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Activation and discretion at the front lines of active welfare states

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1 Introduction

This paper discusses the role of discretionary judgement and decision making in the production of activation policies¹.

As has been well documented, activation policies have grown in importance due to the rise of active welfare states. Central to these policies is the strong focus on labour market participation in addition to income protection, the emphasis on individual 'responsibility' and behaviour and, often, the use of individualised activation services (Gilbert 2002; Jewell 2007). Moreover, new ways of coordinating and organising policy implementation have been introduced as old ways of doing things were no longer perceived as being adequate to meet the new objectives. New actors have been introduced and old actors have received new tasks (Van Berkel and Borghi 2008).

As will be argued in this paper, discretionary decision making at both the organisational and frontline level potentially strongly influences the way in which activation policy materialises in practice. This is a consequence of both characteristics of activation policy as well as choices regarding governance and organisation of activation policy. Therefore, investigating the role of discretion can be considered to be an important element of understanding the actual impact of activation policies. Understanding why implementation issues are an inseparable aspect of 'activation policy making' requires the combination of a social policy perspective on activation with insights from studies on public administration and governance. Whereas these perspectives are often studied separately, in this paper a conceptual framework will be presented that aims to combine these perspectives.

Until now the role of discretion in the realisation of the active welfare state has been scarcely touched upon in research on European welfare states. Apart from some notable exceptions (Thorén 2008; Wright 2003; Jewell 2007) most European studies on activation policies apparently focus on formal policy or discussions on systemic and macro features of new governance regimes. This is in contrast with the US-literature where various aspects of street level implementation of welfare to work programmes have been studied (for example Sandfort 2000; Brodtkin 2006; Cooney 2007; Riccucci et al. 2004). The US findings are not necessarily applicable to European contexts though, because of differences in the nature of social security arrangements and activation programmes.

This paper will address this topic by elaborating a tentative conceptual framework that allows for systematic analysis of the role of discretion in activation policy. This role is not univocal. Since decisions regarding activation policies and governance vary (Serrano and Magnusson 2007; Pollitt and Bouckaert 2004), the role of frontline discretion may also differentiate. Therefore it is not necessarily possible to draw general conclusions on the use of discretion in activation policies and its impact on policy production. To be able to understand the role of discretion, research on this topic has to be contextualised. Contextualising discretion while still being able to compare across specific contexts requires a conceptual framework that offers the possibility to more or less systematically analyse policy issues at different governance layers that might influence discretion.

Choices that affect discretion cannot be considered neutral, but influence the extent to which certain public values can be safeguarded in the implementation of activation. This of course also influences the position of citizens in need of social protection and activation vis-à-vis the state. Therefore, using this framework, the final part of the paper will discuss possible implications of discretionary decisions in the implementation of activation from the perspective of public values underlying public administration, such as the rule of law, efficiency and responsiveness.

2 A framework for analysing activation policy and discretion

In many studies, discretionary decision making has been primarily located at the level of the 'frontline' of public service, where street level workers 'co-produce policy' by judging citizens and taking decisions that fall outside of the scope of bureaucratic control. According to Davis (1969), discretion can be described as follows: "A public officer has discretion wherever the effective limits on his power leave him free to make a choice among possible courses of action and inaction" (quoted in Hill and Hupe 2007, 281). Since the work of Lipsky on street-level bureaucrats (Lipsky 1980), a vast body of literature has shown that discretion of frontline officers plays a key role in the translation of social policy objectives into actual service delivery (Hill and Hupe 2005 and 2007).

Frontline discretion may be caused by several factors or sources (Van der Veen 1990; Coble and Crothers 1998) such as the nature of policy and regulation, organisational characteristics, the nature of the daily work and the interactions with citizens. On the one hand, discretion is an unavoidable characteristic of social policy implementation by street level bureaucracy. But on the other hand, sources of discretion are also influenced by (deliberate) choices regarding policy and governance.

A focus on street level decision making is also relevant for the study of activation policy. Nevertheless, in this paper it is suggested to study discretion from a broader perspective. Discretion does not only play a role at the street level, but in the whole 'chain of decision' making from policy formulation at the political level down to the day-to-day decisions regarding individual citizens. As will be shown, activation policies generally leave a lot of room to judge and to decide at various levels of governance. Taken together, these decisions influence the nature of discretion at the street level. Understanding frontline discretion therefore also requires insight in the autonomy to decide at higher levels as well. In this paper, especially decisions at the organisational level are taken into account, because it is felt that at this level important parameters are determined that influence discretion at the frontline within the broader policy framework.

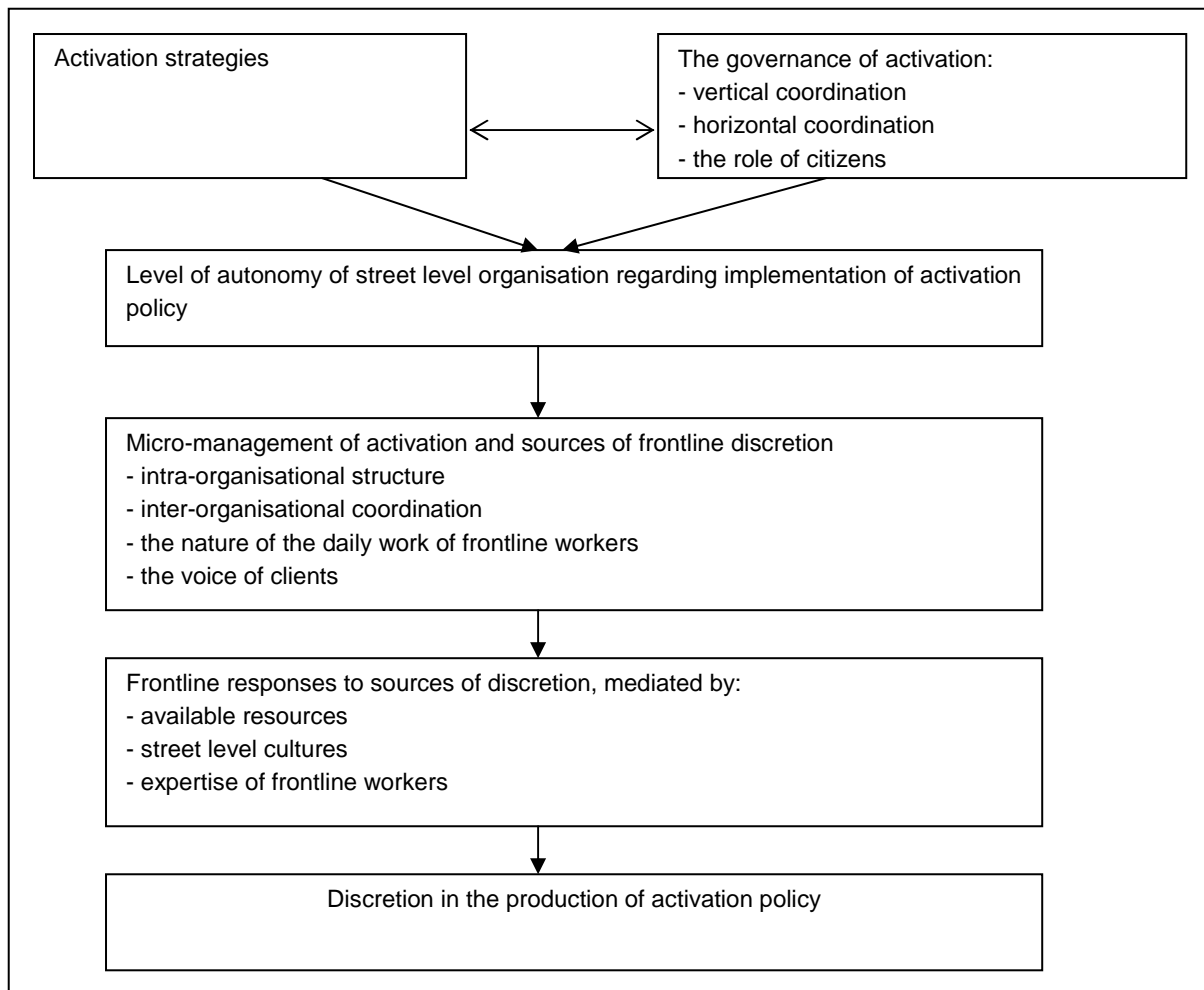
The logic of the framework that will be elaborated therefore is as follows.

The first step in analysing the role of discretion is exploring the potential relation between characteristics of (central) activation policy and governance regime on the one hand and autonomy of implementing organisations regarding activation on the other hand.

The second step is analysing how decisions by implementing agencies regarding the use of their autonomy may influence discretionary room of frontline officers. This can be done by looking into the possible impact of relevant managerial choices at officers' sources of discretion. Choices that affect discretion can basically be based upon two opposite normative perspectives on discretion (Evans and Harris 2004). On the one hand, there is a 'curtailment perspective' that considers discretion as undesirable from the perspective of the primacy of political decision making or because of the fear of losing (central) control over implementation. On the other hand, discretion can be deliberately allowed, for example because it is considered as a necessary condition for effective and responsive policy. In other words, up to a certain extent, sources of discretion can be managed, dependent on the normative perspective that is taken on the desirability of discretion.

Finally, the framework can be used to analyse how frontline officers may respond to sources of discretion and what implications this may have for their role in the production of activation policy.

Schematically the conceptual framework to analyse discretion thus looks as follows:



Sources: Lipsky (1980); Jewell and Glaser (2006); Thorén (2008); Jewell (2007); Van Berkel and Borghi (2008); Van Berkel a.o. (2008); Hill and Hupe (2009).

In the following paragraphs we will elaborate on the respective parts of this framework.

3 The implementation of activation policy and the relative autonomy of street level agencies

3.1 Activation strategies and discretion

The development of activation strategies potentially influences autonomy of implementing agencies in various ways, not only because of changed policy objectives and underlying assumptions but also because of new strategies to achieve these goals.

The rise of activation policies and strategies is generally interpreted as the result of new definitions of social risks and social protection and changed perspectives on the role of state, market and civil society in realising social protection (Gilbert 2002; Van der Aa en Van Berkel 2002). These changes take place against the background of broader socio-economic and cultural developments and the more general objective to reduce the costs of welfare state provisions and policy implementation (Pierson 2006; Pollitt and Bouckaert 2004). For the

analysis of discretion we consider four trends that have altered the social protection schemes like social assistance to be especially relevant:

- the shift from income protection to the promotion of labour market participation and employability. Preventing financial hardship is no longer seen as a sufficient condition for social integration and the condition of not working is considered to be a larger social and individual problem. In some cases forms of non-paid labour are being stimulated. Although income protection schemes generally have not been abolished, they have become more related to activation goals (Clasen en Clegg 2006).
- The greater conditionality of the right to social protection (Handler 2003; Gilbert 2002). The conditions that have to be met are predominantly formulated in terms of behavioural requirements regarding participation and employability.
- the responsibility of citizens to realise their own social protection and avoid social risks has grown. Whereas the 'old welfare' state was based on the notion that social risks were primarily related to external, structural factors, the active welfare state puts a bigger emphasis on the influence of individual choices and actions on social risks like illness or unemployment. This idea is partially translated into a more modest role of the state in providing protection. Also, access to protection has become more dependent on the 'responsible behaviour' by citizens.
- social protection schemes, like other social policy domains, have tended to become more individualised and differentiated against the background of wider social individualisation processes (Beck 1992; Berghman, J. and A. Nagelkerke 2002). Although these concepts are far from unambiguous (Van Berkel and Valkenburg 2007), this means that schemes have become less standardised and offering of 'tailor made' provisions and services has gained more weight.

The relation between these trends and discretion is not straightforward, because as we shall argue governance trends and choices play an important role as well. However, the fact that street level organisations have had to shift their main focus and the way they look at their clients in itself potentially influences their discretion. This is mainly due to the greater importance of activation goals.

First of all, activation goals in combination with income protection goals potentially increase the ambiguity of the focus of service of these organisations. Ambiguity of goals increases the room for discretion. Activation and income protection don't necessarily go hand in hand. Where criteria for income protection used to be based on more or less objective material criteria (not enough money to meet basic standards of living), the shift to activation means that the relation between income protection and chances for successful activation have to be taken into account as well. In certain cases, income protection may be considered to be an impediment to activation. Also, not meeting behavioural requirements may lead to cuts in income protection, thus jeopardising protection goals.

Secondly, the combination of activation goals and individualisation increases the need for local discretion and makes fully centralised and standardised regimes much less likely. The realisation of activation goals can hardly be standardised completely, because at the individual level choices will have to be made about the nature of the job to look for in relation to clients' characteristics and possibilities of the labour market.

Thirdly, the feasibility of activation goals is insecure and not in complete control of implementing organisations. In comparison with implementing income transfers, organisations are more dependent on both the demand side as well as the supply side of the labour market and economic development. Moreover, activation requires an active role of the citizens involved, which can only be influenced up to a certain level. Because of these factors, no easy objective criteria can be given to determine which clients can actually be successfully activated. Implementing organisations therefore generally will have some room to determine which clients they will try to activate and which clients they will leave alone. This also means that organisations can rather easily mobilise arguments to legitimate possible underperformance on activation goals.

Finally, the greater emphasis on behavioural criteria and responsibility potentially leads to a greater role for organisations to judge and control behaviour related to activation. Even if these criteria are well described – which they often will not be in the context of individualisation – judging behaviour almost per definition requires discretionary room (Lipsky 1980; Coble and Crothers 1998).

As a result of the shifted goals, the actual content of social protection schemes in terms of rules, income transfers and services generally has changed, which potentially has also influenced discretion. The exact nature of these changes in protection schemes of course may differ between countries. In the area of social security provisions however reforms are generally related to the following trends (Handler 2003; Jewell 2007; Finn 2000):

- Tightening of eligibility criteria and maximum duration of income support schemes;
- Increasing financial stimuli for labour market participation by lowering allowances or increasing benefits of accepting wage labour;
- Intensifying obligatory and partially individualised activation services aimed at increasing participation;
- Increasing possibilities for steering behaviour by means of both financial sanctions as well as bonuses.

These trends first of all mean that many implementing organisations have to manage a greater variety of primary working processes: they do not only deal with the administration of income transfer, but also with controlling behaviour and organising activation services in one way or another. Potentially this increases discretion compared to the situation where working processes were much more 'one dimensional'.

Secondly, other kinds of service technologies have become more important, especially where activation services have become more relevant. Whereas the income transfers mainly required sustaining or processing technologies (Hasenfeld 1983;1992), activation services are much more based on people changing technologies (ibid). These technologies inherently require discretion, because they are usually based on relatively frequent interactions between officers and clients and normative judgements about the clients' state and behaviour. Discretion will increase even more when activation services are more differentiated and more choices are to be made about the kind of service required (Jewell 2007).

Finally, the increased importance of judgement of behaviour is not only related to activation services, but also to the use of sanctions and bonuses that are related to behaviour. Although the possibility to apply sanctions of course is not new in most social security schemes, their intensified use in relation to activation behaviour potentially has increased discretion because the required behaviour cannot easily be objectified.

3.2 The governance of activation

As was mentioned before, autonomy at the organisational level doesn't directly follow from characteristics of formal policies. It also very much depends on decisions regarding the division of responsibilities regarding implementation and steering relations between central and local actors, between public and private organisations and between the state and citizens.

We use the concept of governance to describe relevant aspects of these relations. Governance is used in different ways in the literature, ranging from small (only networks) to broad definitions (either market, hierarchy or network) and from analytical to normative ('good governance') uses (Bovaird 2005; Ezzamel and Reed 2008; Hill and Hupe 2009; Daley 2003). For the argument of this paper we use governance as an analytical concept, to describe the whole structure of relations and coordinating mechanisms *between* institutional actors that are involved in the process of 'policy production'. In the next section we will focus on possible coordinating mechanisms *within* implementing organisations and their consequences for the discretion of frontline workers.

The rise of activation policies has influenced changes in governance regimes in many countries (van Berkel and Borghi 2008). These changes also follow from more generally changed views on the governance of public services that have also influenced the governance of activation. The precise causal relations between these developments is not the most interesting issue however. What is relevant, is that these changes are not neutral in terms of the way in which policies are implemented and certain outputs and outcomes are produced. With regards to the issue of discretion and activation three governance trends can be considered to be of special relevance:

1. The restructuring of vertical relations between central and local governance levels, where both localisation as well as recentralisation trends can be observed;
2. The restructuring of horizontal coordination between actors;
3. Changed perspectives on the role of citizens in the process of policy production.

Vertical coordination and localisation

It was already mentioned that individualised activation policies in many cases are seen to require local discretion. Thus it is no surprise that one aspect of the governance of activation in many (but certainly not all) countries involves (some) political or administrative decentralisation (Pollitt and Bouckaert 2004) of responsibilities regarding implementation towards decentral, regional or local levels. This trend is stimulated by supra-national organisations such as the OECD, because localisation in general is thought to enhance effectiveness and responsiveness (Theodore and Peck 1999; Finn 2000; Van Berkel and Van der Aa 2004; Fording et al. 2007; OECD 2003).

Localisation can potentially increase discretion, both at the levels of the operationalisation of general policy goals as well as at the level of choosing specific implementation strategies. Whether and how localisation influences discretion depends heavily however on the steering relations between the central and local level, especially when the policy itself remains national, which is the case for many social security arrangements. Local freedom in choosing strategies for example can be severely constrained by central financial steering on strict performance criteria (Bonvin 2008), especially when all funds are controlled at the central level. The nature of central regulations is also part of this steering mechanism. National laws can be formulated in the form of 'frame work laws', that leave quite a lot of room for implementation which for example is the case in Sweden (Thoren 2008). Or they can contain numerous rules regarding strategies and organisation which of course leaves less room.

Horizontal coordination

The rise of activation in many cases has also put horizontal coordination and cooperation between local actors higher on the agenda. The focus on activation means that organisations often will have to deal with complicated and diverse problems related to unemployment that they cannot necessarily solve on their own: various kinds of expertise may be needed, especially for groups of citizens that are confronted with wicked social problems. Thus expertise on income protection, labour market re-integration and social care may have to be bundled.

Moreover, a number of countries such as the Netherlands, the US and Australia has chosen to outsource the delivery of activation services to commercial or non-governmental agencies, which also means more organisations become involved in implementation. This may be motivated by the wish to offer differentiated services or can be inspired by NPM-like assumptions that outsourcing is cheaper and leads to better results.

Finally, the aspired integration of income protection and activation enhances the need for cooperation between social security agencies and the public employment agencies. In some countries this has led to mergers into 'one stop shops', such as the Job Centres Plus in the UK (Minas 2009;Wiggan 2007).

Apart from complete mergers, horizontal cooperation ideal-typically can be structured by either (quasi-)market principles based on price mechanisms and competition or by co-operation based networks.(Considine 2001; Svensson et al 2008). Marketisation is often promoted because of expected gains in efficiency, quality and innovation (Struyven and Steurs 2005). Network based coordination is thought to be better adjusted to solving wicked problems with no easily achievable solutions. Within a specific activation policy context, both types of coordination can co-exist (Considine 2001; Lindsay and McQuaid 2008).

The fact that more organisations at the local level tend to get a role in implementation influences discretion compared to the situation where one organisation is responsible for the whole implementation process. This basically means that implementing organisations potentially may gain more discretion with regards to the way horizontal coordination is organised, which organisations or companies are in and which actors will not be involved. More specifically discretion may exist with regards to the choice of services, service

providers and network partners, the extent to which services are outsourced, the choice between network approaches or marketisation, the way in which the role of purchaser is fulfilled and the way in which network relations are developed. More over, the fact that organisations have to cooperate more intensely with other organisations in itself is a source of discretion, because numerous but not necessarily regulated choices will have to be made regarding exchange and use of information, mutual referrals of clients, the readiness to invest in relations, etc.

This kind of discretion can be more or less constrained by several factors such as national regulation regarding responsibilities and coordination mechanisms. In the Netherlands for example, for a number years municipalities were obliged to outsource and marketise activation services for social assistance recipients.

In the case that marketisation is chosen, discretion may also be curbed by the way in which the provider market develops and becomes transparent (or not). Although the way in which a purchaser role is fulfilled of course influences this development (Corra and Plantinga 2009), central steering of the market may also play an important role (Struyven en Geurts 2005).

In the case of network-based coordination room will be constrained by the intentions and interests of other network partners as well. Per definition, control over such a network will be shared amongst organisations which will curtail the number of choices respective organisations will have. Probably this will also be influenced by the relative size of organisations compared to network partners and the funds that can be controlled, which will influence the organisations' bargaining power within the network (O'Toole en Meijer 2004).

The role of citizens as 'policy users' and 'policy makers'

The last aspect of governance we consider to be of importance is the way in which the potential influence of citizens on implementation is regulated and organised. As was mentioned before, especially the delivery of activation services requires an active role of clients themselves. Governance choices determine to a degree the actual room that citizens are given in this respect, which in turn influences the relative autonomy of organisations.

Generally speaking, in many public policy domains a trend can be observed to increase the influence citizens have in policy production, often in relation to individualisation and differentiation. This trend can result from changed views on the relation between state and citizen as well as from altered perceptions of citizens' competences in defining their own needs and solutions to possible problems.

Increasing citizens' control can be motivated by considerations regarding effectiveness. From a NPM-perspective increasing citizens' influence is often promoted in combination with outsourcing of services to private providers (Osborne en Gaebler 1993). In this model citizens are supposed to receive purchasing power as 'policy consumers', for example by introducing vouchers (Bruttel 2005). Taken to the extreme, this model decreases discretion at the organisational level and limits the role of the government to regulating the market (Bosselaar 2005; Brodtkin 2006).

Increasing citizen's control can also be motivated to increase the democratic quality of policy implementation, but not necessarily by means of market mechanisms. Rather, the

focus lies on balancing various stake holders' interests and both collective and individuals demands. In this perspective, autonomy for the public organisation may be needed to be able to achieve this balance (Denhardt and Denhardt 2000).

The trend towards greater citizens' involvement can also play a role within activation strategies, but given the aforementioned goals and perspectives of the activating welfare state this is certainly not an automatic development and the consequences for discretion are therefore insecure.

On the one hand, increasing involvement can be pursued as a strategy to cope with differentiation of activation needs or to stimulate the active role of users in activation services. It can also be promoted as a way of operationalising the concept of increased responsibility, which pre-supposes freedom to choose and having influence (Bonvin 2008). This would imply participants have a say in determining their personal activation goals and the choice of services. It would also require differentiated and transparent services which as we mentioned also depends on other governance choices.

But on the other hand, the very nature of most activation policies is based on objectives, strategies and assumptions regarding citizens on welfare which don't make increased involvement a self-evident choice:

- The central focus on short term labour market participation limits citizens' possibilities for defining personal activation goals;
- The increased conditionality of protection as we saw leads to behavioural requirements on part of the government;
- The notion of calculating citizens which in the context of welfare often assumes the abuse of schemes and services without tight control of citizens;
- The notion of incompetent citizens, which sees welfare dependence partly as the result of clients' incompetence to integrate into the labour market and which may justify paternalistic interventions instead of increasing involvement;
- The increased importance of sanctions which appears to be hard to reconcile with increasing involvement and participation in decision making with regards to activation.

Thus, although we assume that involvement of citizens may potentially influence discretionary room in the implementation of activation, other central and local policy and governance choices will very much determine as well how this will work out in a specific context. The way welfare claimants are labelled as either (non-)competent or calculating will also play a role. When this 'labelling' is part of the discretionary room of organisations and is not defined at the central level, this means implementing organisations will have a big influence in determining the level of involvement of clients. As a consequence, this may result in very different 'levels of involvement' even within specific organisations.

4 The micro-management of activation policy and frontline discretion

So far we have sketched how the rise of activation policy and corresponding governance reforms potentially lead to autonomy at the organisational level regarding the production of

activation policy. Whether and how these trends influence discretion at the shop floor depends on managerial choices regarding activation policy *within* the implementing organisations, or as Pollitt and Bouckaert (2004) have called it, the micro-processes of public management. The actual room that organisations have to make these choices can be considered to be part of organisational discretion itself. Central regulations may prescribe certain organisational characteristics or leave them open to the local management.

The main potential sources of frontline discretion that can be influenced by these managerial choices have been well documented (Van der Veen 1990; Lipsky 1980; Coble en Crothers 1998; Jewell 2007; Jewell en Glaser 2006; Riccucci, N. et al. 2004). Up to a certain extent they mirror the factors that influence autonomy at the organisational level:

- the nature of activation policy;
- aspects of organisational structure;
- characteristics of inter-organisational cooperation and coordination;
- the nature of daily work at the frontline;
- the way the voice of clients is regulated at the organisational level.

The nature of activation policy

Policy itself can be a source of discretion in so far that objectives may be ambiguous or rules for implementation may be open for further operationalisation. With regards to the nature of activation policy, the autonomy we have identified at the organisational level may or may not 'trickle down' to the shop floor. Thus it is possible that frontline officers will be the ones to decide about specific activation objectives, desired behaviour of citizens, etc. This may lead to more discretion compared to the earlier situation where income protection was the main focus of officers. However, the extent to which frontline officers will have to deal with these ambiguities ultimately depends on how managerial choices regarding activation affect the other sources of discretion.

Aspects of the organisational structure

Certain characteristics of the organisational structure are important sources of discretion, primarily because they determine the kind of (bureaucratic) control over frontline decision making and the scope of decision making for frontline officers. Because activation as was observed earlier leads to new 'critical tasks' (Jewell 2007), management may decide to change aspects of the organisational structure that influence discretion.

The most important structural characteristic in relation to discretion is the kind of standardisation (Mintzberg 2006/1983; Brodtkin 2006) the agency uses for internal coordination of activation: formalisation of work and procedures (the 'bureaucratic way'), skills (the 'professional-bureaucratic way') or output (the 'managerial way'). Although discretion is present with all kinds of standardisation, it will be largest in a professional setting and smallest in a bureaucratic one. Discretion in the managerial variant which focuses on output or outcome will vary depending on the strictness of output demands.

Implementing activation in a bureaucratic way implies that executive management tries to reduce discretion by restricting the number of choices at the frontline and by formulation of rules and procedures for determining target groups and kinds of services that are needed. In other words, central management decides upon possible open ends in activation policy, probably supported by an intra-organisational 'techno-structure' or external consultants who are specialists on for example law, re-integration and automation. The implementation of automated profiling systems is one example of frequently used rule-based standardisation of activation policy.

Of course, rules cannot abolish discretion. Even the use and interpretation of automated systems may require frontline decision making and judging of clients' situation and behaviour. Moreover, discretion may also rise if rules are not enforced by (direct) supervision or other control mechanisms that rule-based organisations need (Van der Veen 1990). Still, coordination by rules generally aims at constraining the autonomous choices workers can make.

Choosing for professional implementation means that frontline workers are considered to have the necessary expertise and skills to make decisions themselves about for example activation goals and services. In this variant, increasing and supporting discretion is a deliberate managerial choice. As Mintzberg (2006/1983) and others (Evans and Harris 2004) have argued though, professionalism is also a form of standardisation (or bureaucratisation), not of procedures and simple rules, but of skills and specialist expertise that can also be considered to consist of (complex) rules. The source of these rules however is external to the organisation and ideal typically 'safe-guarded' by professional organisations and higher education (Freidson 2001). Professionals within organisations typically have a 'double bind': to their profession and to their organisation. This may lead to specific tensions, especially when working with strong professions such as medicine or law (Berendsen 2007).

Discretion is considered to be inherent to professionalism because of the kind of knowledge and decisions that are involved: expertise is of a more abstract and general nature that requires application to individual cases based on some kind of 'diagnosis'. However, choices are not supposed to be idiosyncratic, but to conform to professional standards. Management will probably rely less on direct supervision and more on training and binding workers to the organisation. Thus, HRM policies can be expected to be especially important and specific (higher) educational levels may be demanded from frontline workers, for example degrees in social work.

Standardisation of output corresponds with the NPM-like managerial way of coordinating, by determining the results frontline workers are supposed to achieve but leaving open how to achieve them. The potential impact of standardisation of outputs on discretion is ambiguous. On the one hand, it may curb discretion because defining strict results possibly limits the number of ways to reach them. More over, steering on output often goes hand in hand with greater demands on accountability which may constrain discretion as well. This is comparable to the way national government can constrain local discretion by (financial) steering on well defined output. On the other hand, it may give room to officers to determine their own way of working towards activation results. Thus, one officer may choose to focus on sanctions to achieve activation results whilst the other chooses a more empowering kind of approach. Moreover, as we mentioned earlier it can be complicated to define activation

objectives in a way that leaves no room for further interpretation. Generally they will have to be defined more precisely at the individual level which requires some kind of discretion.

As Mintzberg (ibid:282) has argued, the kind of standardisation that is used is likely to correspond with a number of other structural characteristics of the organisational 'configuration'. He mentions the type of horizontal and vertical specialisation and decentralisation, the use of training and 'indoctrination', the formalisation of behaviour, the size of working units, methods of planning and control, intra-organisational communication and methods of coordination. All of these characteristics may influence discretion.

In the context of activation, especially the level of horizontal specialisation is of interest, given the 'double task' that many agencies in active welfare states have to fulfill: activation and income protection. Organisations may choose to combine these functions in one kind of case worker, or they might separate them (Hill 2005; Jewell 2007). Generally, specialisation is thought to curb discretion although it may also require more interaction with other workers.

Although Mintzberg developed his typology in terms of ideal-typical configurations, modern public service organisations are likely to combine different kinds of standardisation. Some authors refer to this as hybridisation (Noordegraaf 2007), others suggest the rise of a neo-weberian bureaucracy as opposed to 'pure' bureaucracy or managerialism (Pollitt and Bouckaert 2004). One could theorise that combining different kinds of standardisation in itself can become a source of discretion. Specific decisions might be based on either output-related, procedure-related or profession-related standards. Managers might steer on both output as well as professional standards. Whenever it is not clear which standards should prevail, discretion is likely to increase. Whether this will be the case in agencies implementing activation policy, of course depends on the basic choices regarding standardisation.

Inter-organisational coordination

As was mentioned before the governance of activation potentially leads to a larger need for cooperation and coordination of implementing agencies. Depending on the way relations are organised, this may have an impact on discretion at the frontline as well. As far as we know the horizontal relations between organisations are generally not considered to be a source of discretion. However, the way in which responsibilities of organisations are defined and coordinated (either at the central level, or at the local level as an aspect of organisational discretion) may also either limit or increase discretion at the frontline.

First of all, the issue of discretion may be partially 'outsourced' from the public organisation to private companies (Brodkin 2006). This may constrain the discretion of frontline officers because they are not the ones 'activating' the clients, but merely referring them. However, discretionary decisions about goals, behaviour and services may still be part of the frontline work and play a role in the choice of private companies who are to deliver services to individual clients. Of course this only applies where choice of providers is available. Furthermore, in these circumstances discretion depends on the role frontline workers have in the monitoring of outsourced services and the possible application of sanctions and bonuses.

Secondly, a potential increase in the number of organisations that frontline officers have to cooperate with regarding activation can in itself be considered to be a source of discretion (Van Berkel and Van der Aa 2009). Inter-organisational cooperation at the level of frontline workers can only be standardised by procedures up to a certain extent. It will often require exchange and interpretation of information, personal contacts between officers and some kind of flexibility in working methods on both sides to make cooperation work.

The nature of daily work

The most obvious and direct source of discretion is the nature of the daily work of frontline officers who have a role in the implementation of activation policy (Jewell and Glaser 2006; Brodtkin 2006; Sandfort 2000). Of course, the nature of daily work is closely coupled to the organisational characteristics described earlier. A number of specific characteristics of daily work influence discretion.

First of all the nature of the service technology as operated by the frontline workers is important. Earlier we indicated that the choice to offer activation services assumes the use of people changing technologies which are generally based on much discretion. However, it depends on the other choices such as ways of standardisation and outsourcing what technology frontline workers themselves will probably use to fulfil their tasks in the overall implementation process. When workers for example are mainly responsible for referring clients to other companies, they are more likely to use processing technologies that overall leave less room for discretion. On the other hand, when the frontline officers themselves offer activation services they will be operating people changing technologies with more discretion.

Secondly, related to the former, the nature of required interactions with citizens influences discretion (Jewell and Glaser 2006). Interactions with clients generally take place 'in private', without direct supervision. Lipsky (1980) argued that the need for this kind of exchanges and interactions means that discretion can never be fully controlled. Both the frequency as well as the duration of interactions determine what kind of relations towards clients workers develop and what kind of discretionary decisions and judgements are to be made regarding the services that are offered. Moreover, the potential influence of clients on decisions increases when interactions with agencies last longer. Van der Veen (1990) for example describes how clients can manage the information they are willing to give to officers. In the case of activation, the information clients give is crucial for determining activation goals and strategies. Clients may also have room to either attend to activation related activities or not. Of course, these strategies will be affected by both the formal room for voice of clients and the authority that officers have to steer clients' behaviour, for example by applying sanctions.

In the third place, the nature of interactions with internal and external colleagues regarding exchange of information and the taking of decisions influence discretion. Van der Veen (1990) has argued that these kind of interactions may require mutual interpretation of information and sometimes processes of bargaining about decisions that fall outside of the scope of possible regulatory frameworks. Thus, discretion increases when daily work requires more interactions with other workers. Of course, cooperation might also decrease discretion since it may increase control over decisions that are being taken by individual

workers. In the case of activation this may be at stake when different workers are responsible for income and activation relation tasks regarding the same clients.

Managing the voice of clients

Earlier we discerned the role of citizens as an aspect of governance that influences discretion at the organisational level: increasing the voice of citizens theoretically puts a limit on the power of street level organisations. Although the voice of clients may be primarily regulated at the supra-organisational level, implementing organisations may have their own room to determine the actual level of involvement of clients in decision making. The way in which the voice of clients is regulated at the organisational level therefore potentially influences discretion at the frontline, in addition to the kind of standardisation that is used. Three issues can be considered of interest regarding the voice of clients.

First of all, the legal status of discretionary decisions is relevant. Hetzler (2003) suggests that discretionary decision making can be framed as 'individualised justice' towards citizens as legal subjects. She argues that individualised justice may be necessary in policy domains where differentiated individual situations require differentiated definitions of social rights. This will often be the case in the context of activation policy. But individualisation of justice in her view doesn't remove the individual's right as a legal subject to have a voice regarding decisions regarding his or her situation. The question then is, which decisions in the implementation process have a legal status or are otherwise subject to possible appeal by clients. Furthermore, the nature of procedures to exercise voice will influence how this works in practice. Where the legal nature of decision making is unclear, the possibilities to exercise voice in a legal way will be constrained or become subject to frontline discretion itself.

Secondly, when using NPM-like ways of standardisation the voice of clients as consumers may be strengthened. As we observed earlier however, in most activating schemes citizens don't have purchasing power. Moreover, their position as consumer is weakened by behavioural requirements and often limited influence on the definition of their social rights and duties. Within these constraints however, organisation can give clients more or less voice in determining the kind of activation plan they will follow and the kind of services required.

Finally, when professional standardisation is being used, the question is how professional norms relate to the use of client's perspectives in methods of service delivery and the development of these methods. In many social work methods for example it is usual to take the client's perspective as starting point for interventions, which mean involvement of citizens may be built into the way of working. However, when citizens nevertheless don't agree with professional judgement, the issue is whether clients have a voice to contest the way in which professional standards have been applied to their situation. Ideal-typically this would require that organisations of professionals provide for independent procedures to examine possible claims by citizens regarding professional treatment.

Of course, providing clients with opportunities for exercising voice doesn't guarantee they will actually use them. Lens (2007) for example found that administrative hearings were hardly used by clients faced with sanctions under the TANF-scheme in the United States. Apart

from the fact that clients may not be aware of their rights, many of them indicated little trust in the fairness of the procedure.

5 Frontline responses to sources of discretion

A number of decisions regarding policy, governance and organisation thus potentially influences the discretionary room the frontline officers have regarding the production of activation policies. A part of this power to judge and to decide may be explicitly intended, another part may be unintended but nevertheless unavoidable.

To understand how discretionary room at the shop floor may influence the actual production of activation policy, the final analytical step is to look into the ways in which front line officers can make use of their discretion and possible factors that may influence the kind of judgements and decisions they make.

Following Lipsky (1980) many authors describe the use of discretion in terms of informal responses or coping strategies of frontline officers to unfavourable organisational conditions such as the shortage of resources or conflicting demands from either managers or clients. Well documented strategies consist of rule breaking, rule making or rule bending (Newman 2005), the use of informal client typologies and the rationing of services.

A possible shortcoming of this approach when analyzing activation policy however is that it suggests that it is absolutely clear what frontline officers should be doing and how they should take decisions regarding activation. The strategies are described with an inherently negative connotation, as informal and unwanted responses of frontline officers because they may diverge from official objectives and bureaucratic regulations.

But it could be argued that this only holds true for the situation where bureaucratic standardisation is the managerial strategy to implement activation and frontline officers are supposed to conform to relatively fixed working procedures and decision rules. We concluded earlier however that organisations can also deliberately 'decentralise' discretion to the frontline as part of either professional or managerial standardisation. In those cases the use of discretion can not unambiguously be considered as informal or 'illegitimate'. (Coble and Crothers 1998; Evans and Harris 2004). But neither can it be assumed that discretion that is allowed for, will always be used in a legitimate way. This depends as we will argue in the final chapter on the impact of possible factors that shape decision making in relation to underlying public values.

Discretionary decision-making and frontline strategies therefore preferably have to be analysed in relation to the kind of decisions that are expected from street level bureaucrats in specific organisational and policy contexts and the standards they are supposed to apply, including the possible situation of ambiguous standards.

Given this context, in addition to the standards to be used, a number of additional factors may shape the actual decision making which may be more or less 'congruent' with official

policy and which may be more or less characterised as coping behaviour (May and Winter 2009).

First of all, numerous studies on discretion have shown that available resources influence the kind of decisions that are being taken and the way in which standards are applied. This leads frontline officers to primarily cope with organisational conditions and scarce resources rather than to conform to whatever standards they should be using. In activation policy this may be reflected in high caseloads which make it impossible to serve every client in the way standards might 'prescribe'. Another resource which may influence actual decision making is the ICT-infrastructure and the extent to which this actually supports the intended way of working.

Secondly, we feel that street level cultures have to be considered to be an important factor that shapes decision making. Street level officers can be considered to be 'knowledgeable actors', who act within structural constraints upon their own interpretations and cultural maps that develop during daily interactions with clients, managers and colleagues (Cooney 2007; Berg 2004). Within organisations several cultural orientations may exist. (Engbersen 1996/2006). Berg (2004) has argued that certain cultural orientations may fit better with certain kinds of standardisation (managerial, professional or bureaucratic).

Street level cultures may provide an important explanation as to why certain changes in policies and governance are implemented in a certain way or not. The same goes for understanding actual decision making. Especially in public bureaucracies it is likely that changes will have to be implemented predominantly by workers that have been partly socialised in cultures that don't necessarily fit with demands that changed policies bestow upon them (Terpstra and Havinga 2001). We would suggest however that the rather slippery concept of culture should not be confined to basic attitudes towards (new) managerial and organisational principles. Rather, it should also account for perspectives on clients (which may be the base for informal typologies), opinions regarding the policy that has to be implemented and perspectives on professional roles of officers. In sum, it refers to the conglomerate of values and meanings officers themselves attach to activation policy, organisation and management, clients and their own role as opposed to the expectations management may have on these issues.

Of course, street level cultures don't develop in splendid isolation since officers themselves are part of the wider society. They will be influenced by wider social and political views on social policies and citizens. Interactions with both clients as well as colleagues from other organisations shape these norms and values. More over, cultural orientations should not be considered to be static and one dimensional value systems without internal contradictions. Boltanski and Thevenot (2006) therefore speak of different 'worlds of justification' that can play a role in specific settings of decision making: 'the market World', 'the inspired World', 'the civic World', 'the domestic World', 'the World of fame' en 'the industrial world'. These differentiated cultural sources for decision making provide people with possibilities to flexibly substantiate the decisions they make in possible conflicting or contradictory situational circumstances where decision making takes place.

Thirdly, related to the former, the expertise that frontline workers use in making decisions is relevant (Gastelaars 1997). Expertise can be seen as internalised knowledge and skills

officers have regarding the practical application of standards (professional, managerial or bureaucratic) in their daily work. Expertise can refer to the knowledge and skills required to make decisions regarding service delivery and interactions with clients. It may also refer to more general working skills, needed to function within a certain kind of organisational configuration. Expertise results from education, but also from working experience and socialisation within the profession and the organisation.

Jewell (2007) has observed that the level of trust managers have in their workers' expertise partially influences the discretion they will be granted. In terms of the concepts of this paper that would suggest that managerial choices regarding standardisation and outsourcing may depend on the assessment that executive management makes of available expertise at the street level in relation to (new) objectives.

6 Discussion: activation policy, street level discretion and the safeguarding of public values

By now, discretion of street-level bureaucrats can be called an axiomatic feature of the implementation of social policy (Hill and Hupe 2007). The nature of social policy and choices regarding public management can only influence discretionary decisions up to a certain degree, given the nature of street-level work and the impossibility to control and steer every aspect of decision making. This doesn't mean however that these choices don't matter at all. More over, discretion is not simply an unavoidable but basically unwanted and 'informal' phenomenon of public policy. Rather, allowing for discretion may be part of an implementation strategy and the preferred type of standardisation.

In this paper we have systematically looked upon the relation between activation policy, governance of activation and the role of discretion. The implementation of activation policies often partly consists of deliberate 'devolution' of the authority and autonomy to judge and to decide to the lower levels of public administration. The translation of general ideas regarding protection and activation into service delivery and income transfer at the individual level, requires a range of subsequent decisions at different levels of governance. These choices potentially affect discretionary room for the frontline workers responsible for activation, giving them more or less authority in either constitutional, directional or operational governance. This potentially makes them powerful 'agents of the welfare state' as Jewell (2007) has aptly called them.

This partially deliberate increase of discretionary authority does raise a number of issues though. Discretion in itself is not good or bad (Brodkin 2008), but not every use of discretion can be evaluated as being responsible, legitimate and accountable (Burke 1991; Coble and Crothers 1998).

Whether a certain use of discretion can be considered to be responsible is not a neutral qualification, but depends on the underlying values regarding public administration that are espoused. As is well known, the dominant values regarding public administration have shifted significantly over the last decades, which may partly explain why allowing for discretion is considered to be less problematic nowadays than it was in the era of 'traditional

bureaucratic' public management. The rise of New Public Management has strongly influenced these shifts, although other perspectives on 'modern' public management have played a role as well (Denhardt and Denhardt 2000; Pollitt and Bouckaert 2004).

We especially consider two general value shifts to be important for the understanding of discretion in activation policy. First of all, the greater significance that is being attributed to the values of effectiveness and efficiency of social policy. Output and sometimes outcome in terms of achieving (central) policy goals at low costs have become important values, at least rhetorically. Allowing for discretion is often seen as a good way of enhancing effectiveness and efficiency, in combination with the right stimuli for street-level agents.

Secondly, the value of differentiated responsiveness of policy towards various stake holders has grown stronger. In the traditional 'rechtsstaat' responsiveness was more or less equal to being receptive towards one unified public interest as expressed in public law, legitimated by democratically chosen central political authority and enforced by the bureaucratic 'chain of command' (Burke 1991). Formally, street-level bureaucrats had only one dominant stake-holder to reckon with. But processes of individualisation and differentiation have undermined the idea of a unified public interest and have given rise to the importance that is being attached to policy being responsive towards differentiated interests of various stake holders, especially citizens. From a NPM-perspective this is mainly translates into enhancing the role of citizens as consumers who can enforce responsiveness. Critics of this approach as we saw prefer to see responsiveness as the balancing of differentiated collective and individual interests by means of equal participation of stake holders in the decision making process (Denhardt and Denhardt 2000; Hoggett 2005; Vigoda 2007). But both variants consider discretion in public decision making as a necessary condition for modern public administration.

Both sets of values can be easily identified as underlying choices regarding the governance and implementation of activation policy and the potential rise of lower level discretion. But for a number of related reasons it can not be assumed too lightly that this will automatically lead to responsible use of discretion in the field of activation policy.

First of all, the question is whether effectiveness and responsiveness are actually unambiguous values that can underlie discretionary decisions in activation policy. As we have stated in this paper, the feasibility of activation goals can be disputed, as can the relation between policy and outcome. How then can discretionary decisions be accounted for by invoking effectiveness as underlying value, when this effectiveness can not be easily substantiated?

The same goes for responsiveness: what does responsiveness mean in a policy context which is partly based on the steering of behaviour of citizens towards pre-defined goals? The position of citizens involved as either consumer or as stake-holder in any case will not be very strong.

Secondly, one may ask what has happened to the public values that used to be an argument for constraining discretion in public decision making: equity before law, fairness, transparency and predictability to name but a few. Increasing decentralised discretion potentially means that these values related to 'the rule of law' become less important in the implementation of activation policy. But could there be potential risks related to this trend?

WRR (2006) argues that these public values should especially remain of importance when public decision making potentially has a large impact on the private sphere and freedom of citizens. These values have been quintessential in the 'rechtsstaat' to protect citizens from disproportional or arbitrary use of power by the state. One could argue that this is relevant for activation policy, since decisions regarding activation do entail behavioural requirements that influence the lifestyle and private sphere of citizens as well as their livelihood conditions. More over, target groups of activation policy almost per definition are dependent on the state for their livelihood and will be less empowered to exercise countervailing power than for example highly educated well-to-do citizens.

Following Hetzel (2003) we have suggested in this paper that organising easy accessible possibilities for 'voice and hearings' of citizens with regards to discretionary decisions may be one way of safe-guarding 'individual justice' and transparency of discretion decisions in the absence of clear legal rules. This would increase the need for frontline officers to make explicit how they reach to their decisions and might discourage certain informal strategies.

Thirdly, the question is how frontline officers will deal with the unavoidable value conflicts they will confront when doing their job and what this means for the actual production of policy. Lipsky (1980) and Thacher and Rein (2004:461) amongst others have observed that value conflicts are inherent to street-level work. Politicians may deliberately avoid clear choices because of these kinds conflicts and leave them to the frontline officers to decide. Activation policy as we saw is not an exception to this rule, since it is full of potential value conflicts. Being responsive is not easy when interests are potentially conflicting, but reconciling effectiveness, responsiveness and maybe fairness will be even harder or impossible. Different 'forces' can be expected to influence the way these conflicts will be 'solved', either stemming from organisational conditions or street-level cultures. The question is whether this may lead to systematic neglect or preference for certain values and what this means for the final outcome of activation policies and their 'users'.

Finally, in close relation to the former issues one may wonder whether and how the management of discretion actually succeeds in steering towards responsible and accountable use of discretion. Of course, discretion as we saw is only partially 'manageable'. Using Mintzberg (2006/1983) we differentiated between three ideal-typical standards that in combination with underlying values can be used to either constrain or increase discretion: bureaucratic rules/procedures, output criteria and professional skills. Application of these standards in combination with partially ambiguous values is not easy though. Each standard therefore poses its own managerial dilemma's with regards to activation.

With regards to management by bureaucratic procedures we have suggested that this kind of standardisation will probably be of limited use in most activation contexts, especially when activation services play an important part: these are hard to standardise completely and require people changing technologies with inherent discretion. Outsourcing these services also partially outsources discretion (Brodin 2008), but doesn't remove it. The dilemma then is whether to use this way of standardising at all and if so, for which parts of the overall implementation process.

Standardising outputs in social policy may lead to unintended results, because outputs tend to be defined in easily measurable and quantifiable indicators which may differ

from actual policy goals (Pollitt and Bouckaert 2004). It may also lead to enhanced creaming practices, which already may be an strategy of frontline officers to deal with their work. The dilemma therefore is to find the 'right' output indicators which given the nature of activation goals and their feasibility may not be easy. More over, by nature, steering on output values norms regarding effectiveness higher than other possible norms. The question then is whether and how these other values remain to play a role in the management of discretion.

Lastly, enhancing professionalisation may seem to be a logical way to manage discretion in a policy context where judgements about individual situations have to be made that require professional expertise. However, this assumes that it is clear what kind of professional knowledge and expertise is actually needed to 'activate' citizens. Apart from the ambiguous nature of the concept of activation, it can be questioned whether this undisputed knowledge base actually exists. Ideal-typically, it would also require some form of professional organisation and institutionalisation of activation professionals, for example by means of approved educational curricula and professional control mechanisms. As far as we know, this kind of institutionalisation has not been developed very much yet. In absence of clear professional frameworks, the accountability of discretionary decisions using professional standards may therefore become problematic (Van Berkel and Van der Aa 2008).

Discretionary decision making in the field of activation policy thus raises a number of dilemmas. The way in which implementing organisations and frontline officers deal with these dilemmas have a profound impact on citizens. These choices are not neutral in their consequences, but are political in the sense that they influence the overall process of policy production and the way this affects citizens as 'policy users' or 'co-producers'. Discretionary decisions may define the exact meaning of individual social rights regarding income protection and activation, may influence access to certain public services and, by means of defining and controlling 'responsible behaviour' have a significant impact on the private spheres of citizens. Understanding how these mechanisms work in specific policy contexts is therefore an important part of the evaluation of the development of the active welfare state.

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¹ This paper is a product of a ph-study in progress on the role of frontline officers in the delivery of (active) social assistance in the Netherlands.