

Towards an analytical framework for accountability regarding equal educational opportunities¹

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You can't run a society or cope with its problems if people are not held accountable for what they do to us (John Leo, Reader's Digest, April 1992).

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Abstract

This article examines the issue of accountability for equal educational opportunities against the background of the constitutional provision that elevates accountability above a management tool to a national goal and value. It asserts that the government is indeed accountable for equal educational opportunities. However, government reporting on issues of accountability is not optimal yet and the article suggests putting in place more effective accountability mechanisms that will, among others, move beyond mere quantitative accounting.

The article considers the possible uses of accountability and links them to some aspects unique to the South African situation. It refers to the model of partnerships that underpins education provision and the problems that it creates regarding accountability. It concludes that accountability is multi-layered and multi-dimensional and that the unique challenges inherent in the South African system need to be acknowledged.

Introduction

Section 1 of the Constitution (Republic of South Africa Constitution Act, 108 of 1996) makes it clear that South Africa is a democratic state based, *inter alia*, on the values of universal democratic suffrage, a national voters roll, regular elections and a multiparty system of democratic government. These values are included in the founding provisions *to ensure accountability, responsiveness and openness* (our italics). This elevates accountability beyond a management task to a national goal, ideal and value.

Since the Bill of Rights guarantees everyone's right to equality, it seems fair to assume that everyone is also guaranteed the right to equal educational opportunities. Apart from the need to explore the obvious link between accountability, openness and responsiveness and the need to strive for the achievement of accountability, questions like the following need to be raised with a view to developing an accountability framework.

- What are the origins and connotations of the concept *accountability*?
- Who is accountable (who takes or has taken equal educational opportunities for his or her account)?
- To whom is accountability owed?
- In regard to what is accountability required?
- Is accountability limitable and, if so, how?
- Do devolution of power and democratic governance and participation (including public-private partnerships and community responsibilities) enhance (strengthen) or dilute accountability?
- Are legislative and policy measures sufficient to ensure accountability?
- How do human resources development practices impact on accountability, for example when officials are found not to have delivered in terms of contracts?
- When should accountability be audited and how should data be collected for this purpose?
- What sanctions (if any) should follow non-performance?
- Is accountability an obligation? If it is, is it a constitutional obligation?
- Can accountability be measured? If so, what is the benchmark for the evaluation of compliance? Is it quantitative or qualitative or both?

We will not be able to provide answers to all of these questions in this article. Since it appears to us that attempts at accountability are, at the moment and understandably so, more of a political, legal, symbolic, selective, statistics- and policy-based nature², we want to suggest that

² See e.g. the School Register of Needs, the Whole School Evaluation policy (2000), various annual reports of the Department of Education, South Africa's Education for All reports, reports to the

it has become necessary to reflect on the development of an appropriate accountability framework. Such a framework should address the many dimensions of the extremely complex issue of accountability regarding salient aspects of equal educational opportunities such as gender, race, special needs, the provision of educators, the provision of facilities and learner performance.

We do not intend to pursue debates on the scope and quality of accountability reports currently available, but we want to focus on the issue of accountability itself. We also do not intend to engage in a discussion on the issue of what equal educational opportunities may or may not encompass. Our focus is the idea of accountability and the construction of an analytical framework in this regard.

We intend to look at the issue of accountability through three discrete but interlinked lenses: that of the law, policy and management (leadership). The rest of this article will therefore consist of three parts:

- Accountability viewed from a governance and legal as well as a policy perspective;
- Accountability viewed from management and leadership perspectives; and
- A conclusion.

Accountability viewed from a governance and legal as well as a policy perspective

To answer the question as to whether or not accountability for educational opportunities is a legal and indeed a constitutional obligation, one has to begin with a survey of international instruments to which South Africa may be a signatory.

International instruments and the Constitution

The Constitution requires South Africa to comply with its international obligations (section 39, 231-233).

The Universal Declaration of Human Rights recognises the right of everyone to education (article 26) and the exercise of these rights is subject only to the limitations determined by law (article 29). Article 28 of the Convention on the Rights of the Child affirms the right of the child to education, particularly on the basis of equal opportunity.

President by the (national) Minister of Education, reports by the Centre for Education Policy and Management Development (CEPD), the National Business Initiative (NBI), the Research Institute for Education Planning (RIEP), the Joint Education Trust (JET) and the Human Sciences Research Council (HSRC). Also see Beckmann (2003), Jansen (2002) and Jansen (2001).

Stephen Ball (2003, 4) quotes one of his own 1994 pronouncements that makes a telling comment on the problems associated with using the production of policies as platforms on which to base accountability, "Most policies are ramshackle, compromise, hit and miss affairs, that are reworked, tinkered with, nuanced and inflected through complex processes of influence, text production, dissemination and ultimately recreation in contexts of practice. Sometimes, as Jonathan Jansen argues, policies have only a symbolic value, *they are there as part of appearing to be doing something* (our italics)".

In an address on 31 March 2004 celebrating ten years of freedom entitled "Keeping memory alive, shaping our future", the Minister of Education, Prof Kader Asmal, MP, claims "in all honesty" that "we have won substantial victories in education over the past ten years". He claims that we " ... celebrate ten years of making history in education – achieving things that would have been beyond our wildest dreams a decade ago." Writing off a platform like this, one would have expected the Minister to give a detailed account of all the victories. Instead he encourages people to remember about how wrong Christian National Education was and how bad rote learning was. He also raves, perhaps justifiably, about how good the NEPI report of 1993 was.

Accountability

Before the advent of the current constitutional dispensation, one of the debates was about judicial accountability. Although it dealt with the judiciary, many useful points of departure and various values appropriate to the accountability debate can be gleaned from it (Cameron 1990).

Cameron (1990, 253) predictably poses the question "(b)ut what is accountability?" Together with this question we must ask "who or what" is answerable to someone or something for their actions? The *Oxford Compact English Dictionary* explains "account" as a verb meaning to "give a satisfactory record or explanation of", and "accountable" as an adjective meaning "required or expected to justify actions or decisions". In the latter sense the discussion could also be applied to the Promotion of Administrative Justice Act, 2000, of which the object is to

- promote an efficient administration and good governance; and
- *create a culture of accountability*, openness and transparency in the public administration or in the exercise of a public power or the performance of a public function, by giving effect to the right to just administrative action, ... (our italics).

These objects firmly suggest accountability of school officials and educational systems for various lapses of professional duties or failure to perform.

The basic law in education: The imperative of redress

The Constitution lays down the (rule of) law, the right to equality and the right to basic education. These rights and duties have been translated into the South African Schools Act of 1996, whose preamble states quite unequivocally:

WHEREAS the achievement of democracy in South Africa has consigned to history the past system of education which was based on racial inequality and segregation; and
WHEREAS this country requires a new national system for schools which will redress past injustices in educational provision,

Stated quite simply this means that racial inequality and segregation as past injustices of education provision must be redressed. In short, there must be accountability for *redress*.

Duties of the state

The Constitution contains socio-economic rights. These include access to adequate housing, health care, food, water, social security, and education. The state has a constitutional obligation to respect, protect, fulfil and promote these rights, along with the other rights in the Bill of Rights (section 7(2)). This obligation imposes distinct duties on the state. The duty to "respect" is negative, requiring the state to refrain from infringing these rights. The duty to "protect" obligates the state to protect these rights from third-party infringement. The duty to "promote" is positive, requiring the state to use its power "to assist individuals in realising their rights" (Bollyky, 2002, 161). The duty to "fulfil" is intertwined with the duty to promote but requires more positive action from the state (SAHRC, 2003, 5).

According to the South African Human Rights Commission (SAHRC) (2003, iii) section 184(3) of the Constitution gives the SAHRC the power to request information from relevant state organs on measures taken towards the realisation of the various social and economic rights set out in the Constitution (including the right to education). The SAHRC comments (2003, 5-6) that the above four obligations all contain obligations of conduct and results that the state needs to meet. Conduct requires action calculated to realise the enjoyment of a right and results imply the achievement of targets.

On page 6 the SAHRC cautions that it is "crucial to appreciate that economic and social rights are not absolute but are qualified rights". The reason they are considered to be *programmatically rights* is because, in general, they were never designed to be achieved immediately but have to be achieved through a programme of actions and interventions. Their fulfilment generally depends on the country's available resources³. "The extent of the state's obligation with regard to economic and social rights is defined by three key elements: the obligation to 'take reasonable legislative and other measures'; 'to achieve the progressive realisation' of the right; and 'within available resources'"⁴.

It is a relevant question whether reports to the SAHRC by state organs absolve the state from its accountability responsibility. A superficial look at the protocol designed by the SAHRC in this regard and at state organs' responses to the protocol, suggests strongly that this mechanism provided for in the Constitution can never replace the state's other accountability obligations. The SAHRC (2003, 17-18) points out that the reporting process has been difficult because of

1. Lack of awareness of constitutional obligations by government departments;
2. lack of adequate information management systems in most government departments;
3. insufficient and sometimes incorrect information provided by many organs of state;
4. late responses by some government departments; and
5. lack of adequate resources for the SAHRC.

The SAHRC (2003, 18) structures its reports on the various rights as follows:

1. Policy measures
2. Legislative and other policy measures
3. Budgetary measures
4. Indicators
5. Critique
6. Recommendations
7. Conclusion.

It seems the reports are unbalanced in terms of a heavy emphasis of budgetary, legal, policy and other legislative measures and quantitative indicators which give little or no indication as to the accessibility, availability, acceptability and adaptability (SAHRC, 2003, 235) of education, especially as described in terms of qualitative criteria relating to people's experiences of the education available to them.

³ For three informative decisions of the judiciary in this regard see *Soobramoney v Minister of Health Care KwaZulu-Natal* 1997 12 BCLR 1696 (CC), *Minister of Health v Treatment Action Campaign* (1) 2002 10 BCLR 1033 (CC) and *Government of the RSA v Grootboom* 2000 11 BCLR 1169 (CC).

⁴ Mandla Seleokane (2002) believes that the right to basic education is not qualified like the other socio-economic rights and that the state is thus required to provide this right immediately. However, the provision in the South African Schools Act (S3(3-4)) that provincial education departments (the various Members of the provincial Executive Council for Education (MECs) are required to provide enough school places for learners in their provinces and report annually to the national Minister of Education on what they have done to correct a shortage of school places in their respective provinces seems to support the notion that immediate access to the full scope of the rights was not envisaged.

Remedies / relief

Effective relief may require restraining the recurrence of unlawful acts or compelling performance by the state when it has unlawfully refrained from acting (Bollyky, 2002, 164). The clearest and most extreme examples of this point are *Brown v Board of Education (Brown I) 347 US 483 (1954)* and *Brown v Board of Education (Brown II) 349 US 294 (1955)*. Addressing four racially segregated municipal school systems required a remedy that had extreme policy and, in particular, budgetary implications. A commentator noted that the remedy in *Brown* required nothing less than transforming a "dual school system" into a "unitary, non-racial school system" and required: "new procedures for the assignment of students; new criteria for the construction of schools; reassignment of faculty; revision of the transportation systems to accommodate new routes and distances; reallocation of resources among schools and among new activities; curriculum modification; increased appropriations; revision of interscholastic sports schedules; new information systems for monitoring the performance of the organization; and more" (Fiss in Bollyky, 2002, 164).

The South African Constitution makes provision in section 38 for the granting of "appropriate relief" where rights guaranteed by the Bill of Rights have been violated. It suggests some kind of sanction of non-compliance with obligations. Whether "appropriate relief" includes "constitutional damages" is the subject matter of *Fose v Minister of Safety and Security 1997 3 SA 786 (CC)*. In this case the applicant, who was allegedly tortured by members of the South African Police Services (SAPS), claimed "constitutional damages" over and above common law damages to vindicate the fundamental rights infringed (*South African Journal of Human Rights*, 1998, 336).

In the wake of *Brown I 347 US 483 (1954)* and *Brown II 349 US 294 (1955)* the US Supreme Court in *Swann v Charlotte-Mecklenburg Board of Education 402 US 1 (1971)* held that, although remedial judicial authority does not put judges automatically in the shoes of school authorities whose powers are plenary, the scope of a district court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies. The court was therefore under a duty to make every effort to achieve the greatest possible degree of actual desegregation. In *Davis v School Commissioners of Mobile County 402 US 33 (1971)* the Court held that a district court may and should consider the use of all available techniques including restructuring of attendance zones. The measure of any desegregation plan is its effectiveness.

The legal system and the judiciary

The Truth and Reconciliation Commission and the legal system

South Africa is emerging from decades of systematic discrimination affecting every aspect of civil society. The Truth and Reconciliation Commission's (TRC) institutional or sector hearings represented an innovative and unique attempt to gain insight into the societal context within which human rights abuses took place under apartheid. They focused on key institutions in South African society - business, the faith community, the health sector, the legal system, the media and prisons. The hearings raised important questions on the nature of human rights abuses and the complicity of societal structures and processes, institutions and professions (Gready & Kgale, 2003, 41).

The article by Gready and Kgale is both a response to, and a result of one of the above-mentioned hearings, namely the legal sector hearing. The purpose of the legal hearing was "not to establish individual responsibility for human rights violations but to understand the role the legal system played in contributing to the violation and/or protection of human rights and to identify

institutional changes required to prevent those abuses which occurred from happening again" (Gready & Kgale, 2003, 142). The option of the TRC hearings for the legal profession can be seen as an accountability mechanism to place alongside those mechanisms used elsewhere: for example, the limited and compromised processes of de-Nazification and prosecution in post-World War II Germany, and the equally ambiguous judicial review procedure in the former East Germany for judges and prosecutors who wished to retain office in the unified post-1990 Germany. It should be noted that such mechanisms are rare and, even when attempted, can be ineffective, at least in part.

The international legal principles of accountability, justice and the rule of law

The current debates in South Africa on reparation for victims of the country's apartheid past coincide with the adoption by the United Nations of a set of draft Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law. In April 2000 the UN Commission on Human Rights called on the international community to give due attention to the rights of victims to reparation. The draft Basic Principles argue that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith and human solidarity with victims, survivors and future human generations, and reaffirms the international legal principles of accountability, justice and the rule of law.

An article by Jenkins (2000) analyses the obligations imposed on South Africa by international law and considers the extent to which those obligations have so far been met. It specifically addresses the processes of land restitution and truth and reconciliation in South Africa. The article highlights the tensions between the demand for reparation and the need for reconstruction, and examines the particular difficulties of addressing a legacy of gross and systematic human rights violations attributable to a previous regime.

From the overview of legal and policy issues above, one may deduce the following:

1. International legal principles of accountability, justice and the rule of law impose obligations on South Africa and compliance can be monitored.
2. International instruments such as the Universal Declaration of Human Rights recognise the right of everyone to education and the Convention on the Rights of the Child affirms the right of the child to education, particularly on the basis of equal opportunity.
3. The basic law in education is derived from the constitutional right to equality and the right to basic education is encapsulated in the South African Schools Act and unequivocally requires that racial inequality and segregation as past injustices of education provision must be redressed.
4. The Promotion of Administrative Justice Act, 2000, *inter alia*, seeks to "promote an efficient administration and good governance; and to *create a culture of accountability*, openness and transparency in the public administration or in the exercise of a public power or the performance of a public function, by giving effect to the right to just administrative action, ..." [our italics].
5. The state has a constitutional obligation to respect, protect, and promote socio-economic rights, including the right to education, along with the other rights in the Bill of Rights.
6. The South African Constitution provides for the granting of appropriate relief where rights guaranteed by the Bill of Rights have been violated. Effective relief may require restraining the recurrence of unlawful acts or compelling performance by the state when it has unlawfully refrained from acting.

Accountability viewed from management and leadership perspectives

Cameron (1990, 254) points out that accountability means being answerable to someone or something for one's action or conduct. Lawton and Gordon (1998, 12-13) point out that the accountability tradition has entered the world of education via the world of business when education managers were encouraged to learn and apply business techniques such as management by objectives and cost benefit analysis. They acknowledge that the term is now part of the language of education but they urge caution in its usage. Although the large amounts spent on education by among others the state warrant some assurance regarding the maintenance of standards, testing and test results can easily be given undue prominence.

Lawton and Gordon also quote Eraut's (1981) distinction of three types of educator accountability, namely professional, contractual (legal) and moral accountability. The various kinds of accountability differ in scope and the accountability process itself is necessarily complex and often controversial. Lawton and Gordon (*ibid*) point out that accountability in the form of published data is "not only over-simplified but also misleading: the equality of schools cannot be judged merely on results – their test performance will depend on what the children were like to begin with". They question many indicators of performance.

At this stage it appears appropriate to focus the debate more closely on relevant questions in the South African context. Although South Africa can learn from the accountability for equal educational opportunities discourse in many countries (typically Western capitalist societies), some unique contextual factors such as the following need to be acknowledged at the outset:

- Accountability debates are located within the emerging democratic political and management paradigm where the Western conception of accountability is not necessarily espoused by all stakeholders.
- Equality and equal educational opportunities are still to be defined more conclusively in terms of new constitutional and statutory provisions. At the moment all one can say with a reasonable measure of confidence is that everyone in South Africa has the right to basic education and to further education and training which the state must make available progressively. The right to basic education, the right not to be discriminated against unfairly, directly or indirectly, and claims to redress, probably encapsulate the right to equal educational opportunities (sections 29 and 9 of the Constitution).
- The state is obliged to fulfil, respect, promote and protect all the rights in the Bill of Rights (Chapter 2 of the Constitution) and it is therefore accountable for the manner in which it respects, promotes, fulfils and protects them (section 7(2) of the Constitution).
- Accountability applies to the right to equal educational opportunities of everyone in the country and accountability is therefore owed to everyone including parents and children.
- The South African Schools Act assigns the responsibility for the provision of education at school level (grades R to 12) to a partnership between the state and parents, educators and learners (Preamble of the Act). Thus the state accepts accountability as part of a partnership in addition to its constitutional obligations as set out in section 7(2) of the Constitution. The way the Preamble is formulated, suggests that the legislature views the state as the senior or most important partner in this partnership as the three other groups (learners, parents and educators) are envisaged as being in partnership with the state:

Whereas this country requires a new national system for schools which will ... uphold the rights of all learners, parents and educators, and *promote their acceptance of*

responsibility for the organisation, governance and funding of schools in partnership with the State; ... (Our italics).

In the normal course of events the notion of accountability as it applies to a partnership presents no real problem. Based on a legally binding founding document, it is relatively easy to establish what the partnership has set out to achieve and it is equally easy to determine who is to be held accountable for its performance or non-performance.

The partnership envisaged in the preamble of South African Schools Act presents some intriguing questions that are vital to the issue of accountability:⁵

Does a reference to a partnership in the preamble of a law constitute a legal entity (a partnership) for the purposes of accountability?

While it is possible to indicate with a reasonable degree of conviction why the state and educators should be held accountable, why they should be held accountable, by whom and how they can be held accountable, things are much more uncertain regarding the possible accountability of

Learners and
Parents.

Is the fact that a fairly comprehensive process of consultation took place between the national Department of Education and various stakeholder communities before the South African Schools Act was promulgated, so binding on the stakeholders that a partnership is constituted?

How can parents be held accountable and for what can they be held accountable? Are we referring to individual parents or to a collectivity? If we are referring to a collectivity, which body represents parents? What about parents who are not affiliated to a parents' organisation? What if parents do not agree with the principles enshrined in the South African Schools Act? Will they be released from accountability? Can parents' lack of accountability be sanctioned? If so, how?

What exactly is a parent and what happens if a learner has no parent? Compare the definition of "parent" in section 1 of the South African Schools Act:

- (a) the parent or guardian of a learner;
- (b) the person legally entitled to custody of a learner; or
- (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner's *education* at school.

Can learners be held accountable if they do not learn effectively? What role does the age of learners play in this regard?

What does the state have to put in place if it wishes to have educators and learners held (co-)accountable for educational (that is learning and teaching) achievements and performances? Does the formation of School Governing Bodies (SGBs) provide parents and learners with sufficient opportunity to participate in the provision of education to such a degree that they can be held co-accountable for the failures of the system?

Does the idea of a partnership erode (dilute or distribute) accountability or does it strengthen and reinforce or enhance it? Does it lead to "passing the buck" or does it encourage acceptance of accountability? In this regard uncertainty about financial accountability at school level illustrates problems that may arise within paradigms of co-operation and partnership. For instance, the South African Schools Act awards responsibility to school SGBs for school funds but there are attempts to hold principals of schools accountable for the management of school funds and it took the *Schoombee* case (*Schoombee and others v MEC for Education, Mpumalanga, and another* 2002(4) SA 877 (T)) to clarify the issue that managing the school fund is indeed not the principal's responsibility and that (s)he is indeed not accountable in this regard.

⁵ Also see Lesley Anderson, 2004.

In Chapter 9 of the Constitution reference is made to several State Institutions Supporting Constitutional Democracy, among them the South African Human Rights Commission. Pieterse and Van Donck (2002) state that the institutions are located in the political space between the state and civil society and play an important role in "shaping the contestation between the State on the one hand and civil society on the other." They also plead for an integrated approach towards accountability.

Certain management and deployment of human resources practices since the current government assumed control in 1994 raise profound questions regarding accountability at the individual and collective level. At provincial Member of the Executive Committee for Education (MEC) level and Head of Department (HOD) level (thus at both the political and bureaucratic levels) there have been so many dismissals and redeployments (transfers to other positions) because of alleged misconduct that it is quite difficult to keep track of changes. The frequent changes cause systemic disruptions and one has to ask whether such changes of leadership and management enhance or dilute accountability in the system. We would venture to suggest that some redeployments amount to having been found guilty of incapacity and not being sanctioned. We also believe that frequent dismissals without firm action to remedy problems and to support people who have to step into the breach do not foster a culture of accountability that will not only identify and disclose failures, but will also make provision for the redress of problems. In short, some human resources management practices seem to us to militate against a culture of accountability.

We believe that, as the word "accountability" suggests, there is a bookkeeping or accounting dimension that one needs to explore. In South Africa a salient question in this regard would be: What has the state taken for its account and what is it doing to pay the account and how well is it performing in such efforts? An obvious answer is that the state has taken for its account what it has spelled out in policies and laws but we have already pointed out that looking at accountability only in such terms rather lacks sophistication and qualitative judgements.

Accountability is necessarily linked to some kind of appraisal or another (Early 2004). In South Africa performance appraisal in education is a contentious issue due mainly to teacher union opposition based on suspicion of the previous school inspection system. Their opposition derives from their perception that accountability and quality control are anathema to their status as educators. They believe that nobody has the right to visit their classes – this is contrary to the basic rights of employers and employees as reflected in the Labour Relations Act of 1995.

There is a dire need for qualitative data and quantitative data that would set accountability reports apart from government reports, propaganda and claims.

The penultimate point we wish to consider is the potential leverage power of accountability by which we mean the possibility that accountability can be used as an instrument to force or encourage changes and improvements or to reward certain desirable behaviour. Ball (2003, 6) discusses "performativity" (which can, like "outcomes", "targets" and "outcomes", be viewed as similar to "accountability") and points out that it refers to "a technology, a culture and a *mode of regulation* that employs judgements, comparisons and displays as *means of incentive, control, attrition, attrition and change – based on rewards and sanctions (both material and symbolic)*" (Our italics). One can argue that if invoking accountability does not produce anticipated or intended results it does not serve any purpose.

Skrła, Scheurich, Johnson and Koschoreck (2001a, 246) examine the question of whether state policy can influence social justice and conclude:

We are persuaded by evidence from state achievement data and our own in-depth field research in increasingly equitable school districts that it is possible for accountability systems to impact positively on the school achievements and experiences of children of colour.

In a commentary on the article of Skrla *et al.* (*ibid.*), Haney (2001, 74) casts serious doubts on the increased equity in a Texas school suggested by Skrla and her co-authors. In a rejoinder to among others Haney, Skrla *et al.* (2001b, 278-9) agree with some of Haney's criticisms particularly that the dropout rate of children of colour is far too high in Texas. However they warn that

Accountability and educational equity [and equal educational opportunities] are intensely complicated and complex issues, and we need careful, balanced dialogue about them to avoid a polarized 'right' versus 'wrong'. ... we cannot afford not to recognize clearly that there is contradictory research on virtually all of the key issues and no large policy like accountability works perfectly in every context on every relevant variable [Our insertion].

From the above it is clear that claims regarding the leverage potential of accountability systems have to be viewed with extreme caution. One also has to recognise that, in addition to the fact that all data can be criticised and questioned, data can also be used in dubious ways. When South African children performed very poorly in recent comparative tests on achievement in mathematics and others subjects, spokespeople for the government did not accept responsibility or accountability but cast aspersions on the quality of the research. One has to ask whether that represents accountability, passing the buck or simply denying uncomfortable facts.

In the paragraph below we indicate other problems and constraints relevant to the notion of accountability for performance and achievement in education.

Among the problems regarding accountability in education is the issue of the embeddedness of education within larger societal contexts. Skrla *et al.* (2001b, 278) blame the high dropout rate of children of colour in Texas on "systemic racism" and see it as "the direct heritage of slavery, anti-immigrant prejudice, and hugely inadequately funded, segregated schooling, among other causes."

Jansen (2001, 560-561) analyses the 2000 South African policy on whole school evaluation (WSE) (which can be viewed as a form of accountability) and criticises it on six important points:

- The obsession with outcomes diverts attention from the required inputs.
- A preoccupation with standardised performance undermines fundamental commitments to equity (for instance equal educational opportunities).
- The emphasis on measurable outcomes largely ignores the many other ways in which schools can perform.
- The focus on performance unduly privileges external behaviours that are easily codified into discrete outcomes.
- The emphasis on "measured performance in an outcomes-based system leads to and encourages the fragmentation of knowledge into 'bits and pieces' of manageable 'things'.
- The predominance of performance deflects attention from the meaning and value of the ends themselves.

Jansen's conclusion is unambiguous.

The South African obsession with performance-based pedagogies, as I have shown, has negative implications for resolving *equity* problems in educational reforms; it threatens to negate a political debate on 'goals' in favour of a technician's debate on 'ends'; and it fragments knowledge into meaningless tasks that assign value to external behaviours rather than the multiplicity of ways in which learning and valuing can be experienced (if not always expressed).

In a similar article read at the 7th Oxford International conference on education and Development, Jansen (2003) examines the "enterprise" of target setting, the politics of

performance and the prospects of "Education for all" from a transnational perspective. He poses the question why it is that, "despite the serious (and acknowledged) conceptual and methodological inadequacies of target setting in education (TSE), monitoring and measuring activities continue to enjoy credibility among major international agencies?" He does not question the use of targets to track progress but is concerned about the pursuit of targets as ends in themselves. He observes the "remarkable lack of progress – even regression in some states – in moving towards set targets."

Among the salient points raised by Jansen (2003) are the following

- The methodological fallacy in target setting. "Every research report on 'targets' in education spends time warning about the methodological limitations of the research, the unreliability of the data, and the need for caution in interpreting results based on such data" (5).
- There is tremendous variance on what is being measured (the conceptual fallacy) (7).
- The failure to appreciate the fact that target setting has huge organisational implications (9).
- The apparent failure to pursue 'deep change' (14).

Apart from the issue of equal educational opportunities linked to race, poverty and other factors (see e.g. Skrla *et al.* 2001a), other dimensions of accountability need to be explored and it appears that accountability is not an undiluted blessing in the quest for equal educational opportunities. Albrecht, Fread and Joles (2003) regard accountability and access to educational opportunities as mutually exclusive tenets under high-stakes testing mandates. West (2002) discusses the fallacy of increased accountability and the way it disregards disabled students' constitutional rights via high-stakes exams.

Conclusion

The following elements on which an analytical framework of accountability may be built have emerged from the preceding paragraphs:

- Accountability and redress are constitutional and statutory obligations. Appropriate relief can be granted where rights have been violated.
- International instruments recognise the right to education including equal educational opportunities.
- The Promotion of Administrative Justice Act, 2000 seeks to create a culture of accountability.
- The state must respect, promote, protect and fulfil socio-economic rights including the right to education.
- The intimate link between accountability and the socio-economic embeddedness of education needs to be borne in mind.
- It appears possible to use accountability to influence improvement but data used to effect such leverage should be used with great caution. There are methodological and conceptual problems regarding outcomes and targets etc. that still need to be overcome.
- In South Africa the models of education provision and the distribution of responsibility through partnerships and buy-ins complicate the issue to a considerable degree and may even lead to a dilution of accountability.
- The quantitative and qualitative dimensions of accountability need to be recognised and data-gathering instruments are required that take cognisance of both external behaviours expressed among others as outcomes and targets and the vast array of possible ways in which systems can perform.

- Accountability systems need to take account of organisational requirements and need to be carefully planned and not rushed.
- Accountability audits need to be broader based and more continuous in contrast to only being done at the top or at the end.

Figure 1 below depicts the possible layers and dimensions of accountability and data-gathering techniques that need to be built into a system of accountability regarding **equal** educational opportunities.

Figure 1: Possible analytical framework for accountability

ACCOUNTABILITY FOCUS	DATA-GATHERING TECHNIQUES (Qualitative and quantitative)	PERFORMANCE INDICATORS
<ul style="list-style-type: none"> • Individual performance: parents, educators, learners • Institutional dimension • Delivery, partnership, obligations, management, leadership • System performance • Embeddedness, starting blocks • State obligations • Constitution, law and policy • Budgets • International obligations 		

It appears that in a country like South Africa, which has an education system in which the state invokes the involvement and support of many stakeholders, accountability may be a rather more complicated issue than in countries where governments have the resources to provide free and compulsory education and are able to provide all the resources needed to ensure quality education (teaching and learning) without having to enlist the help of partners.

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