybrid between expert knowledge and representation.

The council has one of the most inclusive membership policies leading to an incorporation of a broad range of social and political interests within the body itself. Interestingly, the selection process remains at the discretion of the represented group as the nomination of members is the responsibility of the represented group. This broad and diverse membership has allowed the council to be independent of any single social interest.

The Portuguese council clearly has an open attitude towards inclusion, with membership regularly being expanded. Conversely, there are limited exclusion mechanisms within the Portuguese council. With no way to remove members as they become socially defunct and/or of generally lower importance, the council is left with a situation of both increasing number of members - risking increasingly diluted advice-, as well as with the problem of empty seats. This second situation highlights the importance of a representative council remaining flexible with its membership.

> *6.3.4. Structure*

The Portuguese council is divided into a Coordination Committee and specialised Permanent Committees which meet to discuss advice projects in all phases since preparation to submission to the council Plenary. However, only the plenary can approve the final statement or recommendation. Advice is considered first by an appointed rapporteur before going before the relevant specialised committee. And it is then presented to the whole council for general consideration. This provides for a trade-off. Whilst benefiting from the increased participation of a range of perspectives it risks slowing down the overall advisory process and diluting advice which including the wider range of perspectives can entail.

> *6.3.5. Administration*

The council's administration is extensive and is highly professionalised. Whilst principally providing a support for the members who write the advice itself, the council's administrators, as boundary workers, also facilitate communication between the council and the various communities within society. The council has a significant budget supplied by the government but administered independently by the council itself. Although it arose during the interviews that, under the current administration, the budget does not extend to allowing for as deep a provision of evidenced-based research within an advice than is desirable, the council works around this situation through the application of available research grants on topics which interest the current council's agenda. This obviously limits the scope of how extensive and broad the research can be and which subjects can

be covered by the research done. When such research is carried out, the council attempts to involve its own staff as much as possible allowing for their base of expertise to be expanded.

> 6.3.6. Role

The council's primary role and focus is mixed, depending upon the perspective one takes. In common with a number of other councils, the government established it after a revolutionary period in order to promote much needed reform of the educational system. At this stage, the council was used by the education ministry, - at the time controlled by a minority party minister- , to legitimise his reforms against majority party policy.

Whilst this focus, for the most part has changed, the fact that the council was needed by the government, firmly grounded the tradition of the council having high impact on the government's educational policy. This has also established its status as an influential advisory body on education policy.

For many of those interviewed, the primary role of the council is to influence education policy, although the manner in which was disputed. Whilst some see the council as successful if its advice directly influences education policy, most see the council's role as more subtle, influencing the agenda of the government either by providing advice for the government to consider in its future agenda or, alternatively, to educate the policy arena thus indirectly influencing the government's agenda.

The point at which the council enters the policy field is highly varied dependent upon whether the advice is requested or whether the council uses its own initiative. The government may also ask the council's opinion either prior to the policy making process - in order to understand a particular issue before it takes a stance on an issue-, or after it has formed its legislation – in order to check it. Opinions given on the council's own initiative can also be agenda setting or in response to the government passing legislation, when the council believes it to be important to consider. For example, when the council vehemently disagrees with the government's stance but has not been consulted. The council thus balances its role as both agenda setter and watchdog, seeking to bring advice to the attention of the government by tackling key social issues the government has not considered, or ones the government wishes to see addressed but cannot find a stance on. It also acts as a watchdog, monitoring the government's policies and passing their opinions upon them should it either be requested, or should the council see fit to address a policy which they feel has negative impact on education.

> 6.3.7. Legal Status

The importance of the council's status, and the recognition of this status, was raised by almost all of the interviewees. However, we must separate the consideration of the council's legal and social statuses. This is because both are important and influential in different ways. First, we deal with the legal status.

Legally, the jurisdiction of the council is very specific. Thus the council will not consider passing advice on areas considered the remit of other bodies. Examples given were that of wages, considered the responsibility of unions, although the precise borders of the council's jurisdiction are open to interpretation. The Portuguese council has from a legal perspective also been heavily embedded in the policy making process since its founding. The council itself has direct links to the education ministry, and the parliamentary commission on education, who participate in the formation of the council's agenda. Moreover, it has been legally established that the council must be consulted on "any policy focused on major change in the field of education". Whilst in the beginning, during the country's post revolution reform period, its jurisdiction was easily identifiable, over time the field has slowly become more complex, with the 'major change'

becoming more difficult to identify. One drawback is that the interpretation of 'major change' is discretionary, allowing ministers to legitimately bypass the council when they wish. Thus, the council is at risk of being legally sidelined with the decreasing tendency for any policy to be considered as a 'major change'.

There are some comments from government administrators, that there is indeed a problem of the minister not recognising the value of the council in the policy making process, which can be used either for gaining information, or in a more strategic manner. Whilst the usefulness of the council for ministers was obvious in the beginning, when the council was needed to provide weight and legitimacy to the minister's policy against that of a majority government, it has become less obvious in today's political environment. This means that each successive minister must learn to recognise the value of the council as an asset. Whilst for many ministers this is true from the start, some do not recognise the advantages of the council until later in their terms.

However, the Portuguese council garners increased strength, not only from its social status, - which is explained below- but from the control it has over its own agenda. This is not simply because the council may tackle issues whether consulted on them or not, but because the advice is legally embedded into the policy making process. Advice from the council is delivered to the minister as well as parliament.

There is also a feedback requirement. It is interesting here to refer to the importance of social status. Whilst quite a few councils have this legal requirement for the minster to respond to advice and justify his/her response, this response can become routinised. Thus, the standard response is, for example, to refer to the lack of funds to justify disregarding the council's advice. This is not possible in the Portuguese council for two essential reasons; the first being that the council reports all findings to the parliament as well as the ministry and that advice is often utilized when forming parliamentary questions to the minister on policy. The second reason is that the advice of the council is of a high enough status that important social and governmental figures take them seriously and thus their value is increased.

Whilst the legal embedding of the council into the policy making process is perhaps weaker than in other councils, (with the ability of the minister to liberally interpret the need for council consultation), some of the internal rules on the membership of the council are rather fixed leading to problems. In order to be truly representative of society a council must have a degree of dynamism so as to be able to adapt to social changes etc.

Most councils we have considered, however, are fairly inflexible in this regard, with almost static membership. This can lead to the council no longer being accepted as representational of educational interests, and it can undermine its position towards the government. The Portuguese council has shown a high level of flexibility in that it has expanded as and when new groups have been identified as playing an important role in the education policy field. However, this has become a drawback because no reverse mechanism is present, able to identify those members who are no longer relevant to a policy field. Thus the Portuguese council suffers from "deadweight", with the membership of effectively defunct groups which have ceased to play a central role in the policy field, undermining the overall strength of the council.

> *6.3.8. Social Status*

It has already been stressed that the social status of the council is very important for valuing the weight of the advice. Advice given by socially influential groups is not easily ignored. The political and social weight of the council members is an essential element in the weight of the advice. Status and authority were common themes running through the interviews, with most of the candidates stressing the importance of the council's status and the *'recognition of its authority'.*

This precise phrase was given in over half the interviews, underlining its importance for the council members.

The constitution of the council enforces this "status orientated focus": presidents and members are usually very high profile figures, with the president at the time of the interviews being an ex-education minister. The members are also often high profile figures within their patron organisation or in the education field.

The co-opted member policy reinforces this, with members tending to be appointed not for specific skills or local knowledge, but for their general weight and status in the educational field. Note that this is not to say that they are not highly experienced in education, but that they are often co-opted as much for their political and social significance as the weight of their knowledge, although these are obviously highly correlated. We can compare the role of the co-opted members in the Portuguese council to that of the Dutch council. Whereas members of the Portuguese council are co-opted permanently and have full member rights and role, like the Dutch council, the Portuguese council can also co-opt members temporarily in order to bring in specific knowledge. Co-opted members in the Portuguese council are also often of high status, and often ex-members of the council or education ministry.

A possible drawback is that the council might become resistant to change. This is because of the source of members, coming from established groups of power and social status. This means that members, particularly top members, are effectively sourced from 'the establishment' (ex-government ministers/civil servants etc). This leads to a risk of having a more incremental leaning in the advice it develops, at least compared with some other councils. Thus, a trade-off to be considered is that the members are often well connected with the government and in the education policy field, and not always able or ready to develop innovative (out of the box) advice.

It was suggested in some of the interviews that the social status of the council has somewhat diminished over time. Whilst this was not a universal opinion, it is worth considering how important the social status of the council is, and whether the council's influence is at risk of declining if the status drops. In such a situation, ministers would not only find it easier to bypass the council on important policy questions, aided by the lack of legal embeddedness on the requirement of council consultation. The weight of the advice itself will be weakened, although the access to parliament will insulate the council to an extent from the effects of declining status. However, the advice could also become less prominent in parliamentary questions.

> *6.3.9. Relationship to the Ministry*

As already alluded to, the council's position is increasingly reliant upon the attitude of the current education minister. Whilst in the past the council enjoyed the enviable position of being heavily relied upon by the education minister, this situation has gradually changed as the Portuguese education has stabilised.

The question of the council's value is highly subjective to the minister's perspective. It has been stated during the interviews that the council is a "tool" which the minister must learn how to best employ in the formation of policy and that the council has inherent strategic value to the policy making process if utilised correctly. This perspective, coming from government administrators, was an interesting attitude which has not arisen much during interviews with administration members of other countries involved in our study.

> 6.3.10. Analysis of two pieces of policy advice[4]

> 6.3.10.1. Introduction

Whilst many pieces of advice were discussed during the course of the interviews, the two pieces given the most attention were that on 'Sexual Education' and on 'Education for children between 0-12'. Another interesting piece of advice is that of 'Exercise book quality', which was brought up during the course of the interviews, and criticised, fairly or unfairly, by some as being an example of the council's more incremental leanings.

Interesting to note, the 'Sexual Education' advice can be seen as agenda setting with the government requesting the council's opinion being requested on an issue at the inception of the policy making process. The '0-12' advice can be understood again as agenda setting advice, although from the council's own initiative. The 'Exercise book' advice, however, is more short term instrumental advice, on an issue which the council felt important enough to place on their own agenda criticising legalisation the government was passing.

> 6.3.10.2. Sexual Education[5]

This advice was selected by the council representatives as an example of one of the council's advisory processes with limited direct instrumental utilization. The topic itself is highly controversial in Portugal, as in many countries, and the role of the school in the process is no exception to this. The topic of sexual education arose from national debate with media pressure placing this highly controversial issue upon the government's agenda. Positions on the topic are typically highly polarised, and this was never more the case than in Portugal. There is little agreement on anything, from how it should be taught, or in which part of the curriculum.

Parliament pressured the Education Minister to outline a clear policy position on the topic, and in a move that could be recognised as highly strategic, approached the council for its advice. The policy advisory procedure followed the standard procedure. Two rapporteurs were chosen on the basis of their scientific background and possibility to mobilize research outcomes available. Their advice project has been built upon nearly 20 public hearings with experts on the matter.

Nevertheless, it has been perceived as exclusively opinion-based, with no research base (the significance of this is considered later).

During the final stages of the advisory process, whilst the report was in the draft stages, the Education Minister formed a separate working group to tackle the topic. This is clear snub to the council, although there is considered to be no conflict in the content between the advice given by either group.

Although the advice was ignored by the minister at the time, the council underlines the difficulty in defining any advice as truly unsuccessful. Five years after the advice was given, the council was again approached to renew its advice, demonstrating the central role of the advice the council gives within the governmental circles, whether the advice is officially taken into consideration or not.

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[4] The authors wish to thank Sarah Scheepers of the Public Management Institute for helping to process the content of the Portuguese council's advisory texts in their original Portuguese language.

[5] Conselho Nacional de Educação. Parecer nr. 6/2005 – Educação sexual nas escolas. *Diário da República – II Série*. Nr. 226 – 24 11 2005

> *6.3.10.3. 0-12 Education*[6]

This is an example of a successful piece of advice. Early education in Portugal is something which acquired the attention of those in the educational arena as in need of a general reform. Keeping children in schools is a highly controversial issue in Portugal, with many considering repetition of years to be a natural consequence of quality education. Incremental opinion is that those who drop out and/or repeat are the 'lazier' ones who are not willing, or able enough, to continue in education themselves.

The President of the council identified the topic of primary school education as an area of education which required the council's attention. After discussion with the council's Coordination Committee, the council organised an international conference as well as a workshop with national experts. Following this workshop, the council was able to commission research with external funding on the topic. The project was managed by Professor I. Alarcão, who herself brought together a team of academic experts in educational sciences. Their study was handed over the council, and was again followed by two seminars with international experts. The findings of this research were then used in the formation of a question on primary education which the council then worked on in a standard manner.

The rapporteur chose to focus the advice on the most controversial issue in the findings: the repetition of pupils from ages 0-12. This is something which would have been almost impossible without the supporting evidence of the previous study, which allowed for the controversial topic to be tackled without complete polarisation of opinion. More discussion on how this different start of the process affected the outcome of the advice will come later.

The advice also had a high profile press release sparking both a media and general political debate, although scandalised headlines chased the story of the council calling for the end of repetition, rather than discussing the content of the reforms. Among several recommendations, the advice stated that repetition of pupils without support for remedying the underlying causes of bad results, was no solution, and it called for adequate structural support for making pupils learn to learn.

Whilst the advice was considered successful, it is important to note that the government did not act on the advice given, due to the fact that the issue was in conflict with their current agenda, something not uncommon for councils setting their own advisory agenda. However, it did bring the issue to the attention of the ministry and government, and did spark off important influential debates in parliament as well as in society. Thus the result of the advice could be considered as a form of agenda setting impact, something which is harder to identify clearly as 'successful' in the short term.

> *6.3.10.4. Exercise Books*[7]

The advice on exercise books, was not one selected by the council. However, when talking to representatives of the government, it was raised as a piece of advice which they consider unsuccessful, or at least not useful from their point of view. It raises an interesting contrast as it is criticised for being too opinion heavy and is considered, from their perspective, to epitomise the social conservatism of the council.

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[6] Conselho Nacional de Educação. Parecer nr. 8/2008 – A Educação das Crianças dos 0 aos 12 anos. *Diãrio da República – II Série*. Nr. 228 – 24 11 2008

[7] Conselho Nacional de Educação. Parecer nr. 2/2006 – Anteprojecto de proposta de lei relative ao sistema de avaliação dos manuais escolares para os ensinos básico e secundário. *Diãrio da República – II Série*. Nr. 54 – 16 03 2006

The background for this advice is that the quality of textbooks in Portugal was considered sub-par, with not only typing mistakes, but also problems in the methodology. This is due to the fact that there are various sources for such books with all teachers favouring different suppliers. Popular criticism of this situation, led the government to seek a way to improve the quality of books. They proposed legislation to generate a central certification procedure for exercise books to ensure quality.

This piece of advice was prepared in the context of a public discussion on the ministry's law project. There was no particular demand directed to the council. The council decided to participate in the public discussion launched by the ministry. In a lengthy list of objections, the council heavily criticised the government's plans as being not only ineffective in achieving its specified goals, but as (paraphrasing from the interviews) "a threat to teacher sovereignty". This advice was constructed from the opinions of the council members. The advice was criticised for this very reason, with no evidence supporting what was said. It was also considered to be more fear-mongering than legitimate criticism, with comments made that the advice began predicting political consequences of no relevance to the proposal itself. It is appropriate to note here, that council members had a different opinion on the advice, dismissing the notion of fear-mongering.

The government did not follow the council's advice, but it did give the council an important role in the implementation of the eventual law that was passed as a result from the public discussion. The council was hence given evaluation and monitoring attributions not only related to the whole process but also to the quality certification of books, having even created a new specialized committee within the council to fulfil this purpose.

> 6.3.11. Step by step analysis of the advisory process

> 6.3.11.1. Introduction

The procedure itself is quite straight forward to highlight and will be illustrated in detail below. The major variation in advice comes from its source and how it comes to the council's agenda.

In this analysis will be included the examples given above, explaining how each may have differed slightly in some particular detail. However, for the most part the procedure is standard and changes little. Below is a text description for the illustration which follows later. The description begins with the agenda formation process, which, like in most councils, is the responsibility of the council president. However, the input for this agenda is highly varied.

> 6.3.11.2. Agenda Setting

Firstly, similar to several other councils, the Portuguese council can be approached with questions from two sources: the Ministry of Education or the Parliamentary Committee on Education. Of note here is that in comparison to the Dutch case, individual parliamentary members cannot prepare questions to be presented to the council. All questions are officially constructed by the committee. These questions do not go straight to the council. Discussion with the President is common in the agenda setting process, with general negotiation on topics which the two groups would find it interesting for the council to investigate. Once topics have been decided the two groups formally submit their questions to the council.

Other sources of input are the individual Permanent Committees which the council is divided into. These committees have specific interests, knowledge and focuses and thus through their activities, topics of interest arise. These topics the committee chairmen can take to the Coordination Committee meeting when discussing the agenda for the coming year.

In the diagram which follows later in the text, we have included “prominent social interests” as source. Whilst all questions can be said to derive from here, it is interesting to note that the council can, and does, pick up issues that are prominent in the media directly, and not always through the work of the committees. For example the ‘0-12’ advice was sourced directly by the President from the social discussions on the issue included in the National Debate on Education which had been organised by the council in 2006-07.

Also of note is the rare commissioning of independent research. As discussed above, this has been the case for the 0-12 advice, where the president did commission independent advice. Whilst this is likely to become a strategy which the council aims to pursue in future, it has up until this point not been a central strategy, particularly so early in the process.

> *6.3.11.3. Committee Selection*

The next essential step in the process is the choosing of the rapporteur (or rapporteurs). This is perhaps the most influential part of the process. The rapporteur has almost total control over the shape of the advisory product, not only in what it says, but on its focus, and the process of advice formation, although there are controls which we will come back to. There can be any number of rapporteurs chosen, however, it is most unusual for more than one or two to be chosen.

The President is responsible for choosing the rapporteurs, although this is done through consultation with the Coordination Committee. The secretariat can also inform the choice, by giving its opinion, although this is mostly an informal discussion and only becomes formal should the staff’s opinion be officially requested. The rapporteurs are principally chosen for their knowledge of the policy field in question, as well as their status in that field. Independence is therefore hard to judge. Therefore the opinion of the rapporteur are to a certain extent pre-shaped, at least to a certain extent, something which the council is being criticised for.

Staff members are assigned to the rapporteurs, depending upon the topic under consideration. Each commission works on different topic areas, and has staff assigned to it depending upon their expertise in said topic areas. These staff are then at the disposal of the rapporteur.

> *6.3.11.4. Advice Formulation*

The primary responsibility of the staff in the advice formation process is to provide organisational support. They assist in the organisation of the various seminars, auditions and any specialist advice which the rapporteur requests. Whilst staff can, and do, provide advice and their own opinion on the topic, this is only done at the request of the rapporteur, and thus their influence is entirely dependent upon which rapporteur is chosen in each case. Likewise, the method of advice formation is entirely dependent upon the will of the rapporteur, from whom is to be consulted, to the number of seminars and even the commissioning and use of external sources of research. Importantly it is therefore up to the rapporteur whether advice is simply opinion based or is influenced by research. This is important because the government cannot predict, when they commission the council for their opinion on a topic, whether they will get a research based opinion or not.

Despite the precise nature of the advice formation process being shaped by the rapporteur, all advice follows a strict pattern. First the rapporteur participates in forums organised by the council, taking notes on the various opinions presented there. After that the rapporteur begins the writing of the advice, and focuses the work to the specific questions which (s)he believes need addressing. We can identify examples of this from the case studies. In the case of the 0-12 educational advice, the rapporteur chose to focus the advice on the repetition and dropout rates, whilst in the case of the sexual education advice, the rapporteur chose to focus on the issue of how sexual education should fit into the curriculum. This obviously gives the rapporteurs a lot of power, shaping advice to

focus on issues which they themselves consider to be of particular importance. They also decide upon the level of consultation required with various interested parties.

Once the draft is complete, the draft report goes before the committee responsible for it. This Permanent Committee then gives its opinion on what has been written, particularly whether it agrees or disagrees with statements made. The rapporteur is then able to answer questions, and defend, where necessary the choices that have been made. The precise process of questions and defence is entirely dependent upon the rapporteur and the individual topic, with some simply taking the committee's opinions into account and others arguing vehemently to justify why their perspective is the most correct. With evidence based advice, it has been argued that it is both easier and more likely for the rapporteurs to defend the advice which they give, turning the committee into a kind of 'jury' before which the advice must pass in order for it to be accepted. This was very much the case for the '0-12' education advice, where the rapporteur believed strongly in the advice which she had written, and which she could defend more effectively using the research upon which the advice was based.

Although discretionary, ultimately the rapporteur should take into account the committee's opinion in a second draft of the advice. Of note here is that the inclusion of their opinion is entirely discretionary and whilst it is common for a rapporteur to not include every point of view in the rewriting of their advice, it is rare to simply exclude all of it. This is due to the consensus nature of the council, and whilst it is possible to simply ignore the committee, such a course of action simply is not acceptable.

> *6.3.11.5. Advice Finalisation/Distribution*

In the final stage of the advice production, the final version of the advice is passed before the council's plenary session, where it is discussed and voted upon. Generally consensus is sought, and whilst some parties may stand in disagreement of individual advice, the solution to this is often for the individual in question to accept the advice, but to include their opinion in the final report, explaining why they disagree with what has been written. In this way, minority opinions can be included. This action is not uncommon in advisory councils, and it can be an proved uncommon, with it being an effective control method of achieving consensus on advice where starkly contrasting opinions make it almost impossible for inclusion. The fact that the advice needs to be voted on, together with the ability of dissenting opinions to be included acts as a control on the advice which is written, forcing the rapporteur to consider an issue from a wider perspective than they otherwise might. Thus they must either be very confident in their own, or their works ability, to justify the advice they give, or they must be confident in the fact that they have already taken all possible perspectives into account in the advice as it is written.

It is interesting to note here the greatest weakness of a consensus based council. Where as many opinions should be included as possible, the risk exists of watering down the advice which is given, making its less "hard hitting" or innovative, by the very nature that it must be wide enough to include such differentiated perspectives. Whilst it has been said during the interviews that members generally leave their interests at the door whilst within the council chamber, more willing to compromise than when outside the council, it is obvious that members have differing perspectives dependent upon their own organisational and personal background. Thus advice can often be understood as being at risk of being diluted from all the perspectives included within it, particularly when so many varied opinions must be taken into account. This risks weakening the impact of advice, as its core becomes more difficult to identify.

Advice, which has a greater research base, being more easily justifiable and defensible than only opinion, is more able to stand intact through commission and council scrutiny. This means that such advice is also more able to resist diluting by the varied perspectives of the council, able to withstand such problems in favour of more radical or innovative advice.

Once passed by the whole council, the final advice is then published online and in the official journal of the Portuguese Republic.

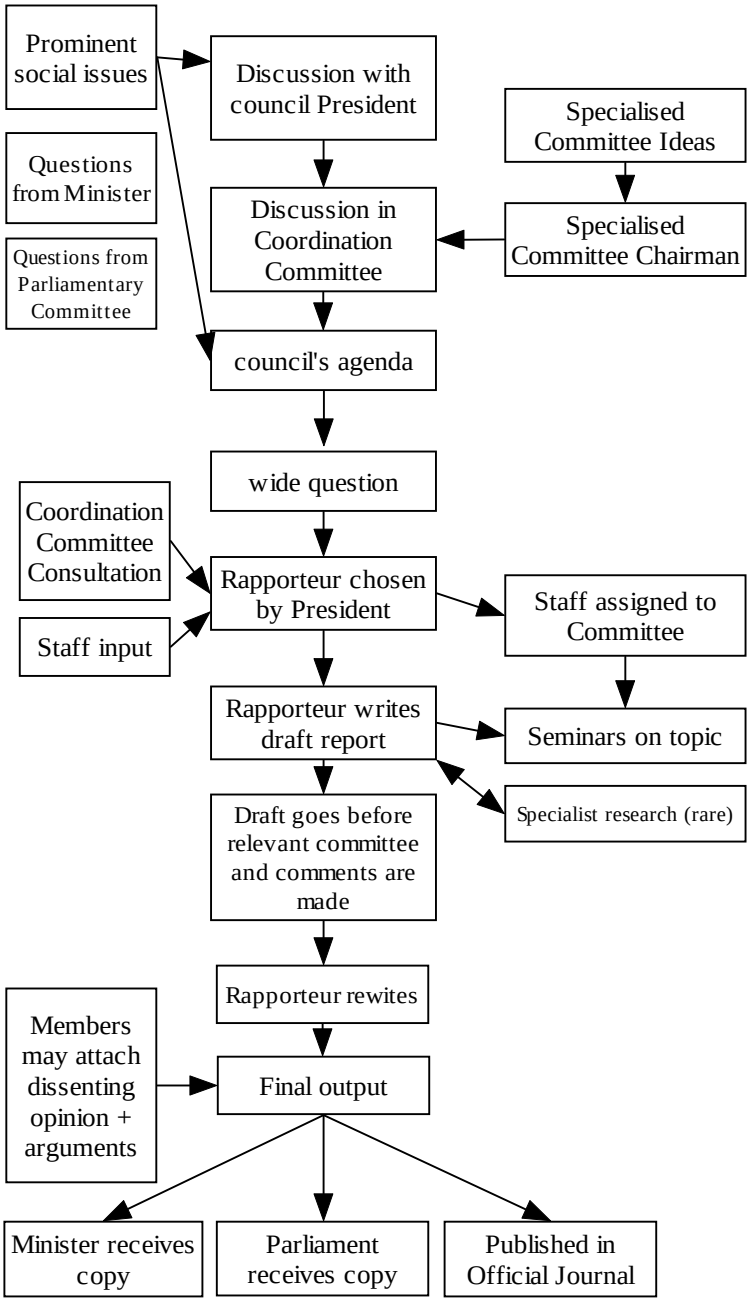

figure 16: advisory process Portuguese council

> 6.3.11.6. Case Study Conclusion

Whilst both pieces of advice followed the same general procedure, it is interesting to note that the sources of each piece of advice were very different. Whilst the '0-12 education' advice was the product of the President picking up on the outcomes of the National Debate on Education, the 'sexual education' advice was requested by the Minister of Education. Ultimately, however, the topic was again picked up from social debates and the media in particular.

Apparently, the most successful advice was the one the council chose to pursue itself as opposed to the one which the minister requested. Although possibly coincidence, it would be interesting to know if the motivation of the minister in this case played a role. Certainly the fact that she was being pressured into making a decision on the issue, suggests that perhaps she was playing for time, and used the council strategically. This would explain why she was not so receptive to the advice which the council finally gave. It seems she was less interested in taking a decision on such a controversial issue than in delaying the decision making process in order to weigh up her options. By requesting advice, the topic was temporarily put of the agenda (this has also been labelled the "fridge" function of advisory bodies). This argumentation is supported by the fact that the minister also commissioned a think-tank on the issue in parallel with the advice requested from the council.

It is notable here, that whilst the '0-12 education' advice was based upon the research previously commissioned, the 'sexual education' advice was based upon opinion and public hearings. As such, the second advice was considered weaker by the ministry. Both pieces of advice were approved by the council, but as stated before, the research based advice was defended more heavily than that of the sexual education advice, as the rapporteur could use more persuasive arguments, based upon the evidence in the research, than in the sexual education case.

Whilst both pieces of advice were re-written taking into account members' points of view, it is interesting that in the final output there was no difference in how the advice was published. Both were published and presented to the government and media in the same manner. The council does not differentiate between different types of product. This could possibly undermine the usefulness of advice, especially as the government, and media in particular have no way to (quickly) establish the different foundations of each type of advice. Also, the fact that the government cannot identify whether advice will be based upon research or not, prior to requesting the council's advice, is something which may weaken the usefulness of the council's advice, at least from the government's perspective.

An interesting comment from the government's perspective was that, "the council's advice is an interesting measure of social opinion. However, we have other methods of identifying the opinion of social groups. It is the tempering of this opinion with research and evidence which is most interesting from the government's point of view". Thus we discover that the government values opinion and "tempered opinion" very differently. As such it is important for the government that such differences are clearly identifiable, something which the council does not currently pay a lot of attention to. Of course this ambiguity cannot be said to reduce the success of the advice, this being too difficult to measure. However, it does appear to be an issue which requires attention: either by clearly differentiating between the two styles of advice, or by focusing more on tempering opinion within the council, making it more 'useful' from the government's perspective.

One way in which the council is challenged in its ability to produce research based advice is in the availability of resources at the council's disposal. Whilst the council has a significant budget compared to many, it does not have the resources to commission much of its own research. In fact the research for the 0-12 education advice was funded externally taking advantage of external research agencies and funding opportunities. Whilst most councils do not have the ability to carry out their own research, many do in fact have either the ability to commission research on topics, or to use available research evidence through expert consultation and seminars. In the Portuguese case, much of the council's budget is focused on organising large seminars and the council meetings themselves. There is little left to spend on commissioned research.

What appears to be a weakness for the council, is that they have a wealth of expertise at their disposal in the form of a skilled staff, which is only taken into consideration should the rapporteur request it. The skills of the staff members seem underutilised when compared with other councils.

The council is also limited in its work to only two or three issues a year, and whilst this seems like too few to truly affect the policy field, the council is satisfied with such a number, being able to choose the issues it feels are most important for education in Portugal each year. It also allows it to consider each topic in considerable detail. Indeed, the government administrators interviewed did stress that the council does have a reach beyond the advice which it gives, through the consideration of its opinion in other areas.

> 6.3.12. Typologising

> 6.3.12.1. Introduction

As it was established, the Portuguese council came close to the corporatist model as defined by Halffman, although over time it has moved more towards what can be understood as a pluralist model, with a more diverse membership. The council also has important deliberative elements, as its role is also to stimulate public discussion and debate.

> 6.3.12.2. Representation vs Non-Representation / Lay vs Academic

The Portuguese council leans towards the representative part of the axis. However, unlike some of the representative councils, significant emphasis is placed upon the incorporation of expertise within the council body itself. The recent embrace of external research is interesting in that it underlines the increasing support for more expertise within the council's attitude. Additionally it has been explicitly highlighted in interviews that members are not advocates and that although chosen as representatives, they are more there to provide the council with their expertise, than their unfiltered opinion. This may suggest that the Portuguese council is somehow moving away from (group) representativeness.

On the second axis, we position the council towards the lay end of the scale, with the council heavily reliant upon lay rather than academic expertise. Again, membership is crucial here, with academic experts being in the minority.

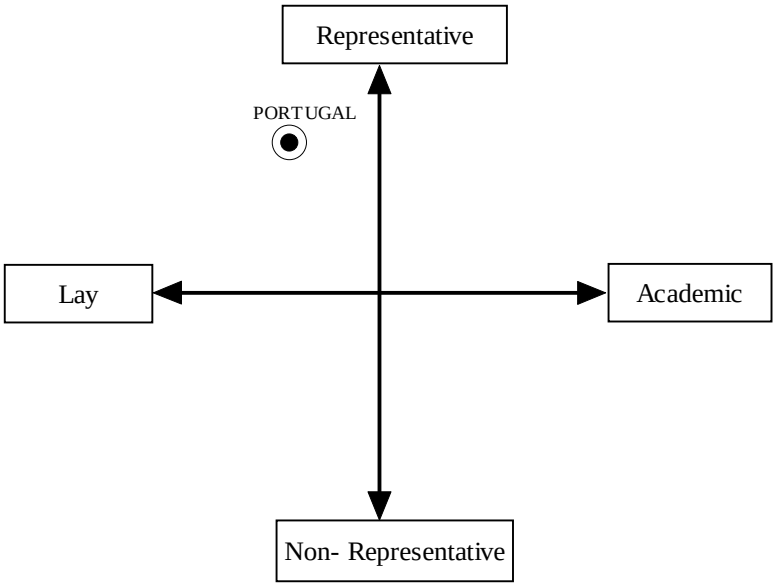

figure 17: membership Portuguese council

> *6.3.12.3. Innovativeness vs Incrementalism,*

If we turn to the innovativeness vs incrementalism dimension, it is clear from the interviews that this is an area of concern. Some fear that the size and operation of the council leads to highly incremental advice. Innovativeness could be eroded by the large number of interests involved, leaving the council at the incremental end of our scale.

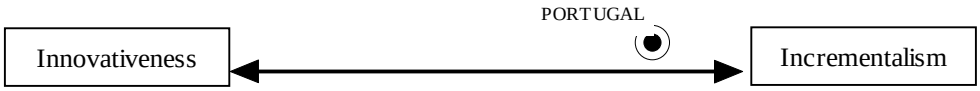

figure 18:innovativeness vs incrementalism – Portuguese council

> *6.3.12.4. Information vs Participation / Inside Government vs Outside Government*

Although originally set up quite near the government, the council has firmly established itself as a more independent body, albeit enjoying a rather intensive relationship with government. Both its legal and social status seem to play an important role here. The independence of the council is also guaranteed somewhat by the range of interests involved. Whilst the council has enjoyed a good and close relationship with the education administration in the past this has been somewhat undermined by the shifting environment in Portuguese politics.

When we look at the second axis, we can say that the interaction with government is rather intense as several government representatives are present and interact during council meetings. However, they represent 11% of the total number of members, which means Government gets the same proportion as for example the academic component.

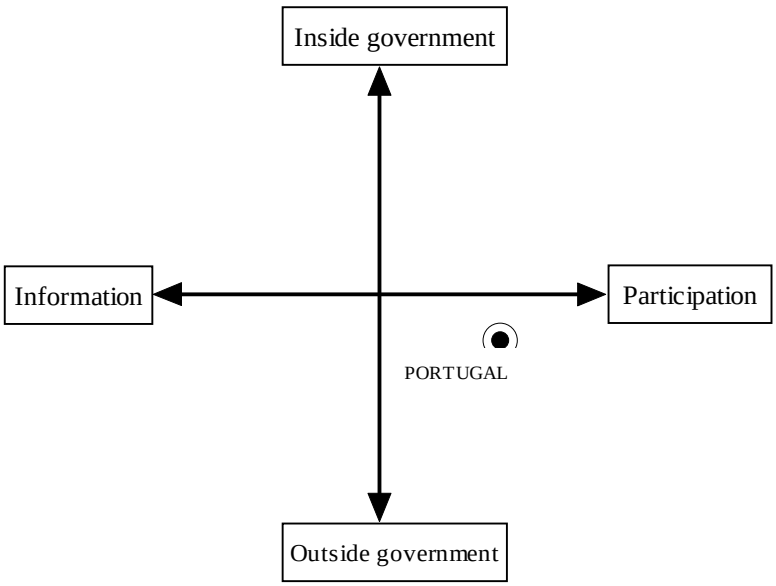

figure 19: government interaction- Portuguese council

> 6.4. Dutch council

> *6.4.1. Introduction*

The Dutch Education council (Onderwijsraad) is the oldest in our study, being almost a century old. In that time it has been through both major and minor reform, the most significant being more than a decade ago. As such it has had the longest time of any council to adapt, through learning by doing, to find the most effective methods to embed itself in the policy making process. It also provides us with one of our most extreme cases on the expert/representativeness axis, being, in its current form, a body of experts rather than a body of representatives. Whilst it cannot be said that the council is purely academic in nature, it is the most heavily 'professionalised' that we have encountered. It is therefore unique in providing us with an alternative to the more representative councils in Europe. All of the councils we have looked at so far attempt to balance independence and the academic quality of advice with a certain level of representation. Most of these have leant towards representation, although to varying degrees. Therefore, it is interesting to know the characteristics of a purely expert council.

The council works out of an old palatial style building in the centre of Den Haag, with its principal neighbours being foreign embassies. Whilst the majority of the input and status of the council comes from the members, a significant amount of the substantive work is done by the permanent administrative staff. The staff therefore have a relatively large influence on the advice the council produces, although the agenda and topics the council works on are heavily guided by the council members themselves. The council itself produces between 10 and 15 pieces of advice a year. The council members predict that, although these advices only affect approximately 15-20% of the educational policy decisions made by the government, the council is able to affect the majority of the government's policy decisions indirectly. In this way the council plays a significant indirect role on policy making as its advice spills over into other areas. It is of note, however, that there is some criticism of this, with the council's advice sometimes taken out of context to justify unrelated government policy, which comes close to strategic-political use of advice. This being said, it still demonstrates the fact that the education ministry retains the knowledge which the education council provides it. Even if the policy advice is not used as the council intended, it does remain in circulation.

Advice developed by the council follows the same process with little adaptation over policy topics. The only identifiable variant is over who the council will consult, rather than any difference in the procedure. Having said this, like most other education councils, the Dutch council has a "fast track system" for urgent matters presented by the government. Notably though, the process or procedure itself remains unchanged, with emphasis only on speeding the advice through this process. One interesting feature of the Dutch council is the fact that topics the council works upon are not limited to the terms of office of the council members. The process simply continues until the advice has been completed, with new members simply replacing the older ones working on the project, once they have been briefed by the permanent staff members. This again underlines the importance of the permanent staff members in such a council, with them playing a significant and substantial role in the formulation of policy advice.

The advice the council produces is guided by subcommittees. The result of this is that the Dutch council's advice is never significantly influenced by one individual. This is particularly true as the writing of the advice is carried out by the council administrators. Thus the council's advice is influenced by a range of members as well as the permanent administrators from the drafting stage of the process. This can be compared with the Portuguese council where the form of the initial advice can be dominated by an individual rapporteur, with control mechanisms coming into play later.

> 6.4.2. *Founding of the council*

The Netherlands has had a long tradition of including advisory councils in all aspects of policy making. The original education council was founded in 1919. The council used to be based upon both the socio- economic corporatism prevalent in the country at the time as well as the denominational pillarisation which was a feature of Dutch politics (Hoppe & Halffman 2004a). This original form resembled the councils we see today in countries such as Belgium: large socially inclusive organisations which operated on a model of representativeness rather than professionalisation in advice giving. The original membership stood at over 80 with a division into chambers depending upon the educational sector being discussed.

This all changed in the 1990's when a process of depillarisation gained momentum, and corporatist structures fell from favour with the government of the day (see Brans and Maes 2001). This resulted in a shift in the government's preference from representation to professionalism in the advisory sector. In 1997 the council, which had been through many minor reforms over its relatively long life, went through a major change. In this change the council went from a large body of members from social interests, to a small body of academic and technical experts. Interestingly, however, the council has in a way retained the representational emphasis despite the reform. Legislation (article 12 of the Framework Law of 1996)[8] stipulates that the appointment of members to the council should strive for a balanced participation of women and individuals belonging to cultural or ethnic minority groups. Thus the council membership is supposed to reflect, as far as is physically possible for a body of such small size, a cross section of the country's societal makeup.

The council was originally established under the principle of providing independent advice to the government and maintained this principle through the 1997 reforms. This independence is something which the council had always prided itself upon and which the Dutch government has valued in the advice which the council provided. It is therefore something which has been protected in all reforms during the life of the council. Recent reforms have seen the council's membership successively slimmed down to its current size, which has been balanced with an increasingly large circle of specialists which the council consults on specific policy issues, a "pool" of specialists. It is important at this stage that the government has pursued aggressive reforms of advisory bodies in general, with regard to slimming them down in order to economise and reduce the number of veto points in decision-making.

> 6.4.3. *Membership*

As an expert body the Dutch council is the smallest of the education councils giving it one of the least complicated membership structures. With the actual council only being made up of 12 members there are no civil society or interest group representatives present. The members are instead recognised experts in the field of education. All are nominated by the government and

[8] WET van 3 juli 1996, houdende algemene regels over de advisering in zaken van algemeen verbindende voorschriften of te voeren beleid van het Rijk (Kaderwet adviescolleges).*Staatsblad.* 3 July 1996.

WET van 15 mei 1997 tot instelling van een vast college van advies van het Rijk op het terrein van het onderwijs (Wet op de Onderwijsraad). *Staatsblad*. 15 May 1997.

appointed by the Crown including the council President. Six are selected for their academic expertise and six for their technical expertise. Thus, specific selection criteria are being used.

The membership structure suggests that the council has evolved far from its original corporatist routes. However, whilst the council is no longer focused on the inclusion of traditional interests, it retains some of its tradition of representation, this time along gender and ethnic lines rather than vested interests. We can say that there is a certain amount of diversity within the expert community of the council, which is more aimed at enhancing the council's political and societal independence, rather than to provide a balanced representation of different expertises or political input into the process.

Members are nominated by the government of the day. This would immediately suggest a measure of political control over the process. The independence of the council is, however, guaranteed through the membership regulations which were established in 1996, stating that members are appointed for their expertise, but also for their societal knowledge and experience. In addition, members from the administration with a stake in education policy are explicitly excluded from membership. The members are nominated by the government, in a consensual manner with specific considerations for the cross sectional requirements. The members are then officially appointed by the Crown. These official nomination and appointment procedures to a certain extent also increase the legal and social status of the council.

The council has thus not remained insulated from reform, with governmental philosophy turning away from large advisory councils. This can partially be explained for economic reasons, though is mostly due to the rise of the increasingly popular viscosity criticism of Dutch politics in particular. This criticism is over the time it takes for Dutch policy making to take place and more specifically the structures which 'thicken' the policy process slowing it down. For a detailed study of this criticism and its effect in Dutch politics, see Hendriks and Toonen (2001). With generally increasing pressure on the traditional advisory system, advisory councils in the Netherlands in general have either been disbanded entirely or have seen their membership shrink under increasing budgetary pressure. Whilst the education council has survived, its membership shrank substantially to the current 12. Additionally the council terms have come under pressure. Until 2008 the council members were elected for four year terms. In 2008 this was changed to two year terms after discussion with the government and amongst mounting pressure to slim the council still further from 12 members.

The Dutch council has no co-opted members. Once appointed the members are set with no additions possible. However, there are a number of "quasi members" who have input into specific pieces of advice. The core council has surrounded itself with a 'pool' of specialised experts (see graph), who operate as a semi-permanent team of experts to which the council can turn should more knowledge be required. Whilst experts had always been consulted, this semi-permanent pool was established after pressure from the government led to the decrease in the council's numbers. This expert pool thus allows for the council to maintain a high and permanent knowledge-base even as the number of permanent members decreased. The members of the expert pool are often highly specialised experts whose knowledge base is often too specific for even the technical experts on the council. When a specific topic arises, the council will pick the experts from this pool to supplement their knowledge on the topic as they construct their advice. Whilst they would always turn to experts in the field, by maintaining the expert pool, they allow for this process to be regularised, making the process quicker and more efficient.

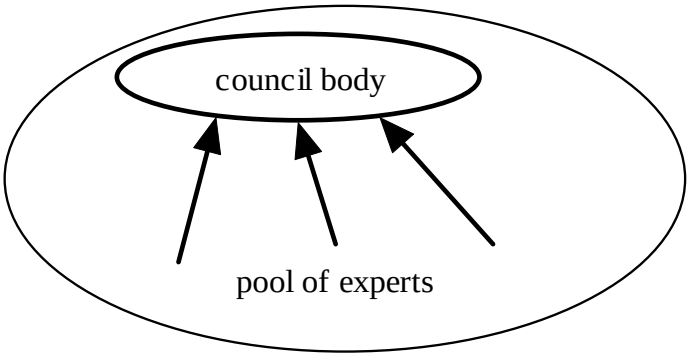

figure 20: Dutch council and expert pool

These experts can be consulted by the council and even brought into the sub-committee discussions on the topics. They can also participate in the full council session when the specific topic is being discussed. In this way therefore they act more as an expandable knowledge base than as actual members. This does, however, hint towards the leaning of the council towards professionalism over interactiveness in that they generally seek the inclusion of greater specialist advice rather than include interests in the advisory process. This being said, interests are not excluded from the council. Interest groups do get consulted by the council, either at the council's volition, or on the request of the interested parties themselves. The difference is that these interests are kept separate from the advice forming process preventing their actually shaping policy. It is therefore unlike a corporatist or pluralist system in that interests do not bargain or shape advice and simply participate in order to input their ideas into the process for the council itself to work through.

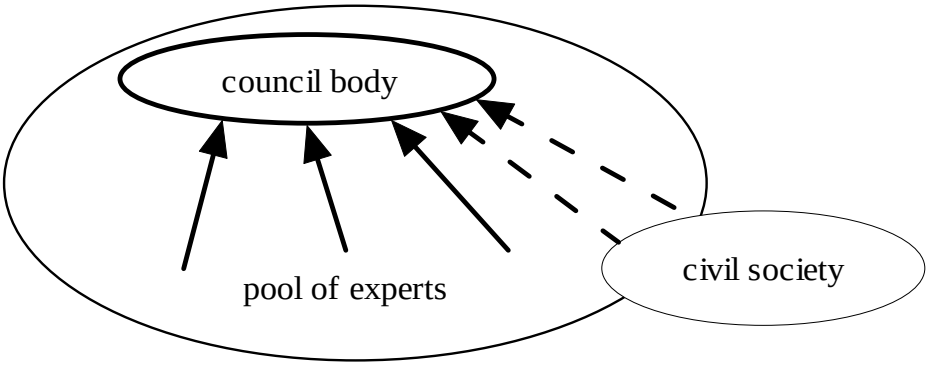

figure 21: interaction Dutch council and civil society

In this way the council operates as a jury balancing interests rather than negotiating with or between them. This shares more in common with the bilateral advisory structures in which the civil service acts as a jury mechanism or gatekeeper for interests. The key difference at this stage, however, is that as an expert body specialising in education, the council is possibly better qualified to weigh the advice which it has been given. The council can be accused of being highly technocratic in this way, and can garner criticism over the fact that its assumptions may lie unchallenged. By having no mechanism for inclusiveness in the council proper, it could be considered weakened because its assumptions are unchallengeable. On the other hand it can be argued that the council also does not suffer the "risk of incrementalism" in its policy advice which inclusiveness brings, whilst consultation allows for the council to test its assumptions on the vested interests, without risking being controlled by them.

> 6.4.4. Structure

Whilst the council only has 12 council members, it mirrors other advisory councils in that it too is broken down into a sub-committee structure. These sub-committees differ from those in some other councils in that they are ad-hoc and based upon the projects the council is working on in a particular year.

Formally, the General Secretary makes a proposal on sub-committee membership to the President, which is then submitted to the council. Each sub-committee usually numbers three or four members including a project leader from the staff, and presided by a council member. Staff members are assigned to committees based upon their interests and expertise in the field. They participate fully in discussions. The administrative staffs are indeed far from passive observers in the council and often provide opinions based upon their own expertise, although the theme and topic is generally guided by the committee chair and members.

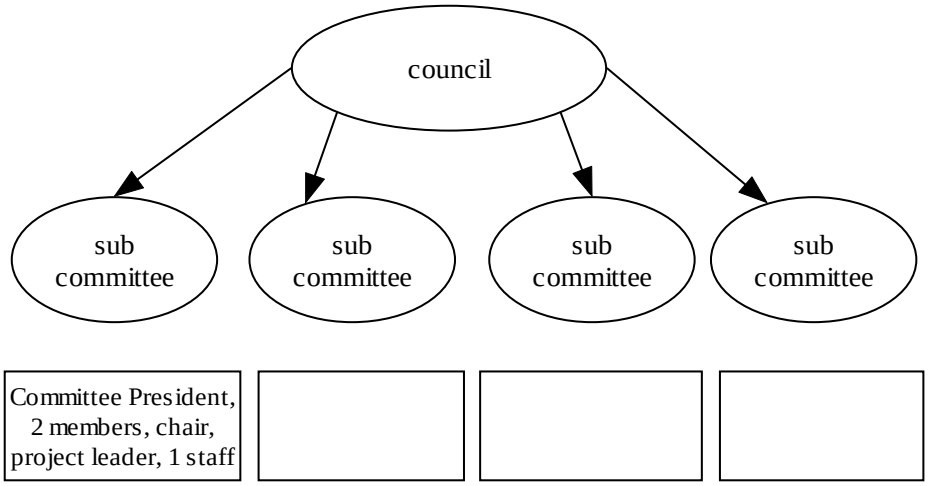

figure 22: Dutch council structure

The majority of the advisory work is carried out by the sub-committees. Once they have completed their advice, they pass it before the council proper for their approval. Whilst the General Secretary participates in the council discussion, he does so in a rather neutral manner, to respond to questions rather than to actively participate in the discussion. Likewise staff members are not usually present, participating only when requested and for the purpose of providing answers rather than providing their views on a subject. It is important to note here that whilst the council does have a permanent liaison to the Education Ministry, it prides itself that only members are present within the council, no administrators of the ministry.

The sub-committees generally meet three of four times and work on their assigned topic for between six and eight months with advice generally completed by this stage. The council proper meets 14 times a year, which is comparatively quite often and possibly an advantage of a council of such a small size. Members are generally all present for every meeting, with no semi-permanent absences which we have seen in some other councils. Although it occurs that a member or two will miss at least one session a year due to other commitments, this is reported to be far from commonplace.

> 6.4.5. Administration

The council has twenty full time administrative staff (12 professional and 8 support staff). The staff members reinforce the professional nature of the council if we place it in the professionalism/interactiveness scale. The staff themselves can often be considered as experts in the field of education, and through the work of the council this level of knowledge is often heavily reinforced over their time at the council, making them a valuable source of knowledge for the council as a whole. Perhaps the most important example of professionalism though is the fact that the administrative staff actually write the majority of the advice, although based upon the guidelines provided by the members. Thus, advice is produced in a highly administrative manner. Once the input has been decided upon it is up to the staff members to organise the consultations, collect evidence, consult with the literature and commission research where necessary. They weigh the available evidence, rather than report positions in the council's discussion.

The council's budget is supplied by the government, although the council administers it independently, demonstrating its independent status. Whilst there is increasing pressure for the government to economise and reduce expenditure as well as reduce viscosity, the Dutch council has survived relatively unscathed. Despite this, the council remains under increasing governmental pressure to reduce membership.

> 6.4.6. Role

The council has a fourfold role, which is documented in the reform legislation of 1997 and targets different aspects of the policy process. The council enters the policy cycle at differing stages depending upon the particular role.

The first role, designated 'pointers to policy', is the strategic advice of the council. The council will attempt to identify problems and offer solutions in the field of education. It acts very much as a policy initiator in this role. The second role, on 'policy response', comes later in the policy making process as the council gives its opinions on policy which the government has formed. It provides its opinion on the quality of the policy to both the Government and the Parliament. This gives the council an integral part in the policy making process and allows for more informed debate in the Parliament. The advisory council's third role is more specific and only occurs at the Minister's request. It is concerned with policy application and the council's opinion is usually only sought over, particularly the legality, of policy exemptions. Finally, the council's fourth role, revolves around mediating between educational groups on a local level. This role is at the explicit request of a town council and concerns differences of opinion between the municipality and school administrations. This type of role (mediation) has also been observed in other education councils.

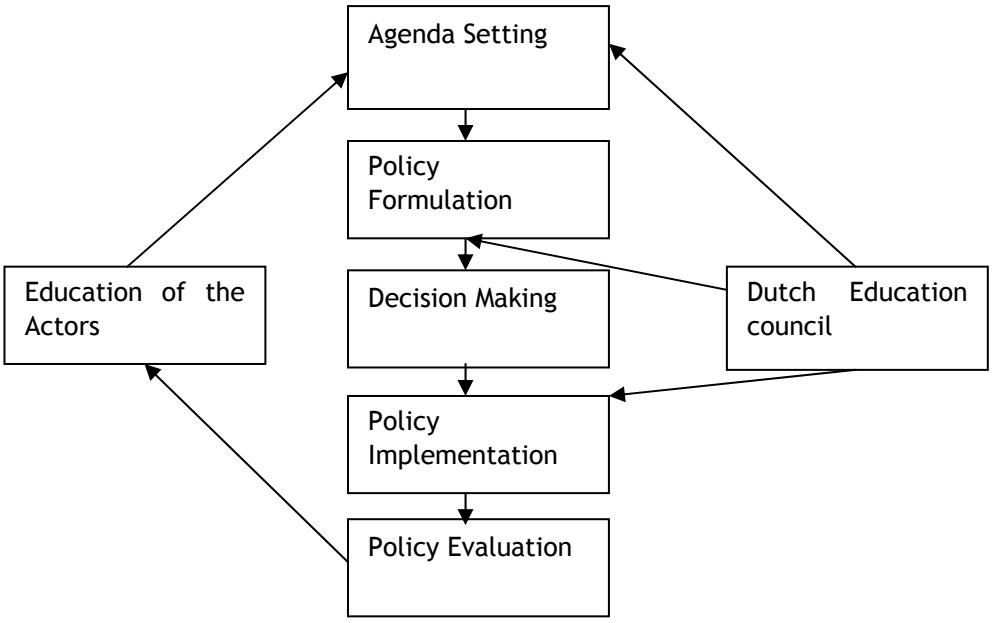

Figure 23: Dutch council roles

Clearly, the council is involved in the agenda setting and policy formulation stages of the policy cycle process as well as the implementation stage. Possibly its main role is on developing long term strategic advice. The council prides itself on its foresight, in particular its ability to highlight potential issues before they have risen to the government's mainstream agenda. Where the council is also relatively strong is in the bleed through of its advice to the decision making stage. The advice is commonly picked up on by Parliament in its debates, allowing for significant discussion in the decision making stage of the policy. The council has an active dissemination policy.

Compared to other more representative councils, the Dutch education council does not play a significant role in the education of the actors or in mediating between them. The council's arguments are, however, incorporated into the government knowledge base, as well gaining some social penetration through the media. Similarly, the council plays a less significant role than some other councils in the policy implementation stage, in terms of directly influencing stakeholders. Compared to the larger representative councils, there is no mechanism in the Dutch council to directly accommodate and influence the attitude of the actors who must implement the policy at the ground level. This means that the council is relatively weak at preparing the groundwork for policy implementation, in regard to landing the policy effectively. However, in the council's vision this is the domain of the Ministry of Education.

To what extent can an education council play a role in setting the governments' agenda, one of the main aims of the Dutch council? There appears to be a split amongst education councils on this issue. In some countries this is guarded as a privilege of elected politicians, with the legitimacy of external bodies in this area questioned. It is therefore interesting to note that in the Dutch case the council has actually been explicitly assigned this role. This would suggest that in the Netherlands it is accepted that such external bodies are better placed to raise new issues of concern in the policy field and to develop a long term policy perspective. When this issue was broached with members of the Dutch council, any threat to the government's sovereignty was brushed off. Whilst the Dutch council may pursue topics as it wishes, the government is far from bound to pursue them, it was argued. This is exemplified in the case studies presented below. Thus the council does not seek to force the government to deal with certain issues, but only highlight issues the council feels the government should at least consider. In countries such as Greece, a council setting the agenda (or trying to set the agenda) is considered to be a direct attack on the

democratic institution of parliamentary democracy. This suggests a very different attitude to independent advisory bodies in the two countries. Apparently, in the Netherlands people are more willing than in other countries to accept as legitimate, the role of an unelected body of experts in the early stages of the policy making process.

> 6.4.7. Legal Status

The legal status of the Dutch council is perhaps the most important aspect of the council status-wise. The council enjoys a strong legal embedding. There is a long tradition of education councils in the country. Despite the current council being based upon the 1996-7 legislation, its roots are entrenched in an act dating back to 1919. Everything from the council's membership structure, to its independence and role is outlined in detail within legislation. The council thus has a remarkably strong legal base upon which to work. The legal base should also protect the council from political control, as its membership rules stipulate that members have to be reflective of differences in society as far as possible and that government representatives are excluded. This prevents a core of the council being selected from amongst the current government's supporters and ensures that a council will to a certain extent remain balanced no matter the political parties in power at the time.

The legal protection of the council's role as agenda setter is also quite important. Not only is the council legally entitled to set its own agenda, allowing it to identify topics which are important to the educational field as a whole rather than just to the current government. Also, the interaction with Parliament is quite interesting. The fact that both Parliament and the Ministry of Education have access to the council's agenda, helps to embed the council in the policy making process. It also serves a way of developing multiple masters. This decreases the risk that a council will be forced to bow to the education minster's wishes should they want to have any effect on the policy process. In effect both the Education Ministry and Parliament share joint custody of the council allowing political parties that are not in power to raise issues they feel are important. Although such a situation is not entirely uncommon amongst education councils, it is important to note that such a situation provides for a greater ability for the council to control its own agenda. In this way it allows for the opportunity of a more open and foresighted agenda. Thus, the council can consider topics some other councils are forced to avoid for fear of alienating the current government. Whilst other councils maintain similar mechanisms for allowing independence of the council's agenda, most often providing the council with the right to set its own agenda, it is perhaps the most successfully demonstrated in the Dutch case. By allowing for the double access and dissemination route to Parliament, the council's chances to be listened to are increased.

> 6.4.8. Social Status

In the Dutch case legal and social status seem to go hand in hand. There are a number of reasons for this. The first is that the council has been around, in one form or another, for almost a century. Tradition has embedded it so firmly into the policy process that it is considered an integral part of it. Members are nominated by the Government and appointed by the Crown. The council enjoys privileged access to the policy making process. As such the council receives also attention from interest groups, who contact the council wishing to provide their point of view on particular issues. A second reason for the high social status of the council can be explained by the professionalisation of the council. Members are rather well-known experts in the field of education. They are considered distinguished and recognizable. The social status of an expert is in itself also quite high in the Netherlands. The social status of the President also appears to be quite high, with current President having held leading positions in the administration and in academia, as well as being active in international policy networks.

Whilst maintaining the council's social status possibly matters less in the Dutch case (because of the link with the legal status), we can identify some mechanisms by which the council attempts to maintain its social weight. The most important mechanism identified is the strategic use of the media. The President is understood as being the public face of the council. The council tries to maintain a publically conspicuous position.

Managing press relations appears to be an important issue. council staff are careful in choosing how they release advice to the media in general. If for example they have a particularly important piece of advice which they wish to be well received by the government and public in general, then they will announce it with a big press release, and provide interviews on the subject. Thus for these issues they will attempt the greatest media penetration possible, which in turn places the council in the spotlight of public attention. Alternatively, should a piece of advice not be judged to be as interesting to the broader public, it will be more quietly released to the press with short statements to specific media columnists.

> *6.4.9. Relationship to the Ministry*

For such an independent body the council is reported to enjoy a good relationship with the Education Ministry. Communication between the council and government is both through formal and informal channels. When there are specific questions the government asks advice about, there are meetings aimed at allowing the council to understand how the government views a particular issue. However, after the council has begun to work upon the policy advice the government plays no further role. Whilst informal discussions may take place between members of the council and members of the Education Ministry during this stage, the government has no influence on the council's decisions. Another way of linking up with the government is the government administrator who functions as a permanent liaison with the council. Whilst the relationship appears highly formalised due to the 1997 legislation, the relationship has become more informal allowing for regular communication between the groups.

With the roles of the council laid out in legislation, the relationship with the ministry loses some of its importance, compared to councils which must wait to be asked on policy issues by the government. This is particularly true for the Dutch council which provides its opinions to both the Minister and the Parliament. It is also important that the council's opinion can be requested on an issue by both the Government and the Parliament. The council's agenda is formally set each year by the Education Minister, although the agenda must also be presented to Parliament, increasing parliamentary oversight over the council. The council is far from restricted by this agenda however, as further issues can be added to the agenda throughout the year. Issues can be added by the Minister, Parliament or the council itself should it decide a certain issue requires investigation.

An important instrument for setting the agenda is the annual working programme, which is decided by the Minister of Education. This working programme consist of a number of fixed programmatic lines within which the advisory intentions are classified. The working programme is drafted on the basis of proposals by the Dutch Education council itself, after which the Minister and his Education Department add subjects. Every year in September, this working programme is presented by the Minister to both parliamentary chambers, the members of which can add items. The working programme hence gives a global overview of the themes to be discussed and during the working year, specific advisory questions and timing are decided in consultation with the Ministry. Depending on developments subjects can be withdrawn or added.

There is, however, no formal need for the council to target its advice to the ministry's perspective. This freedom of its agenda from ministry control can be an advantage but also a disadvantage. As we shall see in the case study examples below, the education council has and does pursue topics which are simply not within the possible agenda of the current government. In such cases the advice is read then shelved. Whilst the council than expects that such advice will be picked up one

day by future governments, it might bear no relevance to the policy objectives of the current government reducing the instrumental value of advice.

The council has to make trade off in terms of its independence and its immediate impact. By not always tailoring its advice and topics to the current administration's objectives, it sometimes provides advice which is not perceived as relevant to or feasible for to the current government. Thus the council provides advice that may take years and even a change in government before it can be successfully integrated into the government's agenda. Whilst this limited instrumental value could be considered a weakness for some, it can also be seen as strength in that the council's will to look into long term issues can increase it conceptual utilization.

> 6.4.10. Analysis of two pieces of policy advice

> 6.4.10.1. Introduction

During the interviews several pieces of advice were discussed two of which were selected for analysis. These two pieces of advice were chosen by the education council representatives and provide an example of a self defined 'successful' and a self defined 'unsuccessful' piece of advice. Having said this it must be noted that this definition is very loose. It is difficult to definitely label a piece of advice as (un)successful, particularly when a major role of the council is to set the future agenda. The two pieces of advice which we consider in the case of the Dutch council are that of 'Open resources' and 'Foreign Language'. Both pieces of advice are from 2008 and both of the pieces of advice were derived from parliamentary questions, although from different parties. We first present the two cases, and next discuss the advisory process refereeing back to them.

> 6.4.10.2. Advice on Open Resources

The 'open resource' advice came to the council as a question from the Christian Democrat party in the Dutch Parliament in 2008. They requested that the council look into information technology in schools.

The internet has for years allowed for networks to begin to form in a multitude of areas, allowing the free exchange of ideas. In the extreme this allows for the spontaneous generation, and distribution, of open source software allowing for individuals to modify and improve them at will. In this way the community generates its own software through such networks. Debates on the advantages of open sources software on the internet over traditional high cost technological brand names has become increasingly heated in the last half decade. We are seeing the increasing use of open source software such as open office, and Linux increasing in popularity across the board. Education has not remained insulated from this, with teachers spontaneously generating their own networks in an attempt to share resources with one another. It is this aspect "open resources" that the education council chose to focus upon.

In its advice, the council made three specific recommendations to Parliament. The first recommendation was that Parliament should direct the Minister to encourage teachers and schools to be more 'pro-active' in arranging and developing their own digital learning resources. They advised that the Government should support this self learning in three ways: by providing tried and tested models of 'self arrangement' to teachers and schools; by providing a digitised demonstration of a course or module; and by encouraging the showcasing of successful implementations.

The second recommendation was that a business case (marketing plan) should be developed for schools to demonstrate the cost effectiveness of the employment of open resources. The third recommendation was that the Parliament should encourage the Minister to take a more active role in promoting open resources, by demonstrating their importance and actively supporting open licensing forms through legal support.

The advice was ultimately considered a success and the Government implemented the general recommendations of the advice. It must be noted, however, that the Education Ministry liked the topic of open resources from the start as it fitted in with their own policy goals of the time. In fact it was stated by the council that such an advice came at precisely the right time, designating the environment as highly fertile for such an intervention. Specifically they pointed out that the infrastructure for open resources is already in place with only direction being needed to allow teachers to take advantage of this.

Throughout the interviews it was suggested that the open resource advice had a significant impact on policy. Recommendations were almost fully accepted by Parliament and by the Minister as well.

> *6.4.10.3. Advice on Foreign Languages*

This piece of advice came from a question by the Liberal party in Parliament in 2008. It focused upon the need for foreign languages in an increasingly globalised world. The council pursued the advice and focused upon how to improve the quality of foreign languages in schools.

The advice was quite radical, suggesting that a second language should be taught early and brought into other lessons such as physical education in order to immerse the students in the language as well as becoming a mandatory part of a student's school career. The council established five recommendations suggesting a comprehensive policy of support for foreign language education over a 10 year policy programme.

The first of the recommendations was a straightforward proposal that English language education should be started earlier in primary school. The objective of this would be that by spending 15% of teaching time on teaching English at this early stage, English would be mastered earlier. This would in turn free up more time for more languages to be introduced in secondary education. The second recommendation was that teachers should be educated in the various methods of language teaching, with specific reference to the total immersion method. A method of paying for such a training scheme through a dedicated fund was suggested. The third recommendation was that foreign language should be introduced into vocational schools. At least one foreign language should be introduced to such schools, increasing to two as the situation developed. The fourth recommendation was that Parliament should push for the establishment of language schools and encourage people to attend. The final recommendation was that the government should simply provide advice for parents raising children in bilingual families as there is currently little support for such people available.

At the time the advice was published, societal and media attention in the Netherlands was focused on the weakness of core education, literacy and maths specifically. The council's advice was not taken up by the Government, who was concerned with the impact such reforms would have on core education. The advice was therefore shelved. Having been shelved it is, however, possible that the advice will be referred to again by future governments when attempting to increase the quality of English education in the Netherlands. This might have to wait until educational priorities change, however. But in the short term, the policy advice failed to be considered.

The members interviewed expressed regret that there has been little visible impact of the foreign language advice. Many of the council members actively defended it, suggesting instead that we should redefine failure. They provided examples of how advice the council had given, had sometimes taken years and even changes in administration to finally become a success. The members therefore suggested that the advice should therefore only be considered a failure in the short term, and that it is quite likely going to be integrated into government policy, albeit a future government.

> *6.4.11. Step by step analysis of the advisory process*

> *6.4.11.1.* Introduction

The process by which the Dutch Education council produces advice is perhaps the most straightforward of all the councils. Little of the mechanisms can vary between cases, making the process highly mechanical and linear.

> *6.4.11.2.* Agenda Setting stage

Input into the council's agenda comes from a multiplicity of sources. Officially the agenda is set by the Education Minister. The council is, however, not limited to only responding to the Minister, with the council President able to add the council's own questions. Additionally, Parliament may identify topics which they feel are important for investigation. These three sources are generally quite balanced in terms of their input into the process, with plenty of scope left after the Minister's questions. In the discussion between President and Ministry, also the Vice-President and the General Secretary are present.

Each of these three actors also has access to different networks in terms of how they form their questions. The Minister's questions are likely to be more focused around the current administration's agenda. On the other hand Parliament's questions are likely to arise out of, not only political party agendas, but also public opinion. The President often consults with the rest of the council members when deciding upon questions, and as such he gains access to the expert networks of which the various members are a part. This is an interesting input as the council is likely to have access to not only academic but technical networks which can provide highly pertinent questions for the field of education. All these influences help to generate the council's agenda. Of course none of the actors are limited to their own networks and there is a great deal of overlap between them. For example, all are likely to consult the media on issues highlighted by the public.

It must be noted at this stage that the council's agenda is limited through its resources to only a number of the possible questions it would wish to consider.

> *6.4.11.3.* Committee Selection stage

Once the council's agenda is set, it is the task of the President and the General Secretary to assign a sub-committee to work on the project, as well as choose the members to participate within this sub-committee.

Likewise it is up to the General Secretary to select the staff member who will act as the project leader on the topic. The General Secretary will often consult with staff members prior to assigning a particular candidate to ensure that the more specialised staff work upon topics that are within their own field of expertise. Another consideration which the General Secretary makes is to evenly distribute the workload.

Often members will be made aware of topics which are arising to the agenda and asked whether they would prefer to deal with the current topic or if they would be happier working on one of the later topics, in this way the council attempts to evenly distribute the workload as it cycles through, whilst balancing this with the varied interests of individual members.

Interestingly in the Dutch case, the President does participate as a member of every committee. When interviewed, the current President felt that it was his role to actively participate in discussions at this level, although not as President but as a member. Whilst there are as many sub-committees as projects the council is working on at one time, the number of members involved in

each is generally between two and three members as well as the chairperson, President and staff project leader.

> *6.4.11.4.* Advice Formulation stage

Once the sub-committee has been selected, the next stage of the process is organised. At this moment the question itself is considered and processed. Whereas the original question may be considered fairly concise for the governmental actors, these questions may often be quite broad, for example 'how can we improve foreign language education' and 'how can we improve the use of ICT in schools'. This leads to considerable adaptation from the original question into a far tighter, more specific subject. The need to tighten the question is exacerbated because the council is limited not only in its budget but also in the time it can spend upon each topic. The council must be able to offer specific policy options to the Government on these issues within a relatively short time frame. At this stage the sub-committee attempts to break down the questions into something which can be better tackled by the council in the time frame available. The full sub-committee meets in this initial stage usually between two and three times, identifying the specific question they feel should be tackled. They also identify possible sources of information, from who should be consulted to which experts and literature they would like to include. Interviews with members suggest that it is common at this stage for the topic to become to a certain extent derailed as all perspectives on the question are considered. Thus the issue tends to broaden rather than shrink.

It is after this initial question has been identified that the question is brought before the full council in the plenary session, where the issue is discussed and the rest of the council gives its opinion on the focus of the topic. The other members will often give their own opinion about which literature, interests and experts should be consulted. It is at this stage that the council decides whether they need additional research carried out on a topic to answer the questions given, although such research is carried out externally from the council.

If we look at the two processes of advice production discussed earlier, it appears that in both cases the sub-committees widened the topics identifying which aspect the council should concentrate upon. For example, the open resources advice began as a question of how information technology could be better used in schools. ICT has always been an issue for schools, balancing the costs of equipment against allowing schools to keep pace with an increasingly digitalised society. Issues of digital literacy are becoming increasingly important in the modern market place and as such it was an important issue to tackle. However, the committee had to identify where they could focus their advice in this broad field and chose to focus on open resources. After this the committee decided to change from a question of how to fix the use of ICT in schools to a question of how to enhance the quality, investigating why teachers did not currently use ICT. At this moment the committee began to lose focus and afterwards the committee was forced to refocus their attention on one of the many subject areas which they had identified. According to a number of council members and permanent staff, this occurrence is not rare. The staff members spoken to also said that they felt that their role was to assist the members in the refocusing of advice. After some discussion it was decided to switch to the more topical issue of open source software. After identifying several areas of interest the committee met more than was usual for a committee at the time as the issue was thrashed out. The topic of open resources greatly diverged from that of the original question asked by Parliament. When the question was passed before the council's plenary session, it was decided that the question required heavy revision to allow for a greater focus.

Once the focus of the advice is decided upon the committee goes through the process of gathering knowledge on the subject through the evaluation of the relevant literature as well as communication with their expert pool and central figures in the field. In the case of the open resource question, ICT experts were repeatedly consulted for their specialised knowledge of the field. This process takes several months with the full committee meeting another two to three

times during that period. Although the staff project leader and the chairperson meet far more regularly with members communicating regularly between one another. It is during this period that a solution is proposed and written out backed with the supporting evidence which has been collected during this period.

A first draft then goes before the full council session which decides whether it is of sufficient quality to continue. The council generally looks to see whether the arguments are concrete and question assumptions in order to make sure that the solution is based upon a strong argument. The majority of the work at this stage is accepted by the council, or with very minor comments. The members interviewed put this figure at around 75-80% of the work. About 20-25% are rejected by the council, usually on questions on the logic of the argumentation.

On occasion, advice is placed before the council prior to it being completed. This is usually when a committee has become stuck on an issue and would like the full council's input to decide upon where to go. Although this is rare it demonstrates the mechanism which the council uses to break deadlocks in the advisory process to prevent the process becoming jammed.

Finally, advice is officially rejected or accepted by the council, although no vote ever takes place, and then either continues to be finalised or is sent back to the committee for substantial rework. Instead of voting, the council tries to establish consensus and the meeting is more of a debate, discussing issues and points of logic form each person's perspective. The draft advice usually leaves the council session with a number of comments made. Should a rework not be required at this stage, the advice goes into the finalisation stage prior to its distribution.

The council is very aware that a government is capable of using its advice in a manner it had not intended. Interviewees said that this was one of the top considerations when giving advice. The member underlined the importance of providing no escape path for the government on an issue, so giving them as few concrete options as possible. The aim was to have about three concrete policy suggestions, removing less important suggestions so that the government could not jump upon a less significant suggestion, half implement it and then claim to have been following the council's advice.

> *6.4.11.5.* Advice Finalisation/Distribution stage

Once the advice has received the approval of the council it passes into the finalisation stage in which the staff members integrate the comments of the council into the advice prior to its distribution. This is a complicated procedure at times, as comments upon the advice are common and it is left to the staff members to integrate the council's points of view into the policy advice proper. There is some criticism over this from staff members as sometimes advice leaves the council meeting with conflicting unresolved comments. Staff regard this policy of "agreeing to disagree" when conflicting debates arise, as potentially damaging to the otherwise highly innovative nature of the council's advice. Staff members must then find a way to integrate divergent points of view, whilst maintaining the focus of the advice. This means that compromises between differing points of view must be made before the advice can be distributed. This is not as much an issue as with some larger, representative education councils which must seek a consensus amongst a far larger number of members. Nevertheless, it is interesting that this pressure exists as well in a small council such as the Dutch one.

Once the issues and comments the council has made on the advice have been integrated, the advice is considered to be complete. It is at this stage that the council seeks to distribute it. The council always attempts to generate the greatest impact possible with its advice, using tools such as the media and Parliament to place the advice firmly at the centre of the Education Ministry's attention. Advice is also published on the official council website, in articles and in reports. As discussed previously, the council manages the relationship with the media very carefully, making

sure that particularly important pieces of advice are not buried under the weight of less important advice which the council gives. In this way they are attempting to find the best way to 'land' important advice on the government's agenda. For this reason, whilst the advice is always released to the media, the manner of the press release and the level of follow up with the council President vary considerably from case to case. In some cases the advice is released in a particularly overt manner, although in the majority of cases the advice is simply made public in a press release. Generally speaking not only the distribution but also the content of the advice is customized depending on the target audience.

After the advice has been released to the press it is sent to the Education Minister a week in advance and then goes before Parliament. This is a very important aspect of the process as Parliament regularly uses such advice in the formulation of its questions to the Minister during question time. This demonstrates the usefulness of having access to Parliament when providing advice, as it allows for the advice to be picked up in political dialogue over an issue, educating the debate rather than becoming part of the knowledge base of administrators.

> *6.4.11.6.* Conclusion

If we reflect upon the development and distribution of both pieces of advice discussed earlier, it is important to note that very little varied in the process. In effect the basic difference was the fact that one complimented the Government's plans, whereas the other directly conflicted with it. This actually suggests that a key issue for policy impact or advice utilization is the tailoring of the issues to the Governments' current objectives. Again, it is difficult to say that the foreign language advice was a failure as it can still possibly be picked up later, or can have impact on a more conceptual level. Possibly, the foreign language advice could even be considered to be far more pioneering, which actually undermined its ability to be put to instrumental use and effect current policy. We finish this section with an outline of the entire advisory process from start to finish.

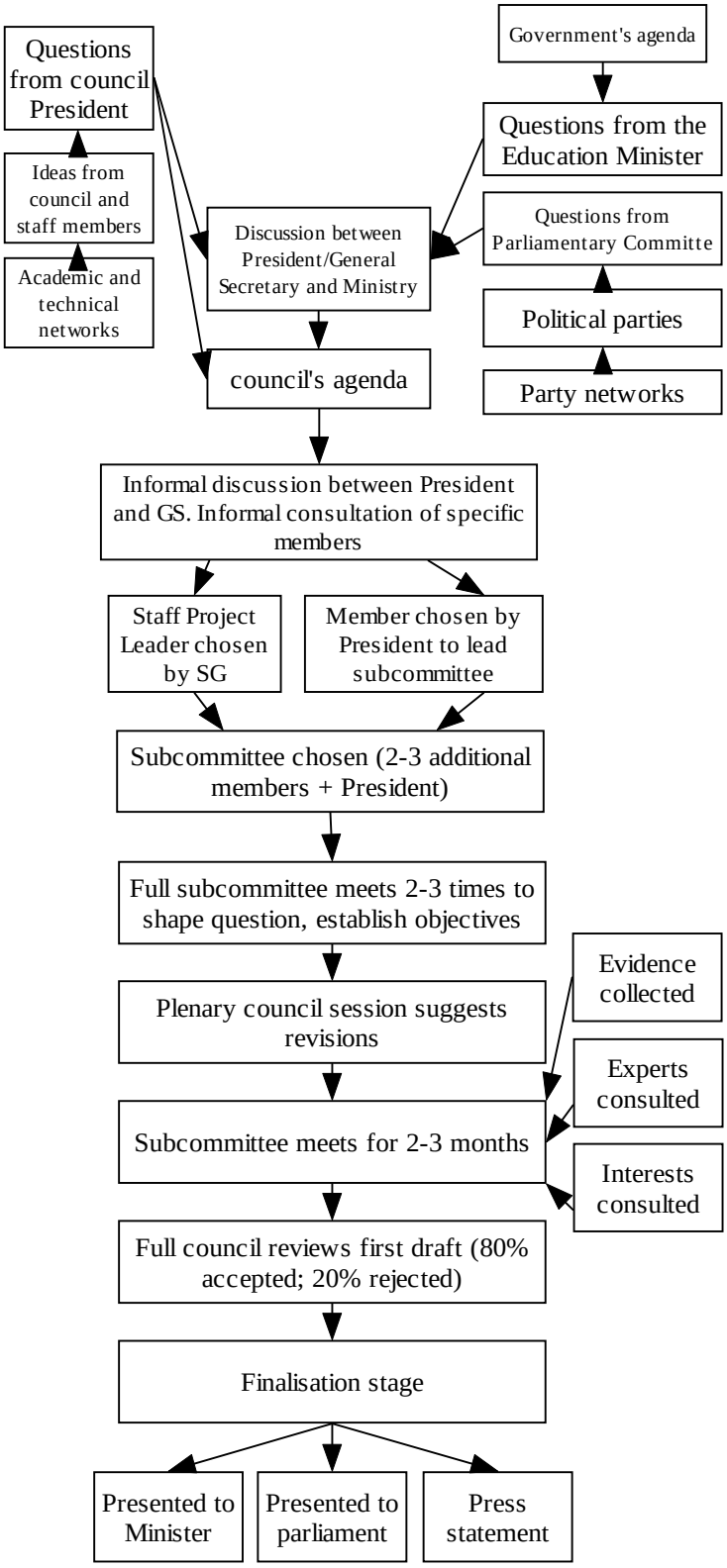

figure 24:advisory process Dutch council

> *6.4.12. Typologising*

> *6.4.12.1.* Introduction

If we first have a look at Halffman's categorization (2008), the category which appears most readily applicable is the statist model. Such councils mainly provide information directly to the state without opinion or motivation. Review tasks such as integrating scientific findings, assessing the overall state of knowledge and identifying common denominators are central. However, there are also reflective elements to be found in the Dutch council, such as identifying overarching goals, as well as some more instrumental elements, aimed at developing specific recommendations on future and current policy. Typical for statist models is that members are prominent academics, and this is certainly the case for as much as half of the members. However, the council enjoys quite some independence, putting it at some distance from the government. As the council through its connection with Parliament also has a role in stimulating public discussion and reflection, it also has elements of Halffman's 'deliberative' model.

If we use our own framework, we can place the council on the "professional" side of the professionalism/interactiveness dimension. Next, we will look at some other of the countervailing forces developed in the "typology" section.

> *6.4.12.2.* Representation vs Non-Representation / Lay vs Academic

First of all, if we look at the division between lay and academic advice, we find that the council is well balanced in membership, with 6 technical experts and 6 academic experts. The technical experts bring an amount of lay experience with them. Additionally, the practice of consulting relevant experts in the field through the "pool system" allows for additional lay expertise to be added into the process. However, the process by which advice is formulated is such that academic argumentation is favoured, causing it to lean more towards the academic side. For this reason we placed the Dutch council just right of this dimension.

In terms of representativeness against non- representativeness, we can say that the council's product is almost free of any form of input of (group) representatives. Whilst consultation with interest groups does to a certain extent take place during advice production, this input is processed through a highly technical structure so that there can be said to be little advocacy in the council. In a way there is a direct influence of representation in the terms of the diversity of members. In this way the council may be slightly representative in terms of its membership cross section, but it is far more technical and neutral in its consideration of issues. We therefore place it at the far bottom of the representativeness/non-representativeness dimension.

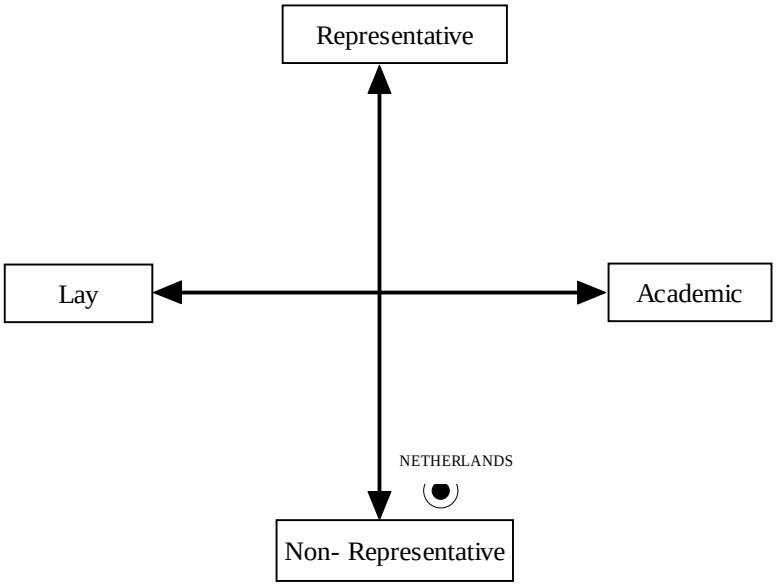

figure 25: membership Dutch council

> *6.4.12.3. Innovativeness vs Incrementalism*

In terms of the "innovativeness" of advice against "incrementalism", this is not so straightforward. The council's small size and lack of advocacy groups would suggest possibilities for the council to be highly innovative; particularly in regard to the ability of the council to initiate advice on areas of concern or issues that the council feels the government should deal with (agenda setting role).

However, it appears that the council is not entirely without "incrementalist" elements. The method by which it seeks consensus in the council chamber for example lessens the innovativeness according to some of the council's staff. Consensus as a decision making mechanism can possibly negatively affect advice innovativeness as the council tries to incorporate differing points of view into the advice.

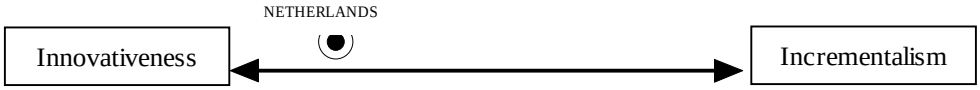

Figure 26: Innovativeness vs incrementalism dimension

> *6.4.12.4.* Information vs Participation / Inside Government vs Outside Government

Where can we position the council in regard to the government? As with most advisory councils, the Dutch education council is a public body and this would suggest a measure of governmental control of the council. It appears that the council is, however, quite insulated from the government, mainly by means of legislation on membership, role, budget, etc. The legal mechanisms and institutionalised tradition of the council prevents it to a certain extent from being within the government. On the other hand, the council does have privileged access to policy makers, and there are formal and informal ties with the Minister and Parliament. The Dutch council seems to

balance between, on the one hand, almost full independence of the government, and, on the other hand, a quite close relationship to it. For this reason we place it towards the bottom of the Inside/Outside scale.

When it comes to the level of communication and interaction with governmental actors, it can be said that formal and informal channels exist allowing for some direct and indirect interaction and feedback between council and government. Notably though this is restricted to the start and the very end of the advisory process. There is no governmental representative present during council discussions to listen or to interact with the members. For this reason we place the council to the left of the information/full participation dimension.

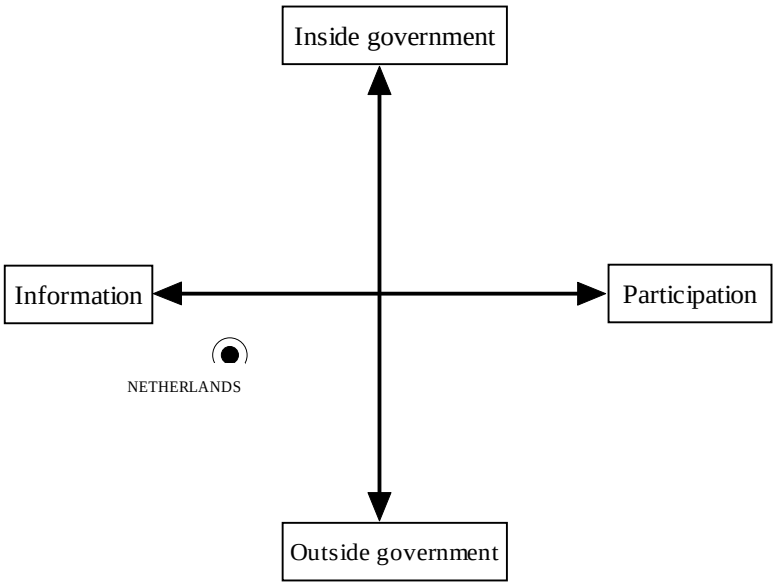

figure 27: government interaction -Dutch council

> 6.5. Flemish council

> 6.5.1. Introduction

The Flemish Education council (Vlaamse Onderwijsraad) provides our study with its only regional example, being focused with advising the Flemish Government rather than the Belgian Government. The Flemish Education council is one of the older of the Flemish advisory bodies and one of a number of the first of such councils established in Europe in the early 1990's. Although its structure has changed over time, it is fundamentally the same council that it was when founded in 1990. However, there is a change towards more strategic and pro-active advice.

Belgium, and the Flemish Government in particular, has had a long tradition of advisory bodies, funding a relatively large number of bodies of varying constitution. Thus policy making in Flanders has traditionally seen a high density of advisory bodies with varying impacts and status. Advisory bodies also tend to be highly integrated into the official policy-making framework. Such councils also tend to be more interest based than expertise based, which is not so strange in a consensus based political system. Moreover, societal stakeholders in Belgium have a firm role to play in policy implementation, as many schools are governed by civil society organisations. In such a policy environment, the VLOR was established as a representative body and as such primarily provides the joined opinion of the various interest groups included in its membership to the government for consideration in the policy-making process.

The Flemish Education council has a broad structure. The general council is rather small for such a broad representative body with 39 members. However, if we include all members in the different sub-councils, there are 150 members and a President. All the members have substitutes. Moreover, the council has a broad network of people involved of over 500 persons. The broadness of the council allows the Government to consult with only a single advisory body rather than multiple organisations. This has the obvious advantage of stability and simplicity, but at the same time reduces the government's ability to ignore the advice that is produced.

Since 2004 the council's status has been increased by its recognition as a 'strategic advisory body'. This was done as part of a 'public management reform', which occurred during that time (a "good governance reform program known as BBB)[9]. Now that the council is one of a collection of official strategic advisory councils, its position has an even stronger embedding into the Flemish policy-making process than it had before.

The council has three main functions: study, advice, and "concertation". The latter function deals with innovative projects in education such as the new policies for children from immigrant origine, the development of educational profiles for VET, health promotion, etc.

> 6.5.2. Founding of the council

The Flemish council was established in 1990 as an attempt to amalgamate the varied advisory bodies in the field of education that existed at the time. It was also set up at a time when education was regionalised and became a competence of the Flemish Community This was the more functional or managerial background of its establishment. But the council was also set up to have a function of pacification and mediation between the different educational partners in a society where education was a highly divisive issue. On a more concrete level, it can also be said to have been established in order to have a place of discussion and debate on a possibly very 'hot' topic: the development of a general framework for core student competences. It was felt at the time that this framework, that the schools would have to abide by, might be seen as a direct governmental

[9] *Beter Bestuurlijk Beleid* or 'Better Administrative Policy', see Brans et al. (2006)

infringement on the 'educational liberty' of school boards, a liberty enshrined in the Belgian Constitution.

From 1999 onwards there was a political tendency to restore political primacy over all kinds of advisory bodies. The 'iron triangle' perspective had been politically highly dominant, and it was felt that there was a need to more clearly differentiate between advisory bodies that provide expert knowledge and bodies of interaction and negotiation with societal stakeholders. In this period policy-makers looked at the Netherlands which had, in effect, reformed the advisory structure from a representative, corporatist system to an expert system in the nineties. However, there was a firm response in Flanders from both civil society and some academics stressing the positive impact on social cohesion of civil society involvement and challenging the possibility of clearly differentiating between experts and stakeholders.

In 2003, new framework legislation was voted which established the foundation for strategic advisory bodies in the different policy fields. Membership of these advisory bodies leans strongly towards representativeness, although experts are also included to a limited extent. Tasks of these advisory bodies revolve around developing advice on broad policy intentions, following up on societal developments, giving advice on specific legislation, etc..

The VLOR, which was one of "the big three" already existing advisory bodies (in the field of education, socio-economic affairs, and environmental matters) thus became more firmly embedded as a prominent member of a group of now 12 strategic advisory bodies. A renewed legal foundation for the VLOR followed in 2004 in the Decree on Participation in Schools and the Flemish Education council. Interestingly, this legislation stipulates that those membership seats in the VLOR that were based on expertise rather than interest representation were to be occupied by "lay experts" from the educational field (teachers, directors of schools), not by academic experts. The membership was also enlarged to encompass other stakeholders involved In education such as the high school students' organisation, the NGOs representing minority groups, parents' organisations, etc. Another important change was that civil servants from the Flemish ministry were not represented in the council any longer. The reform relegated members of the administration from full members to observers. Such a move was aimed at making a clear division between policy-makers and providers of advice and was dominated by the "political primacy" perspective. This in effect diminished the interaction between council members and administration and Governments, thus possibly making it less interactive. On the other hand it could be construed as an attempt to increase the council's legitimacy through increasing its independence.

The 2004 reforms, rather than make any significant changes, are thought by the members to have provided a confirmation of the advisory council's status and of its independence.

From the above it is clear that the council is based solidly in governmental legislation, specifying in detail the membership, role and tasks, and procedures of the council.

> *6.5.3. Membership*

The Flemish Education council has one of the more complex membership structures that we have seen in the course of this study. The Flemish Education council is a representative body with a wide inclusive membership possibly reflecting the importance of civil society organisations in the formation and implementation of the country's in education policy. There are 151 members in total, although the council draws upon expertise from amongst a network of over 500 people. The council is highly reliant upon the network of recognised education interests in Belgium from which it draws its membership. The range of members is perhaps one of the highest we have seen with everyone from educational consumers to educational organisers present. However, academic experts are not included in the council proper, although often consulted.

The council is divided into multiple chambers. Next to the General council, there are four councils dealing with the different levels of education. What we would understand as the education council proper is made up of 39 members coming from the umbrella organizations of educational organizers (10), heads of institutions of higher education (2), teachers' unions (6), educational users (parents and students) (8), school principals (5), socio-economic and cultural organizations (6), and lay experts (teachers) (2). Members are nominated for a period of four years.

Most members are nominated by their organisations, thus it is up to each of these bodies to appoint a representative to the council. The organisations entitled to do so, are recognised by a decision of the Flemish Government. However, the representatives of the school principals are directly elected, the lay experts coming from the educational field are co-opted. Most members are professionals and their activities in the council are part of their job. council members receive, as with most councils, some compensation for expenses.

External experts can also be drafted if need be to provide their opinions on educational issues, although they have no formal role within the council. These experts are often invited when the council needs expertise from an academic or practical background. This is mostly the case when preparing proactive or more strategic advice on the council's own initiative. The involvement of these experts is also needed for the studies the council is publishing.

It is also interesting to note that the Flemish council numbers government representatives. However, unlike most such councils where government representatives are present, the government representatives do not interact, and do not play an active role in the discussion. They merely act as observers within the council and sometimes provide information from the government's perspective. This has been a direct effect of the 2004 reform.

The presence of the educational organisers is strong. This is in part due to the political and administrative organisation of Belgium as a whole which leaves semi-governmental bodies in control of a range of sectors including education.

Whilst the organisations present within the council are defined in detail in the official legislation along with the number of representatives from each body, the actual nomination of members are down to the individual organisations themselves. This is similar to many of the education councils we have seen but also hints towards the corporatist background of the council. The government thus recognizes specific interest groups and this recognition is subsequently embedded in legislation. Like the Portuguese council, the Flemish council has over the years increased its membership, now also including parents', high school students' and students' organisations, and even broader societal organisations such as representatives of minority groups. Typically, the council is developing from a more corporatist to a more inclusive pluralist organisation. The reform of 2004 reinforced some tensions between more traditional members such as school organizers and teachers' unions and other societal groups with an interest in education and training. Nevertheless, the council remains dominated by the more traditional members.

The Flemish council is another body to which it is hard to assign the label of an entirely technical or lay expertise based council, as it is entirely possible for organisations to send academic experts to the council as they see fit. The council can also be understood as having good and regular relations with the academic community as an informal pool of academic experts is often drawn upon to provide additional advice on issues when needed.

> *6.5.4. Structure*

Next to the General council (39 members), there are four councils dealing with the different levels of education: a Primary Education council (24 members); a Secondary Education council (30

members); a Higher Education council (26 members) and a Lifelong Learning council (32 members). Below this are permanent committees with specific remits such as student guidance, the relationship between education and the labour market, etc. The different sub-councils can deliver advice autonomously. However, when two levels of education are affected, the General council has the final say on the issue under discussion. All of the councils have a bureau which mainly deals with the work planning and procedures.

In order to tackle issues, working groups or committees are established of around 15 to 20 members although precise membership varies depending upon the sensitivity of the issue at hand, with more contentious issues having more involvement than less controversial ones. Such groups do reflect the make-up of their parent sub-councils. It is this group which drafts the advice and their report is considered by their respective sub-council, in some cases also being passed before the general council.

> 6.5.5. Administration

The council has a rather large number of administrative staff. There are 24 staff members, of which 9 administrative staff and 2 members working on temporary projects.

Similar to other councils the staff of the council ensures the practical arrangements and the relationships with the extensive network of members surrounding the council. The staff supports the formulation of an advice (gather material, provide members with information, make plans of discussion, write out draft text of advice based on discussion with members, final redaction of the advice). Different from some other councils is that staff members hold the pen in the writing of the advice. In the Flemish council the staff seem to play the role of the devoted boundary workers, bringing together different viewpoints by being able to both cross the boundaries within the council (between the different members, for example) but also outside the council, in their contacts with policy-makers. By virtue of their permanence, as the staff has a low turnover rate, most administrators are able to develop through experience the necessary skills to be good boundary workers.

The council's budget is supplied by the Government and administered independently. The supplying of funds by the Government and, subsequently, the independent administration of those funds seem common themes amongst education councils in Europe, with only a few councils breaking this trend. This seems to be the common method of gaining the funds to operate whilst maintaining operational independence. Interestingly, the council has, next to its core tasks, the possibility and budget to take up additional assignments, mainly in the field of coordination of educational pilot projects (the "concertation" function). This has lead to additional staff developing these pilot projects.

The council has a management contract of 4 years with the Government, stipulating rights and duties of both. In the contract the tasks of the council are detailed (advice; mediation; coordination of pilot projects), as well as information exchange, communication and interaction between council and Government.

The council and its sub-councils meet about ten times a year, which is considerably frequent, considering the sheer number of members.

> 6.5.6. Role

Within its founding legislation the council is tasked with two distinct roles: to provide advice to the Government and the Parliament, and to organize "concertation" between the different educational actors. An important difference with the first task is that when such concertation is organized,

government representatives are included, with a mandate. At the start of the current management contract three such concertations were being coordinated.

The council can provide advice both on request and at its own initiative. Advice can be delivered to the Minister, the Government and Parliament. Whereas the Parliament can request advice of the council, this only very seldomly happens. The council delivers both rather short term instrumental advice, and more long term strategic advice. In some cases the council gives advice on issues that subsequently are negotiated in another policy arena between the Government, school organizers and teachers' unions. This further indicates the layered system of advice and negotiation that is prevalent in the Flemish policy-making system.

The council invests heavily in developing knowledge and expertise on educational policy. This sub-task is seen as a prerequisite for other tasks, such as developing advice, in order to recognize problems in the educational field, and develop insights in the nature of the problem and possible solutions in an early stadium. The "problem exploration" track has actually been developed to do this. In such a problem exploration, not only experts are involved to give a specific input, often from an academic perspective, but also members of the council. However, these members are at this stage involved not as representatives of their organisations, but because of their knowledge and expertise. By stressing that they do not speak for their organisations, their freedom to speak and debate the issue is increased, and possibly more innovative ideas and perspectives can be developed.

Another sub-task is the dissemination of knowledge on educational matters. The council hosts a library which is open not only for VLOR staff and members, but also for the member organisations themselves. As such, it is clear that, although not a primary task, educating members and their organisations is seen as a task supportive of other council objectives.

The council is legally embedded within the Flemish educational policy-making process, allowing it to participate to some extent in almost all of the decision-making in the field of education. This can also be construed as a double edged sword, providing the council with a powerful position to influence policy made by the government, but also requiring substantial effort to allow all questions to be addressed effectively. Other councils spoken to have highlighted the benefits of picking and choosing polices where they feel their input would be most useful. Whilst this has the advantage of allowing such organisations to devote more resources to problems they feel are most important, it also risks reducing such bodies' influence without the guaranteed position within the policy making process. The Flemish Education council aims to provide advice on all educational policy matters deemed relevant, also in order to retain its prominence in the policy-making process.

If we return to the advisory task, the main task of the council, at least from a legal perspective, we can observe that on specific issues detailed in the legislation the Minister is required to consult the council. These are mainly proposals of Decrees (Flemish laws) developed by Government (instead of laws developed by Parliament) with some exceptions, documents outlining the general ministerial policy, and temporary educational projects. When the council is asked for such advice by the Minister, response time is 30 calendar days. In exceptional circumstances, a fast procedure of 10 working days is possible. It is important to note that the Flemish council numbers among those councils whose advice is attached automatically to the pertinent legislation before parliament. This gives it an extra access point in the decision-making process, as it can hope for its advice to be used in the parliamentary phase. But the council also has the right of initiative and can provide advice when it wants to, mainly along strategic lines, and considering societal developments. Thus, such advice is often more long term and strategically oriented. When the council gives advice at its own initiative, there is no time restriction.

Legislation further stipulates that the Government can decide not to follow the council's advice but in such case it has to be motivated and the council needs to be informed of the decision. Legislation does not stipulate in detail how this needs to be done. It appears that such motivation by the Government is often rather weak, and does not often reach the council members. council members often feel that they are not very much informed about the extent to which their advice has had impact on policy or about the motivations of the Government to follow advice or not. There are, as in some other councils, ways of bypassing the education council. Typically, legislation which has been developed by the Government is introduced in Parliament by an MP, thus bypassing the legal requirement to consult the education council.

If we look at the policy process in general, it appears that the Flemish Education council aims to impact over a range of stages. Like most representative councils the Flemish council is attentive over educating educational actors, and thus indirectly affecting the agenda of the policy-making process. By means of advice at its own initiative, by means of "problem exploration", etc. the council also means to contribute to the agenda-setting stage. The main, official impact point on the policy making process comes somewhere in the middle, after the policy has been drafted and has to a certain extent been politically negotiated but before the final decision making has taken place. A further impact the council sees itself charged with to a certain extent is coordinating policy implementation.

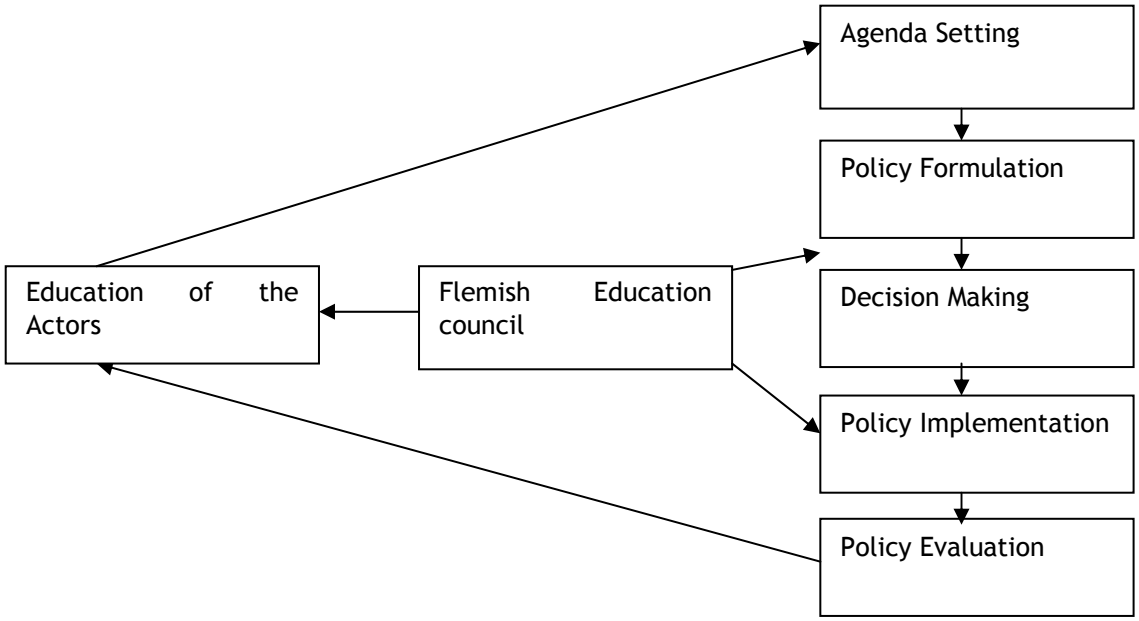

Figure 28: Flemish council roles

> 6.5.7. *Legal Status*

The Flemish Education council has a strong legal embedding. This is perhaps linked to the special nature of the political system and culture which traditionally relies strongly upon such advisory bodies in the formation of policy. The Government not only officially recognizes the education council as an advisory body, it has itself established the council and provides the budget for its main tasks. The budget is quite substantial and can be administered independently.

Finally, there exists some legal requirements to consult the council over specific issues and to provide motivated feedback to the council. However, it depends on the individual minister to what

extent advice is requested and feedback is given, or whether the Government tries to bypass these requirements. Thus, legal status alone appears to be not sufficient for successful outcomes. The Education Minister and his administration also need to be receptive of the benefits of asking advice.

The council's embedding provides a high measure of protection from the government, allowing not only the guarantee of a measure of independence, but also limiting the risk of the council being disbanded or simply sidelined by a hostile minister. Nevertheless, legal status is not sufficient to guarantee influence.

> 6.5.8. Social Status

The Flemish council is located in an office building in the central political and administrative district of Brussels, containing the offices of the staff along with meetings rooms and a library.

The council is perceived as firmly embedded in civil society with the different educational stakeholders present, as well as firmly embedded within the policy-making process. Thus legal and social status seem to stimulate each other. As already explained, the council's membership is heavily focused upon the educational providers. Because these actors enjoy quite some power their social status is reflected upon the entire council. Members of the council are often high profile figures from their organisations. Other members do not have such a high social status, but can contribute to the overall input legitimacy of the council as its inclusiveness increases. Having a broadly representative membership thus increases the social status of the council when voicing its opinion.

There are no academic experts present in the council (or they have to be nominated by member organisations as their representatives). Having said this, the different member organisations do bring quite a lot of lay expertise and experience to the council. This also increases the social status of the council, as it is to some extent an expert council.

Also the President has a rather high social status as she is the Secretary-General of a large civil society organisation. Because this organisation has historical and current links with one of the main political parties as well as with a key education stakeholder (the umbrella organisation of Catholic school organizers) the President enjoys stable and good contacts with both policy-makers and actors in the educational arena.

> 6.5.9. Relationship with the Ministry

The education council's requested advice is a formal step in the development of education policy. However, the requested advice is situated rather late in the policy process, after the first approval of a draft Decree by the Flemish Government. In such a case, often the main (political) choices have already been made. The fact that the council is formally embedded at a rather late stage in the policy-making process is thus sometimes seen as a problem. This is somewhat mitigated by the fact that the council sometimes gets consulted earlier in the process, by means of green papers.

The council has a rather intensive relationship with the Minister and his administration, as would be expected from the embedded nature of the council. Communication is frequent, with official meetings around every six weeks between the Minister and the main civil servants from the Ministry of Education and the President of the council as well as the main administrator. This has actually been stipulated in the management agreement. The management contract further stipulates the information exchange between council and administration. Staff members of the council can also follow specific training programs set up for government administrators. The contract indicates that yearly reports of the council's activities are to be delivered to the Minister and the Education Committee of the Flemish Parliament. Also, when a piece of advice has been finished, the Minister is the first to receive it. Communication is also set up with the government in order for the council

to have better insight in upcoming legislation and policy intentions, and to facilitate a general working program of the council. This program will develop based upon the plans of the Minister as well as the ambitions of the council itself. The council does attempt to match the needs of the government in its advisory program.

These lines of communication and interaction notwithstanding, there are some issues with the information exchange between government and council, which is possibly not so intensive as the council would wish.

This being said, the relationship with the ministry has changed over time. Before the 2004 reforms members of the government were themselves council members. The reform implied that government representatives were no longer to actively discuss and interact, let alone vote within the advisory body. This being said, government representatives do still attend meetings, if only to observe and provide information rather than to actively participate.

> *6.5.10. Analysis of two pieces of policy advice*

> *6.5.10.1. Introduction*

Whilst many pieces of advice were discussed during the course of the interviews, the two pieces given the most attention were that on 'Higher education reform' and on 'Competences Dutch 1rst year'. Again, there was quite some discussion on what could actually be seen as successful or unsuccessful advice.

> *6.5.10.2. 'Higher education reform' (short cycle higher education)*

This was selected as an example of a successful piece of advice. As higher education reform (BAMA) was being developed, concern arose over those pupils that would possibly not anymore fit in this new structure, with the colleges of higher education becoming more academic. During the nineties and up to 2003 several pieces of advice were developed by the council dealing with this issue. In the party political agreement of a new government in 2004 it was spelled out that a system of "tertiary education" was to be developed in between secondary education and higher education.

Soon after, the council developed a study on the issue, leading to a publication. A group of academic experts debated on the issue, as well as a group of lay experts, from the different member organisations. Both groups met separately several times and then came together with the two groups for a full two days. It was felt that during the course of the problem exploration new ideas and insights were developed and shared amongst the different participants. Importantly, the participants of member organisations did not require a clear mandate of their organisation as they were not developing an advice, which helped them to think "out of the box". Also, membership of this group was not based on a balancing of the different interests, as is usually the case when developing advice. Participants were explicitly invited to do some free wheeling, in order to urge them not to think too much about policy implementation issues, where their organisations would actually feel the specific impact of possible new policy. A synthesis was written of the insights developed. However, this was not presented as an advice as it was considered too politically sensitive.

The main lines of this report were picked up by government in a green paper, and later in draft legislation[10]. In later stages of the policy-making process a more standard piece of advice was produced by the council, using this report. But in fact it was the earlier report which seems to have

[10] Decreet betreffende het volwasseneonderwijs (15/06/2007)

had the biggest impact, shaping the policy discussions. 'Higher education reform' was selected as successful because the council was able in an early phase of the policy process to frame the issue. Moreover, the council was also able to develop a high quality and informed debate on the issue between the stakeholders. However, it is clear that in fact it was not the typical advice which was considered to be successful, but the report of the insights developed in the phase of 'problem exploration'.

> *6.5.10.3. 'Competences Dutch'*

Competences refer to the educational goals that need to be attained at the end of a certain study. It is the responsibility of the Flemish Parliament to define these competences. As society changes, the content of these competences change and they need to be revised so as to stay in line with societal changes and needs.

This advice followed the typical advisory track. After the request for advice by the minister a working group was set up with expertise in this specific area, drawn from the different stakeholder groups. Then the advice went to the relevant subcouncil where amendments were made and where the advice was voted. As different subcouncils were involved in this case, the general council brought these different pieces of advice together and formulated some more general remarks. The advice was then delivered to the government by the council in June 2008. In its advice the council provides some more general remarks but mostly technical remarks. These technical remarks signal perceived problems and specific suggestions are made to amend the way the competences are phrased.

The advices was selected as an example of a failure. The main reason for the failure as suggested during the interviews was that the Education Department had in the development stage of the competences set up several meetings with representatives of the umbrella organisations of school organizers. Thus, these representatives were heavily involved in the actual writing up (coproducing) of this proposed legislation and had a high impact in an early stage on policy development. When this specific group of educational stakeholders were subsequently asked to develop advice in the council, this was of course quite difficult for them. They were, in fact, asked to critically examine proposed legislation which they had coproduced with government. An active and critical involvement was difficult for them. At the same time, other council members were also aware of this difficult situation. Thus it appears that,when the same actors are involved in different stages of the policy making process, this can hamper the advisory process and outcome. When the government is actively consulting the educational stakeholders, this can conflict with the advisory trajectories in the council.

When we look at the impact that the advice on 'Competences Dutch' has had, we can again critically reflect on the definition of advisory success, since the government actually followed some of the (more instrumental) comments made in the advice. Thus, from an instrumental perspective, the advice was not that unsuccessful.

> *6.5.11. Step by step analysis of the advisory process*

> *6.5.11.1. Introduction*

The process by which the Flemish council typically produces advice follows a heavily standardized procedure. This procedure is being used when the council has 30 days to deliver its advice on proposed legislation developed by the Government. The education council's advice is requested after the administrative preparations have been finished, after political discussions between the different parties making up the Flemish coalition Government and after the Flemish Government

itself has given its first general agreement. After the education council gives its advice, a second general agreement of the Flemish Government follows, as do the different stages of the parliamentary procedure.

However, the council also experiments with other procedures. For example, when the council has only 10 days to respond, it needs to fast track advice. When the council develops advice at its own initiative, it is less under a time pressure. The 'problem exploration' track allows the council to investigate an issue and intensely debate it, without the repercussions of having a council where most members are nominated by interest organisations. In the case of the 'higher education reform' this problem exploration track was used to come in an early stage of the policy making process to innovative insights. Not only has the council become aware of possible drawbacks of the BAMA reform, they were also able to put the item on the agenda and frame subsequent policy discussions and policy papers. As this "problem exploration' track allows for much more flexible ways of operating, of selecting members, of mandates, etc.. it can be quite functional for 'out of the box' thinking. Also, as those participating are intensively working together for full two days, a different group dynamics develops than when participating in the typical council format of meetings.

> *6.5.11.2. Agenda Setting*

Input into the council's agenda comes like in many of the other councils from a multiplicity of sources. On the one hand, the agenda is set by the plans and ambitions of the Minister of Education. The council tries as early as possible to gain insight in the plans of the minister, the upcoming legislation and projects, etc.. When, in the was of 'higher education reform' the council became aware that the minister had the ambition to develop a system of 'tertiary ducation', this was a signal for the council to deepen its knowledge on the issue and to develop some innovative ideas so as to influence the issue early in the process.

The council, however, also has its own agenda. Thus, every year the council's agenda is a combination of the minister's plans and the items that the council members decide to look into. Member organisations of the council can place an item on the council agenda. However, it is the bureaus of the different (sub)councils that decide on the annual work program. In this program, the procedure to deal with the advice is also already briefly outlined: which (sub)council or working group, how many meetings, membership of the working groups, etc.

The annual program allows the council to plan its work. However, issues do arise that make for this agenda to be upset. The bureaus of the different councils decide on the specific agenda and the planning of the work.

> *6.5.11.3. Advice formulation stage*

When a topic for advice has been selected, and when it is decided which (sub)council is to deliver the advice, usually a working group is established to start developing the advice. This is the responsibility of the (sub)council that will ultimately bring out the advice. In some cases, such as the "Competences Dutch" advice, several of the subcouncils provide a section of the advice, with the general council bringing these sections together, and often adding remarks and opinions on a more general level.

Only (sub)councils can deliver advice. All the member organisations of the (sub)council can participate if they wish so. Depending on the subject, only a few or a rather large group of representatives will join the group. It is the responsibility of the bureau of the (sub)council to decide on the membership of the working group. A chairperson is chosen from the member organisations. At the same time, a staff member is assigned to follow up the activities the working

group. When the 'problem exploration' track is being followed, there is a higher degree of flexibility in group membership.

The staff member will gather information on the topic, and will organize the discussions in a working group, together with the group's chair. In this phase there is not only an analysis of the content, but also of the legislative context. Often also a discussion plan is being developed which should help the process to develop smoothly enough.

In the first session of the working group members are being given the necessary information by staff members, policy makers and/or (academic) experts. This is followed by discussion and debate. After a few sessions the staff member will develop a draft advice. This obviously means that compromises between differing points of view must be made, sometimes it also means that the advice is less innovative as different perspectives and opinions have to be taken into account.

This draft text then goes before the full (sub)council, where it is presented, and where final amendments can take place. The (sub)council can only decide when more than half of the members is present. In some cases, member organisations are asked to deliver written amendments before the meeting. When not enough members support an amendment, it can be included as a minority opinion. The possibility of integrating a minority opinion has been written down into the council's internal rules and regulations. Finally, the (sub)council votes on the advice, and the vote percentages are included in the advice. Generally, it is the ambition to develop a unanimous advice whenever possible.

> *6.5.11.4. Advice Finalisation/Distribution stage*

Once the advice has received the approval of the (sub)council, it passes into the finalisation stage in which the staff members if necessary integrate the final comments and amendments that were agreed upon.

The advice is then being distributed. The Minister is the first to be delivered the advice to(as was agreed in the management contract) so that in case of politically sensitive issues he has the time to be prepared to answer questions of the press. In the next hours or days members of Parliament and the press receive the advice. The advice is also placed on the council's website. When a theme is explored more in depth, such as in the case of the 'higher education reform', it is often published in book format.

The standard format of advice is rather technical, it has been written "by administrators for administrators." In the newsletter of the council a less technical and short summary of the main points of the advice is being presented.

> *6.5.11.5. Conclusion*

If we reflect upon the development of both pieces of advice discussed earlier, it is important to note that in the first one it was more the report of the 'problem exploration' that was of high quality and highly influential, than the advice that had been produced both before and after this. The council was able to develop new and influential insights at the right time (here early enough in the policy-making process). The second piece of advice was considered unsuccessful in that the very same people who developed policy were subsequently also asked to critically comment on it. Nevertheless, some of the comments made in the advice did have impact on the proposed policy. From this selection of pieces of advice, it does appear quite clear that the council's ambitions are more than just providing instrumental advice and that it wants to develop innovative and strategic advice with high impact on education policy.

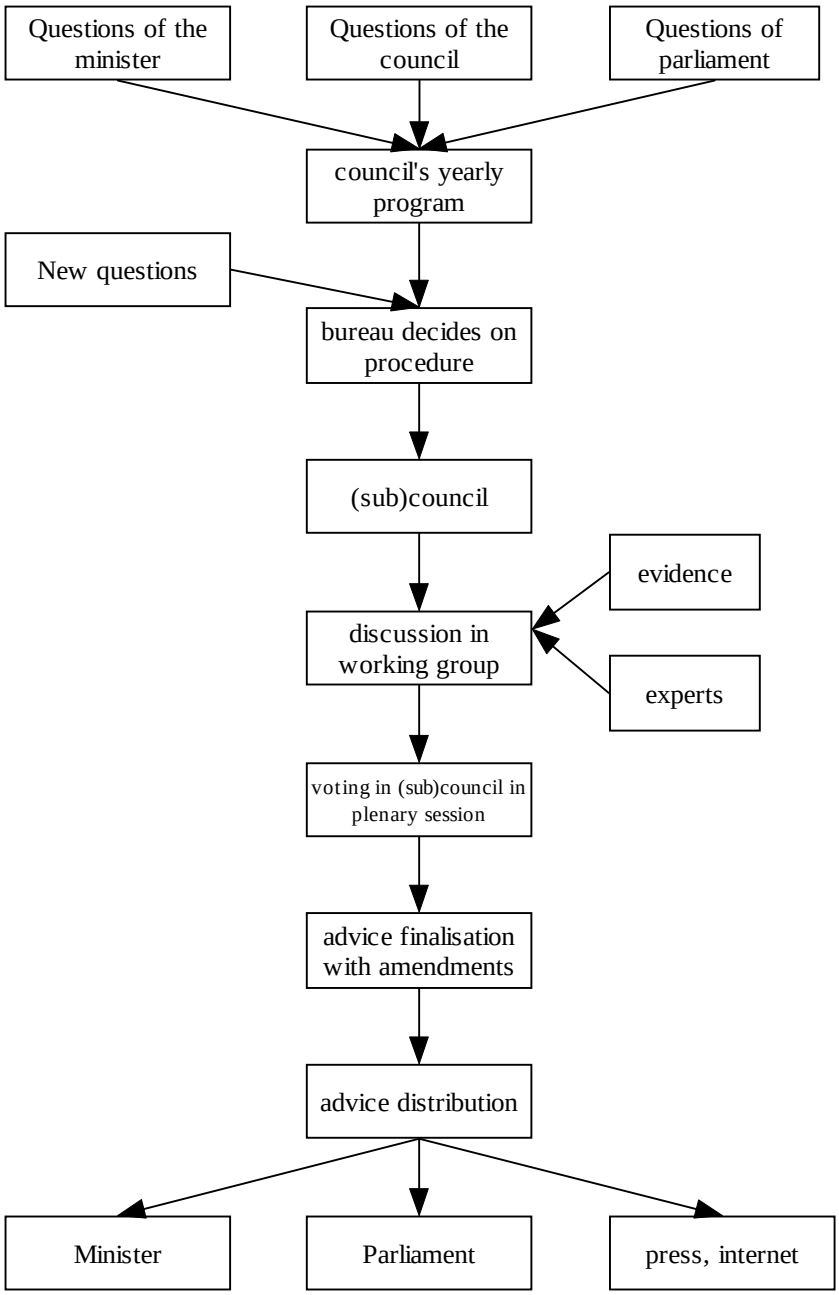

figure 29: advisory process Flemish council

> 6.5.12. Typologising

> 6.5.12.1. Introduction

The council is a hybrid in Halffman's typology. It first sight it can best be understood as corporatist, with it being dominated by interest representation and its position anchored in law. However, as a quite large range of interests are nowadays involved in the council, it also goes a long way towards a more inclusive council. Nevertheless, through its formal and informal system of weighing the different interests, small organizations are much less influential than some of the larger ones.

The council also has distinctive advocacy tasks, and often evidence and research is used to support opinion-based advice. There are, however, also some deliberative elements, as considerable energy and attention is devoted to interaction, to informed debate and education. However, this sometimes appears to be in tension with compromise and bargaining, which is more based on power and resources.

> *6.5.12.2. Representation vs Non-Representation / Lay vs Academic*

Locating the council in our own framework is also fairly straightforward. The council is highly representative in nature with the majority of members being nominated by a wide variety of interest organisations. Only two out of 39 members are not representatives. On the lay-academic axis, we can place the council clearly to the side of lay expertise.

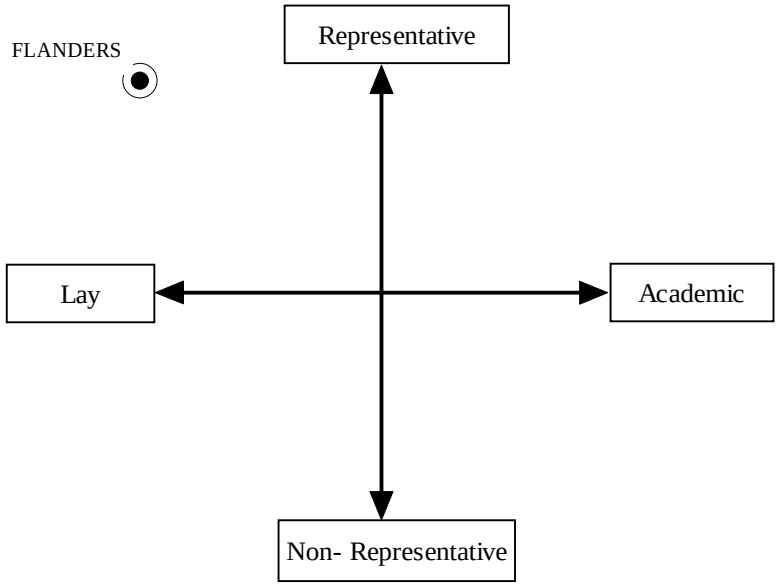

figure 30: membership Flemish council

> *6.5.12.3. Innovativeness vs Incrementalism*

If we turn to the innovativeness vs incrementalism dimension, it is clear from the interviews that this is an area of some concern. Sometimes the set up of the council with a prominent role for vested interests leads to incremental advice. Innovativeness can be eroded by the large number of interests involved, leaving the council at the end of the incremental end of our scale.

This being said, some advice is possibly more innovative, especially when the council is able to put new issues on the governmental agenda. It appears that the level of innovativeness highly depends upon the issue that is to be advised upon, the stakes, the number of actors involved, etc..

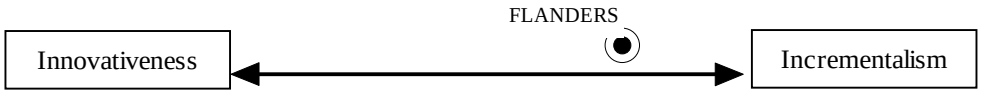

figure 31: innovativeness vs incrementalism - Flemish council

> *6.5.12.4. Information vs Participation / Inside Government vs Outside Government*

The Flemish council balances closeness to the Government with considerable independence from it. Although its independence is guaranteed, it enjoys a rather intensive relationship with Government. The council's independence is related to the multiple principals involved, the operational autonomy, the legal and social status of the council, etc. The council's connectedness to the Government are related to its legal and social status, the staff, etc. as well as some more operational mechanisms such as the work program and the six-weekly meetings with the minister.

For the second axis, which deals with the level of participation of government representatives, it is not so difficult to place the council. After the reform, the council has only observers from the government present. These observers can give information, can become informed about the argumentation behind specific pieces of advice, etc.. Therefore we place the Flemish council to the left between information and full participation.

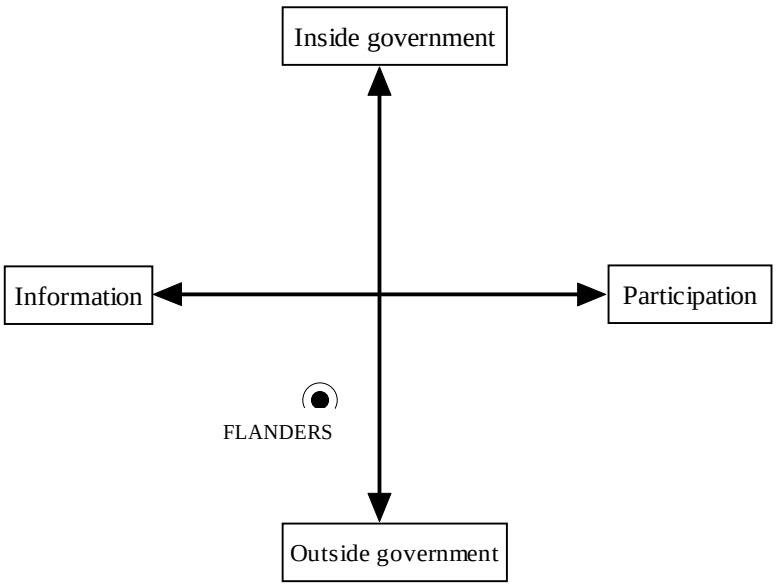

figure 32: government interaction - Flemish council

> 6.6. Estonian council

> *6.6.1. Introduction*

As an advisory council, the Estonian Education Forum (Eesti Haridusfoorum) is very interesting. It describes itself as a vertical mediator, facilitating information transfer from education interests to government and vice versa. The council is itself again a demonstration of how the environment affects a council's development, being in some ways typical of those councils from Eastern Europe with reform oriented education policy. The operation of the council also shows features typical for relatively small countries, where social and political networking is facilitated.

The Estonian Education Forum has been a rather difficult case to analyse. Its complexity stems from its simplicity. For the Estonian council nothing is set in stone, there are few laws or even strict rule frameworks to identify. There is no permanent physical institution or structure to refer to, and with everything so fluid it is almost impossible to pin down the fundamental organisational composition of the council. There is little legislative framework demarcating the council's parameters; much that is done is set more by tradition than by physical rules and as such it is far more adaptable than is commonly true for Education councils. Despite this, however, the actual council has changed relatively little, with any changes being more cosmetic then to the actual physical council composition or operating structure.

The council is one of a collection of young councils in Europe, about 15 years old. It is certainly a product of the Estonian political and social environment. Reflecting its organic nature, and in comparison to most councils we have considered, the Estonian Education Forum has no permanent structure and no physical headquarters. Whilst it is certainly true that most councils differ considerably from one another, they usually find some similarities in terms of their structures and general operating frameworks. The Estonian council only mirrors its peers in its independence, representativeness and advisory function. The underlying structure, through which advice is produced, from problem identification to advice dissemination, is entirely different from other councils. Despite its uniqueness, the Estonian Education Forum can still be identified as an education council. It retains its independence, and despite the very different structure and production method, the council is still recognisably an independent and participatory advice giving body. It also demonstrates the effectiveness in the employment of organic advisory structures, particularly in the way they avoid the 'empty seat' problem demonstrated in other councils we have talked to. Whereas all councils demonstrate a certain level of boundary work in their operation, it is the Estonian council which appears to epitomise this relationship. What we mean by this is that the council is very much based upon facilitating communication between all three communities. Where this differs from other councils is that this communication is almost constant, open to anyone who wishes to become involved and adaptive to the issue at hand. Whereas most councils can claim a level of linkage between the three communities, through membership, consultation and regular dialogue, the Estonian council actually facilitates continual, constant, communication between the three communities. At the same time, however, this continuous cross-boundary communication may also be a weakness, since the success of boundary organisations is partly rooted in their stability.

The style of the Estonian council is dependent upon the Estonian environment, its embrace of technology and its demographics. The level of networking required is simply easier to achieve in small countries. Further the council's flexibility comes from its legal position as an NGO, giving it the flexible membership regulations which allow for such an organic structure. It is not possible for much of this to be duplicated by other councils of Europe, with membership often set by legislation, and networking far more difficult to achieve for larger countries. But other councils can certainly take lessons from the way the Estonian one uses technology to facilitate communication and networking. The Estonian council does suffer somewhat, however, in terms of both budget and

in its institutionalisation into the policy making process. This is the trade off which the council pays for its independence and organic structure.

> 6.6.2. *Founding of the council*

The establishment of the Estonian council was a direct product of the instability within Estonia in the post communist period. Rapid social change was combined with governmental instability leading to policy stagnation in many areas as government failed to keep pace with social development. Various social organisations saw their establishment in this period attempting to fill the power vacuum left by the rapid transition the country was in. This was very much the case in the education sector with the teacher's movement, a voluntary organisation concerned with the reform and modernisation of Estonian education. The teachers' movement stepped into the stagnating policy field to assist the government with education reform. As time passed the teacher's movement called for the greater involvement of different stakeholders in education, and so in 1995 the Estonian Education Forum was formed to replace the teachers' movement. This move to broader representativeness in turn, triggered criticism from Parliament, claiming the Forum was undermining its autonomy. This lead to a reform in 1999 where the council became more of a body of interested experts adopting a role of mediation between the educational stakeholders, academics and politicians in the policy making process. We now turn to these developments in more detail.

Interestingly, the Estonian Education Forum was formed not by the government as a public body, but independently as a result of an educators' (including teachers) movement. It is recognized as an advisory body, not as a public or semi-public body, but as a voluntary NGO, under Estonia's NGO laws. It has not been alone in this with a plethora of such organizations being founded based upon this legislation. The founding of the council is, however, quite complex and to fully understand the reasons for its founding one has first to understand the political conditions in Estonia in the post communist period. In common with most transition countries, Estonia has experienced a high degree of political instability (Kreuzer & Pettai 2003) with frequent changes in government as the country's democracy slowly consolidated. Whilst all parties support reform, with 12 governments in 19 years, there has been little consistency in government policy over the period (Various authors 2009). There was popular public support for change and reform to what were seen as outdated communist systems. Yet, successive governments have differed on the method of how such change should be achieved, and often new ministers sought to break with the policies of the previous ones. Thus governments have found it difficult to pursue consistent reform. Whilst there was general civil society agreement in the need for reform, the ability for the government to pursue such reform was limited. It is into this environment, into which the Estonian Education council was formed and was further developed.

The council thus began as an initiative of educators in 1995, following the teachers' movement, to support reform by the government. During this initial period the council was dominated by teachers, although it expanded to incorporate a range of social groups committed to reform and modernisation of the education system in Estonia. As in many other transition countries, there was a scarcity of bilateral advisory bodies commonly associated with policy making in much of Western Europe. With succeeding governments unable to pursue consistent reforms, and no supporting structures to legitimise reform policies, or to provide technical advice, there was a significant power vacuum in terms of advisory and participatory bodies which the Estonian council arose to fill. According to our interviewees, the council operated successfully as a participatory body for educational interests for many years providing reform advice and pressure on the governments of the day. The council in this form gave highly instrumental advice to the government, providing pressure for needed reforms which the government should adopt in order to allow for education to be successfully modernised. Its weight at this stage was considerable, with its advice having the backing of its extensive membership. Thus, it proved difficult for the government to ignore what was considered highly legitimate advice.

It was ironically this success as a participatory structure which led to the council's greatest criticism. For a young democracy, the existence of an independent participatory structure, operating in parallel with the official government structures, was seen as a threat to the Parliament's representative sovereignty. This argument over the threat advisory bodies pose for representative democracy arose time and again for various councils in Europe we looked at, with many different opinions upon whether such a danger exists or not from such bodies. The answer seems to a great extent dependent upon the political cultures of the countries themselves. Having said this, the risk was obvious in Estonia, where the sovereignty of the relatively weak parliament was undermined by a strong and representative advisory body. The council could thus be seen as undermining the country's ability to fully consolidate its democracy in precisely the wrong period. However, it must be noted that the Estonian council, when founded, did play an essential role, one which benefited the government of the day .

In 1999, after criticism from the Estonian Parliament, the Estonian Education Forum chose to reform itself. The council made two major changes during the reform, firstly expanding the participatory structure, rebalancing the council away from teachers which had previously still been in the majority. Secondly, the council chose to refocus its advice from instrumental short term advice, into long term strategic advice. Thus it switched to providing highly general advice to the government on the topics which arise from the problem stream (Kingdon 1995) through the council's members and activities. According to our interviewees, this switch from short term to long term advice satisfied the government, as it preserved the advice giving capacity of the council, whilst simultaneously reducing the competition for the country's official democratic institutions.

> *6.6.3. Membership*

The council has a complex membership structure. This is due to the organic, voluntary and highly open nature of the council. The membership of the main body of the 'forum' section of the council is theoretically unlimited. Each year the governing body of the council sends invitations to all prominent organisations in the field of education requesting participation. It is then up to these organisations whether they wish to send delegates to the council or not. Invitations are distributed widely to all prominent educational organisations of note in Estonia. This provides the Estonian council with possibly the widest level of participation of those we have studied. The council is also blind in its invitations, sending them to all organisations with a 'recognised' involvement in the field of education. Recognition in this case is decided upon by open discussion in the council body. Through this open discussion various organisations, which have risen to prominence in society, are identified and invitations distributed. Whilst such a situation could be regarded as dangerous as it in effect puts established organisations in a position to bar entry to competing organisations, this does not seem to occur. The council prides itself on its inclusiveness, with the objective as this stage to allow as open a membership as possible. Invitations to governmental bodies are also open. In other countries when the government is represented it does so through either ministry or party representatives. Thus the Estonian council demonstrates its inclusiveness by allowing all perspectives. Additionally to this, the council always invites the Education Minister of the day to participate in the meetings of the forum.

From this highly variable body, the council President is elected along with 39 members to generate a council Working Committee. Whilst the council differs from many we have studied in that the core of the council is elected rather than appointed, it differs further in that the members of this core body are not replaced in one go. Rather, election occurs by rotation, with half the body replaced every three years. Thus, whilst the council has no institutional memory, in terms of professionalised permanent staff and extensive paper records, the council makes up for this by preventing new 'councils' having to start from scratch each time. Thus in principle experienced members are present to teach new recruits the ropes. It must be noted here, however, that the main body is more permanent than its first appears. Whilst elections take place every three years,

there is a core of 10 members who are continually returned to the Working Committee. This has the advantage of adding a level of permanence and thus allows for members to grow skilled in their roles. However, it was also brought up in the interviews that such a situation raises an entry barrier for newer groups, particularly young activists, meaning that the average age of the council's Working Committee has been growing steadily. Those younger members who do get elected are also less likely to remain with the Working Committee for consecutive terms. It was also reported to us that increasingly prominent educational activists ventilate their ideas outside the forum, be it at university or through the organisations where they work professionally.

Along with the President, 4-6 elected members and a single full time administrator provide the council's executive and administration. Again these positions are often filled from the same 10 stable members. These members are elected for five year terms and provide a more stable base upon which the council may operate. This structure is also not set in stone, being far more adaptable than other councils which we have studied. Traditionally, this Governing Board counts between 5 and 7 members although the exact number depends upon the work required and the free time of the volunteers. The council is also the most 'open access' one of those we have observed as demonstrated in the figure below. Actual participation in the forums varies considerably. Through the interviews it became apparent that a member's activity varies and is dependent upon their spare time and their interest in the year's topic. Members often take a 'back seat' when a personally less interesting topic arises. Thus discussions allow for flexible participation, with members attending meetings and actively participating more on topics which are of greater interest to them. In this way the council allows for the organic, self-selection, of relevant expertise.

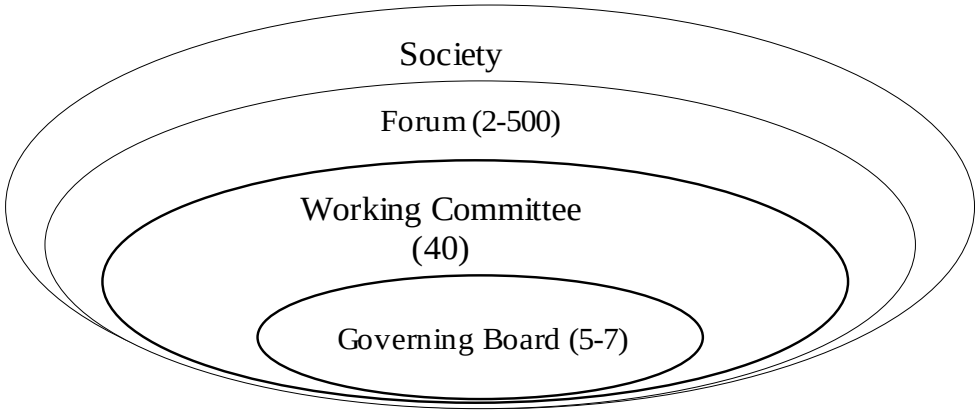

figure 33: Estonian council membership

Additionally to the council proper the Estonian Education Forum operates a parallel email discussion list, which we dub here the 'e-forum'. This e-forum takes the form of an electronic mailing list which anyone may sign up for. The use of such a list fits with Estonia's conscious embrace of the internet and technology in general. The government hosts an official website where all such NGO's can be found as well as a link where an individual may sign up to the particular NGO's mailing list. The government also provides space on a server where the list is stored. The list is open to all, with anyone able to sign up to it or leave it, as and when they wish. The range of participants in the list is huge and open to individuals rather than organisation representatives. In particular it is notable that various members of the government are members of the list, from ground level civil servants to the Education Minister. It is also said that under Tonis Lukas as Education Minister, civil servants were encouraged to sign up to the list, which according to Ginter and Stevick (2007) was a great support to the list when it started. Whilst in the beginning civil servants indeed openly participated and added their opinions to the list, the appropriateness of this came under question and thus active participation of these members dropped off to nothing.

Having said this, civil servants may still monitor email discussions and when useful, their positions may informally enter the policy debate. At the same time we have recorded some scepticism amidst government actors as to the usefulness of discussions. It seems that there are often too many emails from just a few commentators, which casts doubt on the efficiency and effectiveness of this mode of communication with government officials. Assessing the debt and use of list discussions is definitely something that deserves further research.

It is further interesting to note that list membership is not socially or geographically limited with any individual allowed to participate. The only real barrier is that of language with discussions, for the most part, being carried out in Estonian. The membership does extend beyond the borders of Estonia, although it generally is limited to expats, who provide examples of how the education systems of different countries work. Whilst several European councils also have international links, the Estonian council links at both the academic and lay expertise level, with university professors and teachers participating from across Europe.

Whilst official membership of the list is over 1000, during the interviews it was estimated that around 100 members participate over any given month, with a core of 50 highly active members involved in any discussion. Also Juurak (2006) (Ginter and Stevick 2007) limits active participation to about 5 percent, although passive readership may of course be higher. As in any forum, active participation is always lower than the general readership of said forum. Moreover, participation varies from topic to topic, thus expertise is again organic and self-selecting.

During the interviews we brought up a question of whether a publically accessible online forum would have been more effective in allowing open participation as well as reflecting the structure of a forum more closely. This was brought up for three reasons: One that it would allow for the more open participation, due to allowing anonymous posting of opinions; two, that it would provide for fully transparent, public discussions, as anyone could view debates on a particular issue without having to sign up to the list; and three that it would be organisationally more effective, in that the forum could operate discussions on various topics simultaneously, rather than being limited to one core topic as it currently is. It was stated that the council had indeed experimented with such a mode of online participation, although had found it to be overall less effective than the mailing list. The explanation given was that there was no benefit, measured in increased participation, in allowing anonymous participation. For transparency reasons, the e-forum also publishes all conclusions made online, whilst the process is currently transparent to the 1000 members signed up. On the organisational benefit, the e-forum is at the moment limited, not by the organisational capacity of a mailing list, but by the available resources for the list itself. In particular it must be noted that the e-forum is administered in the spare time of a volunteer. Whilst this volunteer has run the e-forum for many years, he is limited by the amount of time he can spend on administering the list. Thus there is little benefit in a move towards an online forum.

> *6.6.4. Structure*

Conversely to the membership, the Estonian Education Forum has a simple structure. This is in part due to the fact that there is no real structure besides that demonstrated in the diagrams above. The council does not truly divide into commissions or specialist commissions. This is, in part, due to the fact that the council only tackles a single topic area at a time. Although the council does tackle several ‘issues’ (2-3) connected to the specific topic area, these are limited in number, and are selected for their relation to the topic area. Topic areas are chosen each year for the forum to discuss, and depending upon the members’ preferences, the main forum structures itself organically around the topic. Thus the council is self structuring around the topic areas selected by the Working Committee. The precise explanation for how topics are selected is outlined below in the advisory process section.

The e-forum operates in a similar manner structuring itself around a topic. However, in the case of the e-forum, the topic areas are more open, often generated entirely organically through its discussion. It should be noted here though that the physical council and the e-forum are not independent bodies, overlapping in both membership topics. The e-forum can in many ways be seen as an extension of the main council widening both participation and the topic under consideration. The e-forum does not limit itself to an identical agenda to that of the council, it does seek to compliment it. Thus the administrator will attempt to promote topics which bear some relation to the yearly topic of the main council.

The council meets in a plenary session once a year to discuss the topic of interest. Smaller groups meet more often, to discuss specific issues within the topic area. The Working Committee meets far more often and electronic communication is common amongst members. In conjunction with this, the e-forum never physically 'meets', although communication is almost constant. There are no restrictions on emails although they are usually around 500 words in length. Actual length varies considerably from topic to topic and person to person, and interestingly when the council was founded the number was far higher at 1000 words per email, dropping off over time to the current 500 average. This figure was an estimation provided by the administrator over his 10 year experience in the role.

> 6.6.5. Administration

The Estonian Education Forum's administration is very limited. This, along with the fact that the council elects voluntary administrators, distinguishes the council from the majority of its European neighbours. Whilst as an NGO it is far from a public body, it does receive some funding from the government. This is minimal though, enough for the single plenary meeting of the council and a single administrator's salary. For most of its work, the council relies on volunteers. Interestingly, this means that the majority of council work is carried out after normal work hours and, in particular, most council meetings take place over the weekends. The lack of funds is generally considered the weak point of the council: it could do far more should it have access to additional funds. The example here comes from the interview with the e-forum administrator, who must juggle the moderating of the list around his full time job. The moderating, it was explained, could easily be a full time job and the moderator must devote much of his free time to it. He himself stated that he would like to do more and feels that if he were able to become the list's administrator full time, he could improve it no end.

The administrative work of the council is carried out by a handful of voluntary administrators, usually numbering between 4 and 6. These are supported by a single permanent administrator whose wages are paid for by the Estonian government, and who acts as secretary and manager. Together, they are responsible for the everyday operation of the council, in particular organising the meetings, as well as writing up reports on the council's discussions into an annual report. It is also this body which the government will come to with a question, although this is a very rare occurrence. In effect therefore it is this body which holds the pen of the council, although their job is more to record the general consensus of opinion on a topic. They write these opinions up into a yearly '*Statement on Education in Estonia*'. In parallel to this, the e-forum administrator is responsible for writing up the conclusions which the list has made although it is also his responsibility to decide upon whether a topic has been completed. Thus the results of the e-forum are not restricted to the same timetable to that of the main forum. Therefore, whilst the e-forums conclusions are included in the yearly statement, they are often also made public before the publication of the final report.

> 6.6.6. Role

The role of the council is officially stated as being: '*To act as a vertical mediator between government and civil society facilitating communication between them.'* Thus the council may be

looked at as a boundary organisation, acting as a permanent cross-boundary forum in which the three communities of experts, society and government can interact and exchange ideas.

By most of our interviewees, this forum is reported to have the advantage to favour high quality interaction between the three communities, telling from both the frequency and intensity of interactions. This could particularly be true for communication with the government, on condition government officials actively choose to engage in the e-forum. In other councils across Europe, communication is often more formal, occurring only at the beginning and/or end of the process. In the Estonian case, the council has tools to have constant communication, potentially favouring inclusiveness and transparency. At the same time, we have to reiterate some critical voices here, who cast doubts on the extent to which e-discussions reach out beyond the usual group of activists, on the actual readership and participation by government officials, and the efficiency of list emails (see also Ginter and Stevick 2007 on presence of ministers and MPs at forum meetings).

It is quite difficult to estimate the council's impact points on the policy process due to its highly general consideration of topics and constant informal interaction with the government. Thus we have the situation as illustrated below. The council may influence the different stages of the policy process, be it in an indirect manner, through constant communication and open discussion of ideas. The first such utilization happens when the council affects the underlying conceptual knowledge educating the actors involved in the process. It also highlights issues for the government to deal with, whilst during the policy process problems are discussed and input given openly which decisions makers and civil servants read and, according to the council members interviewed, pick up into the process. The council also evaluates education, generally criticising possible problems in the education system and possible 'failures' by the government. This is particularly in regard to the take up of its strategic advice. Policy implementation perhaps holds the weakest influence for the council. Being uninterested in individual operationalisations in policy measures, the council is simply not involved in this process. However, should someone bring the topic of a policy up on the e-forum and it prove popular then discussions can and will take place, thus providing landing 'advice' for government consideration.

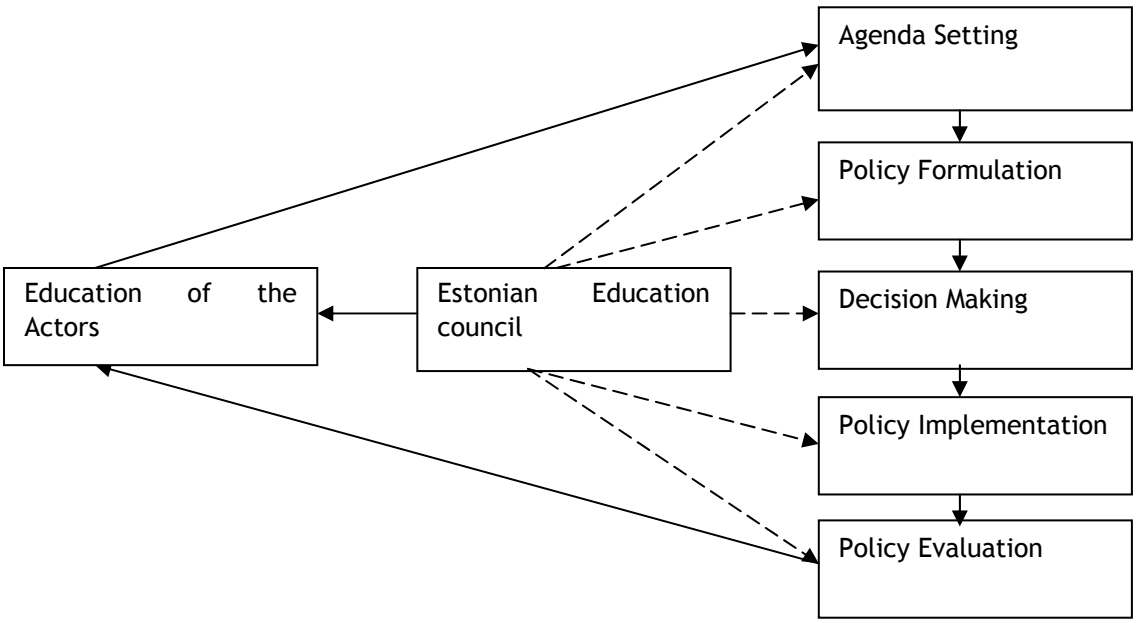

figure 34: Estonian council roles

> 6.6.7. Legal status

There is no specific law regarding the Estonian Education council, instead the council is covered under the NGO laws in Estonia. It seems the only council fitting Halligan's (1995) classification of advisory bodies as NGO's. As such it is a legally recognised advice giving body, although it is considered to be an independent NGO rather than an independent public body, which is what most other European councils can be classified as. This provides both advantages and disadvantages over other councils in that, the Estonian council is the most independent Education council, with the least possible political control. This is not to say that other councils are in anyway government influenced in their decisions making, just that in the Estonian case the underlying structure cannot be affected by government legislation. If the council wishes to change something, from membership to the council structure, they may do so without requiring any change in legislation. The drawback to this though is that the council is entirely external to the policy-making process, whereas most councils have official access points either focusing on agenda-setting, evaluation or even a role in the decision-making process. The Estonian council plays only an indirect role adapting the conceptual knowledge of the policy environment, and relying on the diffusion of information into the policy process through a scattershot distribution method. Thus such a position provides the council great discretion in its actions.

Having said this, the council is legally recognised as an advice giving body, and its advice is reported to be listened to by the government, but the conditions under which this happens remain to a large extent undetermined. There are times when the government will request advice from the council on a particular issue, although this is a rare occurrence particularly in comparison to other councils. The Estonian Education Forum, is also free to pursue any topic it wishes, only limited by the lack of budget.

> 6.6.8. Social status

The social status of the Estonian council is somewhat paradoxical. Whilst the council does appear to be of a reasonably high social status, this is sourced quite differently from other education councils we have studied. This makes the Estonian council difficult to place within our own comparative framework. Whilst still definable as an education council, the Estonian Education Forum sits at one extreme with several unique features which are hard to capture in our analysis. Social status in particular is affected by Estonia's small size and focus upon electronic networking which provides a quite specific environment. Further the organic nature of the council means that its social status as we have identified in other cases can often vary from year to year, with no real change in the council's ultimate outcomes. This is quite an enigma for us. Having demonstrated previously that social status is an important variable in terms of having advice listened to, it seems that in the Estonian case the council's social status is of less importance. This is for two distinct reasons. The first is that the operation of the council is so different that social weight is not needed for the kind of advice it gives. The second reason is that the Estonian council gains a measure of weight from the sheer number of people involved in the process.

Our first impression of social status often comes from the appearance of a council's facilities themselves, although this was not included as an indicator in our comparative analysis. Thus seeing an impressive building in a central location within a city gives us the impression that the council's standing is quite high, whilst a more run down building on the outskirts of a city suggests that a council will hold less weight. Thus, with no physical building, we have no first impression of the Estonian council. No building might to some suggest low social status, but this would be an erroneous conclusion in the Estonian case.

The guide we base the social status consideration upon is that of the 'weight' of the members themselves. We look for high status members and in particular that of the presidents. Thus we base this upon how well they are known in society, in particular amongst educational interests. The

Estonian core members themselves are not as obviously high profile as in the other countries we have studied. In most countries the litmus test of a council's status comes from the recognisability of the Presidents, whether they are a figure of renown in society or not. Whilst we rely heavily upon the councils to provide this information, it is also supported in part by the manner in which the president is chosen. Thus where an individual is appointed, or supported by a country's Parliament, we can ascertain that a president must have some social visibility. In Estonia's case the council's President is not as socially visible as in other countries. Elected internally, the President is certainly well regarded amongst the education sector, however, the President's raw social weight is relatively lower than in other countries.

For most councils the social status is obvious, for example we can look for which organisations are present, who acts as a representative for the organisations and the level of participation of these organisations. Unfortunately such measures are neutralised by the very operating procedures and membership processes which are unique to the Estonian council. For instance, although we can identify high profile individuals participating in the Estonian council, heads of organisations etc, this is not strictly comparable. This is due to the fact that other councils have stricter participatory mechanisms, whereas the Estonian Education Forum allows for organic flexibility within its membership. An organisation may well not engage fully with the council in some years, taking a back seat in discussions, but equally they may take a more active interest in other years, pushing to the front of discussion. This is entirely dependent upon how far the council's yearly topic coincides with that of an organisation's particular interests and the individual member's workload. This is quite different from other councils where the participation of members does not vary anywhere near as much.

Whilst the Estonian council's social status appears, on the surface, to be lower in terms of the indicators of member and president status, the underlying mechanism is supported by the very environment in which the council operates. With a population of 1.3 million, Estonia enjoys higher level of networking than otherwise similar countries. Some argue that 'small states' favour more inclusive governance. Thus citizens and corporate interests enjoy a greater relationship between each other and the government than in larger countries, where closer, informal networking is more difficult (Bräutigam and Woolcocks, 2001). This would mean that within the Estonian environment the council maintains a high level of social status, with figures being recognisable due to the more networked nature of the social environment. In addition to this, networking is further facilitated by the electronic infrastructure. This networking thus cements the council into the foundations of society providing it with a high social status in terms of its general social visibility. However, it must be noted that this is then sourced from its networking methods as opposed to the status of individual members. The Estonian council certainly appears as highly regarded in the Estonian environment as other councils have appeared in theirs, although whether this would be true should such a structure be transposed into a larger environment is less evident.

> *6.6.9. Relationship to the Ministry*

Whilst there is no requirement on seeking the council's advice, the minister is reported to to do so at times, whilst the council's members have regular informal meetings and communication with the minister. The minister himself is invited to be present when the forum meets, although the depth of his actual presence has varied over the years (Ginter and Stevick 2007). Due to the informal nature of the links, the Minister's relation to the council is entirely dependent upon his discretion. Although relationships have generally been good, it is entirely possible for the council to be sidelined by an administration which chooses to do so. Indeed, the relationship with the Education Ministry is another aspect of the Estonian Education Forum which is quite complex. Originally established as a representative body to provide reform impetus in a politically unstable environment, it could quite easily have been construed as a government competitor. In fact this was, as outlined, the principal reason for its reform. The reformed council, with its more general focus, no longer competes with the government but is rather seen a complement to the policy

process, providing general information on the sector and background on particular topics. Although the council has enjoyed good relations with the Education Ministry, direct involvement of the Ministry in the council has declined over time as civil servants became less inclined to participate openly in the informal discussion process as their own administrations changed: civil servants must safeguard their careers in an environment of changing administrations and political agendas. This is an observation which also holds for other types of government-society interactions. When the mandates and role of civil servants are undefined, their engagement may flounder (Brans and Vancoppenolle 2005). Thus, whilst the loss of government participation within the e-forum was seen as a setback, it was in a sense inevitable. For the forum it is indeed a major challenge to encourage civil servants to sign up to and read the e-forum discussions, valuing the information and incorporating it into the policy making process.

In general, the relationship between the council and government is not easily observed in Estonia. The informal interactions and multiple overlapping membership in a networked society, is exceedingly difficult to document, and is recorded here based upon interview discussions and limited supporting literature. One way in which such interaction is self evident is in terms of the e-forum, in its scattershot approach to its advice distribution. All members of the list receive advice including government members, thus an informal interaction takes place here. But the government is not forced to read nor take any interest in the advice which is given to them. Thus the advice does indeed run the risk of being gratuitous; and the council may be sidelined by an administration which chooses to do so. The participation and take-up of advice by government actors are indeed issues that deserve further research.

As to questions of political control, the council itself is quite independent of government interference with its topics coming from the problem, rather than the political stream. This is because of the organic way in which advisory topics arise, which leaves little room for government influence. The council is challenged to enjoy the best of both worlds, maintaining very good relations with the government whilst simultaneously maintaining independence, where too much independence on the part of the council, may also make government policy too independent of it. The council further looses out here on funding, something which the council requires if it is to improve and its advice provision through the professionalization of its administration.

> *6.6.10. Analysis of two pieces of policy advice*

> *6.6.10.1. Introduction*

Identifying individual case studies in the Estonian case has proven difficult. The main reason for this is the process by which advice is formed by the council. This will be explained fully in the process section below. However, it must be understood that the council is unlike other councils, it works over a year upon a topic and then provides *conclusions* on that topic which it distributes in its yearly reports. Thus advice is not so much advice, than the council's conclusions on an issue arising from the problem stream. The council is also trapped into a yearly advisory process in which a very general topic is discussed. Inside this general topic very different issues can be identified and opinions given upon. Thus the council's advice is often far wider and less focussed than that of other councils. Further it must be noted that success and failure of advice in instrumental usage terms is less straightforward in the Estonian council's case, linked to its detachment from formal links to the policy cycle of government.

Having said this we have identified two topics for discussion here. The first arises from the e-forum and was a general discussion on the topic of a new curriculum which developed into a concrete curriculum suggestion for the government. The second is that of a strategic piece of advice which the council worked upon, providing options for the government on how education in Estonian could develop and the steps needed to be taken to achieve one of the goals. Neither of these can be said

to have succeeded in their aims, but then neither of them have failed for reasons which will be outlined below. The two pieces of advice were dealt with in different council processes.

> *6.6.10.2. Curriculum*

The curriculum advice arose as a topic of interest directly from the problem and policy stream. Like most aspects of education in Estonia during the period, there was general agreement that the curriculum was outdated and in need of major reform. However, there was no real agreement on the specifics of what form the new curriculum should take. Thus there were long debates on the topic within society and between various actors. This problem was in 2008 quickly plucked up by the e-forum section of the Estonian council, and various emails were sent on the topic. Various suggestions were put forward of what people felt should be included into the curriculum until one person developed a full curriculum of how it should look. This discussion then developed organically with others modifying the suggestion adding or taking away various points, developing others. After several months, the administrator felt that a draft could be developed from the conclusions of the discussions. This he drafted and prepared as a first draft document, which was then distributed to 11 experts on the list for their specific comments on aspects such as feasibility. After around two months from when the draft was proposed, the document was finalised and distributed on the list. The document itself was highly progressive, something which one would expect from the current Estonian approach to education. Various influences were incorporated, even including expat teachers bringing their experience into the fold. The final document included comments on social problems, suggestions on how to limit the dropout rate, as well as suggestions on the various lessons themselves.

The council's work received a great deal of social interest. Its results were picked up by the media and both the Minister and Parliament requested personal presentation of the results. The immediate result of the advice was successful. The government did not enact all the points suggested by the council, but did adopt several of them. Success, however, was short lived, as the administration changed, and the previous curriculum policies were denounced. Yet, not all was lost. Whilst many features were changed from what had been suggested originally by the council, the underlying lessons which had been put forward were said to be visible within this new framework. The new curriculum was said to differ less in terms of content from the old administration's policy and more in terms of the manner in which it was phrased. Interviewees pointed at the conceptual utilisation of their advice, having contributed to the underlying knowledge base of policy-makers as well as society in general.

> *6.6.10.3. Learning Estonia*

The second case is the advice 'Learning Estonia: The Concept and Strategy of Estonian Education System for Year 2010 (1998-2001). It was advice on the direction in which Estonian education should develop. As an ex-communist country Estonia required a great deal of reform in order to modernise itself. However, as with countries in this situation, agreement on the precise route towards modernisation was difficult. This was as true for education, with general agreement on the desperate need for reform but little agreement on the best route to take. In a context of system transformation, there was little assistance in terms of external advice or even historical evidence which could be followed to discover the best route to take. Estonia's fledgling democracy, similar to many of the countries in similar positions, was inherently unstable, making it unable to spend the time required to collect information and develop long term strategies on education. Thus, it was into this information void that the Estonian Education Forum became active.

Over two years from 1999-2000 the Estonian council developed possible scenarios on Estonian education attempting to provide aims for 2015. It developed four scenarios through a public discussion process, working closely with the Ministry in an attempt to generate a universal plan for

Estonian education. These four possible options went before Parliament which approved of them as possible futures of Estonian education. Yet, support proved unstable and short-lived. Once a new Parliament was elected, the previously accepted scenario's were abandoned. Despite this, the outlined scenario's contributed to the knowledge base in the sector, providing the background for discussion of objectives and strategies in a more recent council discussion.

> 6.6.11. Step by step analysis of the advisory process

> 6.6.11.1. Introduction

The process by which the Estonian council forms its advice is unlike any other we have seen in our other cases. It is simultaneously straightforward and complex. The process of advice formation is loosely structured, and topics for advice develop quite organically. Having said this, there is some general framework within which a topic develops and this process will be outlined below. What must be kept in mind here though is that the council is not averse to adapting this framework, depending upon the topic, the obvious example being that of the two year project 'Learning Estonia' outlined above.

The Estonian council also presents us with a dilemma that the two separate sections of the structure operate in parallel with one another. However, it is difficult to present them separately from one another as the two structures, that of the forum and that of the e-forum, are too interlinked at several points, particularly in terms of information sharing and agenda setting. Thus, we present the two below demonstrating the positions where they overlap.

> 6.6.11.2. Agenda setting

The agenda setting procedures of the two sections of the Estonian Education Forum are quite different from one another. In particular, whilst the physical body operates on a strict yearly timetable, the e-forum's agenda is more ad-hoc, emerging from the public discussions and dialogue between the members as and when it develops. It is of note there that networking plays a crucial role in the Estonian advisory process. Whilst the importance of networks in regard to agenda setting can be highlighted in all councils, it is particularly true in the Estonian case. It is important therefore that this interconnectivity be born in mind when analysing the council's advisory process.

The physical body operates on yearly programmes which, unlike most other councils, are set at the end of the previous year's advisory process. The topic which the council will tackle is actually chosen, through discussion, by the Working Committee. These 40 or so members meet at the end of the previous year's discussions to highlight issues they feel are of importance for discussion. This may not sound organic in itself, but with the agenda set by general discussion amongst 40 members, this situation is quite different from other councils where a far smaller council Executive, or even the Education Ministry, will have the final say over a council's agenda. This is something which also highlights the true independence of the Estonian model. Whilst the Minister may well attend the full forum meetings, there is no official role in the Minister in the setting of the council's agenda. Further to this, however, the agenda is not set behind closed doors, rather discussions are heavily influenced by the individual networks of everyone involved. Topics, coming from the collective agreement of so many people can therefore be considered to have come from multiple perspectives. Thus, topics are more likely to be highly socially relevant in nature, arising directly from the problem stream. This also entails that the topics themselves are far less focused than in other councils. They can be considered more as the general theme which the council seeks to tackle in the next year, rather than specific issues which need to be dealt with. Under this several issues are selected, although the framework for discussion is far looser than in other councils.

The e-forum does not operate with any recognisable agenda with topics at this stage, simply emerging organically as more interest is paid to them. Thus, problems emerge from social agreement upon the relevance of a particular issue, typifying the emergence of issues directly from the problem stream. The e-forum, whilst appearing to operate at this stage with no obvious relationship with the physical body, is actually interconnected with it. It should be noted here that the members involved in the e-forum overlap with those in the physical council and therefore there is a natural overlap of interests. It can be quite understood that a natural spill over effect could occur from the physical body to its virtual cousin, as discussion on topics continues in the online environment with input from those who cannot participate in the physical body of the forum. The greatest link here though is that of the e-forum administrator, who states that he actively attempts to encourage the e-forum's agenda to tackle issues which fall under the topic which the physical body has chosen. This might be considered to belie the organic nature of agenda setting in the Estonian council. However, such a role is to encourage the direction in which issues are taken, rather than to set the agenda. The e-forums agenda is thus moulded into line with the overall topic which has been chosen by the Working Committee of the council for the year, although is quite independent of that agenda.

The two cases we are considering here followed the patterns described above. The only way in which they differed was that the Learning Estonia advice was considered such a big topic that discussion on it lasted two years rather than one. Other than that there is little to uniquely identify about either case at this stage.

> *6.6.11.3. Committee selection*

The Estonian council does not break itself down into committees, which you would expect for specialisation to happen. But a more organic, natural specialisation is demonstrated here. Some members are simply more interested in one topic than others and will hence participate more. Having said this, the council does meet in smaller groups during the year to discuss particular issues, yet such meetings are ad-hoc rather than a conscious division of the council into committees.

Having said this, since 2003, the council has also worked with pre-forum meeting on a county basis. Ginter and Stevick (2007) describe how best practices are shared at regional forums and summarised for the annual forum.

> *6.6.11.4. Advice formulation*

As a product of the lack of "rapporteurs" or other smaller committees working upon a topic we see none of the honing down of questions into more manageable forms which we experience in other European councils. Advice is formulated instead by a general agreement upon specific questions the council should tackle by its Governing Board. Thus, two or three questions are tackled under the general topic which has been chosen. These questions are then placed before the council for discussion. Outside experts may be consulted or brought in, whilst the ultimate discussions take place within the council's main forum. Contrary to many councils this forum has no voting power over the issues at hands and simply acts as an open environment in which discussions may take place, with input from all components of Estonian society. Thus it is the role of the administrator (Governing Board) and to a lesser extent the Working Committee to record the various opinions provided.

The e-forum operates in a similar manner. General discussion leads to the whittling down of a topic into a more specific question, upon which interested members work until a question is formed. Notable here though is that a new topic might begin to emerge whilst the old one is being worked upon. Thus, there is no specific beginning or end point in the e-forum's case. Once a question is naturally whittled down, debates are possible between various members as each provides a

different perspective on a particular issue. Notable here is that the e-forum does not work to the same timescale as the physical body, with discussions generally lasting about three months. Interconnections are unofficial but constant. It is perfectly possible for questions from the main body to be brought up in the e-forum for example.

The process by which advice is formulated in the Estonian council is thus quite different from others we have looked at, in particular with regard to the lack of a formal structure by which advice is decided upon. The council does rely heavily upon the organic mechanisms by which it operates to hone advice into a final product. Having said this, advice is also often looser. This can, however, be seen as a success factor: without specifics, the council does not tread on the toes of Parliament or the Education Ministry so much as other cases. In particular there is far less confrontation between the Education Ministry and the council as the topics are more general in nature and less confrontational of specific governmental policies. Providing general, conceptual, advice without aiming at specific government policies means that the council itself is less threatening to the government. Ad hoc inclusion of government and semi-government organisations in the council, to the extent the e-forum keeps reaching out to government, also allows for a natural reinforcement of the established networks and increases social knowledge of civil society and policy-makers continuously, allowing them access to opinions as they develop as opposed to just the final advisory product.

Again there is little to add with our two case studies, both follow the processes outlined below, which themselves are general frameworks. The only notable thing is that the learning Estonia advice is based across two years as opposed to one allowing for greater input over a longer timescale. The curriculum advice emerged from discussions over what various groups wanted to see within a new curriculum. This discussion lead naturally into a debate on what the whole curriculum should look like. The debate led to members drafting a possible curriculum which was then circulated and worked upon, until a draft was generally agreed upon. No formal agreement takes place on when a topic is finalised. Rather, a topic is gradually broken down until participants run out of steam and the list administrator considers that there is little benefit for continued discussion.

> *6.6.11.5. Advice finalisation/distribution*

Advice going into the finalisation stage is far from finished. Whereas in many councils advice at this stage is more or less complete, this is not the case in the Estonian council. It still requires a great deal of work to break it down into an advisory document. This stage also always occurs at a similar time of the year. Once the main forum debates have finished, the Working Committee meets and discusses the results. Unlike in many councils there is no attempt at consensus in the plenary sessions of the main council and as such it is the Working Committee which must shape the discussions into a general 'comment on Estonian education'. It is this group therefore that finally writes the council's advice on a particular topic, making executive decisions and cutting it down into a more streamlined document. The Working Committee then distributes the advice widely, presenting it to parliamentary groups, as well as writing media articles and providing follow up for questions from any source. The results are also published online so that anyone can access them at will.

Again the e-forum operates quite differently, with advice which comes before it having no official point when it moves from formulation to finalisation. Demarcating the stage of distribution is also questionable. With constant communication at every stage in the process, the list's opinions are constantly distributed to all concerned. However, there is a point in which the administrator of the list feels that debate on a particular topic has gone as far as it can go. At this stage he will take the various opinions provided by the list and attempt to draft a single complete document. He will then choose those members of the list with proven technical knowledge in the field and send it to them. Once their opinions have been given, the administrator will amend the draft and then the advice is

considered complete. Distribution is via the list, although follow up in terms provided above are commonplace. Additionally, the log of the discussions is accessible online to anyone and so the advisory process is entirely visible to all concerned whether a list member of not.

It is important to note there is increasing overlap during this stage not only because the e-forum administrator is also a member of the Working Committee, but that distribution includes the online networks as well.

> *6.6.11.6. Case study conclusion*

There is little specific to say about the individual case studies as they typified the above processes. However, one must note that the results of advice are rather conceptual and non-targeted in nature. Whilst advice may be critical of government policy or choices, it does not deal with the operational questions of specific policies the government is adopting.

We have left out of the above process description one aspect of the Estonian council's operation. The council does take questions directly from the Government but these operate under a third, entirely separate stream. This is so rare that we felt it would simply confuse the above illustrations further to include them. However, such a role is important in understanding how the council works. Should the Minister have a particular question on a policy, he will contact the council President and request that the council answer it. The President then forms an ad-hoc group, drawn primarily from who is available given the time frame, from the council Working Committee, which then works upon and provides an answer usually between 2-3 weeks. As stated this instrumental utilisation is a very rare occurrence. Finally, we present the process diagram of all stages combined.

Below we provide an illustration of the agenda setting process as described above. We have differentiated the physical and the virtual structures of the council from one another through different styles of box, the physical council structure can be recognised through the solid line boxes, whilst the e-forum's boxes are dashed. This is merely for ease of reference. Ordering the boxes is also particularly difficult in the Estonian case because, for example, discussions on the e-forum are continuous and are not restricted in time scale, thus discussions on a new topic might well take place whilst an older topic has already been chosen and is being worked upon.

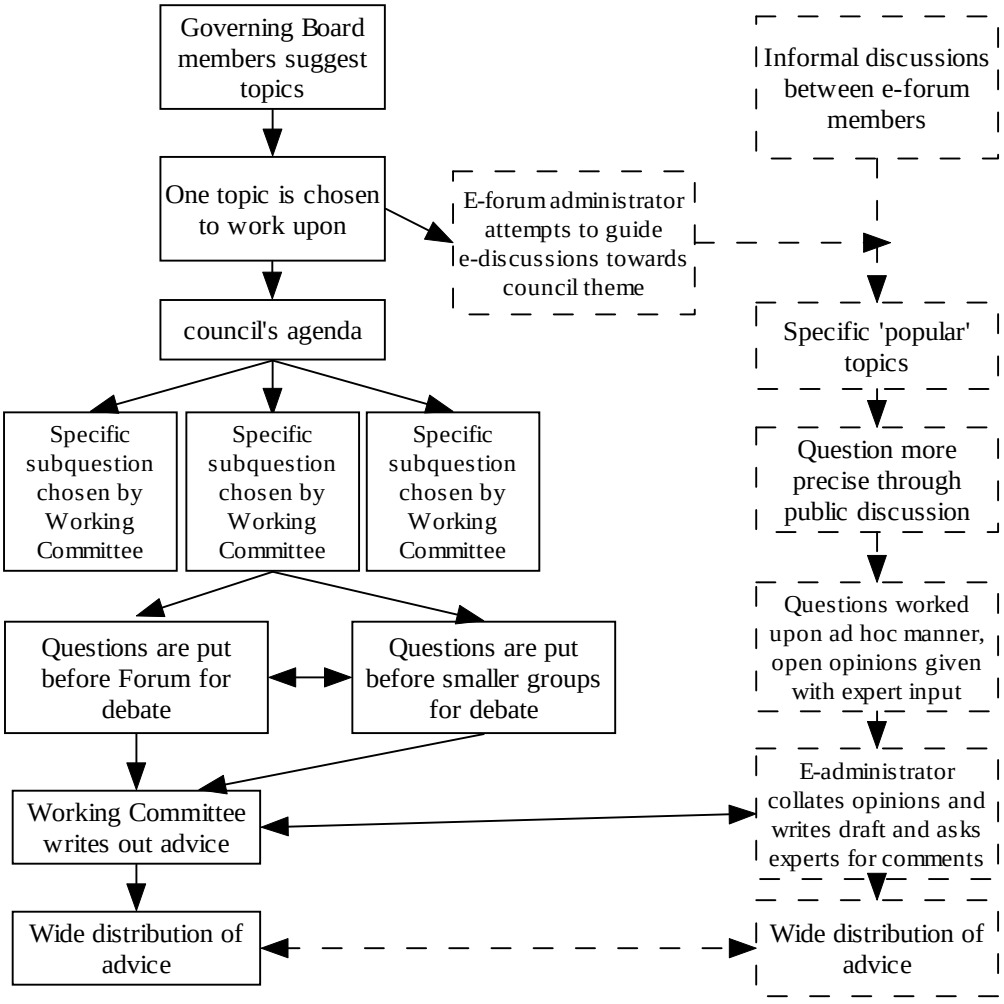

figure 35: advisory process Estonian council

> *6.6.12. Typologising*

> *6.6.12.1. Introduction*

At this stage we seek to place the individual council within our model. However, we must first take into account that in Estonia we have two individual bodies to consider operating at very different levels. This would initially suggest that we would have to consider each body separately. Given the complementary nature of the bodies, however, we find it acceptable to place them within our framework as a single entity. This obviously has the advantage of being far less confusing without any significant loss of detail which we would have if the two bodies are themselves competing within, which is something we observed in the Greek case study.

Placing the Estonian council within on the different dimensions is comparatively easy. It typifies the deliberative model used by Hoppe and Halffman (2004) so much so in fact that we can use the Estonian council as a reference point for other councils within this framework. The Estonian Education Forum alone, typifies a deliberative open discussion process, even before we take into

account the e-forum which opens the council up, further allowing interaction and public debate between all members, be they recognised interests or not. The council is also entirely independent, with no state influence in its advice thus no real statist influence and being voluntary there is certainly no neo-liberal influence.

Within our own model, again the council is fairly easy being a more extreme case, although placing such an organic structure precisely is quite difficult. We present this below in the following sections, although as always at this stage it should be born in mind that the information is highly qualitative and should be considered only as a guide upon which understanding can be built rather than as a definite placement.

> *6.6.12.2. Representation vs Non-Representation / Lay vs Academic*

Within the representative vs non-representative axis we can see that the council has many group representatives amongst its members. However, individuals can join as well as the membership system is not based on group representation. Therefore, we place the council in the lower half of the graph.

Within the lay-academic axis we find a complete mix within the council, whilst lay experts for the most part outnumbering the academic experts themselves. In e-forum discussions it occurs that academic experts have the final input. However, this does not detract from the overall leaning towards lay expertise in this case.

Below we present this graphically. Again this is something which is highly qualitative and should be considered only as a rough guide rather than a exact definition of the council's position on this scale.

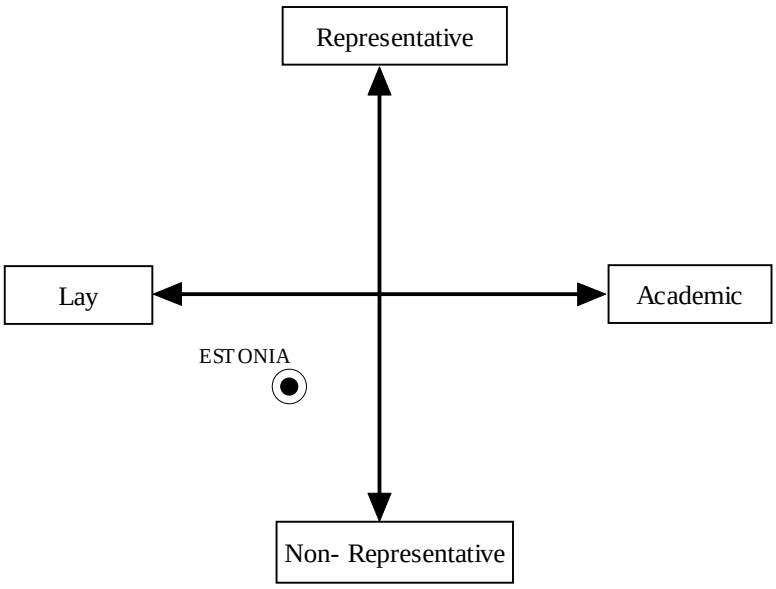

figure 36: membership Estonian council

> *6.6.12.3. Innovativeness vs Incrementalism*

Whilst its sheer size should suggest that decisions are highly incremental in nature, we actually find that the council tends towards highly innovative advice. Whilst the council has mechanisms, in

terms of the Working Committee providing final say over the focus of advice, much of this can be explained through the environment in which the council operates. Estonian society has appeared to brace development and modernisation, more so even than other ex-communist countries. This is significant in that groups such as the Education council were established to push through reform and advice upon the future of Estonian education rather than on the concrete policies of government. This is further supported by the fact that the council looks for examples outside the state, particularly from Western-European countries to see how they have tackled particular problems. It would be interesting to see if this reform and innovative inclination of the council survives once true reform has occurred. This is obviously something for future consideration.

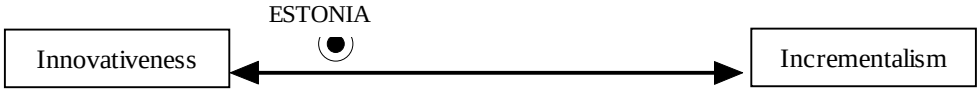

figure 37: innovativeness vs incrementalism - Estonian council

> *6.6.12.4. Information vs Participation / Inside Government vs Outside Government*

Again the Estonian council is easily placed as being entirely outside of the government. With little to no government control over it, the Estonian Education Forum is entirely independent in its everyday operations. On the other scale, the council does not appear to sacrifice as much its level of participation as other more independent councils. With government members, and the Education Minister, included within the forums, there is a certain degree of participation in the advisory process. Together with the prevalence of networking in Estonia, the level of participation is relatively high. However, it must be said that this is not the same as other councils who themselves have direct access to the policy process. Participation runs both ways and the Estonian council has no access to the government's agenda or plans for education, any more so than the rest of the country. Thus, whilst many councils have interaction with the government when it comes to them with a question about its current policy, this is something which the Estonian council lacks. Thus we tend towards a central position on this axis in this case.

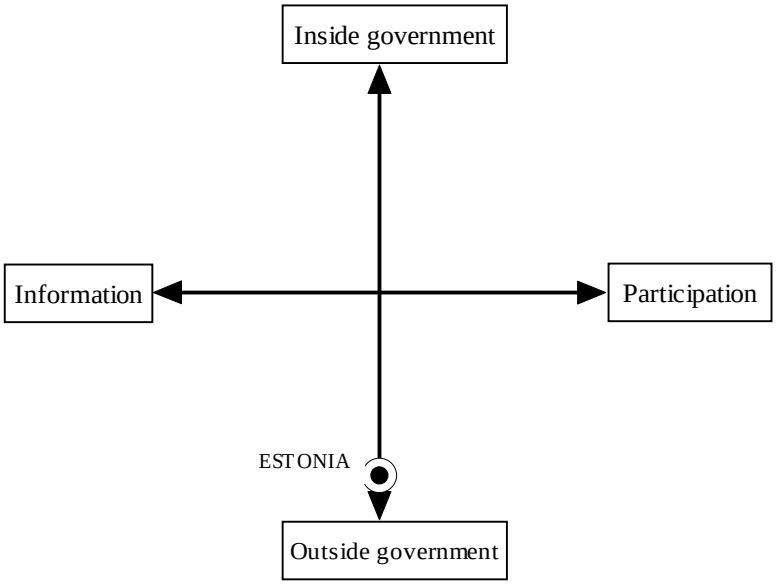

figure 38: government interaction - Estonian council

> 6.7. Greek council

> *6.7.1. Introduction*

The Greek National council of Education (Ethniko Symvoulio Paideias) provides our study with a good example of how education councils are shaped by the environment in which they have developed. Whilst the Greek council does not provide the only example, its intricate structure and even its very lifecycle can be attributed to Greece's legal and political-cultural framework.

The council has had a chequered past, spending years of its life dormant, providing no advice whatsoever. The life cycle of the council has often been dependent upon the political considerations of the current administration and the political skill of the President. Interviews with the current President highlighted the amount of opposition garnered by those who actively pursue the production of advice against the various party political interests who have a stake in the election of the council offices. The council must therefore always be cautious in its provision of politically sensitive advice. According to our interviewees, this has led to periods where the council has been paralysed, unable to provide advice due to the unwillingness of the residing President to oppose the political will of the majority on whom his position is dependent.

The Greek council is a complex one. It is one of the most complex of the education councils incorporating as it does both highly strict formal and loose informal mechanisms. It also operates in a highly political and unstable environment, which accounts for long periods of dormancy or even suspension.

The council itself is under a great deal of political pressure and fulfils a far more instrumental role than several other councils we have come across. Far less emphasis is placed upon agenda setting, which is enigmatic to the Greek political system. The majority of those interviewed exposed the importance of political primacy in a democratic system, seeing agenda setting by advisory bodies as a direct challenge to the democratic system. This is counter to many views we have heard from other bodies we have investigated, which interpret the democratic nature of advice and participation quite differently.

The uniqueness of the Greek model lies in the fact that it appears to incorporate parallel expert and participatory models simultaneously, although not in a complementary manner. It is in fact difficult to establish what constitutes the principal structure of the council with it being difficult to discern which inclination, the expert or the representative, is favoured. Part of the reason for this is that the real core of the council lies with the President. The position of president is important for the success in many councils, but this seems nowhere more true than in the Greek case where the success/failure or every activity of the council can be attributed to the political and administrative skills of the President.

At first, the council appears a paradox constituting outwardly opposing characteristics in a single body. This may hint at the idea that the council is confused, unsure of whether it is an expert or a representative body. In fact, the council can be seen as a hybrid between the representative and expert council structures. The council exhibits aspects of both the representative and expert bodies in a manner which can be explained by the niche it has grown into. The council itself can indeed be seen as a product of the Greek political system in which it has been placed. Many of the characteristics which this study reveals can be explained by quirks of Greek politics, in the same way that other councils have adapted to quirks within their own system.

In many ways the Greek council is one of the weakest we have come across in terms of its advisory power and influence-, at least as far as agenda-setting and conceptual utilization is concerned. Again this can be explained by the fact that Greek politics would not suffer a body with such power, preferring instead a council which supports governmental decision-making and the policy

designs of government, without shaping those designs itself. This has led to the council having less agenda setting power than have other councils we studied. Further legal constraints also limit the council's advisory power and influence which will be outlined below. Most of these 'macro-constraints' are far beyond the control of an Education council and at times even an administration and highlight the need of an Education council to develop in compliment to the political system in which it operates.

> 6.7.2. *Founding of the council*

The council has been around, in one form or another for about 30 years, with the earliest precursor of the current council dating back to 1982 (Law 1268/1982). It has had a chequered past though, never able to isolate itself from the turbulence of Greek politics. The council has disappeared and reappeared many times over the years. In one of its resurgent moments, the council in fact participated in the founding of EUNEC before collapsing back to inactivity for several years. Its latest incarnation began in 1995 under law 2327, which established the council as it is today. However, whilst the council was given form again, with the choosing of a President and administrative staff, it did little of note, remaining in obscurity until the President was replaced in 2003. This relative obscurity from 1995 to 2003 demonstrates the importance of the council's President for its success. Most of those interviewed highlighted the sensitive political position of the President and the tight rope which the council must walk to sustain the council without undermining its precarious position within the Greek policy making system.

Since our interviews were conducted, the Greek council again is going through a major reform. As of writing this, there is no word yet on what form the Greek council will take once the reform will have been completed. Due to the nature of such reform and the lack of operational independence of the administration, the council is particularly vulnerable to influence from the political sphere in its everyday operations and continually at risk of reform. There is therefore a substantially higher risk of the council being neutralised should its views significantly differ from that of the core political interests. Whilst this is something acknowledged within other councils we have considered, it seems nowhere more displayed than in the history of the Greek Education council.

During the interviews, it emerged that the dictatorship lead directly to the undermining of the capacity of the Greek state, which consequently lead to a relatively weak policy-making infrastructure. It was into this void which it was posited, the council developed as a support structure to the policy-making capacity of the state. This is supported by the structure which we have observed, one which rather helps forming policy options directed by the state, rather than focusing upon setting the policy making agenda, or providing direct opinion for the government decision makers to process.

This is not to say that the Greek council does not both appear and act in a way recognisable as an Education council. The Greek council continues to fit our definition of an Education council, although without the common assumption that councils can themselves act to set the government agenda either directly or indirectly through the education of the policy environment. The constraints of the Greek political system on the council's structure and role supports our general conclusion that education councils are heavily shaped by the environments in which they have developed, fitting their structure into the corresponding societal niches.

Whilst not all systems allow for the development of bodies fully recognisable as education councils, for example the teaching councils operating within the United Kingdom, the Greek case supports the idea that councils can and do find places within non-consociationalist political structures.

> 6.7.3. Membership

The Greek council is a large council with a varied membership, incorporating social and political interests within its structure. It is also unique amongst the councils we have seen in that it incorporates both representative and expert bodies within its structure. Where the council is unique is in the manner in which these expert and representative bodies interact with one another. It should at the same time be emphasised that experts participate informally in ad hoc committees, and not as formal members.

The membership of the council is wide, including members from ministries, various professional groups, university rectors and TEI (Higher Technological Institutes of Education) Presidents, the Center for Educational Research, the Pedagogical Institute, political parties, the Orthodox Church, teaching and research staff in higher education, the Confederation of Parents, the National Students Union, the Federations of Primary and Secondary School Teachers, and the Confederation of Greek Industries. Perhaps most interesting is the preponderance of heads of TEI and universities within each of the sub-councils. Compared with other bodies, the council is quite dominated by such members which is counter to that of other councils where we have seen teachers play a more dominant role.

To a certain extent the council's use of expert ad-hoc committees appears to favour technical and academic expertise more than lay expertise as would be expected from a more representative council. This said, the council is quite a hybrid creation demonstrating a desire to incorporate a plethora of social and particularly political interests within its chambers.

One of the most particular aspects of the Greek council has been the 'first body' which is expected to construct advice. Unlike most councils, the council itself will form an external ad-hoc committee to consider an issue, with members chosen directly for their academic, technical and lay expertise on the particular issue at hand. The fact that such a body will be formed by the council itself is counter to our findings from other representative councils which have generally seen such external bodies as a direct threat not only to the effectiveness of their own advice but to the democratic nature of advice giving in general.

Unlike most councils, all three of the communities are heavily involved with the council, representatives from both the civil society and the government communities are included within the three permanent sub-council bodies whilst experts are present in the ad-hoc committees which play an unusually high profile role for a representative body. This said the council has a distinct structure which skews the advisory process considerably from what is expected. In particular , the council's relationship between the three communities is far from being as clear cut as in other councils we have studied.

council membership is set by parameters in the council's operational legislation, although reform has frequently revised the precise nature of this membership. The precise size of the council is not set as legislation and is such that it allows for the membership of all political bodies at the national or European level allowing for some variation.

> 6.7.4. Structure

The Greek council's structure is complicated, with what could be recognised as two competing bodies within the council itself. Whilst most representative councils appear to feel somewhat threatened by the advisory roles of non-representative expert bodies, the Greek council appears to internalise this conflict through the adoption of parallel expert and representative structures within the very structure of the council itself.

Like most of the education councils we have seen, the Greek Education council is divided amongst a number of chambers dealing with very different aspects of education. Like most councils these bodies are semi-permanent, dealing with the everyday advice of the advisory council. Whilst these bodies appear on the surface very similar to what we have found in other education councils, they differ greatly in everything from their physical constitution to the focus of their work. Indeed the very focus of the council's operation is targeted towards the ad-hoc expert bodies rather than upon the permanent representative bodies.

The representative bodies themselves are generally structured around 30-50 members sourced from educational stakeholders, civil society, politics and administration. Each chamber is itself dominated by a single grouping within this community. In the case of the Higher Education Chamber (50 members) almost half (24 members) of the council is made up of university rectors, whilst a minority (4-6 members) of the seats are taken by political parties . Of the remaining 20 seats, 3 are filled by government representatives of the Ministry of Education, the Ministry of Finance, and the Secretary of Research; and 17 seats by civil society representatives. The preponderance of the rectors is striking, particularly so as a separate 'advisory' body exists external to the council made up entirely of the university rectors.

During the interviews with university rectors we posited the question on why this second advisory body operated almost in parallel with the chamber. The answer suggested was that the two bodies provided quite different approaches to advice production. The Rectors' council focusing more upon highlighting issues of concern directly to the Minister rather than the more administrative consideration of issues undertaken by the council proper. When asked why the Rectors' council's role could not be amalgamated into the council itself, answers were not as easy to identify. There was little real consideration of whether and even how these two bodies could operate effectively as a single body.

The advantage that the Rectors' council has over the Education council is that the former body is entirely unofficial in nature. Its influence is based upon the fact that it represents arguably the most powerful voices in higher education and as such advice is delivered to the government with substantial weight. Where the Rectors' council significantly differs from the Education council proper is that it is not reliant upon the government for its questions or funding, sourcing these itself externally. The Rectors' council is almost impossible for the government to neuter and acts as a vent for rectors when an issue arises. This can be seen to undermine a possible important role of the council with the existence of such unofficial bodies in the Greek educational policy making process, making the arena quite crowded and the added value of the Education council somewhat undermined.

Unlike most of the larger education councils, the Greek council does not really have a central chamber which assists the President in the running of the council. Instead as issues arise, the President will personally form a core around the issue itself drawing experts from the field of education as necessitated by the specific topic. This ad-hoc group of around 6-12 experts are drawn directly from the expert community rather than from the council. This is in itself quite special for a body which is on the surface a representative council. This is particularly true as advisory questions may not even reach the sub-council chambers should the Minister simply wish to take the advice directly from this expert group, although the expert advice is usually first picked up in council discussions.

In addition to this, the President has substantial authority within the council, being member of every single body within the council as a whole, participating at every level of decision making. The council also has a structure more hierarchical than most we have seen, with the ad-hoc expert body being in many ways above the representative bodies in terms of its position within the decision making process of the council. The three representative bodies play far less of a central role in council decision making due to the manner in which the decision making structure is organised.

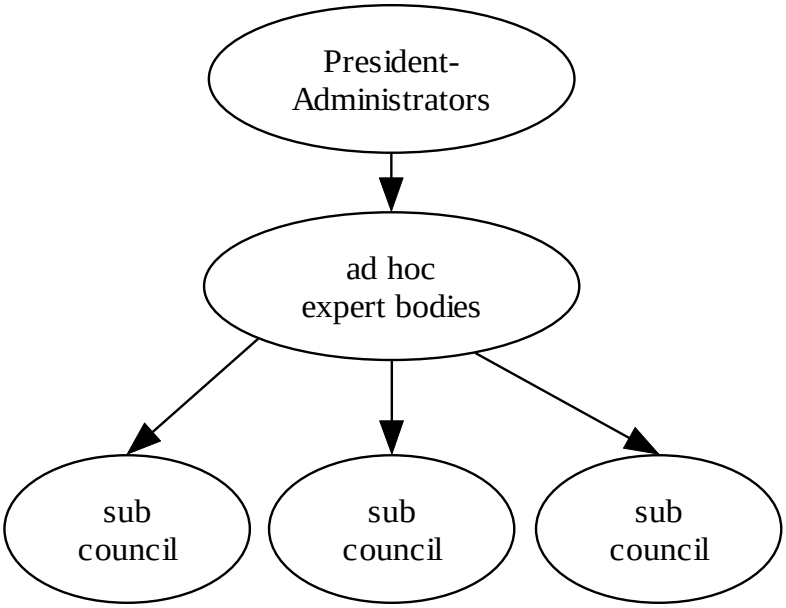

figure 39: Greek council structure

> 6.7.5. Administration

The Greek council is quite particular amongst education councils we have considered in that the body has no budget independent of the Education Ministry. The council must request funding from the government for any expense which the Education Minister must approve if the expenditure is to be authorised. The council itself has no guaranteed yearly budget, and depends entirely upon the discretion of the Education Minister of the day. Whilst it was debated whether this would disqualify the Greek council as an Education council, it was decided to include it within our study as one of the most state centric of the education councils we have found. This is not to say that the body is entirely dependent of the government in its decision making.

This said, the council is financially constrained by this arrangement and its advice can suffer should the Minister simply not agree to the council's desired expenditure. This, however, is not critical as a great deal of the council's operation is voluntary, gaining from the time and expertise of the President, members of the council and ad-hoc committees, who, following a decision of the current President, receive no monetary benefit for their participation. This supports the independence of members to a large extent.

The Greek council further differs from the majority of councils we have come across in that its staff numbers only 2 members both sourced from the Education Ministry. Compared to other councils, the ratio of staff to members is one of the smallest. This is somewhat made up for by the fact that, during the initial stages, it is expected that all members of the ad-hoc expert bodies will participate in the writing and recording of ideas, sourcing potential inputs for a specific topic; interpreting relevant articles and studies before finally passing their work to the council's administrators for consideration and inclusion in an advice.

It is therefore the administrators' role to combine the various writings of all the participants. They merge the advice into a common theme to be considered and commented upon by the experts before going before the Education Minister. It is important to note that this does not follow through to the main council whose members generally discuss, rather than form advice from scratch. The principal administrator also participates actively within the council's decision making process. This has the advantage that such an administrator gains a great deal of experience whilst working within

the council and is able to use this experience in terms of understanding not only the sector, but the actors within the education sector and governmental decision makers. It can be said that the Greek council takes maximum advantage of its permanent staff, in terms of their knowledge and their skill as boundary workers. This can be seen to mitigate somewhat the disadvantage of having a far more resource strained council with less staff than other councils.

> *6.7.6. Role*

Also the role of the Greek council is quite distinct in our study. The Greek council does not petition the government on the directionality of policy making. This was in fact something that the interviews highlighted above everything else. It was underlined in these interviews that an advisory body has no business trying to set the agenda of a democratic government, with this being solely the domain of the elected executive rather than non-elected, non-accountable bodies. When it was suggested that such bodies were democratic, constituting members representing the educational stakeholders, the point was disputed by all those interviewed. This would suggest that the Greek model of democracy has led to a different understanding of the structure and role of an Education council than in the other countries within our study.

The Greek council also differs in that it provides no input into agenda setting, or in educating the sector's actors, focusing instead upon their role as aids to policy formulation.

This can again be understood from the legacy of the Greek dictatorship which, it has been said within the interviews, led to a distinct weakening of the Greek administrative process. The Greek council therefore plays a far greater role in the shaping and operationalisation of government policies: thus rather in expanding the government's policy making capacity than in providing analysis and opinion.

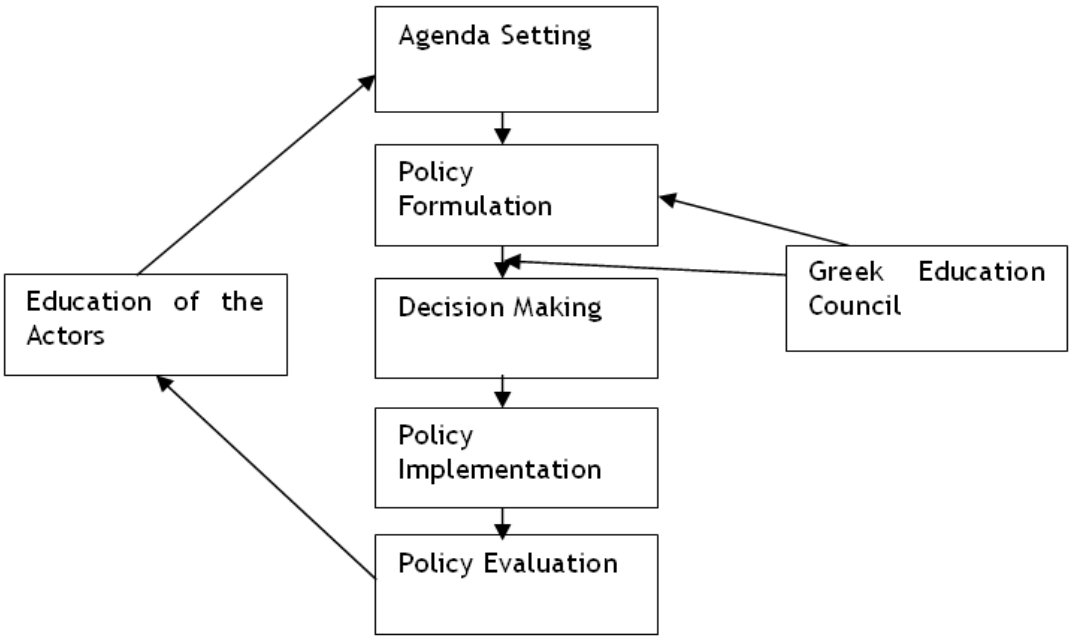

figure 40: Greek council role

> 6.7.7. Legal status

The Greek council is paradoxical in that it has a legal framework, but without the safeguards which would normally be associated with such a position. Thus, whilst the council appears legally embedded within the government's decision making structure, it is also one of the most legally vulnerable councils of the ones we have considered. This vulnerability at times makes the continued operation of the council surprising. What has not proven surprising is the instability of the Greek council under such conditions with the council undergoing radical and fairly regular reform as successive government amend council legislation. No such legislation has, however, given the Greek council any additional discretion in terms of budget or freedom of its agenda, which, as concepts, appear to be quite alien to the Greek system. The council is therefore vulnerable to significant and substantial legal changes as successive governments reform the council in attempts to improve upon the effectiveness of its advisory function.

At the same time, however, the Greek government has a consultation requirement, wherein it must place any policy before the council for its opinion before enacting it. Where this position is relatively weak is that it is consulted for advice on what would be considered simple administrative matters in other countries. Examples given were on the opening of a new department at a university. During these meetings the position of the Greek council is further weakened because the council only discusses those issues brought to its agenda by the Education Ministry. While according to its legal status, the Education council could generate grass roots opinions or topics of interest, the dominant practice is not to deal with topics that do not comply with the Government's and the Minister's policy intentions.

The only capacity through which the council moves an item to the government's agenda is in the President bringing the members' opinion directly to the Education Minister in private discussions over matters of interest. In this way, the President's position is essential in providing the principal link with the government along with the structuring of the advisory product itself. The importance of the role of the President as a boundary worker in this context cannot be more starkly highlighted.

Despite this central authority, the President must defer to the Education Minister of the day, and although he may bring an item to the minister's attention there is said to be little likelihood in any frequent influence on the government's agenda. As to its proper agenda, the council is generally to discuss what is deemed pertinent by the Ministry, and thus appears to have less power over its own agenda than other councils we have studied.

The Greek council proper operates within a very strict legal framework which limits the flexibility of its everyday operation. Everything is structured from its membership to the consultation framework, and also leaves little room in terms of allowing for the raising of issues to the agenda within the representative chambers of the council.

Some of the greatest evidence for this is in the persistence in existence of external advisory mechanisms which exist apart from the main council. These bodies, such as the Rectors' council, voice opinion directly to the Education Minister, bringing up issues within education and often their own universities which they wish the government to consider. Although such competition of advice is present in other countries too, what appears unique in the Greek case is that the rectors see the need to bypass a body which they themselves dominate the membership of.

Such restrictions upon the council's ability to bring their own issues to the agenda therefore supports the unofficial structures which provide independent advice to the government. Such competition clearly weakens the possible influence of the council, by preventing it to develop into a single key advisory body.

> 6.7.8. *Social status*

The social status of the Greek council has proven consistently difficult to assess. This is in part due to the highly divided nature of the Greek political environment. Thus, whilst some may consider the President to have a great reputation in the field of education, others might well criticise him in terms of his political leanings. This is something which appears common in polarised Greek politics where the divide between pro and anti government groups, left and right, appear so extreme. Indeed, the Greek government continues to have problems with fierce protests and a general level of dissatisfaction from amongst student body.

This has a direct effect on the Education council with it being impossible for any figurehead to have universal support from the populous with disagreement on the right and left extremes on the value of particular actions. This is also manifest in the position of the student representatives within the council. During the interviews it was said that they do not participate as much as other groups, tending to remain silent and not voice opinion. Whilst this might prove true in other councils we find here the reasoning is quite different. It could be first put down to the overwhelming leaning towards particular social group representation within the council. However, the principal reason, it was suggested during the interviews, has been one of fear of cooptation and subsequently of the backlash of rank and file students over the council's decisions. It is therefore safer for student representatives not to have too strong a voice in the council, as no decision goes uncontested in society.

Indeed, also the inaction of the previous presidents can be explained precisely by the politically risky position the candidates are put in. In the Greek council, their social position is reported to be particularly vulnerable and any decision made likely to be a matter of controversy. In particular the Greek council can be said to be vulnerable not only to the government of the day's discretion in terms of resources, but also to the extreme elements of the representative organisations themselves.

That the current president has done so much during the life of the current council is a testament to his willingness to carry out, despite the political and social risks which action entails. His precise willingness to pursue advice despite criticisms from either social or political groups has allowed the council to be particularly active during his term in office. This can in part be explained by his social status, which is one of the reasons for his selection to the post. Paradoxically, it can be more put down to the fact that the current President has repeatedly proven willing to disregard the risk to his own social status. In this way he has also created a lot of political opposition to his actions within the Greek Parliament which must ratify his position. The position of President is therefore not an easy one. The activity of the council very much depends on the President willing to risk his own social status rather than on having his social weight put behind advice, which we have found to be more common amongst educational councils.

For the most part the status of other members of the council is less important than that of the President who acts as the council's figurehead. That is not to say that the position of the other members is unimportant, but that, particularly within the representative chambers this importance is less stressed. The social status of the experts in the ad hoc committees appears more important than that of members of the representative bodies. In particular, this is down to their academic and technical expertise and the recognition from the community from which they are drawn, rather than their position in society at large.

> 6.7.9. *Relationship to the Ministry*

More so than in other cases the Greek council's effectiveness is vulnerable to the whims of the Education Minister. Alienation of the Education Minister might well reduce the resources available to invest in formation of advice, and it would be easy for the minister to starve the Education

council of resources should they so choose. This has not occurred during the current incarnation of the council, although it remains a possible risk to the Education council's independence.

The President plays a key role in the relationship with the Education Minister with regular meetings and discussions of possible topics which the council may tackle. The role of the President as a boundary worker is therefore very important in the Greek case.

> 6.7.10. Analysis of one piece of advice

> 6.7.10.1. Introduction

During the Interviews a single piece of advice was presented to us. Whilst the council has no significant failures, it has existed in its current form for a relatively short period of time in comparison to other councils within our study. In its current incarnation, the council has tackled various topics, and whilst failure is difficult to discern, due to the very different form advice takes in the Greek case, major successes can be seen as just as elusive and almost impossible to measure. Thus, we were presented with access to those members involved with a specific advice which the council members were particularly proud of, and which interestingly was highly controversial within the student communities who protested vehemently against the decision.

Whilst the council produces a great deal of advice, the majority of this is highly administrative in terms of deciding specific changes within the education institutions. This type of advice is of little interest in our study as it lacks the depth of advice which has to go through the council's entire advisory process.

> 6.7.10.2. Election of rectors

The Greek case is interesting for the political environment in which it developed. Like most countries that have gone through substantive political or social shocks there are significant hang-ups which are peculiar to the system. As a reaction to the end of the dictatorship, the government of the day was particularly supportive of the rights of students who were a group said to have been particularly oppressed under the military junta.

Upon coming to office, the democratic government sought to correct this situation by increasing the power and responsibility of students within the educational environment. What can be seen by some as having been an overcorrection, students were given extensive political freedom and influence within the realm of higher education. An example of this arose from the interviews in which it emerged that police officers are not allowed to enter a university's grounds without parliamentary approval. This has of course giving rise to a great deal of trouble in dealing with political protests. In particular, it was said, having radical student groups taking over a rector's office in protest over the smallest of disciplinary action. Sanctioning cheating at exams by disciplinary actions against students, is a thorny situation in this context.

Another of the student compensation mechanism brought about by the democratic government was to allow for student participation within the election of university rectors, which were to be held on a regular basis within each institution. This in itself provided the student body with a great deal of influence over a key position within university administration, but the electoral weighting was such that it greatly favoured students over university staff.

This has proven a sore subject within the Greek academic system, particular criticism has accrued due to the perceived militancy of the Greek student body and the control this electoral system has given to this militant group. It was therefore considered by members of the administration along with the majority of university rectors, that this situation is untenable requiring correction if it is not to continue to undermine the professionalism of Greek universities.

Set this problem, the Greek council considered this topic in depth, forming a large sub-committee to discuss a reconsideration of electoral weights back in favour of the academic staff rather than the students. This was widely heralded amongst the expert and government communities as a particularly important step in the improvement of Greek education, although it has accrued much criticism from the civil society community, particularly amongst students whose power base has been undermined by such a decision.

The council feels that this advice was particularly successful of all the advice it has produced. They feel that it was a long needed reform that they achieved despite the societal controversy over the decision.

> 6.7.11. Step by step analysis of the advisory process

> 6.7.11.1. Introduction

The process by which the Greek Education council produces advice is convoluted and complex. Indeed during the course of the interviews we met no one who could provide a comprehensive overview of the entire process which provided a major challenge in the generation of this study.

> 6.7.11.2. Agenda setting

The agenda setting stage is perhaps the most straightforward of all the councils we have come across, the council's remit being almost entirely dependent upon the desires of the current administration. This said, the President hinted towards the possibility that he could request the consideration of particular topics which had been found to be of interest. Success in this informal part of the agenda setting process was, however, somewhat muted.

Apart from these two figures, the President and the Education Minister, there are generally no additional agenda setting influences on the council from any source.

However, what we found in the election of rectors' case is to some extent reminiscent of internal initiation (Howlett and Ramesh 1995), through which one societal group, the academic community, together with the government raise an item on the government agenda, and subsequently on the council's, without there being support among the student populace.

> 6.7.11.3. Committee selection

It is in the committee selection process that the Greek council differs considerably from that other councils we have considered. At this stage almost all councils form a dedicated sub-committee to develop the policy advice itself. Whilst the Greek council follows this pattern, it differs considerably in that the sub-committee is sourced externally from the council itself. In the Greek council, the committees consist of the council President, the council Administrator and a number of members sourced from the expert community. This body is ad-hoc and constitutes as many members as the President deems necessary for consideration of a given topic.

These members are deliberately selected to provide coverage of a range of expertise as well as a range of political interests within Greek education. It is done in this way to ensure neutrality from the current administration or any other political position. Whilst the members are themselves representatives of political interest, they are not themselves political advocates.

The case of the rectors was particularly controversial, as it was well known that any reform was likely to upset the student community. For this reason a large sub-committee was formed of 12 members representing a range of political interests sourced from an assortment of expert backgrounds.

> *6.7.11.4. Advice formulation*

After the sub-committee has been selected, the council enters the most straightforward of its phases, where all of its members discuss the topic in some detail applying the full range of their expertise. Unlike most councils there is no straightforward operational mechanism within this stage. All members are involved, adding their experience, opinions and evidence to the discussion. In particular there is no specific recording as all members record their opinions and ideas as they see fit, writing their own versions of advice, adapting it as they feel necessary.

The council does source its strength from this, to a certain extent, in particular allowing all involved to generate a deep understanding of the topic through their own work. The bulk of the administrative work carried out within other councils is therefore under the auspice of the sub-committee members in the Greek council which somewhat balances out the lack of a large dedicated administrative staff in the Greek case.

It is then up to the administrator to merge the various opinions and inputs provided into a single piece of advice which the members may then agree upon. This is assisted by the way in which the council works, providing the administrators with multiple detailed written inputs which they may then put together.

This was exactly the process of how the rector election advice was formed. From there the initial advice goes before the Education Minister who considers the advice. The minister may then decide whether to accept it outright, reject it outright, or place it before the requisite council chamber. This is the only council we have come across which has the Education Minster involved at a stage within the Education council's process. This said the advice itself is already formed at this stage.

> *6.7.11.5. Advice Finalisation/Distribution*

Placing an advice before the representing body is something which arose as one of the most confusing stages of the process. Within the interviews there was little agreement on how and why advice went before these chambers. It was therefore clear in the interviews that the important stage of the process is that of the advice formulation stage by the ad-hoc expert bodies. Through discussion and reporting to the Education Minister their opinions on an already fully formed advice, the representative chambers therefore support the legitimacy of the council. Yet, unlike most bodies they may be bypassed should the Education Minister wish it. During the interviews there was little information provided on why this might occur.

The distribution of advice is limited and not as structured as in other councils. The Minister sees the advice first, and when it considers a draft law, will be present at the advice's discussion in Parliament. After an advice by an ad-hoc committee is completed and presented to the Minister, members of the ad hoc committee support the produced advice, and take an active part in discussion at conferences and in the media. It is reported that the media tend to pick up advice only when it can be sensationalised, which has proven true across the councils we have considered.

> *6.7.11.6. Case study conclusion*

The youth of the council in its current form along with the combination of formal and informal advisory mechanisms has meant that the advisory process has proven difficult to map. This is particular true as it emerged during the interviews that no one individual had a good overview of the entire process, making the information gathered at times somewhat contradictory. This is a direct product of the frequent reforms which the council has undergone, and at this stage it is

impossible to tell what form the council will take in the next reform. In many ways the process outlined above was one of the defining pieces of advice of the current incarnation of the Greek council. In this way it has defined the process as much as been defined by it. Below can be found an outline of the entire process.

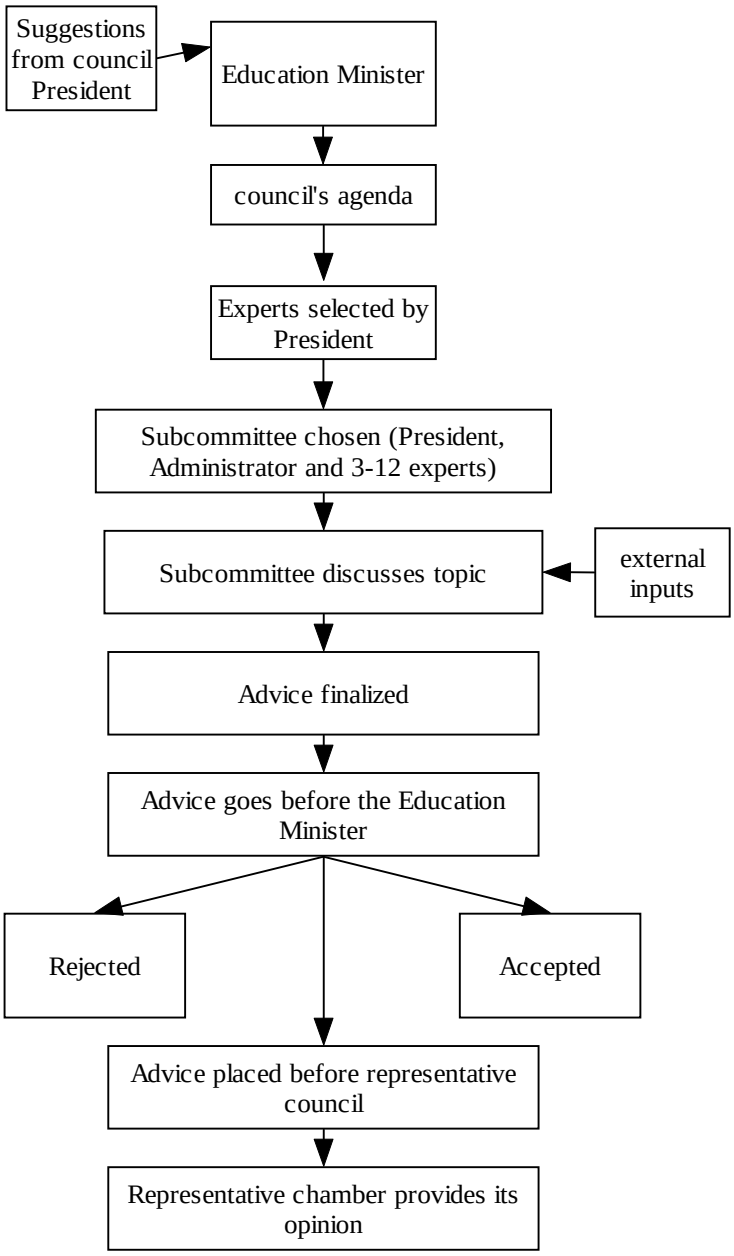

figure 41: advisory process Greek council

> 6.7.12. Typologising

> 6.7.12.1. Introduction

The Greek council is not easy to place within any form of typology. Its hybrid nature and general tendency towards frequent reform make it hard to assign its components to single categories. It does comprise some of the factors which define a statist council in the definition by Hoppe and Halffman (2004) acting as an informational body for the government.

Our own attempts at generating a type in the Greek case are also difficult with the council appearing to embrace the two extremes of expertisation and representation simultaneously, which is also apparent in the multiple chambers within the Greek council. Whilst many councils do support multiple chambers also, it is in the Greek case that these chambers offer the greatest differences. This provides a major challenge to a typology. For example, we would need to decide whether we generate a single type for the Greek case, and risk general dilution from two apparently opposing chambers, or we could take the chambers separately and risk overly complicating the process. We have chosen in this case to generate a single type for the council for clarity's sake.

In the process of advice formulation, the weighting of the council is towards the non representative body rather than the representative, even though the representative bodies are themselves larger. For this reason we judge the council more upon the aspects of the expert rather than the representative chamber.

> 6.7.12.2. Representation vs Non-Representation / Lay vs Academic

Whilst members of the council are representative of the political and social interests, members of the expert body, where the weight of the advisory process appears to lie do not advocate for particular interests, rather members of this body are chosen to provide a balance of ideologies within the council.

The expert chamber is also dominated by academic interests, and whilst this is balanced somewhat by the representative chambers, the weight of the council lies within the expert body of the council meaning that the council leans somewhat towards the academic than lay expertise.

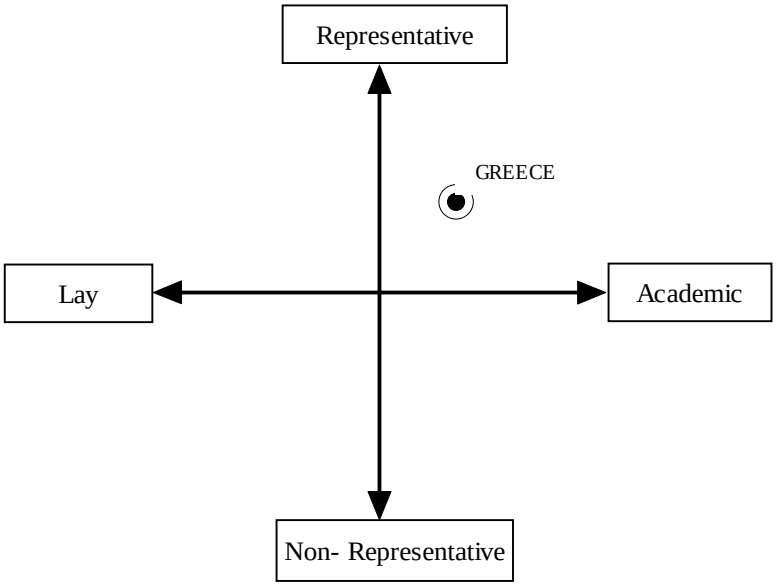

figure 42: membership Greek council

> *6.7.12.3. Innovativeness vs Incrementalism,*

This is one category within which it is easy to locate the Greek Education council. The council has no room for direct innovation, bringing in new perspective on problems and solutions. It brings about, for the most part, only incremental additions to decided policy options. The expert body of the council is interesting in that it does have significant opportunity to pursue radical policy options for the government to undertake. This said, the council is hampered by the fact that it cannot pursue its own advice, having instead to work only upon those issues which the current administration highlights as being of interest. One important caveat to this is that there is no room within the expert body for the dilution of advice, without the whole range of interests within the council undermining any innovativeness with advice. Thus, whilst the council lies towards the incremental edge of the scale it does not suffer as much as some of the larger representative education councils might. The advice of the election of rectors is a case in point.

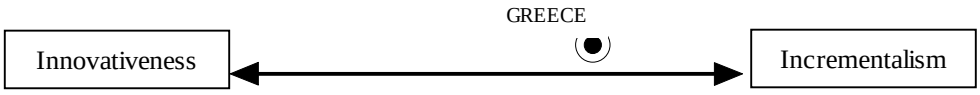

figure 43: innovativeness vs incrementalism - Greek council

> *6.7.12.4. Information vs Participation / Inside Government vs Outside Government*

The Greek council is perhaps the weakest in terms of its independence from the government. Interestingly this is not something which was highlighted as an issue in the interviews. Instead it was underlined that the role of an Education council is to provide advice to the government, not undermine the government's legitimacy, and thus that the council must not be too independent from government interests. This is a unique perspective on the role of an advisory council and appears as a product of the Greek political and social system.

The council also has one of the closest relationships with the Education Minister with frequent communication between the President and the Education Minister and discussions over the topic under discussion. We therefore place the Greek council in the upper right corner of the graph.

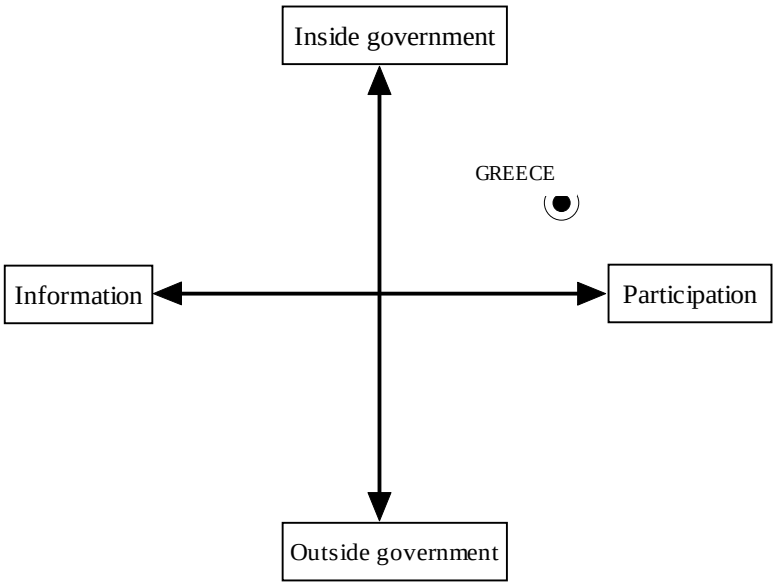

figure 44: government interaction - Greek council

> 6.8. Spanish council

> 6.8.1. Introduction[11]

The Spanish State School council (Consejo Escolar del Estado) is a large council with a strong representational membership structure and an active presence of government actors in the process of advice formulation.

Founded in 1985, in the period of post-Franco democratization, the Spanish council is a symbol of democracy and has a strong legal base to back it up. Its advice comes mainly in two forms: advice on draft legislation, and an annual report on the state of education in Spain.

The Spanish council organises its work by structuring its activities in a plenary meeting, an executive committee, a participation board, and two smaller committees for the preparation of the annual report and for the preparation of advice on legislation. Its work is supported by the professional input of its permanent team of administrators and advisors.

The council's agenda is set by the President, following requests of the government and members, as well as in a more routinised fashion respecting the strict timing of the production of the annual report.

In this study, the Spanish State School council demonstrates clearly the trends and challenges educational councils face in combining political control with representational support and evidence-based professionalism in the production of advice. Active participation by government representatives within the council's bodies, extensive representational mandates, and increased attention for evidence- and evaluation-based advice are simultaneously present in the Spanish case. Being the only case in our study where council membership rules grant seats to all autonomous subnational entities, it also highlights the adaptation and complications that arise from the transfer of education competences to the Spanish Autonomous Communities.

> 6.8.2. Founding of the council

Less than 10 years after the downfall of Franco's regime, the council was founded in 1985. In this post transition period of consolidating democracy, the State School council was given a strong legal base. It is governed by the Organic Law 8/1985, regulating the Right to Education (BOE 4.07.1985) (Title II - on participation in general education programming, Articles 27 to 35)[12].

The foundation of the council complies with articles 27.5 and 27.7 of the 1978 Spanish Constitution, which established that public powers guarantee social participation as regards the general organisation of education. Social participation is thus perceived as one of the governing principles of the education system, considered as a democratising factor next to its utility in contributing to the quality of education. The council is thus formally recognized as a consultative body with its own right of initiative.

The principle of social participation in education is found at multiple levels. At the level of the national state, the State School council operates next to the General council for Vocational

[11] The Spanish council was first documented through the use of written questionnaires in 2009, but in June 2010 more in-depth interviews supplemented the original data.

[12] See also Royal Decree 694/2007 (BOE 13.06.2007); Rules of Operation approved by the Order of Education Minister ESD/3669/2008 (BOE 17.12.2008).

Training, the Supreme council for Artistic Education and the University council. At the subnational level the School councils of the 17 Autonomous Communities operate, but local authorities organise school councils as well.

Since its foundation, the State School council has developed into a fully fledged advisory institution, increasing its capacity in delivering advice on pending legislation, and routinizing policy recommendations, by evaluating the state of Spanish education policy on a yearly basis.

The council operates from the centre of Madrid, and is seated in a 17th Century Building – dating back to a Jesuit Novitiate with a Baroque church attached to it, a place of historical significance for education, also given the fact that adjacent buildings hosted important university colleges.

> 6.8.3. Membership

With regard to membership, the Spanish State School council is relatively large, highly representative of stakeholders in education, and has active government representation within its main bodies. It has also gradually become more inclusive of women's organisations and organisations representing people with disabilities. Apart from sectoral and stakeholders' interests, also regional interests are represented, following the devolution of educational competences to the autonomous regions. The membership rules are strict as to the roles of representative organisations in delegating individuals, and as to the nomination by the Minister. They are, however, not cast in stone, and over time, the rules have been adapted to include wider regional and special interest representation.

Also the discretion of the Minister in appointing 12 people of recognised prestige allows for some flexibility in garnering input from society beyond representative mandates as well as from academics, the latter component of which is generally weak in the council's membership rules.

At a membership of 105, the council is relatively large. The largest group in the plenary are educational stakeholders: teachers' representatives (20), parents' representatives (12), pupils' representatives (8), delegations of administrative and service personnel of schools (4), owners of private educational institutions (4), and university representatives (4).

Regional and local representation is quite extensive too, with membership extending to all 17 presidents of the school councils of the autonomous communities and 4 representatives of local authorities.

Quite a large, but diverse group consists of 12 individuals of recognised prestige in the fields of education, pedagogical reform, as well as from religious and secular institutions that have traditionally been engaged in education. These individuals are nominated by government, but are not its representatives. They include, for instance, a representative of the conference of the catholic church, a representative of organisations of people with disabilities, but also academic experts. Although this subgroup op experts can be changed every four years[13], some of these experts have been stable council members for years.

Also the government is present with direct membership of 8 representatives from the administration of the Education Ministry, directly appointed by the Minister. They are not mere vertical mediators between the ministry and the council, or observers. As they have the right to vote, they can fully participate in the advisory process. It is important to note that they are not

[13] All the members of the council have a mandate of four years and half of the members of each group can be changed every two years.

neutral technical experts from the Education Ministry, but carry political responsibility. As political advisors they function within the council as advocates of the Minister.

The traditional representative mandates of socio-economic interests are also present in the council, with an equal number of trade union and employers' organisations' representatives (4 each).

More recent additions to membership are representatives form women's organisations and institutes (2) and two personalities in the campaign against violence between the sexes.

All members, apart from the 17 regional school council representatives, and the 12 government appointees, are appointed by the Minister at the suggestion of the correspondent organisations, which have full discretion as to whom they nominate.

Members are delegated by their organisations for four years. Individual experts can be changed every four year, and pupils' mandates are rotated every two years.

The most important member is the chairman, nominated by the Minister of Education from among persons of acknowledged prestige in education and appointed by Royal Decree. Although the post is a political appointment, attention is being paid to the fact that the incumbent is highly respected across the political spectrum and the diverse interests, which does not come as a surprise given the strong demands on this position in terms of mediation and consensus formation. The President uses the casting vote in case there is not majority.

The Minister also appoints the Vice-Chairman, who is first elected by the council from among its members, at the suggestion of the chairman. His role is to substitute the President and help draft documents.

Also partaking in the council plenary is the General Secretary, again appointed by the Minister of education at the suggestion of the chairman of the council, from among the public service. At the meetings, the General Secretary is entitled to speak, but not to vote.

> *6.8.4. Structure*

The Spanish State School council consists of a plenary meeting of 105 members plus the President. It is further broken up in an executive committee, a participation board, a committee of studies, and a committee for the reports on draft legislation. The plenary meets once a year to discuss and vote the council's Report on the State of Education, and when a draft of education law needs to be debated before being forwarded to the Parliament. Its executive committee consists of one fourth (22) of the membership in the Plenary council plus the President and Vice-President, adding up to 24 members. The Education Ministry is thus also represented with 2 members in this important committee, which plays a central role in the preparation of the annual report and the advice on draft government legislation and regulation. The executive committee is assisted by the committee of studies, which has 7- 10 members, chosen by the President. This committee prepares the documents that need to be decided by the executive committee in the preparation of the annual report. A committee of reports does the same for decisions on advice on draft legislation. The membership of these committees can be extended on an ad hoc basis with technical and legal experts from the council's administration.

Next to these bodies through the operations of which the annual report and advice on draft legislation is channelled, exists a Board of Participation. This Board consists of the full 17 members that are Presidents of the school councils of the autonomous communities, who as a group, are not represented in the executive committee or the committee of studies. The main task of this board is to report on organic laws on the organisation of. This Board of Participation was added in 2006 to the original structure of the council, following the transfer of educational competences to the

Spanish regions in the early 2000s. The incorporation of regional representation in the State School council was initially perceived by respondents to our 2008 questionnaire as the biggest challenge and possible source of conflict within the council, particularly in its relation to the Executive Committee. Having said this, there appears to have been a certain learning effect, in which the council has adapted to this new situation. In more recent interviews, respondents were more positive about the inclusion of regional representation, and valued this presence as a multi-level coordination instrument, facilitating the mediation of relevant national and subnational policy information, and thus contributing to the general concern that should guide the council's work: improving the quality of education in Spain. Some interviewees went even further, stating that this inclusion has been a driver for improving education in laggard regions of Spain, and in 'thus contributing to equality'. Whether such claims to quality and equity hold true is too early to say, and deserves further research after some more years of operation.

> 6.8.5. Administration

The council's administration consists of 18 administrators on the payroll of the Ministry of Education. Included are legal and technical advisors who provide the necessary support for garnering national and international policy evidence, for the logistical organisation of meetings, as well as for the organization of special workshops and seminars that fall without the strict advisory remit of the council. The administration is headed by the General Secretary at the level of Sub-General Director. He is appointed by the Minister of Education on the recommendation of the President of the council, and selected from amidst functionaries who have served under the Ministry of Education. He takes part in the plenary and all its subdivisions with voice, but without vote. He is also, under the responsibility of the President, the head of personnel of the council. He plays a central role in the organisation of the advisory process, and supervises the sequencing and timing of different steps in the process. The administration also maintains a library, an active website, and edits the council's journal '*Revista Participacion Educativa'*.

> 6.8.6. Role

The council's main role is to produce advice on draft legislation on the one hand and present to the Minister and the educational community an annual report on the state of education on the other. Next to this, it functions as a forum of reflection and debate, mainly through the organisation of seminars and workshops, the audience of which goes beyond council membership.

Consultation of the council over draft legislation is compulsory. Over the years, the council has been very active in the production of advice on draft legislation, reflecting hence also the legislative activity of the Spanish government in educational policies. According to the last data from 2010, the council issued 58 reports (*dictámenes*) out of which 14 have already been published in the Official legislative monitor. This number may vary, according to the government's agenda: in 2008 there were 38 *dictámenes*, 61 in 2007 (following new organic laws in education), and 18 in 2006.

The council's advice is not formally binding and the ministry can freely ignore it. Respondents in our interviews, however, were not too frustrated about the possibly limited instrumental value of the council's advice. They emphasized the intrinsic normative value of their advice, as a democratic input in the policy-process. Yet the score of instrumental take-up of advice seems relatively good. By default of an automatic tracking system, something the administration should like to develop in the future, the administration estimates the instrumental take-up of the council advice by the government at about 70 percent. Admittedly, the percentage of technical recommendations would be higher than that of policy recommendations. In corroboration, government interviewees pointed out that the government is not quick in dismissing the value of the council's advice and that, if it chose to do so, the government feels compelled to convincingly argue against the council's opinions. Otherwise it risks coming under attack of the State council

review. There is no formal feedback mechanism, but when the government does not follow the council's advice, it usually sends on its draft legislation to the State council together with a short note with arguments as why it did not follow the State School council's advice. Not only the review of the State council, but also the media are watchdogs, and are keen to pick up arguments from an advice not followed.

Summing up on the advisory role in draft legislation, its utility is in the first place substantive in that the council's advice is valued mainly for its democratic input in the policy-process. The legitimacy of the council lies in democratic consultation rather than co-production of legislation. Having said this, we find direct instrumental utilization of the advice, in that the government seems to follow the advice to a large extent. Further utility to the government lies in the knowledge the advisory process brings them, knowledge about the positions of a wide variety of stakeholders, which they consider as strategic information for future policies.

A large part of the activities of the council are devoted to the production of the annual report on the state of education in Spain. With this report, the council not only evaluates past government policies but also seeks to set the agenda on future policies, with a number of proposals for improvement. With these proposals, which are accompanied by policy evidence, the council has for instance stimulated the government to act on the problem of violence in schools with the introduction of observatories on violence. It can also, by means of framing a problem in an international comparative perspective, produce conceptual knowledge, which may be picked up later in the policy process.

The council is also active in educating the community, functioning as a forum of reflection and debate, through workshops and seminars. All members can suggest themes for workshops and seminars. These are generally open to the broader community and can engage academics more actively. They inform the work of the council, but also the educational community as a whole, and can support both the agenda setting and conceptual role of the council.

Is there evidence of strategic use of the council's advice? Indeed, the government can, without infringing upon the autonomy of the council, seek to influence the choice of themes for seminars in order to reinforce the Minister's agenda. Also the voting procedure, the public demonstration of minority positions, and individual recourse to the media of those unhappy with the eventual advice, can serve strategic political purposes.

In the written questionnaires, it came up that the council may also function as a negotiation forum between members and between members and the government. During our interviews, this function was qualified. Strictly speaking, the council is no such negotiating forum, with negotiations taking place earlier and elsewhere in the policy process, e.g. in syndical tables or bilateral meetings. However, it may occur that discussions in the council and interactions with government may bring to the table a point for negotiation, which is then followed up outside the council. The council thus opens up negotiation, but will never conclude it.

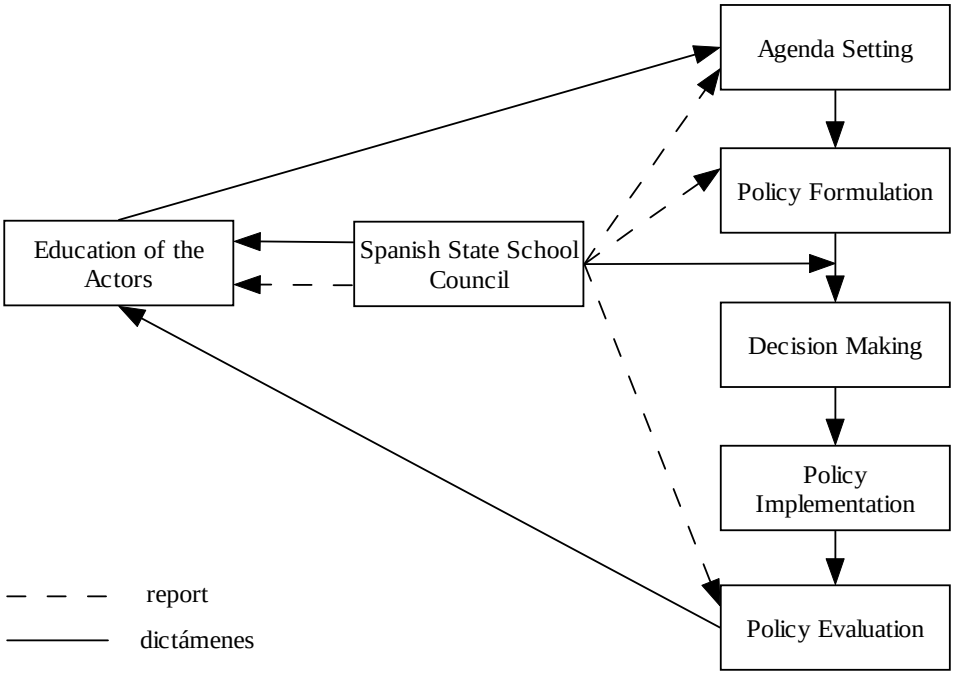

figure 45: Spanish council roles

> 6.8.7. *Legal Status*

The Spanish State School council can be said to have a strong legal base, for several reasons. First, its foundation complies with the constitutional principle of participation in education. Second, its membership, structure, roles and advisory process are regulated in much detail. Legal texts regulate everything extensively, from the designation of members, their incorporation in the different structures, rotation of membership, to the membership and operation of subcommittees and plenary, as well as details on the different roles and competences of the council. Third, the council's consultative role has a strong legal embedding in the policy process. The consultation requirement is compulsory for government, to the extent that bypassing the council would render legislation invalid. This is backed up by the legal review of legislative drafts by the State council, the procedure of which compels the government to clarifying its arguments for not following the council's advice. This review stimulates government feedback, which is formally absent in the legislation of the council.

> 6.8.8. *Social Status*

It is fair to say that the social status of the Spanish State Education council is derived from its highly representative and extensive membership, the incorporation of prestigious personalities, as well as from the Presidency. Symbolically, its status is confirmed by the centrally located and historically significant seat it operates from.

Advice produced by socially influential groups is not easily ignored. The political and social weight of the council members is an essential element in the weight of the advice. The Spanish council incorporates all groups that are socially influential in the domain of education. Its wide membership adds to its social status, and prevents the council from being seen as a mouthpiece of the government. Also the stable inclusion of prestigious personalities whose ideologies are not necessarily congruent with the government of the day, adds to the council's social credibility. They are appointed not only to bring specific knowledge to the council, but also for their weight and status in the educational domain.

The profile of the Presidents adds to the social status of the council as well, as this post usually goes to a highly respected individual, whose reputation and status are key resources for the necessary mediation and arbitration within the council.

A further component of status is conferred upon the council, by its professional administration and the increasing evidence base it produces for the council's advisory products.

> 6.8.9. Relationship to the Ministry

The Spanish council is relatively close to government, through both formal and informal mechanisms. It is, however, not politically controlled by government, as there are many safeguards for preventing this. The council maintains substantial autonomy in its agenda-setting and advisory process.

The government has a say in the nomination of 20 per cent of the council's membership. However, it would be mistaken to say that almost one fifth of the council's membership is politically controlled by government. Of these appointees, 8 members, or only 7,5% are representatives of the Education Minister. These officials are political appointees and thus function within the advisory process as advocates of the minister. The minister also enjoys a 2 person delegation in the Executive Committee. The government representatives are active participants in the meetings and have a right to vote in the council's decision-making process, just like any other member. 12 members of individual prestige, or about 11 per cent, are nominated by the government. They are, however, not necessarily supportive of government. These appointments have been used to garner special expertise or organise representation beyond the traditional stakeholders in education. For a while these appointments were used to include women's organisations and local government until these became treated as groups in their own right. The government appointments have also given quite stable membership to religious voices such as the representative of the Conference of the Catholic Church, who has often demonstrated minority positions on the current government's draft legislation.

The President is a political nominee and her political congruence with the current government is important in maintaining good relations with the Education Minister. At the same time, interviewees agree that, over the years, the Presidency holders have been very highly respected across the different stakeholder and ideological groups, and have been reputed to maintain a good balance between mediating the government's policy agenda and the concerns of representations in the council. It is the full discretion of the President for instance to organise seminars and workshops on themes that reinforce the current government's agenda, e.g. on basic competences or school diversity. The utility of such activities is high for government, but also for members, who both draw relevant policy information from these. At the same time the autonomy of the council is respected in that all members can put forward themes or proposals for consideration.

In general, it is the prerogative of the President to set the agenda, with respect of items that are transferred to the council for compulsory advice, but care is also taken to include items suggested by the member groups. Maintaining a balance between the right to participate of all groups and the necessity to reach a consensus on draft legislation is the President's biggest challenge.

There is no official or formal annual work plan agreed between the council and the ministry, but good informal relationships are vital for smooth coordination and planning. At the same time, it should be highlighted that much of the council's work is routinised, particularly when it comes to the preparation of the annual report.

Overall, respondents have no complaints about the fact that the council's advice comes late in the policy process. Several interests have been involved in bilateral and multilateral negotiations already in the formation of the government policy. In the processes of advising on draft legislation,

they have a second chance to review the government drafts, and those members that have not been engaged in earlier stages, e.g. pupils and parents, can bring their suggestions to the fore. At the same time, members can demonstrate publicly their minority position. The main value the council thus brings is "legitimation through representation". Moreover, agenda-setting and influencing government policy is channelled through the council's other products, such as the recommendations in the annual report, and the results of seminars and workshops.

> 6.8.10. Analysis of two pieces of policy advice

> 6.8.10.1. Introduction

We were provided by the Spanish council with two documents or pieces of advice of a very different nature, consistent with the two main advisory roles the council fulfils. The first document is the council's *dictámen* on a 2010 intended government regulation of access to universities. It is the result of compulsory advice, the production of which takes up a major part of the council's work, depending on the government's regulative agenda. The second, more substantial piece of advice, is the 'report on the state and situation' of Spanish education. This report is produced annually, and aims at evaluating changes to the state of education in the previous year, and makes recommendations for future policies. The two pieces and their production processes give insight into the variety of roles and ways of operating of the council, as to its timing, decision-making style and dissemination.

In the following section we briefly present the two different advisory products and then move on to a more detailed account of elements such as agenda-setting, advice formulation and conclusion. The *dictàmen* was chosen as an example of an unsuccessful advice in instrumental terms, meaning the government chose not to follow it. The report on the state of education is regarded by the council as a successful tool for systematically keeping track of problems and solutions in education, a device that can move recommendations for future policies up the governmental agenda, as well as a means to educate the educational community as a whole.

> 6.8.10.2. Acces to Universities[14] – Dictámen[15]

This advice was selected by the council as an unsuccessful advice in instrumental terms. It demonstrates at the same time quite clearly the political environment in which the council operates. The council emits its advice at the very end of the regulatory process. By that time, other interests not present in the council, however extensive the latter's membership may be, may have had their leaning on policy formulation. The example thus also shows how the government can choose not to follow the advice, and go ahead with compromises concluded earlier and elsewhere. The value of the council's advice in this case was thus weak in terms of governmental take-up, but at the same time the majority of the council's members were able to publicly demonstrate their disagreement with the intended government policy. The process of formulation also reveals the strict mandates of government advocates operating within the council, having to respect the red line set by the Minister, even when there are compelling reasons to go along with the majority in the council.

What is the background of the council's opinion on access to universities? In 2006, the Government had regulated access to universities. The organic law 2/2006 and the subsequent Royal Decree 1892/2008 had established a compulsory test for entrance to universities. It had granted exemption though to one group of graduates, those with degrees of Higher Technical Education (e.g. technical

[14] Consejo Escolar del Estado. *Dictàmen 5/2010.*

[15] *Dictàmen* means both report and opinion. In this text we refer to this product either in Spanish or as opinion, to avoid confusion with the second product of council, the 'Report' on the State of Education.

engineering, plastic arts and design). In 2010, the council was asked to provide its opinion on a new draft Royal Decree which revised the exemption to this group of graduates and submitted them to the entry test, albeit under specific conditions. In its opinion, the Spanish State School council made several technical remarks, e.g. on the grading system for entry tests, but it also basically objected to the introduction of university entry tests for the graduates of Higher Technical Education. The government, however, stood by the content of its Royal Decree, and hence rejected the council's advice.

From the interviews, we know that the Education Minister was compelled to change the original regulation of entry tests at the expense of graduates from Institutes of Higher Technical Education under pressure of lobbying by the rectors of universities. As one interviewee put it: rectors were afraid that 'their campuses would be overwhelmed with students in blue overalls' and argued that, without entry tests, the quality of university education would be threatened. At first, the Minister still tried to resist this pressure and had convincing arguments to do so: having studied longer, and with detailed subject knowledge, these students would be more mature and have more knowledge than the average baccalaureates. Eventually however, the Ministry wielded to the pressure of the rectors, as these are an important group that cannot easily be ignored in the policy process. The new draft Decree came up with a compromise though, where the technical students, depending on the subjects of their studies, could be exempted from part of the test, and could try to improve their grades for entrance to universities.

As already mentioned, the majority of the State School council was critical of the entry test, but were not followed by government, who rejected their advice.

> *6.8.10.3. Report on the Situation and State of the Educational System*

Every year, at the end of the academic year, the plenary adopts this report with an analysis of achievements and problems in education of the previous academic year and with recommendations for future policies. The report is rather comprehensive, both in the themes it discusses and the levels of education it addresses. It reflects, on the basis of statistical data and international benchmarks, on developments in educational policy, looking at trends in term of access to education, allocated resources, and particularly urgent problems such as school failure and drop-out rates. It proposes recommendations for improvement in the pre-primary, primary, compulsory secondary and post-compulsory baccalaureate education. The report consists of three main parts. The first parts highlight the main achievements and problems in education in the previous academic year. The second part reports on the key priorities for the education system and includes recommendations for improvement on those themes. The third part, finally, presents the knowledge base upon which the report draws, with national and international statistics and data.

The report includes general and specific recommendations. The 2009 report on the 2007-8 academic year for instance proposed a substantial increase in the 2010 budget. The report proposed a norm of 7 % of the GDP in order to support the necessary changes to employment in education and school infrastructure. It also suggests taking account of consequences of the transfer of educational competences. One such suggestion refers to the working conditions of teachers and urges to align the Statute of Teachers to the newly devolved education powers to the *Comunidades Autónomas*. Yet another proposal signals that the state needs to implement in a stricter way art. 84.3 of the Organic Law on Education that prohibits discrimination of any kind in schools and against students and suggests that such schools that continue to discriminate should not have a contractual relationship with the state. Equality and equity issues such as the integration of students from foreign origin, or with disabilities, also feature in the 2010 report.

Another interesting element in the report is the call for international assessment tools in order to align Spanish educational policy to European standards. Best practices in schools need to be gathered, encouraged and disseminated as well as collected into a database. In the 2010 report

there are many recommendations as well regarding the improvement of indicators and data for better diagnostics of problems.

With the report's recommendations, the council reaches out to multiple policy actors, not just the government. Of the government it asks for instance urgent action in the field of school failure; as to the incentives and careers of teachers it calls upon syndical tables and sectoral conferences; it also appeals to other organisations for the improvement of evaluations, monitoring, benchmarks and indicators.

The report was presented to us as a successful tool for problem diagnosis, strategic and operational policy advice, as well as for educating the educational policy community. It is interesting for our study, because its production highlights several of the main characteristics of the Spanish council's advice formulation process such as its routinization of work in subcommittees, its increasing knowledge base, and its wide dissemination strategies

> *6.8.11. Step by step analysis of the advisory process*

> *6.8.11.1. Introduction*

The advisory processes leading to the legally required opinions of the council on draft regulation as well to the report are fairly standardised. Both processes differ significantly though as to how the agenda is set, the way in which the advisory process is broken up in different organisational units, and the final product and its dissemination. The advisory processes of the two cases follow the standard operating procedures in the Spanish council and will be referred to so as to highlight its most distinctive features.

> *6.8.11.2. Agenda Setting*

As mentioned earlier, the President sets the agenda of the council's work. Most items on the agenda automatically derive from the council's role in producing opinions on draft legislation and the annual procedure for producing the report on the state of education. Next to fixing these two main items on the agenda of the council's meetings, the President may also add items put forward by members, which is also the case for suggestions for themes to be addressed in seminars and workshops.

As to the opinions on draft legislation, the agenda-setting process does not involve much more than the President transferring the Minister's request to the council, which has one month to finalise its advice. It is not easy to plan much of this work ahead, and particularly at periods of high legislative activity, the requests for the council's opinions may be transferred to the agenda in 'abundance' (interview). This was particularly the case following the new organic law of 2006.

For the annual report, the structuring agenda-setting device is the index of the report, which needs to be approved by the executive committee. This index is not a mere table of contents. It serves to bring continuity to the council's advice in that the index of the previous report is taken as the starting point; this allows for instance trends analysis and evaluation. At the same time, it is clearly a structuring device for moving issues that are pressing higher up the agenda for inclusion into the recommendation part; or framing the urgency of problems with the use of international and national data, for instance with the inclusion of international benchmarks or of a European vision and Lisbon strategy; or to add new concerns such as integration of pupils with disabilities, or the issue of violence in schools.

One may wonder, given the schedule for opinions and the report, how much time and space is left for the council's proper initiative. During our interviews it came up that the President allows room

for discretionary initiatives of members, and tries to integrate these in the order of the day. She thus tries to be flexible in opening up debate on ad hoc questions, but often so within the limits of autoregulation. When for instance, some members wanted to request from the council a resolution against Israel for its Gaza policy, the majority of members ruled this off the agenda. The organisation of seminars and workshops is one other domain where the President and members may use their right of initiative. The council prides itself for having put the issue of violence in schools on the agenda through a seminar with rich discussions in which inputs from parents and pupils were indispensable. This subsequently led to a proposal for installing an observatory of co-existence (*convivencia*), an idea which was later picked up by government. It should also be noted that the seminars and workshops are venues through which inputs from the academic community are sourced. The representation of academics is relatively weak in the council's membership, but through their prominent role in seminars and workshop they may be influential in forwarding their diagnosis and framing of problems in education.

> *6.8.11.3. Committee Selection*

For the organisation of its work, the council breaks up into several committees who play a crucial role in each step of the formation of advice.

For the production of compulsory advice, the work is initiated in a committee of *dictàmenes*, which has 7 to 10 members chosen by the President from amongst the members of the Executive Committee, possibly extended with experts from the permanent staff of the council. This committee's membership overlaps with that of the executive committee. One of its members is designated by the President, to present a draft text to the executive committee, or to the plenary if need be. This committee sends a draft to the executive committee, which consists of delegations of all the different groups in the council, at a total of 22 plus President, Vice-President and the General Secretary. When the *dictàmen* needs to go the plenary, which is for instance the case with drafts of the basic norms emanating from article 27 of the Constitution – laws thus, a member of the executive committee presents the draft advice and the results of the vote. The council's advice on access to universities did not have to be decided in the plenary, since it concerned a Decree not a law.

For the production of the annual report, there is a similar structure. A committee of studies of 7to 10 members selected by the President, again with overlapping membership in the executive committee, prepares a draft text for deliberation and amendments by the executive committee. Contrary to the *dictámenes*, the report always passes through the plenary.

The Secretary-General is present in all committees as a secretary and as a procedural watchdog. Also his administration plays a crucial role in the preparation of documents. For compulsory advice, the committee of *dictámenes* may be supplemented with a technical or legal expert from the permanent administration on an ad hoc basis, depending on the required expertise. For the preparation of the report, the administration plays a crucial role in garnering and presenting the necessary policy evidence, particularly for part 1 and 3 of the report. It is to the details of the formation of the report as well as the *dictámenes* we now turn.

> *6.8.11.4. Advice formulation*

For the issuing of compulsory advice it is thus first a smaller group of executive committee members who confer within the committee of *dictámenes* on the basis of a technical report of the council's staff. During interviews it came up that the style of deliberations and decisions in this committee is more consensual than in the executive committee. This is of course aided by the fact that its members are chosen by the President. Telling from its actual composition, it is for instance not divided along major socio-economic interests, or along the public-private schism, which remain big dividers on many issues the council is consulted on (though not in the case of entrance to

universities). After a conclusion of a draft text, this is then passed on to the members of the executive committee who are granted appropriate time for tabling amendments and distributing them to the other members. Next comes the meeting of the executive committee, which discusses the draft and votes on amendments. This generally takes up a one day session. Discussions in the committees and in the plenary council follow the established procedures and are directed by the President. Nevertheless, there is a high degree of flexibility that allows counsellors to express freely their individual or group's opinion. The final vote allows those counsellors who were in a minority to present a minority opinion. While this expression is valued as a representational asset it can also, according to several of interviewees, reduce the efficiency and debt of discussions, particularly so when an advice needs to go through the plenary.

The advice on access to universities typically followed the procedure up to the decision in the executive committee. It was there that the government officials defended the Minister's position. They were held by a particular mandate, and could not, following the Minister's interaction with rectors, agree to altogether exempting the graduates of Higher Technical School from the compulsory entry test. They were in a minority defending a partial entry test, on specialist topics only. By vote, the majority of the executive community defended a general exemption in its advice.

The formation of the annual report takes of course much longer than a month. At the start of the academic year, the committee of studies meets, in order to establish the index of the report and a working calendar. Afterwards the index and calendar is presented to the Executive Committee which generally approves these or makes some changes in the direction of what it considers as priorities. All general themes are addressed in a recurrent way each year, since the previous index is taken as a starting point. But it indeed happens that some paragraphs change, such as for instance what was added recently on educational participation in schools. Meanwhile, the technical staff of the council has started to prepare an initial draft , which takes several months of work. A lot of effort goes into the collection of information from different public institutions, both national and international.

The draft report is usually approved in the executive committee during the course of two sessions (two days) with members having had about one month to table amendments. The Plenary generally approves the report in a one day session.

Although the final advisory products of the council are decided by voting procedure, it is interesting to note how the council deploys policy evidence for facilitating consensus. This is particularly the case for the form and content of the annual report. Not only does it rely heavily on policy evidence; its recommendations also call for investments in ongoing monitoring and evaluation. Evidence from international benchmarking, from such sources as OECD-PISA and the Lisbon objectives, together with data and analyses from national evaluations appear to be relied upon to create a common knowledge base and helps to foster a sense of urgency in the perception of problems in education, and the need to find solutions. The increasing evidence base of the council is a rather recent development of the last decade or so, and complies with a more general trend in Spanish government to embrace results of evaluations, which was also confirmed to us by most of our interviewees. At the same time, it is important to note, however, that much effort is spent on streamlining the evidence that finds its way into the council's deliberations. For international benchmarking and PISA indicators this is rather straightforward but for the nationally produced evidence, the council uses only data from official institutes of statistics and evaluation, such as the national institute of statistics or the Education specific Institute of Evaluation (IE), which was established by the 2006 Act on Education. The IE's main aim is to provide the Ministry of Education and citizens with relevant information regarding the extent to which the education system meets its stated goals. Also interesting to note is that this Institute collaborates with the relevant evaluation bodies of the autonomous communities to deal with the growing disaggregation of

statistics and data across the different government levels responsible for education. Next to relying mainly on official data providers, the council rules out the integration of evidence produced by civil society organisation to prevent that competing knowledge becomes ammunition in the defence of members' positions, the latter of which would hamper consensus formation. Having said this, interviewees seem to agree that the evidence base of council operations is more instrumental for the diagnostic of policy problems, rather than for agreement on the directions of solutions, where often the main dividers on public-private funding dominate.

It is the council's technical staff that plays an important role in creating a common knowledge base for the council's advisory process. Particularly in preparation of the annual report, the staff systematically contacts the relevant evidence producers to extract a maximum of useful evidence in time. It may happen that they are constrained by the timing of evaluation results, which may not be congruent with that of drafting the annual report.

As to evidence base of the report on the state of education, it is interesting to note the separation of technical policy evidence and opinions of members of the executive committee, by means of textual devices such as colours.

We may reiterate here that, apart from policy evidence, also academic expertise it regularly sought after through the organisations of seminars and workshops.

> *6.8.11.5. Advice Finalisation/Distribution*

As mentioned above, the decisions of the council are concluded by voting. Our interviewees have reported to us that voting procedures have improved over the years, mainly due to the introduction of electronic voting. As to the number of amendments that need to be voted on, mention is still being made of inefficiencies, in that the public presentations of members' dissent are time consuming, and threaten the depth of debate, particularly so in the plenary. The voting procedures are also at times diluting the content of the advice. Particularly when the financing of education is concerned, we find in the report on the state of education some very general statements, without operational details as to where and how this money should be allocated. Yet most respondents agree on a positive development in this area. Whilst the dominant debating style is still discursive and rhetorical, one finds that for members to be credible, they increasingly need to adjust their discourse and start including evidence. This is reinforced by the inclusion of a European vision on education in the report on the state of education (which has been included for fours years now), and by means of adding European benchmarks, which help to focus discussions.

After the vote in the executive committee - or the plenary in some cases- the legally required advice of the council is sent to the Minister of Education by the council's President. The Minister then sends on the draft regulation, together with the council's advice to the council of the State for legal review. Hereafter, depending on the type of regulation, the advice is also known to members of Parliament when draft bills are submitted to them for approval. The council's advice is never a formal subject of discussion in Parliament. In principle, however, depending on political salience, its arguments may be reiterated in parliamentary discussions. Political salience is certainly typical of media attention, with the media gladly picking up arguments from dissenting opinions. Both the council's management and the Ministry hence prefer consensual advice. As to the distribution of advice to the broader public, the advice is distributed among all council members, who than transmit it to their organisations. The references, not the full texts, of the dictámen are also published on the council's website.

It is normal for the President to establish contacts with the media, who may approach these when the council has concluded an innovative advice on draft legislation. The council has, however, no press office and for some contacts with the media it will rely on the Ministry for its press office. This is not to say that this reliance infringes upon the council's autonomy vis-à-vis the media. The

President has absolute freedom to give interviews and is never held to pass through the Ministry's press office.

The report on the state of education targets a much bigger audience than the compulsory advice on draft legislation. 5000 hard copies of the report are printed. Of these 1000 are directly send by the President to the official institutions such as the administrations and Parliament, to the State School councillors themselves, and to the councillors of the autonomous communities. The remaining 4000 copies are send by the Sub-Direction of Publications of the Ministry of Education, for which the council facilitates and indicates recipients. The report is also published online on the council's website and on CD. We find a high degree of customization of the report to different audiences, in that the proposals for improvements are printed in the official languages of the Autonomous Communities, as well as in English.

Finally, the report is presented by the President to Parliament.

The advisory processes are visualised in the following 2 figures.

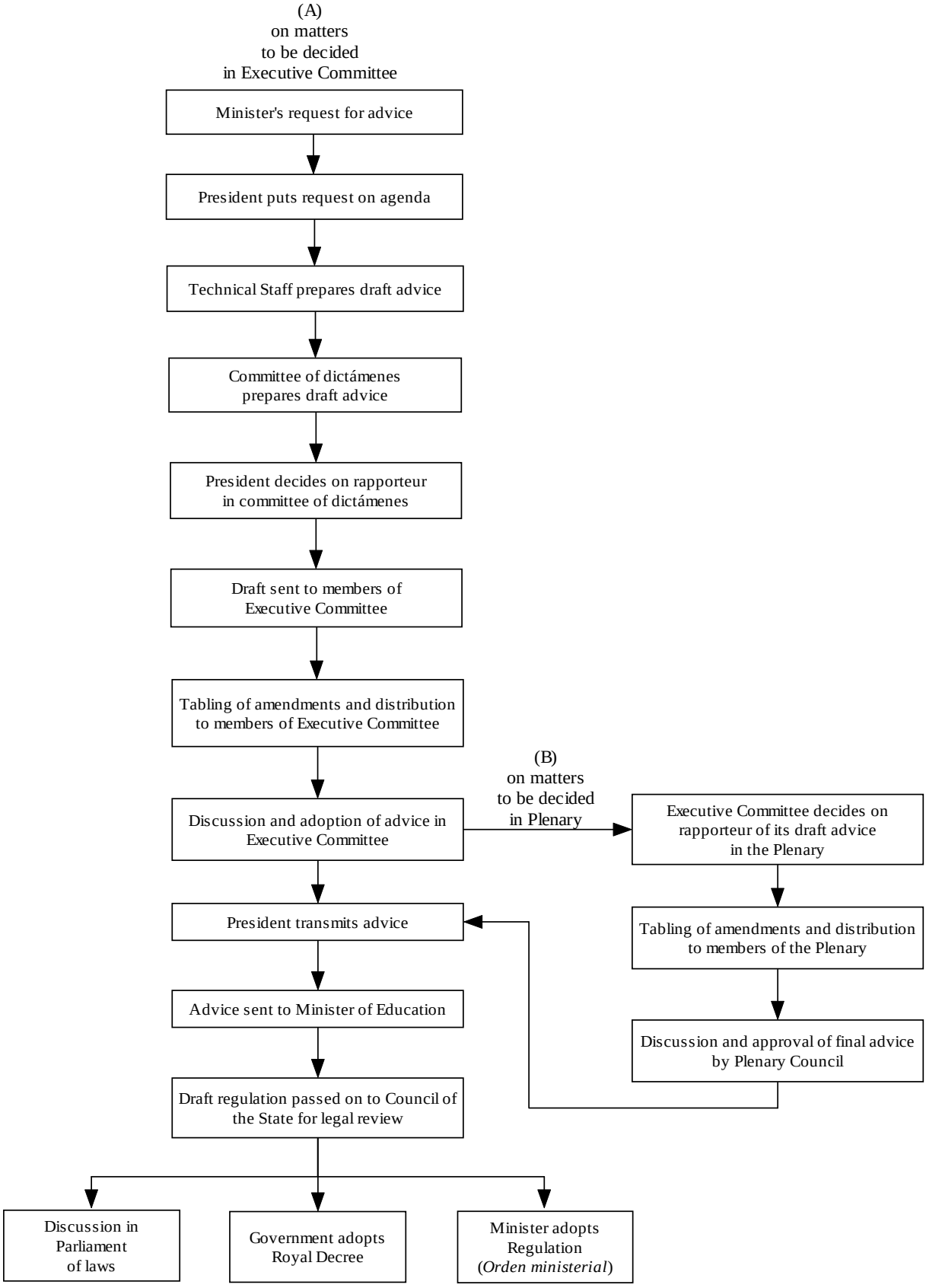

Figure 46: Advisory process Spanish council

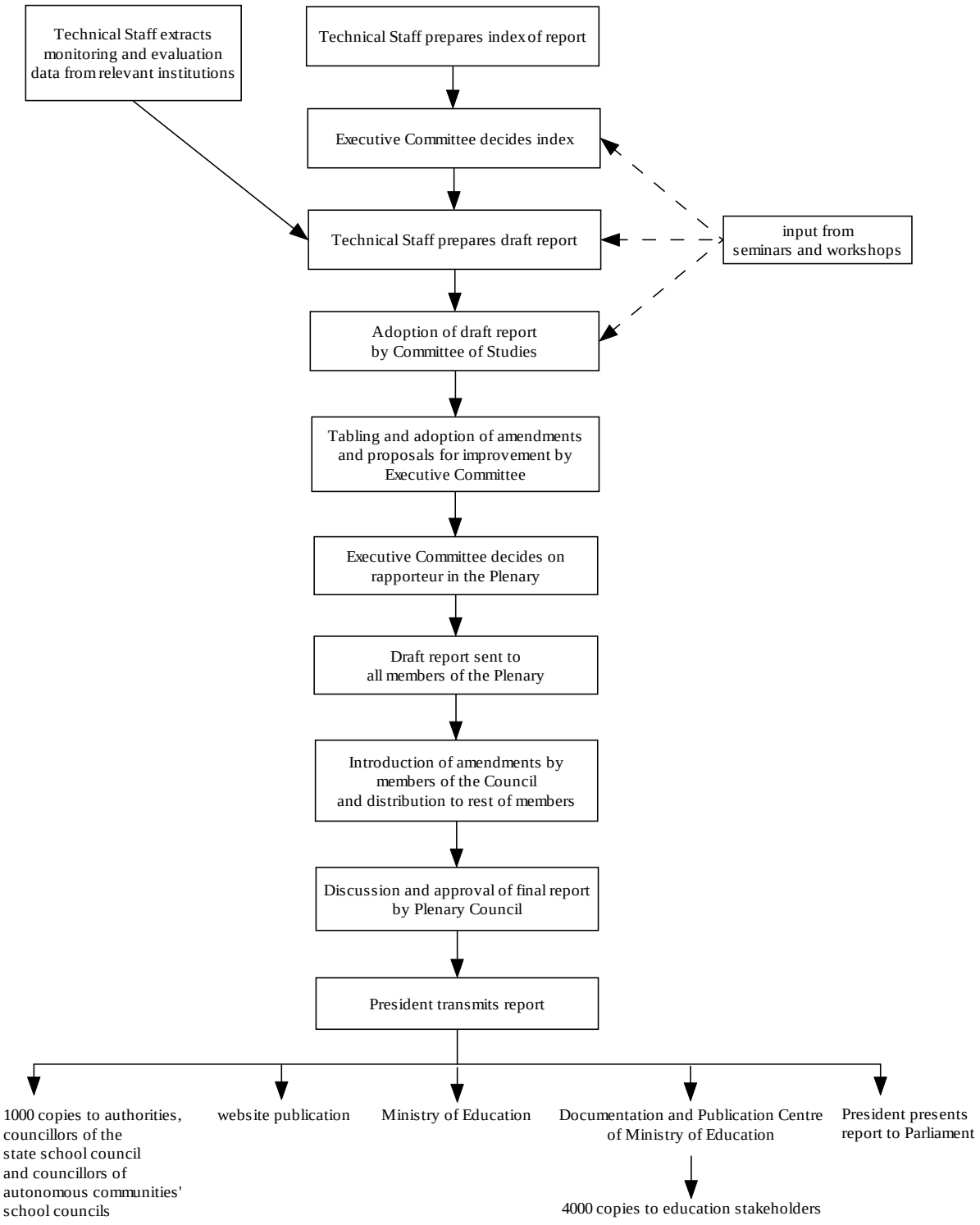

Figure 47: Advisory process Spanish council (yearly report)

> *6.8.11.6. Case Study Conclusion*

The two pieces of advice analysed above illustrate clearly the distinct procedures and processes that the Spanish State School council uses to fulfil its two main roles during the course of a working year. The production of the report on the state of education typically takes up a whole year, whereas the compulsory *dictámen* on access to education is only one of the many the council produces under tight time schedules. The main features of the organisation of the advisory process are in both cases demonstrations of the level of specialisation in staff services and council subcommittees, and the functional separation of the council's activities in drafting proposals and in deciding on them. In both cases there are trade-offs between consensual decision-making and majority voting, highlighting the tensions the council faces to reconcile evidence-based diagnostics of policy problems with the direction of solutions dominated by the weight of representation, and the public demonstration of divergent positions.

The content and audiences of the advice are very different in the cases. The compulsory short time advice targets specific regulatory intentions of the government. The longer term report on the state of education is much more comprehensive, also in its physical properties. Not only does it look back on the accomplishment of educational policies for the whole educational system, universities excluded. It also looks ahead, with both strategic and operational advice on future policies. The different roles of the council are thus exemplified. The report on education shows the evaluative and agenda-setting role of the council, whereas the compulsory advice is in the first place serving legitimation through representation, although the council's more technical observations also add to the instrumental utility of their advice to government.

This brings us to concluding upon a particular feature of the Spanish State School council. Government officials, with political advisors of the Education Minister taking an active part in the council's decision process. Whilst their weight is far from dominant in terms of membership, they defend the draft regulation of the Minister, and will not accept amendments beyond what lies in their mandate. A draft is not completely closed when it is tabled in the council, but in the case of the *dictámen* on access to education it seems that it was, since at an earlier stage in the policy making process, important deals had been concluded between the Minister and other stakeholders, not represented in the council. The government vote was a minority one in this case, and consistent with this position, the government did not follow the majority advice of the council. Indeed, influence seems to materialise earlier in the policy process and through other forums of negotiation and lobbying. The first role in producing compulsory advice is not so much influencing government policy, but rather (de)legitimate it through representational participation. This case thus shows the power of government to overrule the council's majority and hence the limits of the latter's power. But at the same time, it should be mentioned that a majority of the content of *dictámenes* is reported to be picked by government, testifying that policy discussions are often not completely finalized at the moment when the council is being consulted. By default of an system tracking impact of advice on government policy, however, further research on this issue is commendable.

> *6.8.12. Typologising*

> *6.8.12.1. Introduction*

Typologising the Spanish case is relatively straightforward because of its membership structure, government participation, and advisory procedures. Although it includes corporatist organisations, its membership was already quite pluralist from the start, and the council has become more inclusive over the years. Although its deliberative characteristics are tempered by the ideological divisions that are characteristic for Spanish politics in general and education policy in particular, it has some deliberative characteristics too, as a stable organisation that seeks to stimulate public debate on education.

> *6.8.12.2. Representation vs Non-Representation / Lay vs Academic*

The Spanish State School council can be placed in the first quadrant. Its membership is highly representative of stakeholders in education. Over the years, membership has become ever more inclusive, with special interests and territorial representation added to the original membership groups. Lay expertise is dominant in its formal membership structure, but academic expertise is not absent. Academics may be engaged, at the discretion of government appointments, in the group of personalities of recognized prestige, and in the group of universities representatives, but together these will still be a minority. There are other mechanisms through which results from academic research are sourced for the council, more specifically through the organisation of seminars and workshops. It needs to be emphasised, however, that these inputs are not structurally deployed in the council's standard operating procedure of producing compulsory advice. It may happen though that the results of seminars and workshops inspire the analysis and recommendations of the annual report. This is not structurally guaranteed though. At the same time, we must mention the council's embrace of policy evidence in the drafting of its report, which for a large part is sourced from evaluations. When conducted appropriately, evaluations can certainly be assumed to contribute to the scientific base of the report's evidence.

Whilst boosting the democratic value of the council, extensive representative membership clearly has its drawbacks. Great representational plurality, together with ideological polarisation on a left-right dimension, particularly as regards the financing of public and private education remain big dividers in the council on many issues. This makes consensus formation a big challenge in the council, and the voting procedure also poses problems of efficiency, when multiple public manifestations of dissenting opinions blur the focusing and debt of advice. These negative effects are, however, tempered by the use of evidence in the production of the report, as well as for the majority of its activities, by the fact that stable interactions between opposing interests add to good personal relationships and mutual learning, thus creating a fertile ground for incremental agreements.

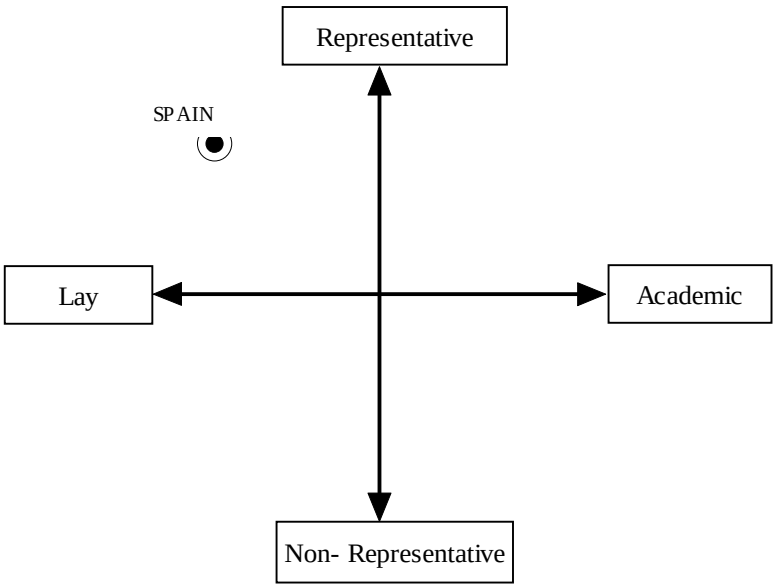

figure 48: membership Spanish council

> *6.8.12.3. Innovativeness vs Incrementalism,*

Turning to the innovativeness vs incrementalism dimension, all interviewees put the council's advice for the majority of its products, to the incrementalist right of this figure. At the same time, some pointed at the occurrence of innovative advice, for instance through the agenda-setting role of seminars and workshops, and the inclusion of priorities in the annual report. In general, however, it was agreed that the highly representative nature of the council together with its decisional procedures favour decisions that are small steps away from the status quo rather than highly innovative policy proposals.

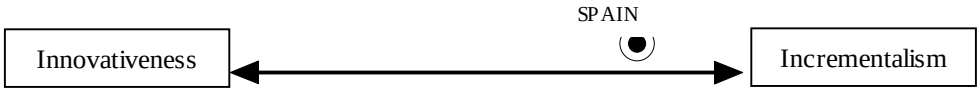

figure 49: innovativeness vs incrementalism - Spanish council

> *6.8.12.4. Information vs Participation / Inside Government vs Outside Government*

The Spanish council is a public body set up near the government. It meets in government buildings, its leading figures are appointed by and paid for by the Ministry of Education, which also employs its permanent staff. The legal status and highly representative membership regulation have granted the council, however, great autonomy in the setting of its agenda , the execution of its legal roles and the use of its right of initiative. The council has established itself as an independent body, but at the same time enjoys a close relationship with government. Government nominates it President, delegates government representatives to the plenary and executive committee, and also appoints the group of personalities of recognized prestige. The government delegates are not passive transmitters of information or observers but play an active role in the council's bodies. In this, they have no extra privileges, and execute the right to vote consistent with their mandate. Their presence opens up space for intense boundary work within the council's operations, as interactions and feedback with government are continuous.

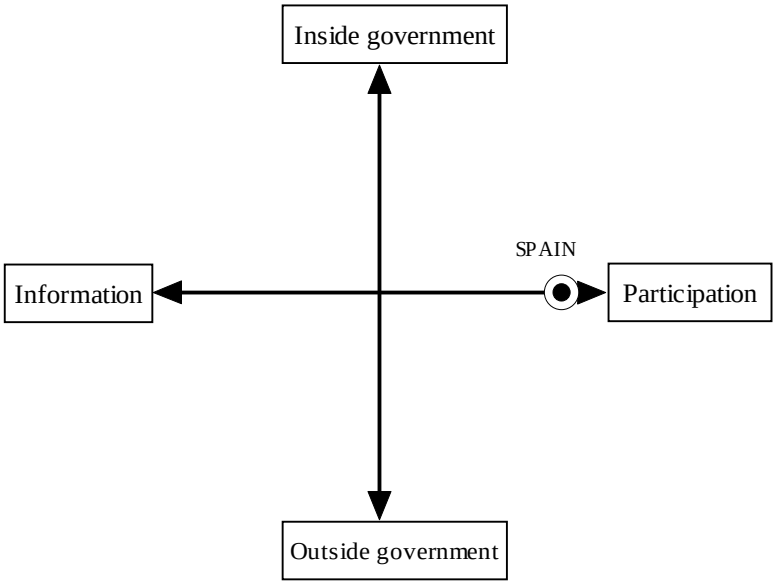

figure 50: government interaction - Spanish council

7. Comparative findings and recommendations

> 7.1. Introduction

In this conclusion, we first briefly reiterate the research questions of the study. Secondly, we present our study's main findings in a comparative table. Thirdly, we seek to answer the research questions, dividing them into two sections. The first, descriptive questions called for a documentation of general information on the common features of education councils. The second question, which was more explorative, focused upon developing insights and hypotheses on the relevant variables for the success of individual councils.

The final part of the conclusions comprises policy recommendations, which we divide into a meso and micro dimension[16]. These conclusions are drawn from the actual results of our empirical study, as well as from the theoretical frameworks that guided our investigation. Our meso recommendations pertain to institutional and political decisions and contexts, and thus appeal to those policy actors who are responsible for organising and employing advisory organisations (focusing on input and output elements). The micro recommendations are useful for the educational councils themselves as organisations, and outline possible routes and mechanisms for increasing their input, as well as throughput and output legitimacy.

> 7.2. Research questions

The initial, descriptive phase saw us attempt to define the different aspects of the various councils which we have studied across Europe. This was far from an easy task, with the sheer variety of councils making it difficult to identify the key aspects of each. Finding common characteristics which we can identify and compare has proven particularly difficult, with some councils focusing more upon one aspect, for example, their representativeness, than others. Another difficulty is found in the different interpretations we have identified between councils. There has proven, for example, to be no objective measure of "representativeness". This situation is further exacerbated by the fact that terms such as representative, inclusive, policy impact, independence, etc. can have very different interpretations within country specific environments. This is something which was most starkly demonstrated in the Greek case where the interpretation of democratic inclusion provided quite different connotations than in other European countries.

Whilst is has proven almost impossible to clearly identify individual "education council models" across Europe, what we have been able to identify is general leanings of education councils to or against certain categories, and divide these leanings between clusters of countries. Thus for example we can identify a common foundation of councils around times of political instability or radical change, such as democratic revolution. Whilst this has not proven true for the foundation of all councils, the founding of a substantial number can be put down at least in part due to such dramatic changes. Other councils such as the Flemish and Dutch have originally been awarded a specific place in the consociationalist make up of their political systems. However, subsequent constitutional changes represented challenges to the very consociationalist system itself as was for example the case in the Dutch move away from a representative-based to an expert-based council and the Flemish failed attempt in the beginning of the century to restructure strategic advisory councils along expert lines.

These questions guided the research:

[16] A macro dimension would pertain to the broader constitutional, political and cultural environment within which education councils are embedded. Changing the characteristics of this environment falls outside the reach of education policy-makers and councils.

1.What are the different types of education councils in international comparative perspective? (descriptive). The following sub questions were dealt with:

a. *How are education councils organised and institutionalised (membership, internal organisation, legal status, social status, level of discretion, funding, institutionalisation,..).*

b. *What accounts for different modes of institutionalisation?*

c. *What types of education councils can be identified? How is the process of advising organised with respect to the policy making process?*

d. *What is the impact of education councils on the policy making process?*

e. *What is the impact of current societal developments on the organisation, institutionalisation and policy impact of education councils?*

2.What is the influence of different aspects of the institutional arrangement on the outcome? (exploratory/explanatory). The following sub questions were dealt with:

a. *What is the impact of legal status on the outcome?*

b. *What is the impact of membership on the outcome?*

c. *What is the impact of process design and management on the outcome?*

> 7.3. Comparative Table

In this section we present the main findings of the study in a comparative table.

Input:

Variable	*Indicator*	Spanish council		Dutch council		Portuguese council		Estonian council		Greek council		Flemish council	
Administrative support:	*Level of funds*	+		+		+		-		-		+	
	Permanent Staff	18		8+ 12	8 support staff and 12 academic staff	12		1	Members volunteer to work as administrative staff	2		26 + 2	26 staff members (an additional 2 on temporary projects)
Legal Status:	*Government recognition*	Y		Y		Y		Y	As an NGO	Y		Y	
	Independence of Budget	Y		Y		Y		Y	Minimal and predetermined	N		Y	
	Consultation requirement	Y		N		N	On 'major' reforms only e.g. 1996 reform	N		N		Y	On specific legislation and general policy plans
	Feedback Requirement	N		Y		N		N		N		Y	But limited
Social Status:	*Social Status of Members:*	+		+		+ +		-/+		+			+
	Social Status of President:	+		+		+ +		-/+		++			+
Principals:	*Number of Principals*	3	Government Parliament Member organisations	2	Government Parliament	3	Government Parliament Member organisations	1	Generally to the member organisations	1-2	Government, Member organisations	3	Government Parliament Member organisations
Membership	*Openness (boundary rules)*	-	Closed, specific membership rules	-	Closed, specific membership rules	-	Closed, specific membership rules	++	Open, no membership rules	-/+	Medium. Membership rules vary depending upon council section	-	Closed, specific membership rules
	Diversity	++	Very high diversity. Members from more than two groups within three communities (expert/society /government)	-	Limited diversity. Members from more than two groups *within* one (expert) community	++	Very high diversity. Members from more than two groups within three communities (expert/society /government)	++	Very high diversity. Members from more than two groups within three communities (expert/society/ government)	++	Very high diversity. Members from more than two groups within three communities (expert/society/govern ment)	+	High diversity. Members from more than two groups within two communities (expert/society/ government)
	(group) Representatives	Y	Apart from some experts	N		Y	Apart from some experts	N	Apart from some representatives	Y	Apart from experts in ad-hoc committees	Y	

Variable	*Indicator*	Spanish council		Dutch council		Portuguese council		Estonian council		Greek council		Flemish council	
(continued) Role (Scope):	*Scope*	B	Mixture of short and long term	LT	Mostly long term	B	Mixture of short and long term	LT	Very long term	ST	Mostly short term	B	Mixture of short and long term
	Right of Initiative	Y	Sometimes used e.g. workshops	Y	Regularly used	Y	Regularly used	Y	Regularly used	N		y	Regularly used (about 1/3 of all advice)
Discretion:	*Rules, flexibility*	-/+	Medium, there is some discretionary room	-/+	Medium, there is some discretionary room	-/+	Medium, there is some discretionary room	+ +	No rules, full discretion	-/+	Medium, there is some discretionary room (higher discretion for ad hoc committees)	-/+	Medium, there is some discretionary room

Throughput:

Variable	*Indicator*	Spanish council		Dutch council		Portuguese council		Estonian council		Greek council		Flemish council	
Decision Making:	*Officially Consensus:*	N	Majority voting is official, and often used	N	Majority voting is official, although never used.	Y		N		N		N	Majority voting is official, and often used
	Strives for Consensus:	Y		Y		Y		Y		Y		Y	
	Official mechanism for inclusion of minority opinion	Y		N		Y		N		N		Y	
Interaction:	*Internal Interactions*		Non frequent interaction in plenary council; frequent interaction in other bodies; informal interaction between sessions		Frequent interaction; some informal interaction between sessions		Varies - depending upon process stage and individual rapporteur		Frequent interaction		Frequent interactions in the council body proper, limited interaction between sessions. Frequent interactions in the ad-hoc committees		Frequent interaction; some informal interaction between sessions
	Communities involved	3	All communities involved	1	Academic expertise involved (society consulted)	3	All communities involved	3	All communities involved	3	All communities involved	1	Society involved (academic experts consulted)
	Directionality expert interaction (1 or 2 way)	2	Experts present as government nominees; consulted in seminars	2	Experts are present in council and consulted through expert pool	2	Experts are present in council and consulted	2	Experts are present in council and consulted	2	Experts are present in council and ad hoc committees	1	Experts are consulted on ad hoc basis
	Directionality society interaction (1 or 2 way)	2	Society present in council	1	Society consulted	2	Society present in council	2	Society present in council	1-2	Society present in council, not in ad hoc committees	2	Society present in council

Variable	*Indicator*	Spanish council		Dutch council		Portuguese council		Estonian council		Greek council		Flemish council	
(continued)	*Directionality government interaction (1 or 2 way)*	2	Government present in council	1-2	Government not present in council. For the agenda and distribution the council leans towards a two way interaction, limited interaction during advice production	2	Government present in council	1-2	Anyone can participate, but government less often than most.	2	Government present in council	1-2	Government not present in council. For the agenda leans towards two way interaction, limited interaction during advice production

Output:

Variable	*Indicator*	Spanish council		Dutch council		Portuguese council		Estonian council		Greek council		Flemish council	
Dissemination:	*To the Government*	Y		Y		Y		Y		Y		Y	
	To Media	Y		Y		Y		Y		Y / N	Government acts as gatekeeper of distribution	Y	
	To the Parliament	Y		Y		Y		N	Although MPs may participate in email list	N	Government acts as gatekeeper of distribution	Y	
	Customisation of advice	Y/ N	There is some targeting of advice	Y	Great consideration is given to targeting advice	Y/ N	There is some targeting of advice	N	No real customisation of advice	Y / N	Varies- depending upon the section of the council and the type of product	Y/N	There is some targeting of advice
	Published on the Internet	Y/ N	Report published; references to advice published	Y		Y		Y		N		Y	
Quality:	*Innovativeness*	- /+	Depends upon advice	+		-/+	Depends upon advice	+		-	Apart sometimes ad hoc committees	-/+	Depends upon advice
	Non-Dilution	-		+		- -		+		-	Apart sometimes ad hoc committees	-	
	Evidence Base	- /+	Report highly evidence based; advice less	+	High	-/+	Dependent upon the rapporteur and availability of research funding	-/+	Dependent upon the members, usually support arguments with evidence	- / +		+	(Rather) high evidence base
Utilisation:	*Instrumental*	+		+ /-		-/+		-		+		-/+	
	Conceptual	- /+		+		-/+		-/+		-		-/+	
	Agenda setting	- /+		+		-/+		-/+		- _		-/+	
	Strategic/ Political	- /+	+	- / +		-/+		-		+		-/+	

> 7.4. The organisation and institutionalisation of education councils

In this section we discuss how councils are organised and institutionalised: the level of administrative support (including staff and budget), legal and social status; the number of principals, council membership, role, and level of discretion (autonomy).

> *7.4.1. Administrative support*

The level of administrative support we identified across Europe varies considerably. This category covered everything from the level of resources available to the individual council to the number of administrators. Generally the level of resources made available to education councils was greater in Western rather than Eastern Europe. This is far from a surprise as it can basically be understood that richer countries provide greater budgetary resources than poorer ones and that older councils appear to receive greater funding. However, it is an interesting division to identify as it is particularly pertinent for super-national organisations that Eastern European bodies are more reliant upon volunteers and personal networks than the more established Western European bodies.

Additionally administration stands for the levels of permanent staff which administer the councils. Again we see that those councils with larger budgets in Western Europe tend to have larger number of permanent staff which often operate as boundary workers linking the expert, government and civil society communities. Where councils cannot field such a large number of permanent staff, such as in the Estonian case, it has not proven uncommon for a great deal of administrative work to be carried out by the member volunteers. We at the same time discern, as can be expected from NGO's, a certain level of bureaucratization as the most active volunteers do not rotate as much as initially expected and build up expertise over time. In such cases it seems also that the President's role as boundary worker between the government and the council is particularly important. Unsurprisingly we have also found that in expert bodies such as the Dutch council there exists a higher ratio of staff to members than in representative bodies. Further our study identified that several of the larger representative bodies do have an extensive number of staff who support and even play a central role in the body's advisory process. Organisations which are strongly embedded in the policy making process and have sufficient funding appear to be able to develop the staff's expertise and institutional memory, a crucial element in developing highly qualified boundary workers.

> *7.4.2. Legal status*

As a product of our definition, the legal recognition of the education councils we identified has proven generally high, with all being founded upon legislation. The Flemish council enjoys possibly the highest legal status, with the government being required to consult the council on specific topics, as well as the requirement to give -to some extent- feedback on whether or not the advice was followed. However, the strength of these legal consultation requirements should not be overestimated, as the study shows that in some cases the government uses coping mechanisms to bypass what we would assume would be a clear cut consultation requirement. On the other hand, whereas the Spanish council does not enjoy a legal feedback requirement on the advice produced, the membership and organisation of this council does provide ample opportunity of interaction with government representatives, leading to on the spot government feedback on advice. Interestingly, the Spanish council combines a governmental consultation requirement with a lack of feedback requirement, whereas the Dutch council combines a lack of consultation requirement with a feedback requirement. In the Netherlands, the government can choose whether or not to ask advice, but when it does so, it needs to provide sound argumentation to the council if and to what extent advice is followed or not. In the Spanish system, the consultation is seen as a crucial element in the decision-making process, but first and foremost as a procedural step that needs to be followed. We can coin these different perspectives as a procedural and an argumentative approach.

It is further interesting to note that legal consultation requirements may only apply to operational matters, as is the case in the Greek council.

As for legal status in general we find the Estonian council to be in a vulnerable position. Its status as an NGO and its loose coupling with government policy processes, make it ultimately easy for government to bypass it as an advisory body.

> 7.4.3. Social status

For social status we had a difficult time, with it being not easy to quantify the meaning of social status. The information we have garnered has been gained through in depth interviews with government officials and individual members of councils and as such is far from being accurately measurable. In general, however, we have identified that almost all councils have a significant social profile and are well known at least in their own sector. Often such organisations have some social weight and have the President or members turned to when particular subjects are raised in the social or political arenas.

In some councils, such as the Flemish one, there is an interesting mix of both medium and high status members. This is related to the ambition to be (more) inclusive of the education sector or even society as a whole. As some councils increasingly pay attention to be inclusive so as to cover their input/membership legitimacy, they become quite large. However, when a council becomes too large, this may to a certain extent hamper social status.

The Portuguese council seems to enjoy the highest social status with members being high profile figures in their patron organisations or in the education field and with presidents such as an ex-education minister.

Furthermore we have to indicate that the basis upon which status is awarded can differ depending upon the country's political system and culture. For example, it appears that in the Dutch system more status is awarded to experts than in some other cases, such as the Flemish system.

> 7.4.4. Principals

Where it comes to principals, we clearly identify a pattern that it is more common for councils to have multiple principals. As we have indicated in the theoretical chapter, the number of principals is typically high for boundary organizations. They are accountable to multiple worlds and serve multiple masters. The success of a boundary organisation is determined by having principals on different sides of the boundary, that rely on the boundary organisation to provide them with the necessary resources. For such a boundary organisation its "dependence is as important as its independence, (Guston 2000)" because its stability is not derived from isolating itself but by being accountable and responsive to different external authorities.

In the study we found a range of principals between one in the Estonian case and three, in the Flemish, Spanish and Portuguese case. In the latter cases, not only the members (or the members' organisations to be more precise) but also the government and parliament function as principals. In the Dutch case, for example, as the members are not (group) representatives, there is one principal less. In the Greek case there seem to be more principals as there exist both expert and societal bodies, and the council is also accountable to the education minister. However, these different principals are dissociated to a certain extent as their agents do not seem to interact intensively in the actual development of advice. Thus, doubts can be cast on the nature of the Greek council as a boundary organisation, as on the Estonian one, but for different reasons.

> 7.4.5. Membership

As for membership/boundary rules, all councils apart from the Estonian one, have specific rules and a closed access. In the Estonia case all can to some extent participate in the council. For the other councils, the rules specifying the kind of persons that can become a member differs though. Broadly speaking we can differentiate between the logic of expertise and the logic of representation. However, most councils are to some extent hybrids, mixing both logics.

We see a dominance of large membership councils with high membership diversity based upon a representative structure. This is perhaps best explained by the fact that such bodies have a greater level of social embedding, and as such are more difficult for the government to undermine without threatening core interest groups. Another explanation is that it appears from our study that a historically corporatist political environment is the most sympathetic to the development and existence of a permanent education council. As these councils are under pressure to become more inclusive and more diverse, they often add members so as to increase input legitimacy.

Whilst expert councils appear to be in the minority, information from various interviews suggests that governments frequently choose to turn to expert bodies although these are usually ad-hoc in nature and established over particular issues. More permanent expert bodies are less common, although not non-existent as the Dutch council demonstrates.

During the course of the study it arose that the division between group or interest representation and expertise is far more blurred than it initially appeared. Specifically in representative bodies there usually exists mechanisms for including experts within the advisory process, although the specifics of this mechanism vary considerably dependent upon the country. In Portugal academic experts are being co-opted in the council on a more permanent basis, whereas in the Flemish council such experts are consulted on an ad hoc basis. Expert bodies similarly demonstrate such compensation mechanisms which allow for greater inclusion of interests or at least diversity of backgrounds within the expert council. We can clearly see this in the Netherlands where the composition of the expert council needs be broadly representative of society (including gender and minorities so as to broadly cover the representativeness perspective). We can likewise observe this, albeit in a politically more restrictive interpretation, in the composition of Greek ad hoc expert committees which seek the inclusion of a range of political leanings. We can also observe that in the Netherlands the expert-oriented council sometimes consults on an ad hoc basis with interest groups.

Thus, all councils reveal a mix between representation and expertise, with there being no true example of a pure expert or pure representative body.

> 7.4.6. Role

When it comes to a council's roles, we can see a range of roles such as developing advice, offering a forum of interaction between educational stakeholders, stimulating social learning and conflict reduction, etc.. If we focus on the advisory role, we can observe that all these councils to a certain extent provide different types of advice: instrumental, or more conceptual, agenda setting, etc.. The Dutch council typically stresses a more conceptual and agenda setting role, although instrumental advice on operational matters is not alien to them either (e.g. advice on legislation or on exemptions in regulations). The Greek council in turn, focuses on instrumental advice, often on rather operational dimensions of current government policy. Most councils seem to take on different roles. In some cases these roles are specified in detail in legislation and often legislation even stimulates a mix of roles and of types of advice, targeted at different points in the policy cycle.

In line with this we can find a division between a long term and a short term advisory focus Whilst again it is a subject which is rather difficult to identify, in this case we are able at least to identify

the two extremes of the scale. The Estonian council provides almost solely long term focused advice, Greece takes the opposite point and provides almost none, focusing instead upon short term instrumental advice to serve the current government. Other councils deliver both long term and short term advice.

We turn to the right of initiative, which can be seen as an indicator of the level of discretion a council enjoys, but can also be linked to the agenda setting and conceptual roles. In general we have found that almost all councils have the right of initiative, which they employ regularly. For the Flemish council, for instance, one third of all the advice delivered is at its own initiative.

> 7.4.7. Discretion

Discretion (or autonomy) is a topic where we have identified the Estonian council as an example of the most organic structure in Europe which allows for complete adaptability and flexibility with next to no set rules. Other councils operate within a comparatively strict legal framework leaving little room in terms of flexibility within the framework.

In the study we have indeed observed that there are often quite a lot of rules fixing council membership, the nature of the issues that the council is to be consulted about, and the time and manner in which advice has to be delivered. Nevertheless, it appears that usually still some freedom seems to exist to tailor the advice to fit the contextual environment to a certain extent e.g. to consult additional people, to develop advice at one's own initiative, to time one's advice, etc. This kind of flexibility allows for the council to make the most of possible policy windows and successfully deliver boundary work. In Spain for instance the otherwise strict timing may be extended a little to give members the necessary time to participate and submit their opinions and amendments.

All of the councils studied in-depth except for the Greek one also have the right of initiative which they use (rather) regularly. It appears that the right of initiative is an important discretionary element as it allows a council to set its own agenda. Although councils are usually quite attentive to the governmental agenda, they also appreciate the possibility to develop their own initiatives so as to make the best use of the expertise and experience of their members and bring new issues to the attention of the government. Setting the agenda of most councils is then quite typical in that it needs to balance the interests of both government and council members.

> 7.4.8. Different modes of institutionalisation

If we now turn to the second part of research question 1a, looking at elements that account for the different modes of institutionalisation of councils, we find some common themes. We see, for example, very much the political and social culture of a country imprinted on education councils. Nowhere is this more evident than in Greece and Estonia. In Greece the council is legally prevented from attaining an independent budget and operates with the attitude that encroaching on the administration's agenda setting power is tantamount to undermining democracy. In Estonia the council is seen as a social educator, embracing technology and networking to a high degree. All councils in this way are a product of the system in which they have developed. Whilst this may have been obvious from the start, what is interesting is that such a situation leads not only to unique bodies, but to organisations which operate and indeed interpret identical concepts in very different ways.

It is also important to bear in mind that in all these countries competing advisory systems exist. Thus, although one type of council can be seen as dominant and as a typical reflection of the political culture and system, other types of advice and other types of consultation often also exist and compete for access to the policy makers.

Further findings suggest that education councils often seem to have developed in times of political instability or even crisis. Thus, those circumstances most amenable to the development of an education council are often when major reform of the education system is required. This can be understood through the fact that the reigning administration during such time demonstrates a greater need for such a body's existence to pass legislation and tackle reform.

Finally, councils are also found to adapt to changes in the political environment. The Spanish council for instance adapted to the regionalisation of education competences, with the incorporation of representatives from education councils in the Autonomous Communities. In the Netherlands we have seen the longstanding representative council change into an expert body, under pressure of calls for restoring political primacy and for curbing costs.

> 7.5. Types of education councils

The second research question was aimed at typologising the different education councils. However, one of the first things which we discovered during the course of project has been the sheer uniqueness of each council. Although, on the surface, many councils do appear similar in membership and role, no two council's are truly alike. This makes the generation of a general typology difficult without first sacrificing a level of comprehensiveness.

One way which we discovered that education councils could be identified is the Halffman typology (2008). We can say that the Dutch, Flemish, Spanish and Portuguese council in origin all shared corporatist traits. The Flemish, Spanish and Portuguese initially had a more restricted membership, with strong representational monopolies. Over time, all three have become more inclusive and now cover a broad range of interests and expertise, possibly even more so in the Portuguese case as it also includes academic experts. The Dutch council has developed from a corporatist model to a more statist model, where lay and academic experts provide mainly long-term strategic advice. Dutch interest organisations are sometimes consulted in the course of advice development, or solicit the council at their own initiative. But this is hardly reminiscent of the old corporatist tradition, given the ad hoc and fragmented nature of consultation. All these councils to some extent also have deliberative tasks, as they are supposed to stimulate debate and reflection. The Greek council we can call statist as there is very strong government control and the council does not take up advocacy or review tasks. The Estonian council epitomises the deliberative model, has an open membership, and firmly stresses public deliberation and debate.

If we turn to our own efforts at classification, we do not use a typology but position the councils along the different dimensions that have been identified. The first dimension is between (group) representation and non-representation; the second dimension between lay and academic expertise.

In the first quadrant we situate the Flemish, Spanish and Portuguese council. The Flemish council is almost entirely representation-based (apart from two lay experts), whereas the Portuguese and Spanish council both number about 10% of the members as non-group representatives. They differ, however, in the number of academic experts. The Portuguese council numbers a higher degree of academics.

In the second quadrant we find the Greek council as academic expertise dominates the ad hoc committees and group representation dominates the council proper.

Finally, we can position both the Dutch and the Estonian councils in the lower quadrants, as in both cases expertise there is (little or) no group representation. However, their positioning notwithstanding, it is quite clear that both these councils are in fact quite different. Both have a mix of academic and lay knowledge, but the weight differs. The weight is towards academic expertise in the Dutch council, and in the Estonian council the weight towards lay knowledge.

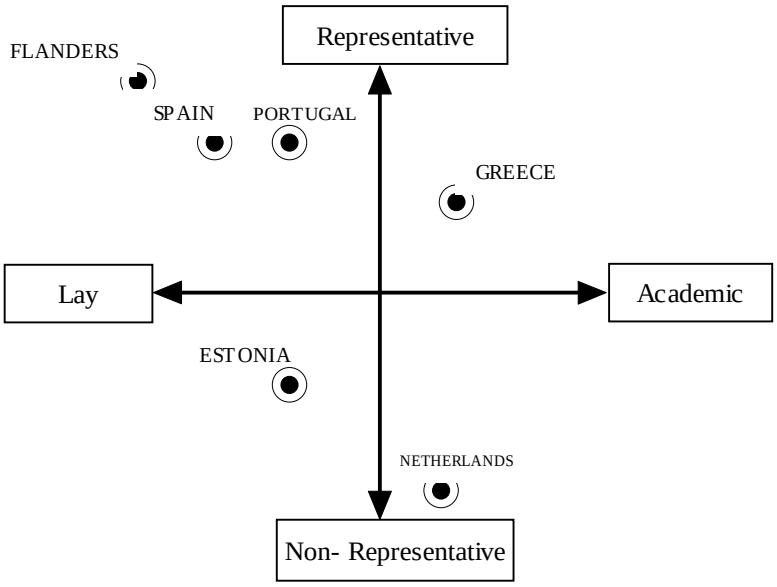

figure 51: membership- comparative chart

As for the innovativeness and incrementalism divide, we have documented these in the in depth case studies, but it appears that this positioning is contestable[17]. Moreover, the study also indicates that the level of innovativeness heavily depends on specific pieces of advice. For this reason, we have not included an overview here. Nevertheless, it appears that elements such as council membership and decision-making mechanisms do have an influence on the level of innovativeness of the advice produced. Seeking consensus in strongly representative councils can indeed be breaks on innovative advice.

When we look at the dimensions of state control and level of interaction with the government, we can situate the Greek and Spanish council in the second quadrant. Both have a high degree of government interaction in the advisory process (as in both cases governmental representatives are member of the council and actively engage in discussions). They differ, however, in the level of independence. The Spanish council enjoys full participation of governmental representatives, as they as full council members discuss and vote, but we place it in the middle of the axis inside-outside government because it combines these close links to government with a high degree of independence.

The Portuguese council can be placed in the third quadrant as it combines a position at some distance of government with high government interaction in the council.

The remaining councils all can be situated in the fourth quadrant, as they are situated at a (certain) distance of government and have a (rather) high level of independence, combined with limited direct interaction with governmental representatives while developing advice. However, due to its open membership policy in the Estonian council, government officials have the possibility of actively participating in the debates.

In the Flemish council government officials are invited and are sometimes present, but only as observers or in order to explain a certain government perspective on a policy issue, not to debate

[17] This was also clear from the discussion in workshops with members from educational councils across Europe, at the Annual EUNEC conference in Budapest, 13 October 2009.

it. The Dutch council in turn has no government officials present at all but can be situated a bit higher on the inside-outside government axis because of, for example, the higher government involvement in setting the council's agenda.

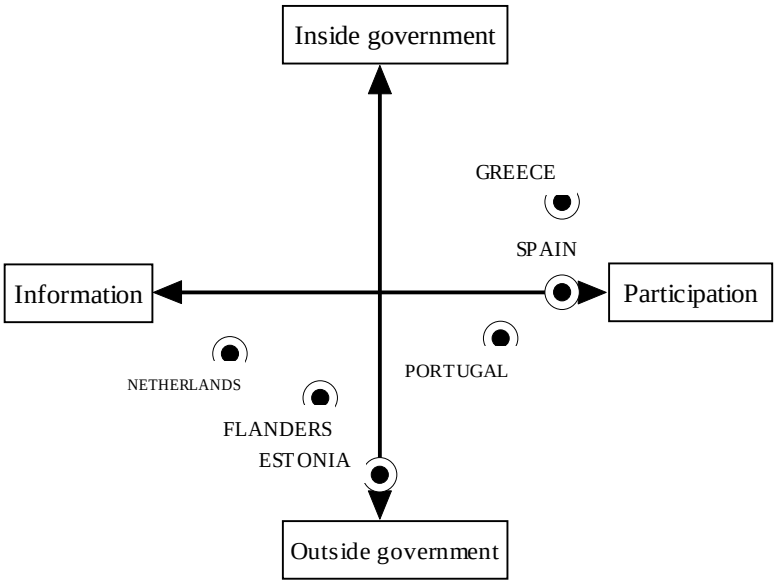

figure 52: government interaction - comparative chart

> 7.6. The organisation of the advisory process

If we turn to research question 1c, we have tried to develop some insights in the advisory process. On the one hand, we have in the in-depth studies outlined in detail the different steps of the advisory process. On the other hand, we have gathered data on e.g. the mechanisms of decision-making that are being used, and the number of communities (government, expert, society) involved in the advisory process, as well as the intensity with which these communities interact.

As for the organisation of the advisory process, whilst many share the same terminology or general structure, the precise interpretation of key concepts and the use of such structures are very specific in each case. There are some findings which we have made across the course of our study. We will describe these here.

Agenda setting has generally proven the product of some discussion although who is involved in these discussions and the general leaning of influence varies considerably across the cases. The most open councils would typically allow for general talks between the council president, members, education minister and parliament. Although from a formal perspective, the agenda is sometimes simply set by the government, this is rarely the case in actual fact, with unofficial channels being common at this stage in the process.

We do see a common feature in that it is the president who is the key figure in such discussions, often communicating with members and the education minister independently and aggregating the points of view into a common agenda. Thus, the president's position as a boundary worker proves crucial to the operation of the council. Likewise the position of the central administrator is

important in the setting of a council's agenda with their role in facilitating communication between the various possible interests at this stage.

The targeting of advice is often the domain of the staff members although this varies considerably between councils. Whilst some of those interviewed indicate that advice was tailored dependent upon the recipient, the majority did not consider 'adapting their distribution style' as targeting advice. It would therefore appear that for the most part advice tailoring does occur but is carried out often without pre-conceived strategy. It is the staff here who often act as boundary workers, tailoring advice to fit the community to whom the advice is distributed.

Whilst we see many differences between councils in the manner by which advice is processed, internally we often see highly standardized procedures. It appears that older councils have standardised the advisory process to what is conceived as the optimal path within their given legal and financial constraints. A few do have alternative paths available to them, often to either "fast track" advice, or in some cases to allow for different types of advice. Very rarely we have seen councils with 'fully flexible paths'. For the most part this is the domain of younger councils which are yet to standardise the process. In Portugal, however, we see a long standing council experimenting with possible alternative advisory paths in order to identify a more optimal process or procedure in its current societal environment. Also other long standing councils such as the Flemish and the Dutch council have developed alternative approaches, parallel to their 'standard approach'.

One of the biggest difficulties of our study has arisen from the fact that there is a great deal of hidden mechanisms at work in almost every council. Whilst most bodies have strict legally defined structures, mechanisms and processes by which they must operate, they often compensate this with less formal mechanisms. These informal links are often equally or even more important than official ones, although easily overlooked. A typical example again comes from the Greek case where formal mechanisms within the council restricting the raising of issues to the agenda appear to be compensated somewhat by core member groups contacting the education minister directly. Whether this has an influence on the council's agenda is therefore difficult to tell or even measure as information on such mechanisms is inherently sketchy.

We can also have a look at some specific concepts that we have analysed as linked with the throughput stage. More specifically, we will discuss decision-making systems, and interaction intensity. As for decision-making we have described whether, from a legal perspective, advice in the education councils has to be decided by consensus or otherwise. We have also analysed whether there is an informal rule that indicates a 'striving for consensus' and whether any official mechanism exist for the inclusion of minority opinion into the advice. If we turn to the results it is clear that all councils strive for consensus, but that not all actually have a formal rule of consensus (which can actually be understood here as unanimity). Whereas the Dutch, Spanish and Flemish council have majority voting as official mechanisms, this is never used in the Dutch case as opposed to the Flemish and Spanish cases. Clearly, a mechanism to include minority opinion is a way out of discussions where a compromise or consensus appears impossible. Nevertheless, minority opinions are sometimes felt to dilute or weaken the overall strength of the advice, making it possibly easier for decision-makers to ignore it.

When we look at interaction intensity, we have identified that most councils draw from at least 2 of the 3 communities when developing advice, although the Dutch council strictly speaking only draws from 1 community. When more communities are involved, the intensity of the interactions differs, as does the weight of one community vis-à-vis another. In most councils studied, the weight leans towards society. An important item here is again independence, which appears to be quite important for all councils, although interpretations differ. Some think it to be important to be independent of the government, others of societal interests. Still others feel the need to provide a balance of interests including all actors. One common feature for most councils has been that they

appear to struggle with balancing independence from the government whilst allowing for the inclusion and participation of government within the council. These findings are in line with what the literature on boundary organisations suggests.

> 7.7. The output of education councils

Research question 1d initially dealt with the impact of the advice of education councils. This has proven too ambitious and difficult a concept to study within the remit of this study. We have instead looked at different output variables such as dissemination, quality of advice and utilisation of advice.

Turning to dissemination, most councils have wide dissemination strategies, delivering advice to the government, the media, and publishing it on the internet. They do differ in the extent to which also parliament (often as a 'principal') is being targeted and informed about the advice produced. The Estonian and Greek council do not (at least specifically) target parliament.

The extent to which advice is being adapted, tailored to the needs of a specific audience appears to be limited. The Dutch council seems to be giving the largest consideration on the format of the advice, depending on the target, but also the Spanish council customizes its report to different audiences, with the use of summaries and translations.

The media is often used as a tool of dispersing information to the relevant communities, and at times directly to put pressure on the government to consider a particular issue. What is unclear, however, is how many councils pursue this as a conscious strategy and how many simply passively distribute advice to the media. Some councils, such as the Dutch one, have highlighted specific dissemination strategies, for example sitting on less important advice, or releasing it more quietly to increase the potential impact of advice which is considered more important. This has also proven reliant upon the nature of the media in the particular country. Most councils have been forced to deal with issues where the media has attempted to use their advice out of context to spark controversy rather than employ it as it was designed.

What about the quality of the advice produced? As has been indicated before, the data on this concept is highly subjective. Depending on the perspective, council advice is being qualified as highly innovative or not, diluted or not, etc.. Generally we see that most councils do strive for at least some innovativeness in their advice. But there appears to be a great deal of disagreement on what the meaning of such innovativeness is. For the government, innovativeness is often adding information from a perspective they had not and would not have considered or had access to. Thus, they frequently feel that representative councils do not add much to their knowledge base in this way. Others would suggest innovativeness is the provision of advice which demonstrates a radically different path to that which the government currently pursues, which would suggest that larger, consensus based, councils will struggle in achieving this. Some would say that incrementalism in advice is not necessary a bad thing, as a counterweight against radical reform projects that do not often lead to the intended results, or against policy proposals that look good on paper, but are difficult to implement.

What is also clear is that councils strongly differ in the level of standardisation of the advisory process, and we can see a link between the quality of the process or procedure and the final resulting advice. By standardizing the procedure, at least some efficiency gains can be made. On the other hand, certain, often complex topics possibly need a process which has been specifically designed to meet the needs of such a situation. Thus, standardising, as well as developing more open alternative processes may be useful. We have observed that some councils are experimenting with alternative processes and procedures, probably in order to meet this challenge.

It further becomes apparent that most councils base their advice to a certain extent on research and other evidence. Again the weight can differ though. In some cases e.g. the Flemish council, selected evidence appears to be used to support opinions, the weight is in such a case towards opinion less towards the evidence itself. We also see councils make use of the best available information, when time and other constraints limit the commissioning of research. In Spain, we see an interesting strategy at work, where policy evidence is being sourced from official institutions only to prevent a fragmentation of the knowledge base for discussions.

And what do governments expect of the advice that education councils deliver? Governments often seem to prefer a mix of evidence and opinion, and criticise advice that is supposedly lacking in these. For example, more conceptually oriented councils often find themselves criticised for not being directly useful to the current administration's wishes or for simply providing 'useless' advice. Such councils often appear under great pressure from the government to be reformed into something more directly useful and malleable to the current administration's needs. This seems to apply to the Estonian case, and also to the Dutch one to some extent. More instrumentally oriented councils, on the other hand, are often criticised for not being independent enough of the government and often do not have the time to tackle an issue in depth before it must provide its opinion on the topic. Their advice is, however, directly applicable to the government giving them specific advice on pertinent issues. Whilst most councils mix the two roles somewhat, there is often a leaning either one way or another. Few tackle each equally intensive, this often being the result of a lack of resources to be able to provide advice in both styles simultaneously.

Interestingly, representative councils can be criticised for lacking evidence and theory supporting their advice, whilst expert council may hear they are out of touch and too theoretical. It would therefore appear that a council must balance the two, expertise and a measure of opinion if the government is to be satisfied with the product.

> 7.8. Current pressures and trends

Research question 1e deals with current developments and the possible impact on education councils; We do see increasing pressure on education councils from various sources, possibly exacerbated by the economic crisis. The need for a council to justify its continued budget or even existence is strong as governments look for methods of saving money. Advisory bodies are traditionally being targeted as a way of cutting administrative costs. Therefore, such bodies need to constantly assert their value.

However, there are other pressures which we have identified. These are often related to the different perspectives on policy legitimacy. As for input legitimacy, it appears that councils are under increasing pressure to expand their membership to include newly rising social groups and interests (although removing older defunct interests has proven a challenge to all making some councils grow increasingly large and unwieldy). With so many councils being formed into power vacuums in times of crisis, they are also sometimes accused of impinging on their administration or parliament's political primacy. This may be forcing councils to react and redevelop themselves in forms which are not perceived as threatening the sovereignty of their political institutions.

Councils are also facing greater pressure from increasing competition within their sectors as governments increasingly turn to ad-hoc expert bodies which are formed to consider specific issues. More than one council has expressed feelings of being sidelined by the government turning to such sources for advice over that which the council provides. Councils also face the need to increase their expertisation, as government's increasingly look to expert opinion and seek to support policy with evidence. For an education council to score equally well on different aspects of output legitimacy (innovativeness, policy support, evidence base, policy impact, etc.) seems to be difficult.

In reaction to these challenges councils will develop certain strategies aimed at their membership, processes and procedures, etc.. We have seen councils grow in order to become more inclusive, experiment with commissioning research, increasing their evidence base and increasing consultation. Some councils shift in their scope in an attempt to provide more 'useful' opinions to the current administration. Further we have seen generally greater coordination with government actors in an attempt to make advice more focused upon the needs of the current administration whilst simultaneously attempting to maintain a position of independence.

These first questions were more descriptive in nature; with the next question we aim to look at possibly important elements in developing successful advice.

> 7.9. Influence of organisational arrangement on output results

We looked at the impact of institutional arrangements on the outcome of a council's advice, more specifically the impact of embedding, the width and depth of participation, and process design and management.

This was perhaps the most ambitious of the questions, focused as it was upon identifying internationally reproducible best practices within education councils. During the course of our study we did indeed identify common themes suggesting general effects of variables, such as embedding, upon the outcome of a council's advice. However, it also became increasingly obvious during the course of our study that there was no single explanation for what a good advisory result exactly entails. In fact we realised that there were multiple definitions on what a successful outcome may be. Even within councils, members disagreed upon what they viewed as successful and unsuccessful advice. Some members suggested successful advice would be advice that was incorporated word for word within government policy, suggesting a very instrumental perspective. Others consider success more subtly and regard success as being advice which has an effect upon the general knowledge base of society or on core government and social actors. Another perspective would be the view that success is simply the presentation of high quality advice, under the opinion that a council's role is simply to provide the government with evidence and opinion, not to take over from its role as final arbiter in matters of national policy. Moreover, it seems plausible that success of a single piece of advice may change over time. Advice maybe unsuccessful instrumentally at one given point in time, but may prove highly instrumental for a successive government or even set its agenda.

For this reason, we have in the course of our study refined the definition of success, and have looked at both quality and utilisation of advice. Additionally, we looked at advice dissemination as this also seemed to play an important role.

Having said this, across the course of our study we have begun to identify patterns concerning those features of an education council which provide the most support for the successfulness of a piece of advice. Whilst no one of these can possibly be a catch all 'magic pill' to ensuring successful advice, combined they provide a possible cocktail which may allow for a council to have greater success with its advice.

First of all, when we look at "embeddedness" within the policy making process, we find a huge variety of possible levels and methods of embedding, with no real example of what may be the impact of a specific aspect of embedding on a council's success. This is perhaps the greatest example of structure suiting form, with different governmental structures in countries with very different political and social traditions meaning that each country's respective council must embed itself in a specific manner to achieve similar results. Although of course this is made more complex with each council striving for slightly different styles of result. Nevertheless, both legal and social status as ways of embedding appear to play a very important role in a council's success.

Secondly, when it comes to the impact of the width and depth of the council, we do seem to see a pattern that for a council "the success is in the mix", so to speak. Diversification is crucial. First of all, wide membership can help in covering different elements of input legitimacy such as representativeness and inclusiveness, but also of process and output legitimacy. Whilst any single grouping or community representation leaves the council both vulnerable to criticism of bias in its decision making along with undermining possible support garnered by the council through the support of varied members institutions. As for role diversification, it appears that a council must diversify its roles and scope if it is to remain useful for both government as well as its members. Thirdly, principal diversification plays a substantial role in developing and delivering successful advice. It seems that the more principals the council has, the more independence is guaranteed from any single principal. Or, as the boundary work literature would have it, the more masters to be dependent upon, the more independence the council actually enjoys. So its independence lies in its multiple dependencies.

Another element we can link with the boundary work mentioned, is the dissemination and tailoring of the advice. Width of distribution can possibly have a positive effect on having impact on policy. Perhaps most importantly we see the need for good boundary workers within education councils, members but most often staff who are able to provide links between the various communities communicating and tailoring the council's work to the specific audience and on a basic level providing a translation of the needs of the various actors through their knowledge of the perspectives and interests of those actors. For example being able to take information from experts and present it within a format accessible to societal representatives, whilst being able to turn a vague government question into a clear one. It is upon these skills which an education council's success can often be based.

The third element we looked into was the level of process design and management, referring to the need to analyse the policy environment and develop an advisory process which is in line with that environment, adapting the process rules when necessary along the way. The concept of relevance here is the level of discretion or autonomy of the council. Whereas different councils have specific legislation detailing the membership, issues to be consulted upon, etc. they still often have quite a lot of discretionary power. It is not easy to link discretion and process design and management to successful outcome, nevertheless it appears that any process is in need of good balance. There must be a balance between a transparent advisory procedure and the necessary flexibility to be able to adapt the procedure to the issue at hand. When it comes to success, a council must also be able to balance timing: a council which takes too long is of no use to a government instrumentally, whilst a council which is too quick is unable to fully identify the full connotations of a topic.

Looking back at the second research question in which we try to develop more insight in success factors for education councils, we would like to add that throughout this study we have increasingly become aware that education councils are bound to their national environment in terms of their structure and operation. Their success can thus be considered contingent upon the environment in which they operate. The Estonian council provides an example of how an education council may harness technological innovation and volunteerism in the pursuit of advice production. But if such a council were to be transferred to Greece or even Portugal, it would be unlikely to have any impact on the policy making process at all. Likewise the Greek council's deployment of ad hoc expert committees would be far from considered successful in countries such as Belgium or Spain, where success is contingent on participation. This should not be understood as a suggestion that no education council may learn from another, simply to say that there is no one perfect 'catch all structure or process'.

> 7.10. The triple legitimacy perspective?

If we briefly refer back to the overall concept of legitimacy, guiding the research, it is clear that is a very interesting way of approaching the variety of education councils. The broadness of the

concept thus was functional in understanding the different perspectives on what an education council as an advisory body can and should do. It was discovered that many of the councils focused upon different aspects of legitimacy in the production of their advice. In particular, it was found that representative councils heavily focused upon input and, to a certain extent, throughput legitimacy. That is, these councils were quite focused upon attaining legitimacy through specific membership rules aimed at establishing a body representative of educational interests. As they developed over time, a broader perspective was developed, aimed at developing a more inclusive council, even when the guiding principle remains representativeness. Expert councils on the other hand appear to be more focused upon achieving output legitimacy, that is to say maintaining a high level of innovative advice, being less concerned with the democratic nature of the inputs to the advice they produce.

All councils to some extent aim at increasing the different aspects of legitimacy (input, throughput and output). The typical example is the way in which both expert and representative council consult with the 'other' community. It is, however, difficult for any council to maintain high levels of legitimacy across the board. It is hard for example to balance very high levels of inclusion with innovative advice. It is hard to have an intensive interactive advisory process if the group of people involved is too large. That is not to say that a balance between the two cannot be found, but that it is in striving for this balance that every council seeks to deliver successful advice.

> 7.11. Policy recommendations

> *7.11.1. Introduction*

Our policy recommendations are drawn from the empirical results of our study, as well as from the theoretical frameworks that guided our investigation. The meso recommendations pertain to institutional and political decisions and contexts. They thus appeal to those policy actors who are responsible for organising and employing advisory organisations, should they seek to raise the legitimacy of the input, throughput and output of their advisory councils, and ultimately also of their policy decisions. The micro recommendations are useful for the educational councils themselves as organisations, and outline possible routes and mechanisms for increasing their input, as well as throughput and output legitimacy.

> *7.11.2. Meso recommendations*

In order to raise input legitimacy, foster throughput legitimacy and stimulate output legitimacy, government actors can consider to:

- Ensure sufficient funding and means to the advisory council as an organisation, or to the members. This favours independence and continuity, and helps foster a stable policy environment in which policy advice can be generated, and policy memory grow.

- Grant the advisory council a status in law. This prevents advisory councils from being dormant or at risk of being abolished.

- Legally embed the roles of advisory bodies. This allows for a recognition of the diversity of roles an advisory council can play, should this comply with the political policy environment. Hence government can choose the council to supplement instrumental operational roles with the more long term strategic roles of "conceptualisers" or agenda-setters.

- Legally settle the council's access points at different stages of the policy cycle. This can prevent them from being ignored in the policy-process. At the same time, it allows for advisory councils to efficiently plan and time their different advisory products.

- Raise their commitment as a principal by assigning leading civil servants to the council's organisation; or by ensuring government representatives on the council, as either observers, information providers, advocates, or partners in the debate.

- Allow for the inclusion of different communities; if not through membership, representation, and co-optation, than through mechanisms of consultation of experts and civil society interests. This may help to broaden the knowledge base of policy-making, and the combination of data, research and analysis to blend into informed policy advice.

- Raise the number of principals, by for instance including parliament as a client of the council's advice.

- Combine legal guarantees with granting sufficient discretion. This allows for the council to tailor the advice to fit the contextual environment to a certain extent, to consult additional experts or stakeholders, to develop advice at one's own initiative, to time one's advice, etc.. With discretion and flexibility, a council can make the most of possible policy windows and successfully deliver boundary work.

- Invest in benchmarking, monitoring, evaluation and research in order to contribute to the knowledge base councils may draw upon.

> *7.11.3. Micro recommendations*

The members, administrators and those in leadership positions of educational councils can consider raising input, throughput and output legitimacy by using their discretionary powers to the full. They can consider to:

- Adopt strategies and tools for combining civil society input and expertise, next to what is settled in their membership structure. This way, councils can supplement inclusion through membership structure with consultation mechanisms such as expert pools, e-fora, or focus groups.

- Adopt different advisory tracks. Next to a more standardized procedural track, also fast track advice, etc. These different tracks can have different rules on membership, mandate, decision-making rules, etc.

- Adopt conscious and diversified dissemination strategies, in order to communicate with their different principals, and raise the utility of their products. They can consider diversifying their publication and convocation activities. Written dissemination can be diversified with the production of newsletters, memos, briefings, reports, articles, papers, monographs, and with the active use of website communication. Convocation activities in workshops and seminars, both virtual and real, create fora for open debate and discussion, and may help strengthen the political and societal networks of councils.

- Customize information in the process and products to the different principals and audiences. The translation of expert opinion or academic research into information accessible to societal representatives, or of the needs or understanding of various societal actors into relevant information for academic experts; or to turn academic research into practical points for policy intervention. This kind of customization is important in both the process and in the dissemination of products. In the process, it favours the intensity and

transparency of interactions between the communities. In also raises the utility of the advisory products to the government, academia and civil society.

- Engender with members and principals different understandings of advisory success. This prevents frustration and raises commitment on the part of members, and is also useful for government actors in diversifying their expectations of the instrumentality of advice. Short term instrumental use is of course beneficial to all parties. But longer term impact, in terms of changing the perspectives on the causes of policy problems, or the preferred ways to solve them is no lesser success than affecting policy directly and immediately. This also holds for advice that puts new problems on the agenda, either of the current government or of the next. Further, councils may also see success in the process of educating their members. Hence, educational councils can take pride, not only in producing short term instrumental advice for current policy-making, but also in contributing to the knowledge base and policy memory for future policies.

- Efficiently plan and time advisory processes and products in multi-annual and annual work programmes. This allows councils to optimize the contacts with government actors, and align its process with the government's policy cycle. Such programmes can be used by councils to anticipate government requests for advice, but also to proactively produce advice on future policy problems, using their right of initiative. These programmes can also be used to confer with government actors on short term, legislature congruent advice and longer term advice across legislatures.

- Make use of the best available evidence in their advisory process and products: data, research, and analysis, the latter of which blends in opinion of stakeholders. When the commissioning of desired research is financially constrained, or when information is imperfect, as it often remains in the real world of policy-making, councils do best to consult their past knowledge base, or engage in ad hoc consultation of academic experts. The staff can further increase the knowledge base and evidence by building data-bases with information from monitoring and evaluations, past domestic and international research results, and international lesson-drawing.

- Develop conscious strategies to train staff and leaders as boundary workers. Boundary workers are skilled in communication and policy analysis. For cross boundary communication, boundary workers need journalistic skills, but are also competent in drafting policy briefs and papers the style and content of which appeal to policy-makers and civil society actors. They are also trained in policy analysis, and know how to help produce evidence based problem and solution analyses, as well as how to engage in stakeholder analysis and consultation. As to their competences, boundary workers are able to understand and sympathize with the perspectives, sensitivities, and constraints of different principals in the policy environment, and have receptive antennae for political and organisational behaviour. Boundary work is not for the innocent! Current boundary workers carry responsibility for the apprenticeship and coaching of new ones.

8. Appendices

> 8.1. Questionnaire In depth case studies

The questions are split into four categories with example questions provided below, although these can vary depending on whether we are talking with the members, secretariat or education ministry representatives, as well as depending on each council's structure.

The first section focused upon specific questions over the legal status, the self definition of advice, what they qualify as successful advice. These questions allow us to complete the first part of the project, the basic descriptions and were asked of only the secretariat representative.

- What is the legal status of the council? How strong is it, how protected is it from the political control?

- What would you define the council's principal product? What does the council produce, e.g. knowledge transfer, public participation, technical information. What drawbacks does this form of product have?

- What type of questions does the council answer, how are these questions formed?

- What would you perceive as successful advice? How does the council trade off between different possible outcomes such as impact of advice; member satisfaction; enrichment, etc.

- What are the current trends and how are these current trends affecting the council?

- How would you personally describe the autonomy of the council? How closely linked is the council to the government? How much independent action does the council have? Is there a trade-off between autonomy and effectiveness? How integrated is the council into the policy making process?

The second set of questions focuses around the organisation of the advice. Focusing on a specific piece of policy advice, we asked about how advice is produced and processed.

- Can you take me step by step through the advice formation process from the perspective of the two pieces of advice under consideration? Illustrate this process (possible inclusion of an illustration)

- How were they formed/placed upon the agenda? What was the involvement of the ministry, individual members etc.? How were the questions decided upon?

- How was discussion on these topics organised? How long did these discussions take, particularly in regard to the whole policy process? Who is involved? How formalised are these initial discussions?

- How involved is the education ministry in this process? What is the level of interaction with the ministry? Number of meetings with the ministry etc

- What is the impact of legal status and embedding on advice impact?

The third set of questions focused upon the individual's role in this process, how they see their own input in the final outcome and their relative power compared to other persons involved.

- In the above questions, what was your specific role in this process? Were you personally acting as a mediator/technical advisor/stakeholder process manager etc. What is your role, is this the same as how your role has been defined?

- What would you consider your weight on the policy advice process to be in comparison to other people/groups? Do you feel that you have an equal influence on policy advice to other members? Do any particular groups dominate in the field of policy advice? Does your group have external influences on the policy process outside the council? Do you agree with who is considered relevant to the policy field of education, are there any groups you would seek to include/exclude if given the choice

- Would you consider yourself an expert in the field of education, if so how would you define that expertise, technical, academic, representative..?

- Do you agree with when and how advice is given, the decision procedure for example, voting rules etc.

- Do you consider yourself safe in this process, is it transparent/fast enough, are your views given adequate consideration?

The final set of questions focused around placing the council within our model, asking the individuals concerned how they would place their council within specific frameworks in an attempt to quantify, to an extent, the information they have given. In this section all questions will be asked upon scales of 1-7, with 1 representing none at all, and 7 representing absolute in each case. Note that due to the length of each interview this section was not always touched upon heavily, particularly when opinions of the council's position were discussed in detail at a previous stage of the interview.

- On a scale of 1-7 could you please define how close the council is to the education ministry?

- On a scale of 1-7 could you please define how much control the education ministry has over the council?

- On a scale of 1-7 could you please define whether the mix of the council is towards lay or academic expertise. Lay being 1 and academic being 7.

> 8.2. List of interviews

The initial stages of the project carried out between the 13th and the 15th of October 2008 saw the following Education bodies interviewed in Vilnius (during a EUNEC conference).

- Greek council: Angela Soufli-Chief Administrator

- Estonian council: Krista Loogma-President ; Ruus Viive-Riina-Member; Ginter Jüri –Member

- Lithuanian council: Marija Barkauskaitė-Chairperson

- Spanish council: Antonio Frias del Val - Technical expert secretariat council

- Portuguese: Manuel Miguens-Chief Administrator

- Hungarian council: Szebedy Tas-Vice President

- Cypriot council: Pillas Kyriacos-council Administrator ; Zissimos George- Education Ministry
- Welsh council: Gary Brace, Chief Administrator
- Irish council: Sharon Cousins -Administrator

In the second stage, for the in-depth case studies interviews were held.

> *8.2.1. Portuguese council*

27 April 09	Manuel Miguens	Secretary-General
27 April 09	Adriano Moreira-	Ex-council President
28 April 09	Roberto Carneiro	Ex Education Minister (Re-established the council)
28 April 09	Ana Maria Bettencourt	Member
28 April 09	Júlio Pedrosa	Member
28 April 09	Joaquim Azevedo	Co-opted Member and ex-secretary of state
29 April 09	Marçal Grilo	ex-council president and ex-education minister
29 April 09	Teresa Gaspar	Administrator

> *8.2.2. Dutch council*

23 April 09	Fons van Wieringen	council President
24 April 09	Roel Bosker	Member
24 April 09	Simone de Bakker	Administrator
24 April 09	Ype Akkerman	Civil Servant
24 April 09	Geert ten Dam	Member
17 August 09	Willem Halffman	Scientific Expert (for expert contextualisation)
17 August 09	Rob Hoppe	Scientific Expert (for expert contextualisation)

> *8.2.3. Estonian council*

4 March 09	Krista Loogma	council President
5 March 09	Rairo Juurak	Member and chief administrator of the e-forum
6 March 09	Kaie Piiskop	Member and head of a semi-government body.

> *8.2.4. Greek council*

2 June 09	Thanos Veremis	council President
2 June 09	Angela Soufli	Chief Administrator

2 June 09	Panos Tsakloglou	member
2 June 09	Vasilis Papazoglou	member
3 June 09	Andreas Karamanos	Ex- General Secretary in the Education Ministry, ex-council member
3 June 09	George Zervas	member and University Rector

> *8.2.5. Flemish council*

30 May 08	Ann Demeulemeester	President
24 February 10	Mia Douterlugne and Roos Herpelinck	General Secretary and administrator

(Case description is also based on a previous study of the Public Management Institute on the Flemish education council and other Flemish strategic advisory bodies - (Fobé et al. 2009).

> *8.2.6. Spanish council*

16 June 10	Carmen Maestro Martin	President
16 June 10	Dolores Molina	member, representative Education Ministry
17 June 10	Leonor Moral Soriano	Education expert, member, representative Education Ministry
17 June 10	José Luis de la Monja Fajardo	General Secretary
17 June 10	Luisa Martin	member, representative Teachers' Union (CCOO)
17 June 10	Rosario Vega	member, representative Entrepreneurs Association
16 +17 June 10	Antonio Frias del Val	Technical expert secretariat council

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