

## The Role of Accountability in the Belgian Education System: From Control Regulation to Autonomous Regulation

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### Abstract

Since 2017, new modes of regulation have been implemented in French-speaking Belgium and have resulted in responsabilization and accountability policies. This article aims to define the characteristics of control regulation, which corresponds to explicit and official rules implemented by the central government. Based on a textual analysis (NVivo® software) of legal texts published between 2017 and 2019, it aims to understand this regulation. This article consists, firstly, of an analysis of the way in which these texts define concepts reflecting the reform of governance in French-speaking Belgium (accountability, autonomy, etc.). Secondly, the “consistency” between this analysis and the literature is examined. This analysis is enriched by a qualitative analysis of interviews conducted with stakeholders in the system ( $N = 5$ ) regarding the way they mobilize these concepts. The aim is to approach autonomous regulation, corresponding to the rules produced within the organization by the individuals who make it up and their interpretation, so that it corresponds to their “reality in the field.” Based on these levels of analysis, this article intends to identify the extent to which these stakeholders take up the meaning of these concepts from the corpus and/or the literature in their discourse, but also how they alter, deviate from, or interpret it.

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## Résumé

Depuis 2017, de nouveaux modes de régulation ont été mis en place en Belgique francophone et ont donné lieu à des politiques de responsabilisation et de redevabilité. Cet article vise à définir les caractéristiques de la régulation du contrôle, qui correspond à des règles explicites et officielles mises en œuvre par le gouvernement central. Basé sur une analyse textuelle (recourant au logiciel NVivo®) de textes juridiques publiés entre 2017 et 2019, il vise à comprendre cette régulation. Cet article consiste, dans un premier temps, en une analyse de la manière dont ces textes définissent des concepts reflétant la réforme de la gouvernance en Belgique francophone (redevabilité, autonomie, etc.). Dans un deuxième temps, la « cohérence » entre cette analyse et la littérature est examinée. Cette analyse est enrichie d'une analyse qualitative d'entretiens menés avec des acteurs du système ( $N = 5$ ) sur la manière dont ils mobilisent ces concepts. L'objectif est d'approcher la régulation autonome, correspondant aux règles produites au sein de l'organisation par les individus qui la composent et leur interprétation, afin qu'elle corresponde à leur « réalité de terrain ». À partir de ces niveaux d'analyse, cet article se propose d'identifier dans quelle mesure ces acteurs reprennent dans leur discours le sens de ces concepts issus du corpus et/ou de la littérature, mais aussi comment ils les modifient, s'en écartent ou les interprètent.

*Keywords / Mots clés* : new steering modes, control regulation, accountability, autonomy, responsabilization, definitions, consistency / nouveaux modes de direction, régulation du contrôle, redevabilité, autonomie, responsabilisation, définitions, cohérence

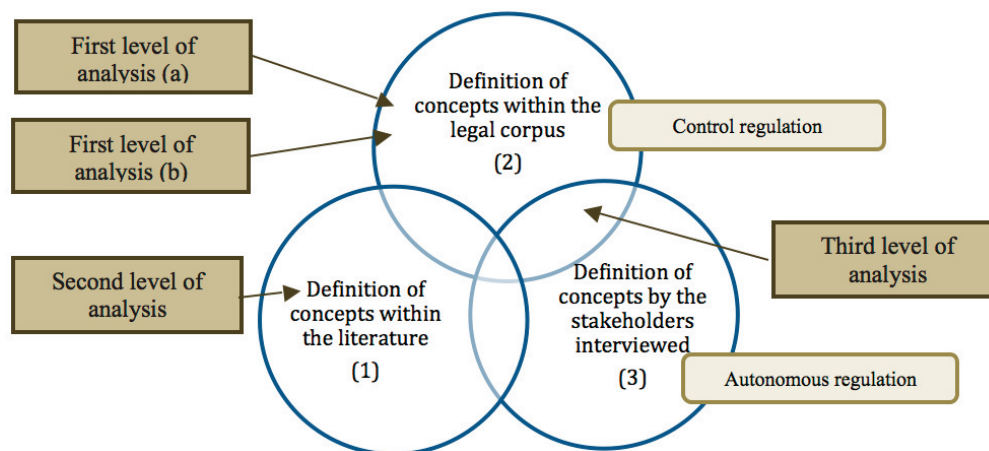
## Introduction and background

For the past two decades, school systems have been transforming their educational policies (Maroy, 2013; Demeuse & Pons, 2021). Inspired by neoliberal principles, the New Public Management (NPM) has affected the education world, leading to the introduction of new modes of regulation (Maroy, 2008; Desrosières, 2013; Felouzis & Hanhart, 2011). The Belgium government determined this was the most accurate way to improve the efficiency and equity of the system, two elements that are lacking in French speaking Belgium as shown by international studies (e.g., OCDE, 2007). These transformations have resulted in accountability policies and a redefinition of the school steering model in 2017 (Renard, Demeuse, Castin, & Dagnicourt, 2021), changes that are characterized by an emphasis on “responsibilization” and “autonomy.”

This research is based on Reynaud's theory of regulation (1988), which considers the explicit and implicit rules that regulate the behaviours of the members of an organization (in this case, the educational system). Reynaud's observations form part of the framework of the regulation phenomena. The explicit rules can usually be found in legal documents (i.e., decrees, memos) written by the regulating power. Such legal documents “guide the actual work procedures ... and ensure the daily functioning of the organisation” (Reynaud, 1988, p. 5). This article examines the relationships between the rules that come from the top down (control regulation) and those that are produced within the organization (autonomous regulation). This is

done by considering the individuals who make up the organization and how they interpret these rules to reflect their experiences in the field. Due to the polarization of the French speaking Belgian education system, writing educational policies requires negotiations between numerous actors (trade unions, parents associations, etc.). The reform of the *Pacte pour un Enseignement d'excellence* (Pact for Excellence in Teaching) is a good example because it was drafted by multiple representatives of the educational networks through an active process. While this research does not aim to comprehend autonomous regulation (Reynaud, 1988), we assume that the degree to which representatives of the various networks, whom we will refer to as “managers” of education networks, grasp the principles inherent in governance reform can potentially influence the extent to which the stakeholders, such as principals, comprehend these principles at their level and implement them in practice.

This article offers a model to understand how control regulation is implemented and its application to an educational system. This model (Figure 1) consists of several levels: 1) an analysis of how the law<sup>1</sup> defines the concepts of accountability, autonomy, freedom, and responsabilization in relation to the reform of governance in French speaking Belgium<sup>2</sup> (first level of analysis (a)), and an analysis of the “internal consistency” of these definitions between the texts (first level of analysis (b)); 2) a comparative analysis of how these concepts are defined in legal texts versus in the literature (second level of analysis); and 3) a comparison of statements made by managers of education networks with statements in the legal corpus (third level of analysis). Applying this model to the French speaking educational system allows us to understand the shift between control regulation and autonomous regulation through the way in which key stakeholders in the system understand the inherent principles of the current reform.



**Figure 1. The three levels of analysis**

This research adopts an approach that defines both the current situation of steering in French speaking Belgium and the evolution and strengthening of this steering. For several decades, researchers (Reiser & Reimer, 2002) have taken an interest in strategies used to implement educational policies. Their research highlights factors of success and obstacles to the implementation of a reform and the necessity to leave a certain level of autonomy to stakeholders in the field while making them aware of their responsibilities, so that they can create policies that are suitable to their context (Fullan, 1994; Bonami & Garant, 1996). But it also highlights the extreme complex-

ity inherent in the successful implementation of a reform that depends on various factors. Nevertheless, Lessard, Desjardins, Schwimmer, and Anne (2008) identify several steps in the implementation of a reform: elaboration, decision-making, implementation, and assessment. They indicate that most research on educational policies considers the first steps, leaving the following steps “As if what happens next were of minor importance, (...) of the order of execution, and therefore less noble than the stages associated with policy design<sup>2</sup>” (Lessard et al., 2008, p. 156).

This research article is the first to apply an original analysis model with multiple levels of analysis to an educational policy in the French speaking Belgian context. The research is focused on the first two steps identified by Lessard et al. (elaboration and decision-making), but also looks at how the process of decision-making (negotiation between different actors, “evolution” of the law throughout the drafting) influences the final version of the policy. Finally, our research responds to a lack of interest in this aspect of the reform and suggests clarifying the political orientations in French speaking Belgium with the aim of better understanding the implementation of the reform through an analysis of the legal texts.

## Theoretical framework

Our theoretical framework outlines the main concepts related to the principles inherent in the new results-based management methods for schools. The literature review draws mainly on the views of authors who were involved in the reform process (Dupriez, 2015) and forms the basis of the analysis of legal texts and interviews. This research focuses on four main concepts: accountability, autonomy, responsabilization, and freedom.

### **Accountability**

New education policies recently implemented in French speaking Belgium identify *accountability* as the “preferred path to renewed governance of education systems” (Voisin, 2017, p. 1). Depending on the education system, the term varies (accountability, steering by results, results-based management) and the literature distinguishes them according to the issues associated with them. What they have in common, however, are the new modes of regulation, based on system results (Carnoy, 2005; Voisin & Maroy, 2018).

*Hard accountability* (Carnoy & Loeb, 2002; Mintrop & Sunderman, 2009), includes sanctions (placing schools on probation, withdrawal of funding, etc.) and rewards that can have significant consequences for schools and teachers, with the aim of improving student performance. *Reflexive accountability* (Normand & Derouet, 2011) also includes consequences (moderate to strong) but above all conceives of the teacher as a “reflexive stakeholder”: “the action of policy regulation no longer passes solely through external mechanisms but also mobilises their internal commitments and arrangements” (Voisin & Maroy, 2018, p. 6). Finally, *soft accountability* leads to consequences for schools and stakeholders that show weak results, relying mainly on a system of symbolic sanctions. This model is based on the conception of a reflexive stakeholder engaged in a process of improvement.

## Freedom and autonomy/responsibilization

In the context of the French speaking Belgian education system, the Constitution grants anyone the freedom to create and organize a school. It also grants parents the right to choose the school they want for their child(ren). Organizing authorities can also benefit from this freedom to manage their schools, especially from a pedagogical point of view. Even if central power has a more powerful role in education regulation than in the past (i.e., definition of general objectives for the whole system, distribution of reference frameworks and common norms to the different networks, steering reinforced by indicators, such as indicators of performance), they must acknowledge that schools are free to write their own educational programs. Etymologically, autonomy refers to governing oneself. Lang (1999) defines this concept as a “fundamental condition for the construction of a specific professionalism and for the social recognition of the professional group” (p. 37), allowing an individual to confirm their professional expertise as well as the control they exercise over their professional space.

The concept of responsabilization, derived from the Latin *responsus* (from *respondere*, to respond), appeared in the Middle Ages with the noun *responsibile* meaning one who responds, who guarantees. Today, it refers to one who must accept and suffer the consequences of his or her actions. According to Dupriez and Malet (2013), responsabilization pertains to “the process by which a professional justifies and demonstrates to an authority efficient use of resources and tools in respect to set objectives” (p. 39). These views show how subtle the difference between freedom and autonomy is, the latter corresponding to a form of freedom framed by increasingly precise rules.

## Methodology

The methodological approach for this research consists of a thematic content analysis (Deschenaux & Bourdon, 2005) carried out using NVivo® software, using two coding grids: one for the legal text corpus (Annex 1) and one for the interview corpus (Annex 2).

### **Data collection and analysis methods**

#### **Analysis of legal texts**

The first level of analysis is based on decrees<sup>4</sup> enacted between 2017 and 2019, which acted as the normative framework for the new steering principles. In a second stage, we analyzed the previous draft decrees containing an explanatory memorandum<sup>5</sup> and the opinions of the Council of State,<sup>6</sup> followed by the orders<sup>7</sup> and circulars<sup>8</sup> circulated to implement the law. Our corpus consists of 30 legal texts and an official text, Opinion No. 3 of the Pact, which summarizes the guidelines of the reform. Given the aims of this research, two grids were created to code the corpora. The first refers to the concepts accountability, autonomy-responsibilization, and freedom in relation to the governance of education systems and the management of schools. The second refers to the way in which legal texts address these concepts, as they can vary from text to text and even within the same text. So, a concept may be defined and/or legitimized and/or related to the objectives pursued and/or specified in terms of implementation in a text (e.g., a decree). If we take the concept of accountability as an example, our research shows that, within legal texts, the legislator can indicate what it means (definition), the reasons why the education system is introducing this prin-

principle (legitimization) or how it is to be implemented in concrete terms. This research aims to identify how legal texts approach concepts.

Table 1 illustrates the intersection of the themes of the two coding grids and presents how governance concepts are defined (what is written in the text) and/or how the concept is legitimized. The coding identified the extracts in our corpus that could define the concepts, that is, any extracts associated with the concept that allows us to understand the way in which the regulatory authority understands it. For example, the definition of the concept *accountability* is associated with the following extract: “Schools are at the service of a general policy, they have to follow a set of rules which supervise their actions and identical plans in terms of objectives and accountability” (FWB, 2017, p. 113).

As part of our analysis, two analysis grids were created. The first corresponds to the concepts addressed in the corpus and the second to the way these concepts are addressed. Thus, a node corresponds to a theme linked to an analysis grid. An example of cross-reference appears in the extract of our completed box which highlights how accountability is defined in the corpus.

**Table 1: Intersection of the themes of the first analysis grid and the second analysis grid.**

		<b>The text defines this concept WHAT?</b>
<b>Concepts = first analysis grid</b>	Accountability	(...) accountability—and therefore the contractual nature of the management plan and the requirement for accountability to the subsidizing authority—applies to all schools.

### **Analysis of the interviews**

The Belgian education system is managed both centrally by the Ministry of Education, which gives directives to all schools, and at the network level by intermediary ministries, known as the “deciders.” As Dumay and Maroy (2014, p. 49) point out, in the French speaking Belgian education system, the various deciders “organise and administer the majority of schools, even though they are fully subsidised by the state.” These stakeholders play an active part in negotiations with the public authorities, especially when developing reforms. The second corpus consists of five interviews with managers of the different education networks<sup>9</sup> (N=4) and the director general of the education system steering department.

Statements collected through the interviews illustrate how the stakeholders define the concepts accountability, autonomy-responsibilization, and freedom, and how they position themselves on the autonomy-responsibilization dyad. These statements were cross-referenced with the interviewees’ knowledge and opinions on the concepts (third level of analysis).

### **Results**

The results of this study are presented according to the three levels of analysis (Figure 1).

**First level of analysis: a) How the law defines the concepts of accountability, autonomy, freedom, and responsabilization; and b) what the internal “consistency” of these definitions is between the texts**

The definitions and internal consistency of the texts were analyzed in chronological<sup>10</sup> order. The concepts accountability, contractualization, autonomy/freedom, and responsabilization constitute the core of the new model of school management and were also chosen because of the frequency<sup>11</sup> with which they appear in the corpus. This level of analysis reveals how the concepts are defined by the regulating power.

**The concepts of accountability and contractualization**

*Accountability* is defined in terms of the obligation for all schools to draw up a steering plan<sup>12</sup>:

It follows that responsabilization — and therefore the contractual nature of the steering plan and the requirement to report to the subsidising authority — applies to all schools . . . .

The fact remains that the framework of objectives set by the government is binding: schools have no choice but to fit their plan into this general framework. (FWB, 2017, p. 116)

The texts make provision for a “manifest failure to achieve certain objectives” (FWB, 2017, p. 120) as well as a “manifest inability or unwillingness to implement the steering plan . . . .” In such situations, the texts foresee the following consequences: “sanctions may be imposed in terms of reduction or even elimination of operating and management resources” (FWB, 2017, p. 120). Our analysis shows that this concept has not been distorted over the successive texts.<sup>13</sup> The explanatory memorandum (July 6, 2018) states, “However, the choice has not been made to bind in the contract of objectives [steering plan] what the Community grants to schools,” and that “At the most, the preliminary draft [of the decree] provides that if schools refuse or are manifestly unable to follow the planned approach seriously, as a last resort, their subsidies may be reduced or even withdrawn.”

The principle of accountability is materialised in a “results contract between the subsidising authority and the organising authority/schools” (FWB, 2017, p. 122). The opinion of the Council of State (July 6, 2018) states that, concerning the choice of the term, “The notion of a ‘contract’ of objectives seems inappropriate, however . . . for there to be a contract, there must be an exchange of reciprocal consents obtained after free negotiations.” It also states that “the notion of ‘contract’ reflects the reciprocal approval which, at the end of the consultation procedure between the school and the Objectives Contract Officer (OCO),<sup>14</sup> results in a document validated by the school on the one hand, and the regulatory authority on the other.”

**EVIDENCE OF STRONG “INTERNAL CONSISTENCY” THROUGHOUT THE TEXTS**

This analysis shows that the elements relating to accountability envisaged in Opinion No. 3 (mandatory contractualization between each school and the regulating power) have been incorporated into the Code<sup>15</sup>: “Each school is required to draw up a steering plan” (FWB, 2019a, Article 1.5.2-1). In addition, the Code states: “With a view

to drawing up steering plans and contractualising them into contracts of objectives, the schools shall pursue the objectives of improvement” (Article 1.5.2-2), which means that the schools are obliged to set specific objectives that contribute to the objectives defined for the whole education system. This text also specifies, consistent with Opinion No. 3, the sanctions provided for: “In cases where a contract of objectives cannot be modified ... and/or if a monitoring process ... cannot be implemented or is not respected by the school ... If the organising authority fails to do so, the government may decide to reduce by a maximum of 5% ... the school’s operating grants ... or ... the school’s operating subsidies” (FWB, 2019a, Article 1.5.2-11).

#### INCONSISTENCIES REGARDING THE OBLIGATION TO ACHIEVE RESULTS

There is some inconsistency in how the texts address the obligation to achieve results: “Will sanctions be handed down if the school does not achieve the numerical targets set? ... Schools are subject to a best-efforts obligation: it is the effectiveness of the implementation of strategies (action plan), in relation to the objectives set, that will be examined by the OCO” (FWB, 2020, p. 2). Another extract from this circular states that “It is ... a best-efforts obligation, but not an obligation of results” (p. 2). So, is it a best-efforts obligation or an obligation of results? From the researchers’ point of view, examining the effectiveness of actions goes beyond the best-efforts obligation and, referring to Bouchard and Plante (2002), who define effectiveness as “the conformity link between the objectives targeted by the organisation and the results actually achieved” (p. 230) we understand the term effectiveness as the extent to which the specific objectives enabling the improvement of the situation of the school, measured with the help of indicators, are achieved. It is therefore surprising that the legislator states that this is not an obligation of results but only a best-efforts obligation. Moreover, Opinion No. 3 states that “The OCO ... shall examine whether the strategies have been implemented and whether the qualitative and quantitative objectives have been achieved” (p. 121). For its part, the draft decree (July 6, 2018) stipulates that “The evaluations shall cover the implementation of the strategies and their effectiveness in relation to the specific objectives set, particularly in the light of the numerical values” (FWB, 2018, p. 57), which seems to indicate both a best-efforts obligation and an obligation of results, as indicated in Opinion No. 3: “Autonomy ... only makes sense in the light of the accountability mechanisms that underpin the shift from a focus on best efforts to a focus on results via objective-based indicators and contracts” (p. 113).

#### The concepts of autonomy and responsabilization

In Opinion No. 3, numerous references are made to these concepts, which are closely linked to the principle of accountability:

The consecration or reinforcement of the necessary degree of autonomy of school stakeholders in the exercise of the responsibilities entrusted to them is a condition of excellence.

Autonomy is also central to enable each of the stakeholders to give the best of themselves ... In concrete terms, autonomy here covers



all the decision-making powers and room for manoeuvre that are granted to teachers, school principals ... in order ... to achieve the objectives assigned to them. (FWB, 2017, p. 112)

The regulatory authority considers autonomy to be an essential element for the success of the new steering principles and associates it with the “reinforced responsabilization of the stakeholders in education in relation to its results” (FWB, 2017, p. 15). On the one hand, the Council of State confirms these conceptions: “the margin of freedom and autonomy granted to schools lies on the one hand in taking into account their reality, the analysis they make of it, and on the other hand in the means they are going to implement” (FWB, 2017, p. 84). These conceptions appear under the same wording in the explanatory memorandum. On the other hand, the Council of State considers that “It is undeniable that the preliminary draft decree, while claiming to embody a desire to give autonomy to teaching teams, imposes new obligations on the organising authorities that restrict the freedom of teaching.” This fear seems to have led the legislator to specify that “the recommendations made [by the OCOs] shall respect the freedom of the organising authority in matters of teaching methods” (Code, Article 1.5.2-5, §3).

### ***Second level of analysis: Comparison of how concepts are defined in the law and the literature***

#### **The concept of accountability**

Maroy and Voisin (2013) state that accountability is organized through the implementation of instruments that ensure compliance with the rules and procedures determined by the state. This is consistent with the way accountability is envisaged in French speaking Belgium. The role played by the OCOs in the framework of contractualization corresponds to a procedure set up by the central government. This procedure allows a certain form of control over the follow-up by the schools regarding the objectives set by the system. Moreover, the new steering model borrows from the rationale of results-based steering (Dupriez, 2015). It involves using performance indicators and holding educational teams accountable through the students’ standardized test results. Each school is also linked to the regulatory authority through contractualization. This system implies that educational teams practicing reflexive accountability must explain their plans, actions, and future steps (Dupriez, 2015) to improve their students’ performance. Accountability is also established through the use of tools (student results in external tests, indicators, etc.), which are implemented to strengthen system regulation (Cattonar & Dupriez, 2019).

In French speaking Belgium, since the reform was implemented in 2017, regulation has shifted from *soft accountability* (Voisin & Maroy, 2018) to a moderate approach. The moderate approach is a hybrid of the “hard” approach, characterized by the possibility of sanctions imposed by the regulator, and the reflexive approach, characterized by the concept of responsabilization, which is at the heart of the regulation process. It also involves strengthening school management at the macro level, through the improvement objectives that the system has set itself. This is in line with what some authors (Broadfoot, 2000; Mons, 2009) call the “evaluating state,” which,

in addition to ensuring compliance with the rules, implements multiple tools to evaluate results and create steering policies.

### **The concepts of autonomy and responsabilization**

In our law corpus, contractualization is associated with responsabilization: “The steering plan is the base for the involvement and responsabilization of all educational staff” (FWB, 2017, p. 119). This, in turn, is associated with promoting the autonomy of schools: “Autonomy is also central to enable each of the stakeholders to give the best of himself ... In concrete terms, autonomy covers all the decision-making powers and room for manoeuvre that are granted to teachers, school principals ... in order to ... achieve the objectives assigned to them” (FWB, 2017, p. 12). The concept of freedom was discussed before the enactment of the decrees: “As for freedom in negotiations, it seems very limited since the last word belongs to the Objective Contracts Officer who is responsible for approving - or not - this ‘contract’” (FWB, 2018, p.84). This indicates that freedom relies on the ability to contractualize or not, which runs counter to a founding principle of this model of steering involving the obligation, for all establishments, to contractualize.

In Opinion No. 3, it is also stated that “It follows that responsabilization ... applies to all schools, but according to modalities to be defined ... respecting local realities and the autonomy of the schools. The fact remains that the framework of objectives set by the government is binding” (FWB, 2017, p. 116). Finally, it should be noted that the decree makes it clear that “[the analysis of the steering plan by the OCO is] carried out with due respect for the freedom of the organising authority with regard to teaching methods” (Code, Article 1.5.2-5, §3), and illustrates the difference between freedom and autonomy, the former indicating the possibility for schools to act “as they see fit,” while the latter allows them to choose the means that seem most effective and relevant to implement within a specific framework.

Over the past 25 years, French speaking Belgium witnessed the reinforcement of the regulating role of the central power, with the aim of harmonizing norms across all networks. In this context, we observe both mechanisms of centralization and decentralization. On one side, there is a reinforcement of the role of the networks, while on the other side, there is a strengthening of the autonomy of stakeholders in schools. As stated by Dembélé, Goulet, Lapointe, and Deniger (2013), the aim is to “strengthen the role of local stakeholders and the involvement of the community in educational governance” (p. 59), which implies a redistribution of power to the schools. Similar to how autonomy is envisaged within our education system, this rationale also involves “making the organisation of work more flexible ... with a view to promoting the adaptability of school services to the public served” (Maroy, Mathou, Vaillancourt, & Voisin, 2014, p. 6).

### ***Third level of analysis: Comparison of statements of managers and the law/literature***

#### **The concept of accountability**

Officials state that contractualization serves a means to obligate schools to fulfill the mission entrusted to them by society:

There is a form of contractualisation between society and schools. Society says what it expects from schools. ... Society says, we give you money, but there is an objective to be achieved. (R1)

We are accountable ... The aim is really to make us all accountable in the pursuit of general objectives and then to apply this to the specific level of the schools. (R3)

#### A HIGH DEGREE OF SUPPORT FOR ACCOUNTABILITY IN RELATION TO THE FUNDING OF SCHOOLS BY THE REGULATORY AUTHORITY

The respondents all seemed to support the legitimacy of contractualization in return for resources: “It is important ... to have a certain amount of control over what is done with public money” (R5). Another said, “I think it makes sense that we should be accountable in some way” (R4). These responses demonstrate a level of agreement and transparency concerning the outcomes of schools, which receive funding from the central authority, regardless of their network affiliation.

Some of the statements also refer to the fact that the regulatory authority bases this principle on the resources allocated to the schools, which the Director General of Steering refers to as “positive constraints,” in the same context as other decree-based constraints: “Not everything is based solely on contracts of objectives, with the aim also of reducing repetition at the same time, there are also constraints, which are not prohibitions, but which are I would say, more positive constraints ... associate constraints with that which are more legitimate than a pure and simple decree-based prohibition.” In this perspective, Director General of Steering adds: “We know that we are in a system where ... schools have considerable freedom with respect to the regulatory authority,” but that “the regulator must not just be a cash cow that finances ... while respecting this autonomy which is constitutional and which makes sense.”

These comments indicate consistency between the way stakeholders and the law sees accountability in the French speaking Belgian context, although the law does not place the same emphasis on the link between the schools’ commitment to the improvement objectives and the resources granted. The participants’ comments emphasize the principle of responsabilization more so than the evaluating state (Neave, 1988), which links the performance of systems to sanctions, within the framework of a contract between the state and the schools (Maroy, 2005).

#### A MORE NUANCED VIEW OF CONTRACTUAL OBJECTIVES

Although the respondents seemed to support the principle of accountability—“It was high time to shake up the field of education” (R1)—they had reservations about contractual objectives. One of them thought that it should be an “evaluation of best efforts and not of results” (R1) to maintain the schools’ autonomy. Some respondents thought this type of evaluation was overly focused on numerical targets. On one hand, a participant recommended that “we should not go beyond an evaluation of the following points: have the teams got off to a good start, in relation to the objectives they have set themselves? ... Have the teams deployed ... collaborative working well?” (R4). On the other hand, one of the respondents (R4) was not at all worried

about this evaluation: “In the sense that the signals we are given are rather signals of benevolence, support, adjustment ... I think that first of all, the regulator’s tension is not to punish bad evaluations.”

## The concept of contractualization

### VARYING OPINIONS BETWEEN NETWORKS

One respondent said, “A contract is negotiated. There are [mobile phone]-type contracts, those you can’t negotiate because you either take it or you don’t” (R1), while qualifying that “the idea of having at least two people around the table who agree on something, we didn’t want something that was imposed from above ... So, was “contract” the best term, because perhaps contract, for some people, makes them think of the private sector ... should we have called it an agreement? Anyway, it’s all semantics. It’s ‘contract’ that stuck” (R1).

Only one official seemed more critical of this term and said that “this term is not appropriate to describe the new relationship between schools and the regulatory authority. Contractualisation implies the freedom to contract or not and to choose one’s co-contractor. No school has the option of not entering into a contract with the regulatory authority. If it does not do so, it exposes itself, at the end of a long process, to the withdrawal of subsidies, without calling into question the principle of accountability” (R2). One of the respondents, although in favour of the principle of accountability, also thought the semantics of the concept are less important than the meaning behind it: “I am quite convinced of the idea of contractualising or even using another word, if necessary. ... This idea of contracting with schools sits well with me” (R4).

Finally, the Director General of Steering indicated that “from a strictly legal point of view, it is not a contract. We used the word because symbolically it commits ... a teaching team, an organising authority and the regulatory authority to work together to achieve objectives.”

The analysis indicates agreement between most of the respondents and the Council of State that the term contractualization is not appropriate: “For there to be a contract, there must be an exchange of reciprocal consents obtained after free negotiations.” Moreover, the literature makes little mention of this concept, which is specific to our system. In other systems, reference is made to accountability and rendering of accounts, contractualization being, in the Fédération Wallonie-Bruxelles, what brings these principles into effect and constitutes the schools commitment to the regulatory authority. In other systems, results-based management takes the form of the development and implementation of improvement plans (Ontario) or strategic plans (Québec) (Yerly & Maroy, 2017).

## The concepts of autonomy and responsabilization

### MODERATE TO STRONG ATTACHMENT TO AUTONOMY AND FREEDOM

One respondent stated, “We are very attached to this concept [of freedom], which does not mean that there is no accountability” (R1), referring to the fears expressed by certain educational teams:

at the level of the people in the field, they are told ‘you are going to be autonomous, you are going to define your steering plan, the nec-

essary autonomy to be able to achieve the objectives,' they are very strong pedagogical plans each time and the initial fear that they all had, was that, with this new form governance, they could no longer implement their pedagogy. So, when they realised that they could still do that, the idea began to be accepted. (R1)

Another demonstrated his knowledge of this characteristic of the system: "We know that we are in a system where ... the schools are very free with regard to the regulatory authority. This is guaranteed by the Constitution. Who better than the teachers and their principals know what should be done in their schools, as each school is so different" (R3). Many comments referred to autonomy, to which the respondents give a meaning close to that conferred by the legal corpus, but also a meaning approaching the freedom of schools. They used these two concepts, without necessarily distinguishing between them, to designate the possibility of deciding on the means to be used to contribute to the objectives set: "It was also a matter of ensuring that this model of governance left local stakeholders with the capacity to deploy ... this pedagogical freedom, and therefore that this model of governance did not impede pedagogical freedom" (R5). However, one of his counterparts considered that his fears concerning the pedagogical freedom of schools were well-founded and that they were growing: "What we are witnessing is the gradual establishment of a kind of pedagogical government: we are witnessing an encroachment into the pedagogical field resulting from the management of the Pact" (R2). He illustrated this opinion by referring to "the way in which the reference frameworks are designed," indicating that "the initial political will, largely supported by the trade unions, was to make the reference frameworks so detailed that the networks' programmes would become useless." He also mentioned the "proliferation of tools and injunctions of a pedagogical nature," which, in his view, "undermine the autonomy of educational teams and networks. There is a real temptation to regulate pedagogical action, which runs counter to the philosophy of the Pact" (R2).

#### A REASSURING STANCE FROM THE REGULATORY AUTHORITY

In this regard, the Director General of Steering stated that "the regulator's ambition is not to set the framework for teaching," while indicating that "the reference frameworks are more precise than before, because we have gone further in defining knowledge and skills," but he was nonetheless reassuring: "It is not the regulator who is going to say 'you have to do it this way and that way, it's not effective', because that's the way it's been done for too long." These comments are consistent with the analysis of the law, in which we identified that the system had become aware of the ineffectiveness of the previous reforms implemented to improve the quality of teaching. Thus, it is no longer a matter of producing rules and relying on their implementation in the field, particularly through control mechanisms, as was the case with the inspection missions, but of relying on the responsabilization of teams with regard to student performance. In this perspective, the Council of State issued an opinion in 2018 stating that "the system of governance of the school system which the present draft decree is intended to outline moves from a priori and systematic control of the way in which teachers carry out their work to a system of responsabilization and ac-

countability.” This approach is in line with Maroy (2005, p. 57), who states: “It is true that common reference points must be constructed for all organising authorities ... but, as far as teaching resources are concerned, would it not be better to preserve autonomy and appeal to the professionalism of teaching teams?”

From this perspective, in the legal texts, autonomy is considered as a form of freedom granted to schools, to choose the most appropriate actions to achieve the set objectives. It is therefore not a matter of having the possibility of acting according to one’s own choices but of acting within a precise framework while considering the specificities of each school.

The Director General of Steering had a factual approach to the tension between autonomy and freedom: “I have seen in particular [referring to the evolution of steering in the FWB] this permanent tension between federations of organising authorities which pull on one side for their autonomy and the regulatory authority which pulls on its side to try to have more steering ... and in the end, things do not move much.” From his point of view, responsabilization is a means of preserving the autonomy of the schools:

The principle of empowering all the stakeholders, of setting a general objective and setting it out in the contracts of objectives ... the federations of organising authorities are very attentive to their educational freedom. But behind this, the desire is not to regulate the work of teachers, ... autonomy does not mean independence ... it does not mean doing whatever you want, you have responsibilities, you use public money.

Finally, the words of one respondent confirm that these concepts were discussed during the Pact’s work: “It was also important to ensure that this governance model ... did not hinder pedagogical freedom,” considering that this model “does not prevent pedagogical freedom, which must serve to ensure quality teaching, obviously with a common base” (R4).

Based on these statements, some respondents (R1, R2, and R5), although seeming to adhere to the principles of responsabilization, attach great importance to schools’ autonomy or liberty. Only one respondent (R4) thought that accountability mechanisms should be strengthened, and that central government should be able to lay down a number of binding rules for schools in return for funding.

## Discussion

The three levels of analysis allowed us to describe the regulation of control set in place by the central power. They also highlight a form of internal “consistency” in the way the different concepts are defined within the legal corpus and the literature.

*Accountability* is presented throughout the texts in terms of the obligation for schools to engage in the contractualization process by responding to the binding framework of objectives. This view has not evolved since the beginning of the Pact’s work: “The contract of objectives is to be considered as a way of giving guarantees to the public authority ... both on the achievement of these objectives and on the implementation of the pedagogical and organisational solutions it requires, in the interest of the pupils” (FWB, 2016, p. 42).

Secondly, this analysis has helped to clarify the concepts of autonomy and responsabilization and the importance that managers attach to them. We can see that the regulatory authority systematically associates this concept with that of responsabilization and that for the respondents, maintaining the autonomy of educational teams can be associated with responsabilization with regard to the objectives of the schools. Moreover, the managers are not the only ones who feel apprehensive about preserving the autonomy of school stakeholders. Some researchers (Maroy, 2002, 2010; Dupriez & Cattonar, 2018) agree with the view that such a steering model undermines the autonomy of educational teams: “Confidence in the professionalism of teachers is eroding and professional autonomy no longer seems to be a sufficient guarantee of the quality of the educational service provided” (Maroy, 2002, p. 43). According to Mons (2008, p. 117), “in a rationale of New Public Management, this intersection of multiple evaluations has advanced accountability, which is now imposed on teachers who are no longer totally alone nor acting as pilots in their classrooms.”

That said, we noted paradoxical elements relating to the best-efforts obligation and/or obligation of results of the contractualization mechanism. We therefore question the way in which the central authority really envisages this best-efforts obligation, given the contradictions in some texts.

## Conclusion

While research in the field of educational policy analysis can reveal factors contributing to success or pitfalls associated with the successful implementation of a reform, it often falls short in precisely identifying the levels within the school system where these pitfalls occur. Moreover, it may not fully capture the influence of how education network managers comprehend and interpret the significance of educational policies. As noted by Spillane, Reiser, and Reimer (2002), making sense of these policies often involves interpretation, a task frequently ascribed to intermediate managers (Delvaux, Giraldo, & Maroy, 2007). Anderson (2006) also considers intermediate managers to play a crucial role in implementing and defining a reform. Also, we think that the questioned actors are considered by the school system as intermediaries to whom this essential role can be attributed.

As Skerritt, McNamara, Quinn, O’Hara, and Brown (2021, p. 1) state, “Policy ... can be conceptualised both as text and as discourse (Ball 1993): what is written and said.” They further argue that educational policies can also be “discursive processes that are complexly configured, contextually mediated and institutionally rendered” (Ball, Maguire, & Braun 2012, p. 3). This confirms the importance of identifying whether managers’ statements deviate from the regulations; this analysis shows that it is mostly consistent. However, it seems that in French speaking Belgium, where freedom takes precedence, establishing tools and abilities to ensure compliance with the regulations is tricky.

Regarding the facilitating aspects of reform implementation, Lefevre and Brossais (2018) emphasize that effective implementation extends beyond mere execution and must consider the complex processes involved in policy uptake. This perspective aligns with our hypothesis that stakeholders play a pivotal role in shaping control regulation. According to Lefevre and Brossais (2018, p. 9), these transformations

are “unavoidable, necessary and legitimate,” and the prescribed change “is the subject of multiple mediations and hybridisations” necessary for “uptake processes by the stakeholders and the construction of practical legitimacy.” However, we believe that while these changes are essential to successful reform, they should not deviate from the initial policy’s nature and objectives as specified in the prescribed policy. Implementing autonomous regulations is an indispensable step, but it is equally crucial to maintain a clear and unambiguous foundation based on the formal rules that govern the reform.

Furthermore, other research suggests that the central government should act “as a guide” and impart “a coherent and strong vision of education” and “clear central goals” (Carpentier, 2012, p. 23). It is also important to ensure “the various actors are adequately informed ... because any change requires a real understanding of its nature and its means of implementation.” (Carpentier, 2012, p. 23).

Finally, as Waslander, Hooge, Theisens, and Pater (2020) point out, looking at the implementation of reforms in Germany: “The challenge for policymakers is to come to grips with the counter intuitive and unpredictable nature of steering complex education systems as illustrated in this study” (p. 183). This can be achieved by paying particular attention to how legislation is communicated to teachers and principals, who are responsible for implementing control regulation. Finally, this raises questions about the identification of and, ultimately, the role of policy translators (Skerritt et al., 2021) who, within the French speaking Belgian school system, are not explicitly identified, although research converges on their essential role in the implementation and success of a reform.

## Notes

1. In our research, “the law” refers to legal and official documents written by the regulating power about the reform of governance and the new school steering model.
2. The term “consistency” refers to how closely definitions align between different versions of texts.
3. “As if what happens next were of minor importance, ... of the order of execution, and therefore less noble than the stages associated with policy design” ; traduction of « Comme si la suite des choses était d’une importance mineure, ... de l’ordre de l’exécution et donc moins noble que les étapes associées à la conception de la politique ». (Leesard & al., 2008, p.156).
4. The decrees correspond to the basic legislative texts in the Wallonia-Brussels Federation and constitute a legal standard of equal weight to federal law, adopted by the parliamentary assembly of a federated entity, in this case the French community, in matters that fall within its competence.
5. The explanatory memorandum is part of the draft decree and presents the reasons why the draft decree is proposed to the Parliament, its objectives, and the proposed changes to the law. It constitutes the preliminary work and shows the lawmakers’ intentions.
6. The opinions of the Council of State clarify the reasons for any changes made to a draft decree. It is intended to check whether a draft decree is consistent with the Constitution and international treaties and to give an opinion on draft decrees adopted by the government of the French community, in particular. These texts are an interesting source of information because they reflect legal analyses and can help clarify certain concepts or principles.
7. Orders are regulations issued by the executive branch for the purpose of implementing a legal standard adopted by the legislative branch, which specifies the terms of application of a standard of legislative value, in our case, the decree. Orders thus always find their basis in a higher source of law.



8. Although they do not contain legal rules and are therefore not binding, circulars are intended to explain or comment on legislation or to indicate a course of action decided by the authority among the written sources of law.
9. An educational steering department groups together a set of schools with specific characteristics. Four steering departments co-exist in the French Community of Belgium: education organized by the Wallonia-Brussels Federation or Wallonia-Brussels Education, official subsidized education, denominational free education, and non-denominational free education. Families can enroll in the school of their choice.
10. Each decree in the corpus is associated with several other texts that intervene upstream (Opinion No. 3, draft decree, etc.) and downstream of the decree, in terms of the implementation of these decrees (circulars).
11. As part of our comprehensive research, the number of occurrences of all the concepts linked to the new steering model was calculated. It shows that these concepts are the most frequent in our corpus.
12. A steering plan is an action plan, specific to each school and created by the principal and the team, that aims to define specific and quantified objectives that contribute to the improvement of students' performance and their academic career (e.g., to reduce school dropout rates, to develop individual wellbeing).
13. Opinion No. 3, opinion of the Council of State (draft decree of July 6, 2018), Code and circular 7434.
14. The Objectives Contract Officer (OCO) is an agent who embodies the regulatory authority and who is responsible for verifying the appropriateness and compliance of the steering plans with a view to contractualization.
15. "Code" refers to the Code of primary and secondary education (May 3, 2019).

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