

The policy process at the street level

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SYNOPSIS

Earlier chapters have paid relatively little attention to the roles of middle- and lower-level employees in public policy systems. They have presented them as working within complex, partially controlled organisations, granted various degrees of discretion and required to collaborate with others, but there has been no examination of the implications of their own dispositions and motivations for these situations. This chapter explores this issue. First, it examines some rather old but still relevant theory, developed by sociologists influenced by the work of Max Weber, which stresses the way in which work in bureaucratic organisations may involve the selection of (or the creation of) personalities who will be rigid rule followers and tend to give more attention to the means by which policy is enacted than to its ends. This will then be contrasted with the 'street-level bureaucracy' perspective of Michael Lipsky, with its particular implications for those working with relatively unrountinised service and professional roles, which stresses the many ways in which officials may actually create policy. This leads on to an examination of the issues about the roles of professionals in public sector bureaucracies. The chapter finishes with a discussion of Mashaw's analysis of issues about professional autonomy, a topic which leads towards issues about accountability (which will be examined in Chapter 15).

Bureaucratic behaviour and the bureaucratic personality

It was suggested earlier (in Chapter 12) that the administrative organisation has typically a complex structure of a kind which many writers have described as bureaucratic. For a number of commentators, however, bureaucracy implies something more than a complex organisation. For them, bureaucracies are characterised as rigid and slow, with effective action hampered by red tape.

Although the main arguments on this topic are concerned with the inherent limitations of elaborate formal procedures, several writers have sought to show that bureaucratic rigidity is in some respects a consequence either of the impact of working in a rule-bound context upon the personalities of individuals, or of a tendency for bureaucracies to recruit people with inflexible personalities.

In the study of public bureaucracy, the organisation personality theory links up with a theme that has had a place in popular mythology for many centuries, a theme which several European novelists have developed most effectively: the portrayal of the clerk in public service as an individual whose life becomes dominated by the complex rules that have to be followed in dealings with the public. A pioneering essay on organisational sociology by Merton (1957) takes up this theme and attempts to explain the conditions under which bureaucratic personalities are likely to be found. Merton argues as follows:

1. An effective bureaucracy demands reliability of response and strict devotion to regulations.
2. Such devotion to the rules leads to their transformation into absolutes; they are no longer conceived as relative to a set of purposes.
3. This interferes with ready adaptation under special conditions not clearly envisaged by those who drew up the general rules.
4. Thus, the very elements which conduce towards efficiency in general produce inefficiency in specific instances. (Merton, 1957, p. 200)

Merton goes on to suggest that the position of those in authority is markedly simplified if subordinates are submissive individuals conditioned to follow their superiors uncritically. Moreover, the implication of much managerial training is that the successful operation of a system of authority will depend upon creating bureaucratic personalities.

In his essay, Merton argues that in Weber's analysis of bureaucracy 'the positive attainments and functions of bureaucratic organisation are emphasised and the internal stresses and strains of such structures are almost wholly neglected' (1957, p. 197). He contrasts this with the popular emphasis upon the imperfections of bureaucracy. Merton argues that bureaucrats are likely to show particular attachment to rules that protect the internal system of social relationships, enhance their status by enabling them to take on the status of the organisation and protect them from conflict with clients by emphasising impersonality. Because of their function in providing security, rules of this kind are particularly likely to be transformed into absolutes. Policy goals are then distorted as means are treated as ends.

Merton's essay is applied to bureaucratic organisations in general, but there are reasons why it may be particularly applicable to public administration. First, public officials are placed in a particularly difficult position vis-à-vis their clients. They may be putting into practice political decisions with which they disagree; they are facing a public who cannot normally go elsewhere if their demands are unsatisfied, as they often can with private enterprise; and

the justice of their acts is open to public scrutiny, by politicians and sometimes by courts of law. They are thus under particular pressure to ensure that their acts are in conformity with rules. Rules are bound to play a major part in their working lives.

Second, the careers of public officials are normally organised very much along the lines of Weber's bureaucratic model. Indeed, in this respect at least, state bureaucracies often come very close to Weber's ideal type. The demand for fairness in selection and promotion leads to the development of highly regularised career structures. It tends to be very difficult to justify dramatic or unconventional promotions, and therefore public service careers are likely to be oriented towards what F. Morstein Marx (1957) called 'the economics of small chances'. Marx explains this expression in the following way:

In the first place, the ideology of service itself minimises the unabashed display of consuming ambition. In some respects, indeed, service is its own reward. Moreover, the mass conditions to which personnel policy and procedure must be addressed in large-scale organisations cry out for recognition of the normal rather than the exceptional. Meteoric rise of the outstandingly able individual is therefore discouraged quite in the same way as favouritism and disregard of rules are discouraged. Advancement, if it is not to attract suspicious or unfriendly eyes, must generally stay in line with the 'normal'. Exceptions call for too much explaining. All this tends to make reward for accomplishment something that comes in small packages at fairly long intervals. (Marx, 1957, p. 97)

Such a career structure obviously puts an onus upon conformity, and will tend to create a situation in which if a public official becomes conspicuous for disregarding rules it will be more likely to hamper than enhance his or her career.

Morstein Marx characterises the public service as 'the settled life' in which security is valued above high rewards (ibid., p. 102). He says: 'the merit bureaucracy is not the place for those who want to make money, to rise fast, to venture far, or to stand on their own'. Marx concedes that senior public officials are usually required to be of a reasonably high calibre, but suggests that those who compete for entry will be mostly the 'solid' - as contrasted with the brilliant but restive, for instance' (ibid.).

Marx goes on to suggest that the career structure he describes reinforces the pressure for uniformity within a government bureaucracy which arises from the political need for equity and consistency. Thus he claims: 'When the common rule and the common mind combine, the natural consequence is a narrowness of perspective - a weakness more aggravating than mediocrity in administrative performance' (ibid., p. 103).

Marx suggests, then, that the bureaucratic personality will be both a product of the fact that only certain types of people choose to join the public service, or indeed the fact that selection procedures may pick out certain types of people, and a product of the bureaucratic environment.

The two influences upon personality operate to reinforce each other. Merton (1957) also recognises this interaction as a key problem for research. He asks:

To what extent are particular personality types selected and modified by the various bureaucracies (private enterprise, public service, the quasi-legal political machine, religious orders)? Inasmuch as ascendancy and submission are held to be traits of personality, despite their variability in different stimulus situations, do bureaucracies select personalities of particularly submissive or ascendant tendencies? And since various studies have shown that these traits can be modified, does participation in bureaucratic office tend to increase ascendant tendencies? Do various systems of recruitment (e.g. patronage, open competition involving specialised knowledge or general mental capacity, practical experience) select different personality types? (*ibid.*, p. 205)

There are, therefore, a number of related issues to consider here: (1) to what extent certain types of people choose to embark on bureaucratic careers; (2) the impact of selection processes in selecting certain types from amongst those who seek to enter bureaucratic careers; (3) the extent to which personalities who do not fit the organisational environment drop out in the course of their careers; and (4) the extent to which success or failure in climbing a career ladder is associated with personality characteristics. Reporting a more recent empirical study, Oberfield (2009) found support both for the view that rule-following would be explicable in terms of 'consistent' personality and for postulating 'that organizations would pattern rule-following identities' (*ibid.*, p. 753).

Merton and Marx are, of course, attempting to analyse systematically the widely accepted stereotype of the bureaucratic official. But because it deals with a stereotype the bureaucratic personality theory runs into difficulties. On the most superficial level, the public official's role is difficult to distinguish from the role played by a very high proportion of the employed persons in a modern complex society – in which case there is nothing very special about the role of the public official. On the other hand, if an attempt is made to analyse roles more deeply it will be found that distinctions can be made both between the many different roles in a public bureaucracy, and also between alternative adjustments to formally similar roles. It is in this sense that DeHart-Davis (2007) explores the social psychology of organisational behaviour, postulating the need also to recognise circumstances in which 'unbureaucratic personalities' willing to bend rules may be salient in public organisations,

The bureaucratic personality theory is both too specific, in trying to single out certain kinds of organisational roles in a context in which most people are organisational employees, and too general, in implying the existence of uniformity of roles in organisations where such uniformity does not exist.

An important contribution to organisation theory that modern management training has taken seriously recognises that there are advantages to be gained from having bureaucrats who are unwilling to be excessively bound by formal rules (Argyris, 1964; McGregor, 1960). Moreover, subordinates will resist over-formalisation, and so it may be said that they will try to avoid becoming bureaucratic personalities.

There is a secondary criticism of the theory that there is a tendency to assume the existence of a bureaucratic personality when in practice such behaviour may be a means of protecting the individual from total involvement in the work situation. On this theme a more recent vein of writing is more relevant. It focuses on the pressures upon bureaucrats, and helps to explore, more effectively than the bureaucratic personality theory, how policies become reshaped as public officials seek to bring some order into their own lives. This is the work on street-level bureaucracy by Michael Lipsky (1980) and his associates. For these writers the issue is not the apparent total rule conformity suggested by Merton but rather the way in which officials make choices to enforce some rules, particularly those which protect themselves, while disregarding others.

Street-level bureaucracy

The theory of street-level bureaucracy is set out in Lipsky's book of that title. It is further developed in work by two of his former research students, Weatherley (1979) and Prottas (1979). A later book that uses a broadly similar perspective is Maynard-Moody and Musheno's *Cops, Teachers, Counsellors* (2004).

Lipsky says of his own book:

I argue that the decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out. (Lipsky, 1980, p. xii)

He argues that this process of street-level policy making does not involve, as might be hoped, the advancement of the ideals many bring to personal service work but rather the development of practices that enable officials to cope with the pressures they face. He says:

people often enter public employment with at least some commitment to service. Yet the very nature of this work prevents them from coming close to the ideal conception of their jobs. Large classes or huge caseloads and inadequate resources combine with the uncertainties of method and the unpredictability of clients to defeat their aspirations as service workers. (ibid.)

Lipsky argues that street-level bureaucrats develop methods of processing people in a relatively routine and stereotyped way. They adjust their work habits to reflect lower expectations of themselves and their clients. They

often spend their work lives in a corrupted world of service. They believe themselves to be doing the best they can under adverse circumstances and they develop techniques to salvage service and decision-making values within the limits imposed upon them by the structure of work. They develop conceptions of their work and of their clients that narrow the gap between their personal and work limitations and the service ideal. (*ibid.*, p. xii)

Thus Lipsky handles one of the paradoxes of street-level work. Such workers see themselves as cogs in a system, as oppressed by the bureaucracy within which they work. Yet they often seem to the researcher, and perhaps to their clients, to have a great deal of discretionary freedom and autonomy. This is particularly true of the many publicly employed semi-professionals – people like teachers and social workers who secure a degree of that autonomy allowed to professional workers. These are the people whose roles Lipsky and his colleagues are particularly interested in.

Lipsky analyses the paradox suggested above in the following way. He outlines the many ways in which street-level bureaucrats are able to manipulate their clients. He stresses the non-voluntary status of clients, suggesting that they only have limited resources inasmuch as the street-level bureaucrat needs their compliance for effective action (*ibid.*, p. 57). This is a view supported by two other American writers, Hasenfeld and Steinmetz (1981), who argue that it is appropriate to see bureaucrat-client relationships as exchanges, but that in social services agencies serving low-status clients the latter have little to offer except deference. They point out, as does Lipsky, that 'clients have a very high need for services while the availability of alternatives is exceedingly limited' (Hasenfeld and Steinmetz, 1981, pp. 84–5). Accordingly, 'the power advantage social services agencies have enables them to exercise considerable control over the lives of the recipients of their services' (*ibid.*, p. 85). Clients have to wait for help, experience 'status degradation', have problems in securing access to information, and are taught ways to behave (*ibid.*, pp. 89–92). They possess a generally weaker range of tactics with which to respond.

Lipsky, picking up the issues about discretion (discussed in the previous chapter), also stresses that the street-level bureaucrat cannot readily be brought under the control of a superior. He argues:

The essence of street-level bureaucracies is that they require people to make decisions about other people. Street-level bureaucrats have discretion because the nature of service provision calls for human judgement that cannot be programmed and for which machines cannot substitute. (*ibid.*, p. 161)

In this sense Lipsky portrays the street-level bureaucrat as making policy, carrying out a political role that determines 'the allocation of particular goods

and services in the society' (ibid., p. 84). Weatherley summarises this view as follows:

... a view of policy as determining frontline behaviour is insufficient for explaining what workers actually do and why, and how their activities affect clients. Of course, teachers do teach, caseworkers dispense public assistance, public defenders defend indigent clients, and doctors treat patients, and their work activities are certainly responsive to public policy. But their activities are also responsive to a number of other influences over which the policy-maker and administrator may only have limited or no control. The pyramid-shaped organisation chart depicting at the bottom the front-line worker as passively receiving and carrying out policies and procedures dispensed from above is a gross oversimplification. A more realistic model would place the front-line worker in the center of an irregularly shaped sphere with vectors of differing size directed inward. (Weatherley, 1980, p. 9)

Lipsky is widely misrepresented simply as the writer who demonstrates how difficult it is to control the activities of street-level bureaucrats. If that was actually what he had to say, he could merely be seen as someone reinforcing the top-down control-oriented perspective. In those terms he is co-opted in support of the political Right's argument for market solutions to distribution problems, to circumvent the capacity of suppliers to control public monopoly services. In fact, however, what Lipsky says is rather different, indeed much more subtle. He speaks of the street-level bureaucrat's role as an 'alienated' one (Lipsky, 1980, p. 76), stressing such classic features of alienation as that work is only on 'segments of the product', that there is no control over outcomes or over 'raw materials' (clients' circumstances), and that there is no control over the pace of work. Lipsky also emphasises the 'problem of resources': street-level bureaucrats face uncertainty about just what personal resources are necessary for their jobs, they find that work situations and outcomes are unpredictable, and they face great pressures of inadequate time in relation to limitless needs.

Is there in Lipsky's work, therefore, an element of inconsistency, or can the contradictions in his analysis be explained? Perhaps he is providing a new variant on the Marxist dictum, 'Man makes his own history, even though he does not do so under conditions of his own choosing'. This is certainly partly the case. Street-level bureaucrats make choices about the use of scarce resources under pressure; contemporary fiscal pressure upon human services makes it much easier for officials to emphasise control than to try to put into practice service ideals.

But Lipsky does not really try to link his analysis to a macro-sociological perspective which would enable him to claim that the illusory freedom of street-level bureaucrats only operates as an instrument of class oppression and manipulation, and not in any other direction. His analysis, perhaps even more pessimistically, tends to show that the street-level bureaucrat's freedom to make *policy* is largely used to provide a more manageable task

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and environment. He talks of 'defenses against discretion', emphasising, as Smith (1981) and Zimmerman (1971) have, the extent to which street-level bureaucrats develop rigid practices which may be described by the observer as involving rule conformity even though the rules are imposed upon themselves. He stresses patterns of practice as 'survival mechanisms', a perspective that is echoed in a British study of social workers which, using older American theoretical work on organisational roles by Everett Hughes (1958), has a great deal in common with Lipsky's work. This is Satyamurti's (1981) study of English urban social work teams. There she speaks of the use of 'strategies of survival' by social workers under pressure which nearly always led people with the 'best of intentions' to do 'less for clients than they might have' and often behave in 'ways that were positively damaging' (Satyamurti, 1981, p. 82). The conclusion this literature comes to is that difficult work environments lead to the abandonment of ideals and to the adoption of techniques that enable clients to be 'managed'.

Lipsky argues that there is a problem about matching limited resources to apparently much greater needs that is recognised by all sensitive members of social services agencies. Accordingly, therefore, considerable efforts are made to prioritise need and to develop rational ways to allocate resources. The problem is that 'theoretically there is no limit to the demand for free public goods' (Lipsky, 1980, p. 81). Therefore it is important to accept that welfare agencies will always feel under pressure. Lipsky says that the resource problem for street-level bureaucrats is often irresolvable 'either because the number of people treated . . . is only a fraction of the number that could be treated, or because their theoretical obligations call for higher quality treatment than it is possible to provide to individual clients' (ibid., p. 37). Adjustments to caseloads further the quality of work but leave the worry about quantity, and vice versa. It is always possible to make out a case for new resources. Marginal changes in those resources will not necessarily result in visible changes in stress for individual workers.

This equally seems to provide support for the cynical cutting of caseloads. Certainly Lipsky suggests that this is how it is sometimes seen. An agency that has great difficulty in measuring success or providing data on quantity of 'output' is inevitably vulnerable to cutting. Lipsky cogently shows how this response heightens the feeling of stress for individual workers and thus intensifies recourse to the manipulation of clients. Retrenchment and redundancy are particularly threatening to the remaining vestiges of altruism in the human services. In this sense it may be suggested that incremental growth does little to relieve stress, but incremental decline intensifies it considerably.

A substantial section of Lipsky's analysis is concerned with the way in which street-level bureaucrats categorise their clients and respond in stereotyped ways to their needs. Lipsky speaks of these as 'psychological coping mechanisms' and elaborates the importance of simplified views of the client of his or her situation and of responsibility for his or her plight to facilitate this (Lipsky, 1980, Chapter 10). Many studies of the police have shown how distinctions are made there between different kinds of citizens which enable officers to develop responses in uncertain situations. In addition,

stereotyping offers short-cuts to decision making on how to approach people, how to determine whether to act on suspicion and so on (for reviews of the literature on policy discretion see Grimshaw and Jefferson, 1987; Holdaway, 1983; Reiner, 1992). Lipsky argues that such is the need for street-level bureaucrats to differentiate clients 'that it seems as useful to assume bias (however modest) and ask why it sometimes does not occur, than to assume equality of treatment and ask why it is regularly abridged' (Lipsky, 1980, p. 111). Giller and Morris (1981) offer evidence of similar stereotyping in British social work in their essay 'What type of case is this?'. An issue that is related to simplifying assumptions in categorising different kinds of clients is the adoption of stereotyped responses to clients in general. The need to stereotype in order to cope may enhance tendencies towards racist and other prejudiced behaviour. This 'management' of complex decision situations can, depending of course on your point of view, have both benign and malign effects. Box 13.1 highlights some examples.

Policy evolution in the hands of street-level bureaucrats

Box 13.1

A Californian study (Meyers *et al.*, 1998) shows that policy reforms requiring welfare recipients to increase their labour market participation were largely ignored by workers who were primarily concerned with carrying out normal eligibility interviews. We see here a point emphasised by Elmore (1980) that the implementation of a new policy often needs to be seen as a demand which people may have difficulty in accommodating with their existing view about how their work should be done.

Another example of street-level bureaucrat modification of policies they find difficult to put into practice comes from two studies of the effectiveness of a new provision in the US AFDC ('welfare') law that expected beneficiaries to be penalised if their children did not attend school regularly. Ethridge and Percy (1993) show that the policy was premised upon a 'rational actor' theory in which quite complex linkages were expected. They set this out in terms of steps in a logical chain: parents want to maximise AFDC payments, parents are able to monitor the school attendance behaviour of their children and interpret messages about this, parents are able to control the behaviour of their children, and the threat of sanctions will lead parents to take action. They go on to show how difficult it was for staff to operationalise these in practice. Stoker and Wilson (1998) focus more precisely upon flaws in the verification process for this policy. They explore how staff encountered weaknesses with the two alternatives, one at least of which was essential for verification: the transfer of administrative information from other agencies or the production of evidence from clients that they had complied with the requirements of the legislation. Clearly, whilst from one point of view these phenomena may be seen as 'disobedience' at the street level, from another they can be regarded as the improvement of a flawed policy.

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Richard Weatherley (1979) specifically applies the street-level bureaucracy perspective to the study of the implementation of special education reform in the state of Massachusetts. A new law, enacted in 1974, required schools to operate much more sophisticated procedures for assessing needs for special education and to develop individualised programmes for children. The problem for staff was that they were required to do this without significantly more resources. 'Administrators were caught between the requirements to comply with the law, which they took quite seriously . . . and the certainty that their school committees would rebel against expenditures that led to increased taxes' (Weatherley and Lipsky, 1977, p. 193). Accordingly, a response to the reform was developed which accommodated the new requirements without substantially disrupting established ways of working. Implementation involved the adjustment of the law to local needs and requirements (see also Hudson, 1989, for a discussion of the applicability of Lipsky's theory to similar policy contexts in Britain).

In many situations the notions that (a) laws need to be adapted to local needs and circumstances and (b) new laws are superimposed upon already established tasks can be taken further with the recognition that much action at the street level involves trying to integrate conflicting requirements. This point was made in general terms in Chapter 11, in exploring the case for the bottom-up perspective on implementation.

This point is taken further in contemporary literature that re-visits the 'representative bureaucracy theme' (see Chapter 10, Box 10.5). Where the earlier literature had raised questions closely linked to democratic theory, postulating that inasmuch as civil services have power they should be socially representative, this literature explores the predispositions of street-level staff in terms of the extent to which the way they exercise their discretion carries advantages (or disadvantages) for their clientele. These studies explore the impact of the ethnicity, gender or social class of implementers upon their decisions. A study of equal educational opportunities argued:

Political forces (. . .) were able to influence policy outputs to benefit minority students. This political influence is indirect. Black school board members influence the selection of black administrators who in turn influence the hiring of black teachers. Black teachers then mitigate the impact of bureaucratic decision rules and provide black students with better access to educational opportunities. (Meier *et al.*, 1991: 173-4; see also Pitts, 2005)

Similarly a study of loan allocations for rural housing shows the impact of variations in the number of staff from minority groups, between different offices, upon loans to people from that group (Selden, 1997). A study by Chaney and Saltzstein (1998) shows that female representation in police forces is positively correlated with active responses to domestic violence. Riccucci and Meyers, in a review of this subject (2004), make an important distinction between 'active' and 'passive' representation. Where the former implies explicit recognition of a representative role, passive representation is concerned with less

explicit effects that follow from the social or demographic characteristics of bureaucracies. Hence the crucial question is:

Are passive and active representation linked? That is to say, do ascribed characteristics of an individual . . . relate to or predict policy preferences, as well as actions to achieve certain policy *outcomes*? (ibid., p. 585)

These issues about the alternative influences on street-level behaviour highlight the 'agency' aspect that is sometimes disregarded in interpretations of the theory that simply stress disobedience and/or self-interest. Choices may be made in which explicit commitments and values may be advanced. As Meyers and Vorsanger put it:

In some studies these workers are portrayed as occupying a powerless position downstream of political and bureaucratic decisions; in others they emerge as loyal public servants who pursue the public good even when it means bending agency regulations; in still others they are described as self-interested bureaucrats whose coping mechanisms frustrate the will of elected officials. (2003, p. 245)

Notwithstanding the continuing importance of Lipsky's analysis of street-level behaviour, it must be recognised that public administration is changing with the development of new technology (see Hudson and Lowe, 2004, Chapter 5, for a discussion of this). Tasks are structured and regulated by the use of information and communication technologies. Since the actual functions of these technologies in terms of standardisation is contested, the actual consequences for discretion and autonomy will depend on the type of street-level bureaucracy – and the category of functionaries working in them. Essentially office technology shifts discretion around rather than eliminates it. This issue has been explored by Bovens and Zouridis (2002) who suggest that issues about discretion may be transformed as

Public servants can no longer freely take to the streets, but are always connected with the organization via the computer. Client data must be filled in, with the help of fixed templates, in electronic forms. Knowledge management systems and digital decision trees have strongly reduced the scope of administrative discretion. (p. 177)

Their analysis suggests that there may be a complex shift going on here, first to what they call the 'screen level' and subsequently to the 'system level'; Box 13.2 describes their illustration of this process using the example of student grants in the Netherlands. At 'screen level' there are issues about how data is interpreted and how special cases and complaints are handled. At 'system level' discretionary power is located in system design. This is clearly an important development. While (as was argued in the last chapter) it may be questioned whether discretion can be entirely eliminated, these developments may be making the analyses of Merton and Morstein

Box 13.2

From street-level discretion, through screen level to system level: A summary of Bovens and Zouridis' (2002) analysis of the development of the administration of the system of student grants and loans in the Netherlands

In the Netherlands a system of scholarships was established early in the twentieth century to assist 'gifted young people lacking financial means'. That system was very personalised, with officials interviewing applicants and following their progress through higher education. Decisions could depend upon comparatively arbitrary views of deservingness.

In the 1960s the system was 'mechanised' and gradually computers were more and more used for processing applications. 'By the early 1980s, the leeway available to the allocating officer had largely been reduced to accepting or rejecting the decisions proposed by the computer.' Later in that decade, 'form processors replaced allocating officers'. Discretionary elements only remained when there were appeals or complaints.

In the later 1990s the system changed again, to involve a wholly automated process of form completion and decision making. This is described as the shift to 'system level'. Bovens and Zouridis note, however, that what is disputed at this stage of policy evolution is the algorithms used for this process, which brings onto the agenda issues about public access to these and the right to contest them.

Marx more relevant for our understanding of the work of bored officials sitting behind computer screens or in call centres. At the same time, rather more attention needs to be given to a group of bureaucrats whose work has been comparatively neglected: the junior management staff who supervise street-level work, since much of the responsibility for decisions about how detailed data collection should occur lies with them. It should also be noted that system design is often in the hands of private companies working under contract to public authorities (for example, in the UK in respect of local administration of housing benefit).

This identification of key decisions that are neither embedded in policy nor made right at street level is an example of the way in which policy is likely to be elaborated in various, often interactive ways, between the 'stages' of the process, and suggests that the links between street-level bureaucrats and those above them in any hierarchy must be given attention. In some respects, in particular, the roles of the direct line managers of those in the front line tend to have been neglected. The public management literature is now beginning to rectify this neglect, with however a distinctly prescriptive perspective on the capacity of managers to enforce hierarchically determined goals (see, for instance, Riccucci, 2005). Brodtkin's study of this issue featured in Box 13.3 takes this whole issue in a rather different direction in showing how forms of street-level behaviour that are very negative in respect of concerns for the individual needs of clients may be driven by such managerial pressures.

Box 13.3
 Brodtkin's exploration of the impact of management on street-level bureaucracy in the US welfare system

Brodtkin argues that her article 'challenges the premise that how policy work is done does not matter so long as performance benchmarks are met' (2011, p. 253), suggesting that this view disregards how street-level discretion interacts with performance incentives.

Her ethnographic study looks at the implementation in Chicago of what is often called 'welfare reform' in the United States: 'Temporary Assistance to Needy Families, noting:

'successful' performance in caseload reduction achieved by informally increasing the cost to individuals of getting and keeping benefits does not represent the same outcome as caseload reduction achieved by advancing opportunities for individuals to make it in the labor market. Governance arrangements that measure performance in terms of caseload reduction and work participation rates cannot distinguish between these fundamentally different types of practices. (Ibid., p. 259)

She illustrates her argument with reference to a person she calls 'Mr Frank', typical of those workers rewarded as high performers. She shows how he achieves 'efficiency' by such devices as:

- Scheduling a group of clients to come all at the same time (so they waste their time not his).
- Removing from his caseload those who resisted that requirement.
- Requiring them use a pay phone to contact him even when they were in the waiting room.
- Not bothering to match clients to specific job opportunities but simply acting on the assumption that this particular sorting would occur when placements clearly did not work.
- Sending troublesome clients to the worst placements.
- Continuing using agencies that he knew provided unsatisfactory services.

She concludes:

... Mr Frank not only demonstrated – but articulated – a logic of street-level work under new managerial arrangements, a logic largely unbalanced by countervailing incentives regarding access, responsiveness, and appropriateness of caseworker judgments about services and needs. More broadly, it indicates how adaptive practices can be simultaneously functional for the agency and the state, but dysfunctional for welfare recipients seeking to make it in the labor market or simply trying to maintain access to income support provided by law. (Ibid., p. 267).

The question to raise about Brodtkin's account is whether it is really the case that 'management' does not recognise the realities of street-level adaptation to performance requirement, or whether it does not care. Real welfare goals are treated as policy intentions.

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An interesting contribution to this topic that does not start from this perspective however is Murray's study of child protection in Scotland. There street-level behaviour, that might be deemed to involve disregard of policy, is shown to derive from assumptions of social workers about appropriate action which are shared by their immediate managers who tacitly condone this action (Murray, 2006). Murray also suggests that the perspectives of clients – even as in the case of her study 'involuntary clients' – also shape policy outputs (Murray, 2006, pp. 221-4). There are some important issues here about team working in which street-level behaviour is shaped by immediate managers or by peers (or of course by both in combination) (see Foldy and Buckley, 2009). We return to the latter point in a discussion of 'coproduction' in the next section.

Finally, that example from child care social work reminds us that it is important not to lose sight of the fact that some policies are more readily routinised than others, and there are policies where there may be strong value systems or interests that resist routinisation. In his last chapter Lipsky connects his analysis of street-level bureaucracy with some of the discussion of professionalism in bureaucracy. Are professionals different, and can the enhancement of professionalism provide a corrective to the forms of bureaucratic behaviour outlined in Lipsky's analysis? The next section will suggest that the presence of professionals in bureaucracy can make some difference to the ways in which policy is implemented, but this does not imply that the answer to the normative question posed by Lipsky is a clear 'yes'. Professional power is a sub-category of bureaucratic power in this context, with some distinctive characteristics of its own which raise equally important questions.

Professionalism in the bureaucracy

Modern emphases upon flexibility within organisations seem to offer solutions to the problems about bureaucracy outlined by Merton, Morstein Marx and Lipsky. They suggest that organisational employees should be expected to have and use expertise, and be trusted by their managers to use discretion to tackle their work tasks in an adaptive way. In short, they should be 'professionals'. The paradox in this solution is that it conflicts both with that other modern theme, rooted in public choice theory, which sees public employees as untrustworthy and professionals as the most likely of all to distort the organisation in their own interests, and with a wider body of literature (from the Left as well as the Right) which has warned against professional power. Before we look at some more specific aspects of this issue, we need to look at the standard analysis of professionalism.

Sociologists have made many attempts to define professions. An influential essay by Greenwood (1957) suggests that 'all professions seem to possess: (1) systematic theory, (2) authority, (3) community sanction, (4) ethical codes, and (5) a culture' (p. 45). However, this list of the attributes of a

profession mixes occupational characteristics with societal treatment of that occupation. One can only analyse theory, codes and culture in their social context. An analysis of professions needs at the very least to separate the occupational characteristics that give some groups high prestige (and corresponding power if they possess scarce and needed skills) from the way in which the state and society treat them. In practice there is a very complex interaction between these two groups of factors. It is more fruitful, therefore, to see a profession as an occupation whose members have had some success in defining 'the conditions and methods of their work . . . ; and in establishing 'a cognitive base and legitimation for their occupational autonomy' (DiMaggio and Powell, 1983, p. 152).

With these considerations in mind, consider the case of medicine. Of course it is true that doctors possess expertise, and that the public, in its quest for good health, values that expertise. But much medical knowledge is accessible to all. What is therefore also important about the position of the medical profession today is that the state has given that profession a monopoly over many forms of care, allowed it to control its own education and socialisation process, and in many countries created a health service or health insurance system in which its decision-making prerogatives are protected (Harrison *et al.*, 1990; Moran and Wood, 1993).

There is a vein of writing on professions within organisations which sees professional power and autonomy as threatened by bureaucratic employment (see Wilensky, 1964). This is misleading, since professionals may secure dominant roles within organisations. Professionalism is often a source of power *within* organisations. The core of that argument is contained in the example of the doctors quoted above. They have often succeeded in persuading politicians and administrators that the public will receive the best service if their discretionary freedom is maximised, and if they are given powerful positions in the organisations that run the health services.

The arguments about expertise, linked with both the emotive nature of our concerns about health and the social status that the medical profession acquired before medical services were provided on any large scale by the state, have reinforced that professional claim to dominance. Other, later established, professions with a weaker base in either expertise or social status have tried to claim similar privileges – teachers and social workers, for example.

Ironically, the argument about the role professions may play in bureaucracy has been fuelled by the contrast popularly drawn between the concepts of bureaucracy and professionalism. As Friedson (1970) has argued:

In contrast to the negative word 'bureaucracy' we have the word 'profession'. This word is almost always positive in its connotation, and is frequently used to represent a superior alternative to bureaucracy. Unlike 'bureaucracy' which is disclaimed by every organisation concerned with its public relations, 'profession' is claimed by virtually every occupation seeking to improve its public image. When the two terms are brought

together, the discussion is almost always at the expense of bureaucracy and to the advantage of profession. (Friedson, 1970, pp. 129–30)

Hence, professionals stress their altruism, arguing that they are motivated by an ethic of service which would be undermined if their activities were rigidly controlled. In some respects this is a question-begging argument. If public servants are given a high degree of autonomy their actions need to be motivated by ideals of service. The maintenance of ethical standards is important if a group of people have extensive influence on the welfare of individuals. However, the ethical codes of the major professions are often more concerned with protecting members of the group from unfair competition from their colleagues, or from 'unlicensed outsiders', than with service to the public. Moreover, even the public concept of 'good health' is to a considerable extent defined for us by the medical profession: in particular, the measures necessary to sustain it, or restore it when it is absent, are largely set out in terms of the activities of the medical profession when in practice many other aspects of our lifestyles and forms of social organisation are also important (Illich, 1977; Kennedy, 1981).

We trust and respect doctors, and ask them to take responsibilities far beyond those justifiable in terms of expertise. They are allowed to take decisions on when life-support systems may be withdrawn, to ration kidney machines and abortions, to advise on where the limits of criminal responsibility may lie and so on. Such powers have emerged gradually as a complex relationship has developed between the state, society and the profession. That relationship has been legitimated partly as a result of the evolution of the medical profession's ethics and culture and partly because those with power in our society have been willing to devolve authority to it (see Johnson, 1972). The two phenomena, moreover, are closely interrelated – internal professional control has made feasible the delegation of responsibility, but equally the latter has made the former more necessary to protect professional autonomy.

In that argument may be seen an elitist or structuralist perspective (see Chapter 2) in which a professional group is part of a ruling consensus, able to secure, or alternatively granted, privileges that ensure its dominance in a specific policy areas (see Harrison and McDonald, 2008, Chapter 2, for a discussion of the applicability of this idea to medicine). Occupations like medicine are not simply accorded the status of profession by virtue of their own characteristics. Professional status cannot simply be won, as some of the aspirant occupations seem to assume, by becoming more expert and devising an ethical code. It depends upon the delegation of power, and on the legitimisation process in society. In the case of doctors that legitimisation process may well owe a great deal to our fears concerning ill health and to their special expertise; nevertheless, some theorists have argued that it must also be explained in class terms. Johnson (1972) and Parry and Parry (1976) have analysed the way in which medical power was established during the nineteenth century through a developing relationship with other powerful groups in society. It is clearly relevant, therefore, to ask questions

about the comparable autonomy enjoyed by other established professions whose expertise is much more accessible (lawyers, for example).

The argument in defence of professional autonomy, that professionals possess inaccessible expertise, is not sufficient on its own. We need to look at the situations in which that expertise is used. There are two key issues here.

The first of these is *indeterminacy*, the extent to which it is impossible to predetermine the situations in which expertise will be needed. The complexity of the situations that doctors have to face, and the solutions to medical problems, are not always of a kind that can be programmed automatically. If they were we would merely have to enter our symptoms into a computer and it could offer solutions. Of course, in very many situations this is possible. The difficulty is that judgements may be needed where the solution is not obvious or there are reasons to distrust the obvious. Paradoxically, of course, indeterminacy is most evident when expertise does not offer ready solutions.

The second issue is *invisibility*, the extent to which detailed surveillance of work is impossible. Under an anaesthetic we have to trust the surgeon to react quickly to the unexpected. We cannot debate the implications of what has been found. It is equally inappropriate to have a manager looking over the surgeon's shoulder asking for an account of what is happening, or a medical committee waiting to be convened to debate the next step.

These two issues of indeterminacy and invisibility are not peculiar to the classic cases of professional decision making, as in medicine. They apply also to the police officer alone on the beat who comes upon the unexpected around a corner (though note the point about cameras discussed below). Whilst the police are not seen as 'expert' in the medical sense, there is a similar issue here about ensuring that they are as well trained as possible, to enable them to deal with the unexpected. But the case of the police reminds us of the need to go back to the issue of community sanction. Despite all that the sociologists have reminded us about the potential for collusion between powerful groups, there seems to be a sort of social contract in which the decision maker is trusted to exercise discretion in situations that are indeterminate and invisible.

This concept of 'trust' is crucial – it was explored (in Chapter 12) in relation to Fox's (1974) analysis of discretion in organisations. The argument against Fordism within organisations rests fundamentally upon the idea that desired creative responses to exceptional situations occur when individuals have been trusted to exercise discretion. Where it is hoped that public officials will play an active role in developing new approaches to their tasks and more sophisticated service to the public, there may be a strong case for granting them a high degree of autonomy. In individual services there is a need to make a choice between the case for a reliable service which can only be changed by initiative from the top and a less predictable service which may nevertheless be flexible in practice. The organisation that makes extensive use of professionals is one in which there is high expertise in the lower ranks, a complex task to perform, difficulties in developing effective patterns of supervision and a need for flexibility and openness to change. A strong group of

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arguments for autonomy come together. In this sense professionals are street-level bureaucrats who have been able to develop special claims to autonomy. But, as suggested above, they claim to differ from other public officials in that their relationships with their clients are governed by ethical codes and by altruistic values which others lack.

Analysing professional autonomy: Mashaw's approach

These questions about autonomy are important for accountability (which will be examined in Chapter 15). These themes are linked together by Mashaw's work, in which he advances the notion of three 'models' of justice (1983, Chapter 2):

- the *bureaucratic rationality model*, which demands that decisions should accurately reflect the original policy makers' objectives;
- the *professional treatment model*, which calls for the application of specialist skills in complex situations and where intuitive judgements are likely to be needed;
- the *moral judgement model*, where fairness and independence matter.

The features of these three models are set out in Table 13.1.

Both the 'professional treatment' model and the 'moral judgement' model are offered as justifications for high discretion; in so doing they raise issues about alternative modes of accountability to that posed by 'bureaucratic rationality', where a combination of political and legal accountability can be deemed broadly applicable. It is Mashaw's second and third models that will therefore be discussed here.

The case for regarding professional treatment – particularly medical treatment – as a special kind of public policy process has been set out above in terms of the issues of expertise, indeterminacy, invisibility and trust. The case against this is that these issues are used to obscure professional power, and used to deliver a protected work environment, occupational control and high rewards. This is a long-running argument. To what extent is its configuration changing in favour of those who seek to exercise control over professionalism?

Table 13.1 Task diversity and models of discretionary justice

Model	Primary goal	Organisation	Example
Bureaucratic rationality	Programme implementation	Hierarchical	Income maintenance
Professional treatment	Client satisfaction	Interpersonal	Medicine
Moral judgement	Conflict resolution	Independent	Pollution control

Source: Adapted from Mashaw (1983), p. 31.

It has been noted that it is possible to show that a high percentage of professional work situations do not involve indeterminacy and do not have to be invisible. The rare and unexpected diagnostic situations, the medical or surgical emergencies where it is not possible to stop to debate or to consult a protocol, form but a small percentage of many doctors' work. Television hospital dramas give us a distorted view of a profession that is much more routine much of the time. Protocols are increasingly being developed to govern medical decision making, offering rules for many situations and yardsticks against which actions can subsequently be judged. Computerised decision models are being developed for many conditions.

The consequence is that, as has already been stressed in the discussion of discretion (see Chapter 12), professional treatment involves discretion within some sort of framework of what may loosely be called 'guidance'. It is important to see guidance as a continuum, with rules at the strong end and advice at the weak end. Concepts like 'codes' and 'directives' can be found towards the strong end and ones like 'pathways' and 'protocols' towards the weak end. There are issues, then, about determinacy or indeterminacy in relation to any activity which guidance seeks to structure. Thus, in medicine there are distinctions to be drawn between the relatively strong guidelines in relation to the administering of anaesthetics or the performance of some orthopaedic operations on the one hand, and the much weaker ones in relation to much psychiatric medicine on the other.

An important aspect to consider when looking at the impact of guidance is where the guidance comes from. The top-down model of public policy sees such guidance as structured through a sequence of measures with an Act of Parliament at its apex. But guidance may be simply ministerial advice about 'best practice'. Then within the professional treatment model the interest often be from within the profession. Guidance may thus come from either the current professional consensus on practice or from research evidence. However, since the governance arrangements for public service professionals involve professional practitioners as staff within, or advisers to, government departments, a distinction cannot necessarily be easily drawn between guidance from government and guidance from the profession. In the British National Health Service various advisory bodies have been developed by the government incorporating representatives of the professions to deal with these issues (note here also the discussion of 'tsars' on p. 196).

On looking at how guidelines affect occupational practice, there is also a need to give attention to the sanctions that follow from disregarding them. We have to recognise that there is a variety of possibilities about how adherence to guidelines may be enforced:

- requirements for immediate reporting back to a superior;
- regular collection of monitoring data;
- intermittent inspections;
- attention to whether practice followed guidelines when something has gone wrong or complaints arise.

That is surely not an exhaustive list. Enforcement of guidelines may involve all of these phenomena, or just some of them, or of course none at all. To make sense of the impact of a guidance these issues need attention alongside issues about what the guidance is trying to regulate. It is also pertinent here to point out that the increasing use of surveillance cameras extends the capacity of superiors to check that guidelines are being followed in some contexts, at least retrospectively or when complaints are made.

There are also issues about who enforces guidance. The argument about self-regulation by professions concerns the extent to which enforcement of good practice can be delegated to the profession. However, alongside this there are issues (particularly evident in relation to the last of the items in the list above) about either the extent to which enforcement comes through a legal process and/or about the extent to which the public customers/consumers/beneficiaries of the service may have a role in the enforcement process.

Turning now to Mashaw's third model, while there may be doubts about his label for this model, the 'moral judgement model', it draws attention to many situations where the key official role involves regulation – a form of law enforcement where the state has prescribed or is seeking to control certain activities. Much that has been said about the professional treatment model also applies to this one. These activities may in general terms be described as 'professional' but they also have much in common with criminal law enforcement. Law enforcement is particularly difficult where there is an absence of unambiguous support for the enforcing agency. Studies of the police have drawn attention to particular difficulties where there is an absence of people who regard themselves as victims (drug and alcohol offences, prostitution and traffic offences where no one is injured) or where there are groups in the community that will try to protect the criminal. Public health inspectors, pollution control officials and factory inspectors, as law enforcement agents, have to operate in a similar way to the police. The difficulties that beset the police are even more likely to apply in relation to the wide range of civil law regulatory tasks that concern officials like this – where the 'offenders' see themselves as engaged in carrying out their legitimate business, not as polluters or producers of impure food, etc.

This model particularly highlights two other conditions which often apply to these regulatory situations. First, what is being enforced by the regulator is a standard – about unreasonably high levels of pollution, etc. – that is likely to be disputed. Second, there are likely to be conflicts of interest between those who are the source of the alleged problem and those who are affected by it. On top of all this, the second alleged 'interest' is often a latent one, because:

- either the 'victims' the regulators have a duty to protect do not know they have a problem (when, for example, pollution cannot be detected by the sense of smell, etc.);

- or they regard the problem as the lesser of two evils (when they perceive it as a choice between a polluted environment and employment – see Blowers, 1984; Crenson, 1971);
- or they are quite satisfied with a situation that others consider unsatisfactory (residents suffering from dementia in a poor-quality care home, for example).

The discussion of pollution control policy in Chapter 7 explored some aspects of these issues. In some cases the conflict is between a quite specific individual interest and a very general public interest. In all these situations enforcement is likely to be controversial and the enforcers may lack clear-cut forms of public support. In many systems professionals with regulatory responsibilities therefore work not with absolute rules but with principles about best practice established by expert officials and operationalised using discretionary powers (see Hill in Downing and Hanf, 1983). The relationship between rules and discretion in these situations may involve 'framework laws', with officials and regulators negotiating to fill in the details so that gradually the law becomes more codified.

What is often involved in these cases, given that officials need to work very closely with the objects of their regulatory activities, is a process of bargaining between regulator and regulatee (Hawkins, 1984; Peacock, 1984). Such bargaining will not merely deal with costs and consequences, but will also be likely to take into account past behaviour (has the compliance record of the regulatee been satisfactory?) and the likely impact of any outcome on the behaviour of others. Hanf has described this process as one of 'coproduction' in which the determinants of regulatory behaviour need to be seen as embedded in the social worlds within and outside the regulatory agency' (Hanf in Hill, 1993, p. 109; Hanf in Moran and Prosser, 1994). Whilst the field of pollution control provides particularly good examples of this 'coproduction', it is also evident in other cases where complex activities are being regulated – the running of a private residential care home or nursing home, for example.

In both the professional treatment and the moral judgement cases there are reasons why systems are likely to have sought to find some sort of balance between rules and discretion in which both are significant. In this discussion key issues have been stressed which tip the balance in the discretion direction: indeterminacy, standards, trust and enforcement difficulties. It was noted at the beginning of this section that Mashaw's models particularly concern the link between different administrative tasks and forms of accountability. But in that case do they cover all the possibilities? Adler has argued that they do not do this. He points out that they 'have been challenged by a *managerialist model* associated with the rise of new public management, a *consumerist model* which focuses on the increased participation of consumers in decision-making, and a *market model* which emphasizes consumer choice' (2006, p. 622). We return to this in Chapter 15.

CONCLUSIONS

Since the purpose of this book is to explore how public policy is made rather than to advance propositions about alternative ways of making or controlling it, to go beyond noting the phenomenon of professional power to the exploration of the extent to which it should be seen as a 'problem' would be beyond its brief. However, later (in Chapter 15) issues about ways in which attempts are made to secure accountability in public policy are explored, and there it will be necessary to return to these particular issues about professional power.

In this chapter street-level officials (of all kinds) have been identified as key influences upon policy outputs. The main reasons why this is the case were, of course, explored earlier in the examination of rules and discretion (Chapter 12). But it has also been shown that these need to be analysed within their institutional contexts. This chapter has highlighted two rather different analyses of the phenomena, one which emphasises the passivity of officials and one which emphasises their active roles. There is no necessary contradiction here. Individuals are both constrained by the structures in which they work and shape their work roles in various ways in conformity with their needs and values. An examination of the roles of street-level bureaucrats can be seen as involving an exploration of the strengths and weaknesses of institutional theory. Action at the street level makes manifest institutional constraints whilst also demonstrating ways in which actors who seem to be in weak roles as organisational change agents can (and sometimes have to) nevertheless operate creatively.