

## Holding policy-makers to account: exploring ‘soft’ and ‘hard’ policy and the implications for curriculum reform

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Curriculum implementation as both an educational practice and a policy conundrum has been the focus of academic research since the 1970s. A new perspective is taken in this article by borrowing from the literature on policy implementation in multilevel systems of government. The concepts of ‘hard’ and ‘soft’ policy are used to show that policy-makers choose from a range of strategies and it is these choices rather than teacher attitudes that may account for the level of implementation of a policy. A case study of curriculum implementation in Hong Kong is used to show how ‘hard’ and ‘soft’ policy can be identified in practice.

**Keywords:** curriculum policy; curriculum implementation; curriculum reform

The implementation of new curriculum policy and its accompanying practices continues to confound policy-makers while at the same time stimulating academic debate and scholarship. There are multiple perspectives on how best to understand the implementation phenomena. Fullan and Pomfret (1977) provided the classic ‘fidelity’ perspective examining the extent to which the ‘intentions’ of innovation designers, including policy-makers, matched what teachers actually did in classrooms. Aoki (1984) called this an overly instrumental approach and proposed instead a ‘praxis’ approach that recognised implementation was essentially about ‘practical action’ as teachers went about their daily work. Fullan (2001) also recognised that teachers ‘made meaning’ around implementation tasks, but it was more likely their own meaning rather than the exact meaning reformers had in mind. McLaughlin’s (1976) term ‘mutual adaptation’ described this interactive process in which teachers engaged as they encountered new curricula and innovations designed for classrooms. Teachers’ work, of course, takes place in a context and both Fullan (2001) and Rogan and Grayson (2003) have drawn attention to the contextual factors at system, school and classroom levels that influence teachers both negatively and positively as they engage in the implementation of new ideas for the school curriculum. This approach was extended by Spillane, Reiser and Gomez (2006, 61) when they focused on micro level policy implementation, describing it as a ‘sense making activity as it unfolds in the daily work of classrooms and schools’. A common feature of what is now an extensive literature is its reliance on western contexts but an emerging literature is starting to focus on Asian societies.

Morris and Scott (2003), writing about educational reform in Hong Kong, also identified the importance of broad contexts influencing curriculum implementation and in particular the political contexts in both the colonial and post-colonial periods. The colonial government lacked suffered from what they called a ‘legitimacy deficit’ (72) and they characterised the many efforts to reform the curriculum during the colonial period as ‘symbolic’, more rhetoric than intentional. There were many such examples including the activity approach, target oriented

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curriculum, integrated science, the school-based curriculum project scheme (Fung et al. 1997; Lam 1996; Lo 1999; McClelland 1991), cross-curricular themes (Morris and Chan 1998), medium of instruction and curriculum integration (Lam 2004), as well as more recent curriculum reform measures (Lam 2001). Successive colonial governments cannot be accused of neglecting the need for curriculum reform, even if their intentions were more symbolic than real.

Yet, as McClelland (1991, 128) pointed out, curriculum reform in Hong Kong has been:

... top-down and product oriented, sensitive to international trends and developments but still generally derivative from UK models, geared towards adoption of syllabuses and resources, views implementation as unproblematic, and views systematic and independent evaluation of classroom behaviours and outcomes as superfluous.

Overall, new curriculum policies remained at the level of good intentions and curriculum reform proved elusive and difficult. This was shown on a large scale when attempts were made to introduce the Target Oriented Curriculum (Morris 2002). Adamson and Morris (2000) have also shown that over time attempts at curriculum change and reform were neither understood nor implemented in Hong Kong classrooms. Scott and Morris' (2003) interpretation of this situation is that the colonial government lacked legitimacy to pursue their intentions with any vigor and this is why they were characterised as 'symbolic'.

Hong Kong's transition to Chinese sovereignty did not really resolve the legitimacy issue – Hong Kong remained a dependent political entity. Yet Morris and Scott (2003) noted that there appeared to be greater education resolve for reform by the new local government. Nevertheless, they gave the new government no more chance of success than their colonial predecessors; 'the problem is that it is encumbered by a political system and internal constraints on implementation which make success unlikely in the present environment' (83). They blame, in particular, disarticulated political structures that have resulted in mixed messages, lack of coordination, and lack of coherence. This is an important background to consider later in this paper when we turn to examining specific strategies used by post-colonial governments to pursue the curriculum reform agenda.

Research on curriculum implementation and education reform is complemented by an equally complex literature on the problematics of policy implementation. It is of interest in the current context largely because it tells a similar story to educators' experiences with seeking change in the school curriculum. Winter (2003, 213) has pointed out that 'most implementation research has focused on implementation problems, barriers and failures' and this echoes very much with the issues identified above by curriculum researchers. Nevertheless, commitments to positivistic notions of policy have led researchers to suggest more structure and focus in the implementation process can result in better quality implementation (Sabatier 1986). Yet there is an alternative line of policy research that accepts what might be described as 'implementation realities'. This approach is described well by Hanberger (2001, 45):

Where a policy is made and implemented in multi-actor contexts, the various stakeholders frequently view problems and solutions differently and some will try to influence the aim and direction of a policy all the way through the policy process.

Hofmann (1995, 143) viewed the same phenomena in epistemological terms arguing that 'policy world views... draw on potentially changing stocks of knowledge'. Similarly, Yanow (1995, 11) argued that different actors interpreted particular policies in different ways so that 'meaning is not something that can be taken for granted – that the creation, communication, and understanding of meaning require attention'. In theoretical terms, this approach to policy implementation can be described as 'post-positivist' because it recognised that there is an interaction between policies and individuals and these interactions are based on complex epistemologies and meaning-making processes that can lead to fundamentally different interpretations of policy

intentions. This approach to understanding implementation does not just require a 'bottom up' approach as described by Winter (2003). Post-positivists view the policy itself, the political and social contexts that construct the policy and the targeted users of the policy as an interacting and unpredictable system. In this view, policy is not regarded as a rational phenomena but a social construction subject to interpretation and multiple meanings. In this view, what is implemented is what people believe the policy to be based on their own subjective interpretation.

Post-positivism in policy studies has not led to the abandonment of attempts by both policy-makers and policy theorists to effect the smooth implementation of policies. One approach that has been adopted to facilitate this transition from policy to action was outlined by May (2003, 223):

Implementation difficulties can be partially ameliorated with the crafting of appropriate policy designs to build commitment and capacity of intermediaries and to signal policy intent to intermediaries and target groups.

This approach sought to redefine 'policy design' not simply as the policy itself but also the processes and procedures to support its implementation. This echoed the view that 'a policy's design must satisfy issues of political reconciliation'. This means that when issues remain unresolved there is the potential for policy actors at all levels of the implementation process to continue to shape the policy to meet their own ends (Calista 1994, 131). He went on to identify irreconciliation as one of the most significant variables that influence policy outcomes. Yet as shown above, the failure of implementation is not just a technical problem, but rather an issue of conflicting values and understandings, of meaning and interpretations.

This broader perspective from policy implementation research seems particularly relevant to schools. Curriculum reforms and the policies that drive them appear to have little impact, schools are often described as 'resistant' and teachers have their own theoretical and professional frames of reference that can differ from the new frames offered by the reforms. The research referred to above helps to explain these phenomena. Yet the result is that reform failure often leads to deficit views of teachers and schools, especially when policy-makers are seeking to allocate blame for the failures away from themselves. At the same time policy-makers, as the architects of curriculum change and reform, do not seem to feature in the literature on curriculum and policy implementation. It is policy-makers, however, who secure resources for reform efforts, determine the outline of reform agendas, develop timelines and look for outcomes. If teachers appear 'resistant', or just plain unconvinced, it is too easy to blame them for implementation failures. Policy-makers, however, are not entirely helpless and without blame. They design the policy and choose the policy instruments to progress their objectives. In this paper, we wish to move the focus of policy implementation from what has been labeled the 'bottom up' view of implementation (deLeon and deLeon 2002) involving largely teachers' responses to curriculum change and reform, to the alternative policy instruments available to policy-makers.

Why focus on policy instruments? In pursuing this approach we have been influenced by the views of McDonnell and Elmore (1987) that different outcomes can result from the use of varying policy instruments. While teachers are always the end-users of new ideas and innovations relating to the curriculum policy-makers have access to intervention processes that can support and influence teachers. Given the social value of curriculum implementation and its record to date across different political and cultural contexts, focusing on the role of policy-makers, the initiators of policy, rather than teachers, the end-users of policy, may provide a broader perspective on a seemingly problematic social practice. How might implementation be viewed if the focus shifts from teachers to policy-makers and their choice of policy instruments designed to support the implementation processes?

In the research being reported in this article we have deliberately taken this perspective by adopting a more interdisciplinary view of implementation processes. We have drawn on policy literature outside of education that has identified conceptions of 'soft' and 'hard' policy to develop an alternative approach to thinking about curriculum policy implementation. We shall introduce these conceptions in the followings sections and explore their meanings and usefulness before describing the specific context of Hong Kong where the research was conducted.

### **An alternative way of viewing policy implementation: 'hard' and 'soft' conceptions of policy implementation**

Conceptions of 'soft' and 'hard' policy are now commonly discussed in the policy literature concerned with multi-level systems of governance (Abbott and Snidal 2000; Torenvlied and Akkerman 2004; Cini 2001; Hertin et al. 2003; Koulaimah-Gabriel and Oomen 1997). Such conceptions have been useful ways of delineating different incentives, pressures and motivations for policy implementation. On the one hand implementation can be directed by legislation and regulatory monitoring with the possibility of sanctions for non-compliance ('hard' policy) or it can come in the form of recommendations, education campaigns and strong advocacy ('soft' policy).

The application of these conceptions to education policy-making is relatively new (Chan, Kennedy, and Fok 2008; Fok, Kennedy, and Chan 2010). It is clear from this work that the concepts of 'hard' and 'soft' policy are useful in understanding aspects of education policy implementation by focusing on the nature of policy instruments and their potential to influence subsequent implementation outcomes. It is equally clear from this work that some adaptation needs to be made to the original meanings underlying these constructs if the full potential of the ideas is to be exploited.

One purpose of this paper, therefore, is to explore further the meanings of 'hard' and 'soft' policy with reference to both existing literature and particular case studies of curriculum reform. In doing so, we hope to offer a new perspective on curriculum policy implementation. To show the operational features of this new perspective, current curriculum reform initiatives in Hong Kong will be reviewed and analysed. It is expected, however, that the findings based on this particular context will be generalisable to other jurisdictions where policy-makers have to make decisions about policy options to support programmes of educational change and reform.

Literature on 'hard' and 'soft' policy has emerged in two main contexts. The first, and most popular, is in relation to governance. It has been argued that policy-making in multi-level political systems (e.g., federal systems of government such as in the US and Australia) or supra-national systems (e.g., the European Union) requires an alternative to traditional regulatory and legislative mechanisms that are unable to be enforced in a multi-level system. The alternative to these traditional mechanisms (often described as 'hard' policy), that rely on voluntary rather than compliance behaviour, has been called 'soft' policy. Its main features are education, information giving and persuasion. 'Soft' policy of this kind seeks the same policy outcomes as 'hard' policy, but it uses different processes that take into consideration the legal contexts in which it operates. Hertin et al. (2004, 3) have also pointed out, in relation to environmental policy, that 'soft' policy can also be seen as a 'soft' option that will not interfere with prices or impose legal constraints on industries. This conception of 'soft policy-soft option' moves the debate out of the realm of governance alone and identifies it as a social construct designed to mediate public and economic interests in often contentious debates on the environment.

Yet, as pointed out by Hertin et al. (2004, 3) there is also an intellectual basis to the notion of 'soft policy' whether its purpose is to accommodate governance structures or accommodate business interests. They point to the social constructivist/cognitivist underpinnings of the strategies that often inform 'soft' policy:

Cognitive approaches argue that the behaviour of actors is to a large degree determined by their subjective interpretation of reality, rather than being the outcome of 'objective' and rationally-determined interests. It follows that any attempt to change behaviour needs to be based on an understanding of the frames of interpretation, discourses and knowledge sets which influence how these actors make sense of their world and action within it, and how they respond to changes in interpretive frames, discourses and so on. (Hertin et al. 2004, 3)

These understandings of human behaviour are broadly consistent with post-positivist views of policy research and policy processes referred to earlier in this paper and highlighted by Fischer (1998). They are also consistent with early descriptions of the implementation behaviour of teachers as 'mutual adaptation', a process by which teachers interpret curriculum innovations based on their own beliefs and understanding of what was needed in their classrooms rather than the specific requirements of any new curriculum (McLaughlin 1990). In this sense, 'soft' policy may be a deliberate strategy based on the assumption that changes will be made as part of the implementation process.

The adoption of 'soft' policy, therefore, may reflect the exigencies of governance, the negotiation of conflicting interests within society or a commitment to a particular way of understanding human behaviour and attitudes. These may not necessarily be mutually exclusive rationales at any given time and in any particular jurisdiction. Yet it seems important to be aware of the different reasons for using 'soft' rather than 'hard' policy, particularly in relation to expected outcomes. This is so especially since Hertin et al. (2004, 16) have indicated that 'the question is... whether procedural and information-based instruments with a very low degree of intervention will be able to change interpretive frames and provide the knowledge required to bring about innovation in organisations'. This, of course, is the key question when it comes to using any form of policy to bring about change. Will 'soft' as opposed to 'hard' policy work?

This raises the further question of the forms that 'soft' policy can take since these become the options available to policy-makers to bring about effective change. There is agreement at the macro level that 'soft' policies, as distinct from 'hard' policies, 'aim to achieve their objectives by means other than the hierarchical prescription of legally-binding rules and standards which can be enforced by public authorities' (Hertin et al. 2004, 2). Yet this dichotomous approach to distinguishing between different policy types represents only the beginning of a conceptual distinction that is classificatory at a macro-level only. Increasingly, researchers and policy-makers have started to identify different types of 'soft' policy that render 'soft' policies on a continuum rather than as a unitary construct.

Héritier (2001, 4), for example, referring to the specific governance context of the European Union, takes the dichotomous distinction further by distinguishing between modes and mechanisms of governance in relation to the use of 'soft' policy. The former are 'guided by the principles of voluntarism (non-binding targets and the use of soft law), subsidiarity (measures are decided by member states), and inclusion (the actors concerned participate in governance)'. The latter are 'diffusion and learning, persuasion, standardisation of knowledge about policies, repetition (iterative processes of monitoring and target readjustment are employed) and time management (setting of time-tables)'. Ahonen (2001, 2) has argued that there has been no systematic analysis of 'soft' methods and to fill this gap has proposed three different methods of 'soft' policy-making, each with three different processes by which information can be made available. He uses this framework to classify 'soft' policy methods as 'stronger', 'intermediate' and 'weaker'. A summary of this typology, with some adaptations, is shown in Table 1.

This approach to considering 'soft' policy, along with that of Héritier, opens up the possibility of providing greater understanding of 'soft' policy, including the development of classificatory systems. The initial decision for any policy-maker may be to choose between 'hard' or 'soft' policy (i.e., between legally binding regulations to secure implementation compliance or

Table 1. An adaptation of Ahonen's typology of soft policy-making methods.

Method of 'soft' policy-making	Approximate strength of each method/process		
	Stranger	Intermediate	Weaker
Regulative (conveys agreements that will affect users)	<i>Structural</i>	Institutionalised standardisation, some benchmarking and evaluation mechanisms	Recommendations are institutionalised
	<i>Two-way</i>	Standards Some evaluations	Charters
	<i>One-way</i>	Soft law General guidelines Some benchmarks Reference indicators, other indicators Some evaluations	Recommendations
Redistributive (targets users to influence and persuade)	<i>Structural</i>	Some accreditation and benchmarking mechanisms	*
	<i>Two-way</i>	Binding accreditation mechanisms Some accreditations	*
	<i>One-way</i>	Some accreditations; Expert exchange Some benchmarks; Some scoreboards; Scoreboards, league tables; Unilateral secondment of experts	*
Allocative (increases the quality and quantity of information available)	<i>Structural</i>	Framework programming of activities; observatories; some international organisations; advisory committees and working groups	Information networks with contact points; Information gateways
	<i>Two-way</i>	Interest group dialogue; consultation of stakeholders; work of advisory committees and working groups; work of consortia in framework programmes	Peer reviews; citizen dialogue; information exchange; conferences, seminars, colloquia, round tables, symposia, etc
	<i>One-way</i>	Incentives given by subsidies for recipients to acquire or generate information	Self-evaluations; dissemination activities; unilateral acquisition of information

Source: Based on Ahonen (2001, 4-5).

voluntary non-binding processes to influence implementation behaviour and attitudes). Yet this is not the end of the decision-making process. If the 'soft' policy option is chosen, then there is the issue of considering the best method, process and procedure to secure objectives. In Ahonen's (2001) terms, 'soft policy' procedures can range from 'stronger' to 'weak'. This raises the very interesting issue of what procedures are available to policy-makers. Ahonen (2001, 1) has argued that the issue is often glossed over in the policy literature where 'research on particular practices, procedures and conventions of practical policy-making seen as particular methods of practical policy-making is relatively rare'. Yet it is an issue of some consequence since the achievement of desired outcomes depends on such open ended procedures as providing the right information to the right people, persuading them of the benefits of implementation, providing appropriate incentives and developing 'soft' but effective monitoring systems. The issue is which of these will be the most effective and most likely to secure desired ends. Policy-makers opting for 'soft' policy, therefore, require an armoury of 'procedures' from which to choose if they are to secure their policy objectives, and such choices need to be strategic.

Some reference to 'soft' policy 'methods' and 'processes' is made in Table I although what has been referred to above as 'procedures' (e.g., accreditation, benchmarking, incentives, etc) has not been given a specific name. Yet it is such 'procedures' that are of most interest because they provide the alternatives available to secure policy objectives in a 'soft' policy context. Even in the literature there does not seem to be agreement on how to name these 'procedures'. Murray (2002) refers to 'soft policy tools'; Cini (2001, 194) uses the term 'soft law' to refer to its specific forms such as 'codes of conduct, frameworks, resolutions, communications, declarations, guidance notes and circulars'; Hertin et al. (2004) refer to 'soft' policy instruments. Whatever these forms of 'soft' policy might be called, they are in effect the operational aspect of 'soft' policy or 'soft' policy in action. Their proper selection is crucial for success and a good indication of what policy-makers are seeking to achieve. The assumption, of course, is that these operational actions have been chosen deliberately and with an eye on securing strategic outcome.

In order to ground the above discussion, the remainder of this paper will be concerned to analyse aspects of Hong Kong's curriculum reforms as a case of using 'soft' and 'hard' policy. In particular, it will focus on the operational forms of 'soft' and 'hard' policy in order to highlight policy choices associated with them.

### **'Soft' and 'hard' policy in Hong Kong's education reforms**

In the following sections we draw on key policy documents and related literature to provide a broad overview of the policy instruments that were used to facilitate Hong Kong's curriculum reform agenda.

#### **'Soft' policy in the 'learning to learn' reform**

The failure of curriculum reform during the colonial period was described earlier in this paper. It was against this background that post-colonial curriculum reform was initiated in 2001. The Curriculum Development Council (2001) produced its own blueprint, *Learning to learn: The way forward in curriculum* in which key elements in the reform were outlined. As highlighted by Kennedy, Fok and Chan (2005), this blueprint signalled a complex change to be implemented over a 10-year time span. Generally speaking, what became known as the 'learning to learn' reform intended to bring about changes from content-based teaching to outcome-based learning, from didactic classroom teaching to flexible students' learning and from examination oriented assessment to continuous multiple forms of assessment. This was a far cry from the piecemeal approach to reform adopted during colonial times. Another important difference with



reforms of the past was the government provided substantial support (Education Commission 2002, 2003, 2004). Particular emphasis was placed on the development of flexible curriculum frameworks, the funding of innovative seed projects, professional development, quality teaching materials and school-based support. But how effective are these as policy instruments designed to facilitate policy implementation?

The broad brush approach to the reforms as outlined above was translated into what can be described as a 'gradualist' approach to implementation. From the government's point of view, the use of non-binding force to encourage schools to adopt the 'learning to learn' reform was an important step in the initial stage. In an important sense, this was a continuation of the same approaches that had been used in the colonial period – 'soft policy' instruments were not new in Hong Kong. Moreover, some incentives were given to the schools so that they would voluntarily take up the reforms. The reform was expected to be implemented over a 10-year period: short-term (2001–2006) to long-term (beyond 2011). It was proposed that the implementation strategies of the reform were intended to allow schools to take a 'gradual step taking' approach (Curriculum Development Council 2001, 12). This led to the adoption of specific strategies as set out in Table 2.

These strategies can be classified as 'soft' policy instruments that were non-binding and voluntary in nature. Their purpose was to allow free participation of the schools in various programmes provided by the government. Moreover, the policies served as incentives for attracting schools to collaborate and try out school-based curriculum development. In summary, these 'soft' policy instruments included the following methods of support provided to the schools (Curriculum Development Council 2001):

- Curriculum resources and support materials.
- Collaborative research and development (RD) 'seed projects'.
- Teacher and principal development programmes.
- Library development.
- School-based support to curriculum development.
- Creating time and space for teachers and learners.
- Dissemination strategies and networks.
- Involvement of experts.

Table 2. The development strategies adopted by the government at different stages of implementation (adapted from Curriculum Development Council 2001).

Short-term (2001–2002 to 2005–2006)	Renders support to schools by providing curriculum guides, teacher and principal development programmes, on-site school-based support, etc. Works in partnerships with schools and tertiary institutions to conduct 'seed' projects to generate and disseminate successful experiences for the references of other schools. Conducts a review by the end of the short-term phase to take stock of the overall progress and to consolidate successful experiences.
Medium-term (2006–2007 to 2010–2011)	Consolidates and disseminates systematically the experiences accumulated during the short-term phase to help schools develop school-based curricula and improve learning and teaching strategies. Continues with the tasks undertaken in the short-term and improves plans and actions based on the review in 2005–2006.
Long-term (beyond 2011)	Continues to update and improve the curriculum framework according to the needs of society and students. Continues to work in partnership with schools and various concerned parties to generate and accumulate successful experiences with a view to helping schools further improve the quality of education.



Table 3. 'Soft' methods used in the 'Learning to learn' reform.

'Soft' methods	Examples of 'soft' methods	Structural	Stronger	Intermediate	Weaker
		One-way Two-way			
Redistributive	Curriculum guides	Structural	✓		
	Curriculum bank of authentic exemplars	One-way		✓	
	Textbooks	Structural	✓		
	Develop learning and teaching materials (guidebooks, multi-media packages, CD ROM curriculum planners).	One-way		✓	
Allocative	All concerned parties will collaborate with tertiary institutions to disseminate good practices	Two-way		✓	
	Seed projects	One-way			✓
	Professional development programmes for teachers and principals	Two-way			✓
	Examples of strategies to support library development	One-way			✓
	On-site advice to help schools to develop school-based curriculum	Two-way			✓
	Creating time and space for teachers, e.g., Capacity Enhancement Grant	One-way			✓
	Dissemination and networking – e.g., learning communities, sharing experiences through REOs, etc.	Two-way			✓
Experts are invited to give advice.	One-way		✓		

Of these supportive resources provided to the schools, some are redistributive, i.e., to influence target users through distribution of information, while some are allocative, i.e., to increase the quality and quantity of information available (Ahonen 2001, 5). Accordingly the nature and strength of the 'soft' policy instruments can be classified as in Table 3.

Generally speaking, the 'soft' policy instruments illustrated in Table 3, e.g., the capacity enhancement grant, were welcomed by the schools to adopt the curriculum reform as suggested in the government documents (e.g., Policy 21 2004). 'Soft' policy by non-binding and voluntary participation of the schools, however, was only one method used to facilitate implementation. A complementary approach was also used and this will be discussed in the following section.

### 'Hard' policy and 'learning to learn' reform

Accountability has been a key issue in international education reform and Hong Kong is no exception. Governments always seek to ensure that public money has been spent reasonably and judiciously and in the case of the Hong Kong reforms, the amount was considerable. School performance and effectiveness, therefore, was given a new priority at the same time as the curriculum implementation process was put in place. Thus, 'hard' methods of government policy were adopted with the 'External School Review' and the 'Territory-wide Assessment System'.

The first 'hard' method implemented by the government was the Basic Competency Assessment (BCA). It was introduced in *Learning for life, learning through life* (Education Commission 2000, 16):

The BCA will comprise two parts:

(a) *Student Assessment*

Student assessment will enable teachers and parents to understand students' learning needs and problems in order to provide timely assistance. At the same time, through appropriate measures, it also allows more room for students to develop, so that whilst achieving basic standards, they are able to maximise their potentials.

(b) *System Assessment*

System Assessment will provide the Government and school management with information on whether schools in Hong Kong attain the basic standards in key learning areas. This will facilitate schools formulating improvement plans and the Government in providing support to those schools which need it.

This kind of student assessment was promoted as 'low-stakes' since it served as basic assessment information at class level for students' improvement. There was also an intention on the part of the government, however, to use this 'Tertiary Wide System Assessment' (TSA) to understand more about school effectiveness (Education Commission 2004, 33):

While the Government can understand the teaching effectiveness of schools by reference to the information, schools can adjust their teaching strategy accordingly to enhance the effectiveness of learning and teaching.

To attain fairness and equity with TSA, it was rigorously administered by the Hong Kong Examinations and Assessment Authority with detailed analysis of the performance results of each school to be sent to the Education and Manpower Bureau after the assessment each year (Hong Kong Examinations and Assessment Authority 2010). Moreover, the overall results and profiles of students' performances in each subject were to be released to the public. Although individual schools' TSA results have not been released publicly, they are sent to individual schools and the school management councils and it is assumed follow up action will be taken. TSA, therefore, has been perceived by the schools as a 'high stakes' examination. Furthermore, schools generally perceived that sanctions would be applied if their students' results were unsatisfactory.

In addition to TSA, another 'hard' method used to facilitate implementation was the 'External School Review' as described below (Education Department 2002):

In 1997, the Education Commission released the Education Commission Report No. 7 (ECR7) and proposed various recommendations with a view to pursuing quality school education. In line with ECR7 recommendation, the Education Department (ED) compiled the Performance Indicators (First Edition) in 1998 based on local and overseas studies and experiences. The areas of concern in the domains of Management and Organisation, Teaching and Learning, Support for Students and School Ethos, as well as Attainment and Achievement serve as a reference for ED and schools to assess school performance.

Schools have to be well prepared for an external school review in the four domains as stated above. In addition, performance indicators (PI) are used as tools for assessing school performance. There are a total of 29 PIs that are translated from the aims of school education and serve as the basis for measuring and evaluating school performance in various aspects (Education Department 2002). As far as the schools are concerned, the external review is a 'high-stakes' inspection because it is a quality assurance inspection of various aspects of the schools and the results of the inspection are uploaded to the Education Bureau's web site for public information. The external review is briefly explained: (Education Department 2002, 2):

ED introduced a whole-school approach to QA inspection in 1997, which is open and transparent. QA inspection, when assessing school performance (external assessment), acknowledges school's strengths and provides direction for its improvement. PIs enable QA inspection team to:

- collect data to get to know the development of the school
- make corporate judgement on assessing school performance
- point out the areas for school improvement in the pursuit of excellence
- give advice on school-based support service

The transparency of the school review policy has let the public gain access to the specific school information, particularly the results of the QA inspection by the authority. Schools, naturally, seek to avoid being negatively appraised. Schools strive to comply with the requirements of the PI in four domains that are consistent with the 'learning to learn' reform. As a result, the government has extended its tight control of school performance and effectiveness through this external school review process.

What we have called here 'hard' methods, Lam and Zhang (2006) referred to as 'hard' measures for the implementation policy through which the government controls the process of implementation by means of school accountability. It seems to us these approaches are certainly much 'harder' than the 'soft policy' initiatives outlined in the previous section. Yet they do not qualify as 'hard policy' in the framework we have used for this paper. Based on Ahonen's typology, the methods we have described are characterised more as 'soft law' because there is no legislative basis for them. Strictly speaking, 'hard' policy is usually regulated through legislative mandates. Even though regulations relating to the Territory-wide assessment and external school review are binding they are not legislatively controlled. These 'hard' methods are characterised more as benchmarks and evaluations and in Hong Kong they sit side by side with 'soft' policy measures to facilitate the implementation of education reform.

## Discussion and conclusions

Conceptions of 'soft' and 'hard' policy convey important messages about the value policy-makers can place on new policies. In the Hong Kong context, the adoption of 'hard' policy, or at least 'hard' measures, was a strategy used by post-colonial governments in pursuing their reform agenda. This would seem to have given them somewhat more leverage than their predecessors who used largely 'soft' measures only in pursuing educational reform. The expanded use of policy instruments in this way shows that policy-makers need to consider the full range of policy instruments that are available to them if they are to pursue a complete implementation agenda. Or, at the very least, they need to understand the advantages and disadvantages of using different kinds of policy instruments. They should not expect too much from 'soft' measures and they should understand the politics of using 'hard' measures. Finding the judicious balance is the challenge for policy-makers.

One of the key issues about the Hong Kong case has been raised by Fok, Kennedy and Chan (2010). They have shown that teachers' perceptions of 'hard' measures were probably more influential on implementation than in the minds of policy-makers. This reminds us of the arguments made by Hoffman (1995) and Yanow (1995) that implementation is about understanding 'world views' and the meanings that different policy actors ascribe to whatever it is that is being implemented. This suggests that policy-makers cannot regard implementation as a technical process that can be accomplished easily. The selection of policy instruments needs to take into consideration the values and commitments of those responsible for implementing new ideas. This is what Calista (1994) meant when he referred to the need for 'reconciliation' in implementation – reconciling the values, ideas and understandings of those who create the policy with those who implement the policy. Policy instruments can do this, but the important point to understand is that it needs to be done. Policy instruments do not operate in a vacuum but must be understood in the social, political and cultural contexts that create them.

A final point on the specific Hong Kong context is the question of whether local policy-makers deliberately strategised 'hard' and 'soft' policy measures to progress the implementation of their 10-year reform programme. The evidence referred to above shows that both kinds of measures were envisaged from the beginning of the reform agenda and were all suggested by the Education Commission. Yet further research is needed to determine the intentionality of this combination of measures. Given the teachers' perceptions of the 'hard' measures our initial view is that policy-makers saw 'soft' and 'hard' measures serving different purposes related to implementation and accountability respectively. That they coalesced in the minds of the teachers shows the potential of using different policy instruments. Yet policy-makers themselves need to understand these potentials and use them intentionally if they wish to pursue more effective implementation. This is clearly an important area for future research.

With a choice between such policies implementation can be regarded either as a process of persuasion ('soft policy') or mandated action ('hard policy') reinforced by legislation at the most extreme or binding regulations ('soft law') at the other. We have shown that Hong Kong policy-makers have chosen to use 'soft policy' (i.e., policy instruments focussing on persuasion) and what we have called 'hard measures' (i.e., policy instruments that do not have the force of law but that nevertheless go beyond persuasion to create conditions where compliance is the only viable option). It is this combination of 'soft' policy and 'hard' measures to facilitate education reform in the post-colonial period. This signals a considerable shift from colonial times. It reflects a determination on the part of the Hong Kong government to bring about deep change across the education system.

A significant question to pursue in the future is how policy-makers can make informed decisions about the judicious use of different policy instruments. Perhaps more significantly, it is important to understand whether certain blends of different instruments lead to more effective implementation. Further empirical work is needed to explore these issues. If it can be shown that policy-makers have at their disposal an armoury of implementation strategies but they are only successful in certain combinations, then implementation theory will have been completely revised. The burden of implementation success will then be on policy-makers rather than practitioners, on governments rather than schools and on policy wisdom rather than policy hit-and-miss strategies. The work reported here represents a start on moving implementation theory in this direction although its impact in the practical Hong Kong context remains to be fully evaluated as the 10-year reform process nears its conclusion.

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