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Implementing National Disability Service Standards: What Street Level Bureaucrats
Exercise Discretion for in the Provision of Employment Services.

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Abstract

The purpose of this thesis is to interpret the use of discretion to deliver public service in public interest. The research question to guide this purpose is, what do street-level bureaucrats use discretion for to implement disability service standards in Australia? Lipsky (1976) proposed that given their discretionary power, people on the front-line representing government (termed ‘street-level bureaucrats’) through daily people processing action on the front-line significantly affect policy outcomes. To implement social policy, a qualitative based method has been used to emphasize both intended and unintended consequences to front-line discretion. As a case, the street-level bureaucrats in disability employment services participated in semi-structured interviews and assisted this thesis design and provide the grounds to interpreting what it means to implement social policy in public interest today.

By asking the question what is discretion used for, it is with the intention to uncover the meaning of public benefit, deep-rooted in service delivery. It is argued a street-level bureaucrat determines the meaning for citizen-consumer experience from standards in the legislation, and in so doing this, will highlight the ambiguity experienced in service delivery between state-agent or citizen-agent understanding surrounding ‘public interest’ and ‘public service’. The foundation on which the nature, amount and quality of benefits and sanctions, to assist people with a disability into sustainable employment, still rests with new street-level bureaucrats rather than the state initiative. Outcomes of service delivery rest on, in part, the use of discretion by street-level bureaucrats. This thesis disagrees with the state-agent ideal whereby particular outcomes that are unintended or unanticipated by those responsible for setting policy objectives (government) can be explained by the discretion of street-level bureaucrats.

Discretion is ultimately shaped by various external social, economic and political factors and the need for it to be controlled for, when delivering services, is questioned to be merely fallacy. A top-down one-size-fits-all policy direction reflects a contradiction to mandate a bottom-up implementation approach and delivery public services today. Through semi-structured interviews the state-agent narrative is contradicted in our case,

as participant self-interest in discretion use is not guiding street-level choice, but is geared toward service provider survival. Participants in this case tell a different story to state-agent narrative, leading to an understanding street-level discretion does not pose a threat to democratic governance. Rather than discretionary state-agents who act in response to rules, procedures, and law, some street-level bureaucrats in this case describe themselves from citizen-agent perspective and act in response to individuals and circumstances. The street-level bureaucrat participant does not describe what they do as contributing to social policy making or even as implementing social policy, nor does she/he describe the conclusions they make and actions taken as based on their own views of the knowledge of social policy, correctness of the rules or accountability to any democratic principle or higher governing power. Participants explain of delivering services based on their own decisions and on their own judgment of the worth of the individual citizen-consumer. There is a describing of oneself as having the discretion to make decisions on behalf of their citizen-consumer, but they base those decisions on normative choice and not in response to rules, procedures or policies. The normative choice made by a SLBT in this case, to include delivering a public service, is defined purely in terms of their relationships to citizens, clients, coworkers and the organization. In this case, by substituting formal service standards and legitimate authority with citizen-consumer interest, a street-level bureaucrat in their own view is acting dutifully.

Signed Statement of Originality

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person, except where due reference is made in the thesis itself.

Signed:

_____ name

_____ date (dd/mm/yyyy)

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List of Acronyms

ABS - Australian Bureau of Statistics

ACCC - Australian Crime & Conduct Commission

ADE - Australian Disability Enterprise

CA - Commonwealth of Australia

CMC - Computer Mediated Communication

DEEWR - Department of Education Employment & Workplace Relations

DEN - Disability Employment Network

DES - Disability Employment Services

DESD - DES Deed 2012-2015.

DMS - Disability Management Service

DS - Disability Sector

DSA – Commonwealth Disability Services Act 1986

EAF Employment Assistance Fund

EPP Employment Pathway Plan

ESS - Employment Support Service

FAHCSIA - Department of Families Housing Community Services & Indigenous Affairs

FWO - Fair Work Ombudsman

HSO - Human service organisation

JSA - Job Services Australia

NDA - National Disability Agreement

NDIS – National Disability Insurance Scheme

NDS - National Disability Strategy 2010-2020

NDSS - National Disability Service Standards (pre2014)

NFP - Not-For-Profit Organisation

PC - Productivity Commission

SE - Support to Employment Principle

SIDES - Social Inclusion and Disability Employment Strategy 2012-2022

SLB - Street-Level Bureaucracy

SLBT - Street-Level Bureaucrat(s)

SLO – Street-Level Organisation

Introduction

The current disability support system is underfunded, unfair, fragmented, and inefficient, and gives people with a disability little choice and no certainty of access to appropriate supports. The stresses on the system are growing, with rising costs for all governments (Commonwealth of Australia 2011c, p.2).

Over the years, in the disability sector, the discourse has become fraught with disagreement and diverging perceptions surrounding what constitutes satisfactory service delivery and optimal policy outcome. To view the way in which democratic society understands how terms like ‘public interest’ and ‘public service’ are to be understood and organized as benefit, there is a clear distinction of ideals between what it means to implement policy today as opposed to 40 years ago. Theories of democratic government traditionally rely on a model of organisation whereby an official acts neutrally, consents to clear lines of accountability and administration, and defines their day-to-day activities through policies, processes and confined discretion. Today, however, we experience a different intonation, where-by, new governance ideals are constructed both from the virtue of markets and third party alternatives to the state and from a belief in the virtue of competition, choice and multi-agency collaboration (Considine & Lewis 2003). The income support system with minimal obligations on the unemployed has been replaced by a system deeply entwined with a market-centered philosophy of neo-liberalism and the paternalism of social conservatism (Schram, Soss, Houser & Fording 2010). In order to respond to fundamental questions surrounding the contexts, as outlined in Schram, Soss, Houser & Fording 2010 and Considine & Lewis (2003), understanding policy implementation in the mode of service delivery is characteristic of face-to-face interaction between frontline service staff and service users. What will further become clear from this, is a paradox, surrounding the structure, organisation and extent of service delivery involved in social policy implementation today.

The paradox experienced today from service delivery to provide public benefit in ‘entrepreneurial’ government, highlights a top-down one-size-fits-all policy direction to mandate a bottom-up implementation approach to public benefits. One sector in Australia

that can show this policy implementation paradox, is Human Services, in particular Disability. In the space between legislation and policy, the use of discretion cannot be underestimated in the determining of public benefit for people with a disability seeking assistance to employment. Discretion can be viewed both positively and negatively. Where an official uses discretion to pursue commonly acknowledged goals, it is viewed in a positive light, and where the official's discretion is for the most part strictly determined by rules, discretion is the remaining concept and is often viewed in a negative light as a space in a system of rules (Nagarajan 2013). Both positive and negative understanding it would seem have cultured the way in which discretion has been viewed by those at the top and bottom and controlled in legislative protection and contractual arrangements of public services to citizen-consumers in the disability employment sector.

Sometimes called “contractualism” or “entrepreneurial government”, the market governance model used today seeks to create greater flexibility, reduced planning, and less regulation (Considine & Lewis 2003). Programs, and the agencies administering them become rewarded through an incentive based system, which aims to increase quality and performance while also resulting in increased reward. In entrepreneurial government, the choice made by a consumer steers whether services would receive continued public support. Street-Level Bureaucracy theory provides a useful foundation for examining the link between the process of implementing social policy standards and the resulting outcomes in entrepreneurial government with the market incentive based system front and center.

In examining a tangled web of principals and agents in the disability sector in Australia, we see fertile ground to address the topic surrounding what discretion is used for on the front-line of service delivery today in a market incentive based system. In doing so, we challenge the assumption that a policy as written, will be implemented as initially intended. If governance aims to provide assurances that power and resources are used for their intended and sanctioned purpose (Wanna, Butcher & Freyens 2010), then due diligence requires that government seek to minimize deviation. When this is not the case, however, for government agencies purchasing service provider output it may mean unmet expectations and a poor reflection on the ability of government to deliver services

in the eyes of citizen-consumer and the broader community.

Michael Lipsky's theory of Street-Level Bureaucracy provides foundation to examine the space and particular links between implementing policy as a process and the resulting outcome through discretion use. In our case, the paradigm of discretion by individuals charged with implementing government services for public benefit through set standards begins with the individual on the front-line processing people. Street-level bureaucracy environments serve to shape various external social, economic and political factors in service delivery include front-line people processing type work. The street-level bureaucracy environment involves a lack of organisational and personal resources, physical and psychological threat, and conflicting/ambiguous role expectations (Lipsky 1976, p.198). Lipsky (1976) proposed that given their discretionary power, people on the front-line representing government (termed 'street-level bureaucrats') significantly affect policy outcomes. Being aware of the purpose of the discretionary power a street-level bureaucrat today, determines the manner in which the purpose will be exercised through public service in public interest.

Today, given the complexity and contradictory role that a street-level bureaucrat plays to implement social policy through state and citizen based interest, different outcomes to recipients of public benefit may arise because different weights are attached to the relevant issues of legislative protection and contractual arrangements. Using a top-down one-size-fits-all policy direction deals with the contradiction to mandate a bottom-up implementation approach to service delivery as well, and protect it. Due to the structure and design of their job on the front-line, the discretionary action of street-level bureaucrats, the routines they develop, and the devices they invent to cope with uncertainty dealing with clients, is what shapes social policy outcome in the disability sector. Not only will this be an attempt to contribute to the theoretical robustness of Lipsky's theory but also assist in further understanding the complex nature of discretion in service delivery environments.

In the delivery of government agency services to the disability sector DEEWR retain the power to make important decisions that control meaningful aspects of a street-

level bureaucrat's everyday work. The structure of DES through street-level bureaucracy and the recognition of constraints – organisational, psychological, and consumer features – will assist in directing a interpretation to answering the research question – ‘what do street-level bureaucrats use discretion for to implement disability service standards?’ In looking at theoretical understanding surrounding support to employment, implementation, street level bureaucracy and discretion, the experiences of street-level bureaucrats can distinguish what discretion is used for on the front-line when providing employment services for people with a disability. The contradiction between pursuing either client or state based interest not only determines the nature, amount and quality of benefit and sanction provided by service delivery but it also embraces the contradiction of the way in which democratic society understands how terms like ‘public interest’ and ‘public service’ are to be understood and organized as benefit.

Over the years, in the disability sector, the discourse has become fraught with disagreement and diverging perceptions surrounding what constitutes satisfactory service delivery and optimal policy outcome. Deeply embedded in both interpretative and causal explanation throughout the literature is the need to better understand the neglect in policy implementation process in models constructed to explain policymaking, or to instruct policymakers in methods of better policymaking and avoiding problems of service delivery. The assumption that, once a policy has been made, then, the policy will be implemented as intended is challenged in this case. This will not only help raise issues of service quality and experience, but also the interest to which goals as standards (as policy) are kept.

The associations between policy and discretion draw attention to the pressures, irony and contradictions involved in blunting the application of a general rule. To better understand delivery of government funded services in the disability sector, the act of translating service standards will unearth actual service delivery. It is critical to know how new street-level bureaucrat discretion is exercised as not only as form of interpretation but also better understanding the Government-Nonprofit Social Service Contracting Relationship. In order to appreciate how discretion is compelled, it is first necessary to understand the forces that influence service delivery to make standards that

ultimately set out a goal to be reached for either state or citizen. Discretion in these circumstances is regularly considered to be subverting social policy (see Prior & Barnes 2011) and negative, despite research finding actions on the ground often being consistent with national employment agendas and goals (see Considine, Lewis & O'Sullivan 2011; May & Winter 2007).

Understandably, political necessity requires that attempts must and will be made to address policy problems as a result of not implementing policy as intended. However, due to the inherent nature of social policy and its mode of service delivery (face-to-face interaction between frontline service staff and service users), confronting any problem is complex, dynamic and varied. Why outcomes may sometimes be different from those anticipated by formal policy objectives is, in part due to, discretion. Prior and Barnes (2011) reflect on this in their work and pinpoint the significance of 'agency' to the analysis of why and how certain social policy outcomes occur.

In part, to explain the residual of unintended or unanticipated policy outcome in the disability sector, reports and consultation findings have added support over the past six years. The Productivity Commission (Commonwealth of Australia 2011c) found flaws in national support service, and so to, The Way Forward Report commissioned by the Commonwealth of Australia in 2009. According to one specific consultation finding conducted within the disability sector during PC 2011 Productivity Report, it was reported that that the current system is under considerable stress, and marginal change or add-on services will only lock in market models that will continue to fail to meet the needs of people with disability, their families and carers (Anon 2013). A Lipskian interpretation can outline how street-level behaviour currently affects disability service delivery between meeting employment outcome and a client's experience. Lipsky (1976) holds that policy is made in the day-to-day decisions a street-level bureaucrat adopts to cope with work pressure. Musil, Kubalcikova, Hubikova and Necasov in their ground-breaking paper, add further to this by proposing that the job of street-level policies is to establish and justify patterns of behaviour which enable street-level bureaucrats to deliver government funded services with discretion in mind. We add further to this claim, that

the policies of street-level bureaucrats also result from their attempts to avoid everyday dilemmas in their interaction with citizen-consumers.

How service delivery staff respond to their working conditions and how the pattern of their interactions with clients is determined by their position as a street-level bureaucrat permitting them to make their own procedures with respect to their interaction with clients, go to the area of policymaking we are fundamentally concerned about. To understand Productivity Commission's findings above Lipsky exposes this process and writes:

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).

Lipsky's (1980) assertion here on the origins and manifestation of copying in the work of a street-level bureaucrat can also speak to contemporary employment service practice. Street-level bureaucrats make a policy on the ground in two ways. Firstly, through individual acts of discretion and by the aggregation of these individual acts that become, in effect, policy. Secondly, by how much satisfactory decision-making capacity an agency permits and by the need to make decisions when policy seems ambiguous or non-existent. He suggests that street-level bureaucrats experience coping in their day-to-day struggles with the dilemmas inherent in their work. These dilemmas are in the structure of work (Lipsky 1976) promoting "a corrupted world of service" (Lipsky 1980, p.xiii). Street-level bureaucrats adopt various strategies to cope with incongruity in some of their work, including protecting themselves by acting with discretion. The use of discretion, in the context of Lipsky's assertion of individual strategies to cope, is consistent with the broader shift in implementation research, from studying outcomes to studying the behaviours of implementers (Prior & Barnes 2011).

DES and ADE programs vary greatly in the work outcomes of people they seek to achieve for. It is inappropriate to assess the extent to which DES staff deviate from national agenda and is beyond the scope of this thesis. Conversely however, we do consider the extent to which DES staff take actions that are in keeping with the national

policy standards, with the hope to uncover the degree to which discretion is being used. Employment placement is clearly affected by much more than the emphasis that supporting staff place on getting clients into jobs. Within the disability sector, the perception about and experience of the effectiveness of employment services as a whole towards improving job-related client outcomes in only six, twelve or eighteen months is the basis of much current discussion. The issue of quality that emerges from the use of discretion in Australian DES delivery on the front-line relates to security and security of employment (and to some degree, pay).

Rigorous contemporary literature on discretion and policy that includes disability sector knowledge and research is lean. This thesis puts forward the argument that the action of street-level bureaucrats, the routines they develop, and the devices they invent to cope with uncertainty through the use of discretion, become policy output and eventually public policy outcome. Due to the structure and design of their job on the front-line delivering government services a conflict in public service work, through policy implementation, is not only expressed by opinions of interest groups but also by the struggles between individual workers and citizens who either challenge, or submit to, the authority client processing holds (Lipsky 1976).

According to Lipskian understanding, inadequate resources, threats and challenges to authority, and expectations about job performance are part of the service provision environment. This contributes to a deviation from strategy and intended national policy objectives. The inevitable and uncontrollable role that discretion plays in this deviation highlights what shapes policy. Human service organisations implement social policy and are charged with setting the scene for street-level bureaucrat adaptations and experience. From the literature, a broad overview of ideas and practices that may shape social policy implementation in the disability sector is presented. This review of the literature is based on themes of:

1. supporting employment and implementation theory
2. street-level bureaucracy and the role of actors and agents in implementation

3. the role of bureaucratic discretion.

The disability sector in Australia is currently experiencing what seems to be a transition in job development practice. This is emphasised by contemporary disability policy in Australia that encourages self-employment and free enterprise through empowerment and self-sufficiency among people with a disability.

Within the public administration literature, debate regarding the pressure that service staff experience while delivering services can be found in writings of Prior and Barnes 2011; Keiser 2010; Hupe and Hill 2007 and Long and Franklin 2004. With disability sector service staff in Australia, employment services implement social policy that varies from the social policy laid down by government. What does this mean with relation to the influences both rules and discretion have on each other? In the space between legislation and policy, the use of discretion cannot be underestimated and may help in our understanding effects around particular outcomes that are unintended or unanticipated by those responsible for setting policy objectives at the organisational level. At this level we aim to examine the influence of street-level work on how discretion is used in the disability sector. Our research question to guide this thesis is, ‘what do street-level bureaucrats use discretion for to implement disability service standards in Australia?’ Even today, the complexity and contradictory role that a street-level bureaucrat plays to implement social policy through service delivery, highlights the problem of implementing policy as (not)intended.

Michael Lipsky (1976) proposes that given their discretionary power, people on the front-line representing government (SLBT) significantly affect policy outcomes. In attempting to develop and add strength to Lipsky’s (1976) parsimonious theory of political behaviour, the interest here is in client interaction (i.e. engagement, experience) and the notion that particular outcomes that are unintended or unanticipated by those responsible for setting policy objectives policy are deviant. The dominant narrative, that addresses the role of discretion in our administrative state, is the state-agent narrative. This view acknowledges unavailability of discretion and emphasizes that self interest guides street-level options. Street-level workers use their discretion to make their work

easier, secure, and more rewarding is too an interpretation that Lipsky (1969, 1976, 1980) himself adheres to and promotes. In addition the dominant narrative describes street-level workers as policy makers, yet it worries about the threat that street-level discretion poses to democratic governance. Lipsky's interpretation separates remarkably from this point and focuses on the individual's coping mechanisms, which he says, result from street-level work characteristics interacting with citizens within conflicting and ambiguous goal orientation. For example some street-level bureaucracies like rehabilitation programs are both coercive and normative.

The paradox of service delivery for people with a disability today, is that it uses a top-down, one-size-fits-all policy direction to mandate a bottom-up implementation approach. In the disability sector, discretion and service delivery in Australia is often believed to be controlled for through due diligence. Implementation from the bottom up within today's view of governance and the importance of allowing discretion is echoed in work by Barrett (2004); Exworthy and Powell (2004); Hill and Hupe (2002); O'Toole (2000) and Saetren (2005). These works are important for understanding service delivery in the disability sector as a contradiction. Hupe and Hill's (2007) discussion is a particularly important example of this, as it explains the accountability of SLBT in an era of multilevel governance. The space between the expectations at the top and perceived policy outcome on the front-line set the context, and this is very much dependent on how one understands what policy and implementation actually means today.

What seems to be the source of conflict and negative consideration of SLBT behaviour on the front-line, is acting in policy maker's self-interests. To consider the space between discretion and rules in this case, conflict is dependent on either positively or negatively associating discretion to outcome. Lipsky's interpretation occurs once a street-level bureaucrat perceives, that the behaviour required by a service standard they have to implement (such as those outlined in Appendix A) is incompatible with the behaviour required by their client (people with a disability who want their situation to be taken into account). For Maynard-Moody and Musheno (2000), this interpretation by Lipsky is supported in their research. Where rather than discretionary state agents who

act in response to rules, procedures, and law, street-level workers also describe themselves as citizen agents who act in response to individuals and circumstances.

As there is two distinct and different narratives of SLBT experience, this space includes varying degree of discretion use with relation to service standard prescribed by the government and this aims to ensure effective policy implementation. This may result in a variety of unintended consequences. First, it may significantly decrease the effectiveness of policy implementation in public policy process (May & Winter 2009; Ewalt & Jennings 2004). Second, the quality of interactions between staff and citizens may be affected, which may influence the output legitimacy of government (Bekkers, Edwards, Fenger & Dijkstra 2007). How discretion is used on the ground may vary between consumer types and service provider capacity across the sector as well. Discretion may determine, not merely the nature, amount and quality of benefit and sanction provided by a contracted service provider, but also who will receive the benefit and in whose interest those terms will be implemented.

By determining the work demands of street-level bureaucracy on street-level bureaucrats and what forms of discretion are available to be used by them when offering employment and support services to job seekers, this thesis will be touching on aspects of political behaviour identified by Lipsky's (1976) theory as influenced by social environment. This project will not address whether or not street-level bureaucracy delivers public services efficiently, which is beyond the scope of this paper. Using street-level bureaucracy as its theoretical perspective adds support to this paper's methodology and is important when recognising what government uses as an organisational structure to deliver a wide variety of contracted services to its citizens. Support to employment is one service of many offered today by street-level bureaucracy. Being concerned with the examination of discretion in these conditions, this work will explain theory and focus toward interpretation, in particular, the impact of implementing disability service standards with discretion for marginalised groups from the perspective of policy implementer.

In considering factors that shape ‘agency’ (state-agent/citizen-agent), Lipsky (1976) is a solid starting point. According to Lipsky (1976, p.197), influences to consider when thinking about unintended policy outcomes from street-level activities include the lack of organisational and personal resources, physical or psychological threat, and conflicting or ambiguous role expectations. Who gets what from government is partly determined by who applies for government programs (Soss & Keiser 2006). In the disability sector in Australia, each program’s (DES/ADE) purpose, structure and processes is being shaped, in part by activity of front-line staff with citizen-clients when responding to local, state and even national policy frameworks. Understanding how street-level bureaucrat jobs are structured within the national setting, will assist in considering what street-level behaviour entails and structural drivers that influence when and how discretion is used. An interesting addition here is in Prottas (1979, p.92) who explains that due to client characteristics, many rules require combinations to encourage discretion to become introduced into a formal prescriptive system. In any case, making policy work in a street-level bureaucracy requires limiting discretion for some. Ultimately this is due to street-level bureaucrats being seen as not acting in the interest of the service provider they work for (Evans 2010, Lipsky 1980) and not accepting there is a distinction between state-agent and citizen-agent views about the world.

Research on what employment services offer support is also lean (see Glover & Frounfelker 2011; Whitley, Kostick & Bush 2010; Kluesner, Taylor & Bordieri 2005). Productivity Commission (Commonwealth of Australia 2011c, p.11) findings identify a weakness in the present system with poor evidence-based practice. This is a concern, as service users are unaware of the implications DES policy has for them. This is in contrast to what is an expected outcome from the DSS (i.e. standards 2, 3, 5, 8). The problem of little to no future planning in DES programs has been acknowledged in findings of the Productivity Commission (Commonwealth of Australia 2011c, p.11). The subsequent federal government’s recommendation to introduce National Disability Insurance Scheme (NDIS) was a step towards closing the gap between government, service provider, service user, employer, and the general community. However it is questionable under the new scheme, whether there was consideration for citizen-agent narrative in new disability service standard released in April 2014.

Methodology & Method

The purpose of this thesis is to interpret the use of discretion to deliver public service in public interest. The paradox of service delivery in the disability sector is that it uses a top-down, one-size-fits-all policy direction to mandate a bottom-up implementation approach. Street-Level Bureaucracy theory will provide a useful foundation for examining the link between the process of implementing social policy directives and the resulting outcomes. The role discretion will play implementing social policy in a service delivery context, relates to the connections between personal, organisational and structural levels of the implementation cycle, within representative bureaucracy today.

To better understand the link between intended policy and the actual outcome of a policy, we require the description of day-to-day experience on the front-line. The ontological and epistemological understanding it develops will act to establish the methodological foundation and reveal results from street-level experiences. In turn this will help us to understand the depth of discretion used on the front-line of supported employment practice in the disability sector. Researching discretion will emphasize the space, where opportunity to intervene on behalf of the client as well as to discriminate among them based on organizational requirements endures. SLO are highly unsure about personalized service delivery in this space. Lipsky (1981, 1976, 1969) has primarily focused on this enduring source of conflict by emphasizing provocation between the objectives of managers and the objectives of front-line staff in a SLB.

The need for credibility, dependability, confirmability and transferability to maintain rigour and keep methodological integrity is important for this case as a means of answering the research question. The goal is not to predict or infer causality, but understand what meaning SLBTs attach to the use of discretion when implementing DSS. With this paradigm, the single case study design is suited to highlighting how we, as individuals, understand human experience. According to Bryman (2012), Casey and Houghton (2010), Grant and Giddings (2002) and Crotty (1998), the single case study can best permit an interpretation of and understanding about a situation or context. This

interpretation and understanding that follows, according to Luck, Jackson and Usher (2005), has the capacity to offer meaningful, situational and sometimes interrelated descriptions of a phenomenon, connecting practical and complex events to theoretical abstraction. Which in turn assist in credibility, dependability, confirmability and transferability of end results (Houghton, Casey, Shaw & Murphy 2013).

The perspective of the policy maker on the front-line is important because, while being expected to exercise discretion in response to individuals and individual cases, a SLBT also processes people in terms of routines, stereotypes and organisational standards creating a contradiction (Lipsky 1980, 1976). Hoyle (2013) used a case study design to enable a practical, yet theoretically appropriate approach in her study on nurse discretion and policy implementation. Dempsey and Ford (2009) used a case study design when examining employment for people with intellectual disability in Australia and the United Kingdom. Thornton and Marston (2009), when researching welfare-to-work policy implemented by the Australian Federal Government in 2006, used a case study design to better understand new work and activity obligations on people applying for the disability support pension and highlight an ethical dilemma surrounding who to serve when, the interests of the organisation and the welfare of the client are mismatched. Durose (2007), in her paper argued against a traditional role of front-line public sector workers working under contemporary governance arrangements and uses a case study design to highlight a new rationale and narrative of front-line public sector workers. In all four examples of qualitative research method using case study design, participants involved described what they did as contributing to policy making or implementing policy and provided information about their own behaviour. This has been shown in the literature (also see Casey, D., & Houghton, C. 2010 for further clarification on specific approaches) to be a research method design that permits front-line interpretation of one's own understanding about situations within street-level environments and therefore instrumental.

Participants

Participants involved in this study were employed in a variety of disability employment support roles in Australia (see Appendix B). Seventeen participants with ages ranging between 18 years of age to 61 years of age took part. The small number of participants is in keeping with the inductive reasoning inherent in the methodology used

(see also Nagy, Mills, Waters, & Birks 2010). The time participant have spent working in the disability sector ranged from 14 months to 23 years. The positions of participants included support administration, employment placement, sales, case management and general administration management (see Appendix B). Their duties include various responsibilities of assessment, preparation and training of candidates, marketing, job placement and on-site job support to a client. All 17 participants are involved with individuals seeking employment assistance and work in government contracted service delivery organisations.

Procedure

The study is grounded using both primary as well as secondary literature to maintain balance. The two year research process followed: secondary data collection, secondary data analysis and interpretation, ethical clearance, negotiation of participant inclusion, primary data collection, primary data analysis and interpretation. In May 2013, ethical approval was granted by Griffith University. Negligible risk was assessed in this project and subsequently ethical clearance was granted. Written informed consent was obtained using procedures approved by the ethics committee. After initial contact, consent forms were provided to each participant and confirmed. Upon agreement to participate and return via CMC, negotiation was made regarding daytime and date arrangements for conversation to take place. This process was deemed necessary to ensure the participant continued to be willing to take part in the study. To protect participants' anonymity, audio recordings were destroyed following transcript completion. Transcripts were made anonymous immediately removing participant names and other recognizable details (e.g. organisation). With relation to research interest, the project received no specific grant from any funding in the public, commercial or not-for-profit sector interest that may influence its outcomes.

Data Collection Method

Semi structured interviews were conducted between July 2013 - November 2013 by CMC for qualitative analysis and interpretation. (see Elmir, Schmied, Jackson & Wilkes 2011; Chapple 1999 for further explanation). Each interview followed an interview guide with twelve open-ended questions (see Appendix C). The questions were articulated after considering ideals found in the DSS (see Appendix A for ideals).

Participant disclosure of their own accounts of discretion when answering open-ended questions was encouraged. Interview time ranged between 40 minutes to 65 minutes. Audio recordings were transcribed verbatim, immediately after the interview to ensure accuracy, then analyzed inductively for themes. This was to emphasize that no a priori framework to code data would be used and no specific themes or categories of participant responses would be anticipated in advance. Instead, data was analyzed carefully and with an open-mind in order to identify the issues and arguments that participants raised themselves.

A thematic analysis outlined by Braun and Clarke (2006, p.87) was used with transcriptions and involved six phases to help develop themes to capture important patterns in participants' views on the role discretion plays implementing social policy. 'Thematic analysis can be an essentialist or realist method, which reports experiences, meanings and the reality of participants, or it can be a constructionist method, which examines the way in which events, realities, meanings, experiences and so on are the effects of a range of discourses operating within society.' (Braun and Clarke 2006, p.81). Published work by Bernoth, Dietsch, Kisalay-Burmeister and Schwartz (2014) and Strachan, Yellowless and Quigley (2013) both follow this process, and emphasized how it can highlight the development of descriptions and interpretations of participant stories.

Each interview was read and coded by hand. At this stage, the codes were descriptive and inductive, based on what was actually discussed. For each interview, codes were written on one side of the page margin, and the researcher's arising thoughts, impressions and any possible connections, among codes with the relevant literature was noted on the other side. There were 30 descriptive codes from all interviews. Following this discussion, similar codes with the corresponding quotes were grouped together forming 6 categories. All the categories and their contents were then compared for differences and similarities through a cyclical process with adjustments between codes, ideas, and interpretation. As a matter of interest, any codes not grouped during the earlier stage were revisited to check whether the categories could be adjusted to provide a more comprehensive and accurate representation of the codes or excluded from the analysis.

Findings

The aim was the continuous analysis and synthesis of categories into themes that were directly linked to the interview data, and at the same time enabling movement from a descriptive stage to a conceptual level. Themes on the topic of discretion use, considered perspectives on the involvement of authority, individual role expectations, participant workload, client contact with managers and service users, industry specific knowledge and expertise, incentives driving/inhibiting participant discretion use. The ability to act on own initiative when necessary within policy guidelines was clearly communicated by all participants, and in their role of support. This often included having to adapt to changing situations, being flexible when dealing with clients, setting priorities with the client primarily in mind, and managing one's own time effectively. In conversations, it was not disputed by any participant, that they themselves were accountable and responsible for their own practices when dealing with people seeking employment services. Their ability to relate to, and interact with, a individual with a disability was strongly identified, and often coupled with having to responding to or handle difficulties.

The capacity to liaise and network with others, including other staff and managers, professionals, client's families, advocates and significant others is a common situation where discretion participant discretion was used. Some participants demonstrated an ability to use discretion with confidential and sensitive information; setting priorities, effectively managing time and taking initiative to undertake a range of duties with limited supervision. All 17 participants focused on details with empathy and cultural awareness and displayed no argumentativeness or avoidance in answering any interview questions. Recognizing participants are part of a team in an organisation with rules, most discussed a requirement for flexibility and initiative to obtain outcomes. With this, came a strong sense of social justice and an ability to see every person as unique with potential for a positive future. The sophistication of knowledge gained from qualitative inquiry here, assists with enhancing Lipsky's (1969) theory of political behaviour. By highlighting the control and use of discretionary power in service delivery, Lipsky's theory is instrumental in implementing social policy today.

Pertinent to social policy implementation through disability strategy the relationship between citizen, street-level bureaucrat and government becomes tinted. Disability sector policy in Australia, it would seem, emerges from interactions between interdependent actors as they share and negotiate beliefs, values and interests in public policymaking and implementation. Bureaucrats have attitudes that influence how they implement policy. These attitudes arise from their experience inside and outside the bureaucracy (Meyers & Vorsanger 2003). If bureaucrats play a role in explaining how the bureaucracy implements policy (Meier & O'Toole 2006; Eisner & Meier 1990) is the attitudes or values of street-level bureaucrats that affect policy implementation, or the goals of managers, the organisation or something else? Within implementation literature using inductive research designs and individual-level data, there is evidence that values play a role in determining how bureaucrats implement policy (Kelly 1994; Lipsky 1976; Maynard-Moody & Musheno 2003; Vinzant & Crothers 1998).

In summary, the ability of bureaucrats to translate their values into public policy can be affected by several issues. Because there are often substantial limits on representative bureaucracy (e.g. organisational socialisation, structured jobs, lack of relevant decisions, location in the hierarchy, legal constraints), research on the topic specifies precise ways that representative bureaucracies perform their function in the public policy process (see Wanna et. al. 2010) and assesses relevant policy impacts as a result. Implementing disability service standards on a daily basis highlights an ambiguous, contradictory role and in some ways the unattainable role expectations which street-level bureaucrats face. What disability sector staff in Australia, do to implement social policy on the front-line, is central to its politics and public policy interest. The delivery of a wide range of human and community-based services, which are crucial to addressing disadvantage and promoting a more inclusive society, involves government, NFP and for-profit business. This thesis explores some theories on how discretion is exercised and links them to street-level bureaucracy practice and street-level bureaucrat behaviour. It evaluates the way in which discretion is used by regulatory agencies and goes on to focus on the manner in which the ACCC has used its discretion in interpreting public benefit within the authorization process.

Policy implementation and management of public programs increasingly moves beyond public bureaucracies today, and is a phenomenon which, according to Pierre and Peters (2000), Peters (2001) and Kettl (2002), involves governance. As politics and policy is broader than simply what the government does in the name of citizen demand, the literature highlights a struggle between its nature, and the amount and quality of benefits and supports delivered through contracted service delivery. In order to understand the context and experience of disability in Australian human services and better understand what street-level bureaucrats use discretion for, the next chapter will guide contextual understanding for support to employment and policy implementation within the disability sector in Australia.

Chapter 1 - Support to Employment Participation: Disability Implementation Theory & Literature

Support to employment principles, include clients' self-determination, fitting a client's preferences, integration between advocates, ongoing support, and non-exclusion from participating services. Social inclusion according to Kelly (2010) refers to the access of favorable opportunities in society to enhance one's life chances; its absence is social exclusion. For support to employment, a person's willingness to access resources rather than having them imposed upon them by the state is fundamental. The individual focus built into support to employment, positively, centers on a disabled person's strengths, needs and aspirations in relation to their motivation for becoming employed. In doing this, it is said in the literature to locate the solution to the problem of exclusion from employment in our community. Studies by Mueser, Clark, Haines, Drake, McHugo, Bond, Essock, Becker, Wolfe and Swain 2004; Lehman, Goldberg, Dixon, McNary, Postrado, Hackman and McDonnell 2002; Drake, McHugo, Bebout, Becker, Harris, Bond and Quimby 1999, adhere to support employment principles through a person's willingness to access resources and all associate it with higher employment rates. The individual focus built into support to employment, highlights, the abstract policy problem using a top-down, one-size-fits-all policy direction to mandate a bottom-up implementation approach. This leads to the question of client outcomes, by not implementing policy as intended through the use of discretion.

What disability sector staff do to implement social policy in Australia is central to its politics and public policy interest. The management of public programs increasingly spills beyond public bureaucracies and is a phenomenon that, according to Pierre and Peters (2000), Peters (2001) and Kettl (2002), is called governance. As politics is broader than simply what the government does in the name of citizen demand, the literature highlights a tussle between its nature, and the amount and quality of benefits and supports delivered through contracted service delivery. The experience of this tussle, in the disability sector, is controlled by its definition. In policy, the grouping is dependent on whether 'impairment' (term used in Disability Act) relates to a person's functioning of

their mind and senses, or to a person's anatomy or physiology. Disability is a sensitive issue in our community and we often need reminding that the issues involve people and not crude categories that mask a deeper reality. To work within these deep parameters, experiencing a disability poses many challenges for government, service staff, business, and society.

Disability Sector Background - Employment

The Disability Services Act (DSA) is based on six specific objectives and fourteen principles, which form the basis of the construction and the administration of the Act. It follows from this that DES and ADE are strongly focused on the achievement of positive outcomes for people with disabilities, such as increasing their independence and improving their integration into the community. The DSA provides a basis for funding services for people with disabilities in all these areas of achievement. The Disability Services Standards (DSS) have been developed in the context of the Commonwealth + State Disability Agreement, to accommodate and support national achievement. The terms 'people with a disability' and 'consumers' have been used in the standards. Where 'consumer' is used, this refers to a person with a disability (or his/her family or carer) who receives a service from an agency funded under the Commonwealth Disability Services Act or state/territory services funded within the scope of the Commonwealth State Disability Agreement.

Service providers follow a due diligence process encouraging the delivery of uniform service standards to citizen-consumers through either DES or ADE. The DSS outline the Australian Government's requirements for service quality, which rest in the five main areas of values and principles: service outcomes, service delivery, service management, staff recruitment, and employment and training. As a set of 12, the guiding standards for the delivery of quality services are:

Standard 1: Service access

Standard 2: Individual needs

Standard 3: Decision-making and choice

Standard 4: Privacy, dignity and confidentiality

Standard 5: Participation and integration

Standard 6: Valued status

Standard 7: Complaints and disputes

Standard 8: Service management

Standard 9: Employment conditions

Standard 10: Service recipient training and support

Standard 11: Staff recruitment, employment and training

Standard 12: Protection of human rights and freedom from abuse

The 12 standards specifically assist with the implementation of disability employment services by outlining goals for employment policy, broadening opportunity to service user, increasing service range, and being inclusive of the wider Australian community. The standards are underpinned by social justice values and supported by 26 key performance indicators. All DES providers are required to be certified and to comply with all 12 standards through the DES Deed 2012-2015. Non-conformity that is not resolved by a service provider can result in serious consequences, culminating in the withdrawal of government funding.

When considering the structure of the standards, each national standard is made up of three parts. First is the purpose that focuses on the reason for the standard. Second is a statement of the results to be achieved for each consumer from the implementation of that standard. Third is a key practice that the service should have in place to achieve results for consumers (Department of Social Services 2013). The current DSS (Appendix A) outline the government's requirements for service quality. According to a discussion paper on building service success, one national service provider claims:

The Disability Service Standards have underpinned a better focus on individual job seekers. The standards have supported a more professional service overall. Importantly, the DSS includes the principle of maximizing control over services and the centrality of choice of employment. These provisions are important checks against elements of the competitive system that have tended to work against the needs of individuals, towards coercion and against collaboration. In our view, the higher attendance rates and full-time employment rates of DES-DMS participants are (in part) a reflection of the greater focus on individual needs. The performance framework for DES was recently enhanced; however we are of the view that further enhancements are necessary to mitigate perverse incentives, especially in the Ongoing Support phase (Anon 2013, p.4).

It can be said that we do not know how meaningful employment in Australia is being met for a client's goals beyond service provider job placement numbers. The experience of supporting individuals into work is less well documented. Of particular concern in the disability employment policy arena is the types of conclusions made about employment rates when support to employment is being implemented by service providers (Silverstein, Julnes & Nolan 2007). The shift from block funding to funding that rewards achievement of employment has been positive. In our experience, people come to employment services because they want a job, not because a client wants to be in a service. The use of indicators to measure the proportion of participants achieve employment is clearly relevant. But the indicators that drive the calculation of star ratings (and payment of funds) are far more specific and far narrower than the outcomes that the DES program is intended to achieve (Anon 2013, p.13).

Disability employment services use Australian government funding to deliver a range of disability support services and this is initiated in two funding streams. First, under DEEWR is the DES stream, it will provide employment assistance in obtaining and/or retraining paid employment in the open labour market to people who would normally be capable of gaining open employment yet who require pre/during/post-employment support in stages of their working experience. Second, under FAHCSIA is the ADE stream, by services that provide ongoing employment opportunities and assistance to people with disability in specialized and controlled work environments

(controversially known as supported employment). Under the National Disability Agreement, the Australian Government has responsibility for the provision of employment services (i.e. DES or ADE) for people with disability, and the states and territories have responsibility for the provision of other services. People who experience disability and are of workforce age are citizens strongly associated with being economic agents (Williams 1999). It is for this reason paid employment is privileged over other forms of economic and social activity (Peck 2001), placing both DES and ADE program provision front and center.

Within disability employment services in Australia, there also is a focus on education, training and skill development to increase client chances of getting and staying in a job. From 2013/14 it is funded by the newly formed Department of Social Security (previous funding arrangement up to 2013 by DEEWR). It includes two programs, the Disability Management Service (DMS) and the Employment Support Service (ESS). The DMS provides assistance to people with disability, injury or a health condition who need the assistance of DES and who might need irregular or occasional support to keep a job. The ESS provides assistance to people with permanent disability and who require regular, ongoing support to keep a job. Both programs reflect a national network of community and private organisations dedicated to helping people with disability find work and keep a job in the open labour market.

What supported employment means in either DES or ADE terms and what it represents as implemented social policy are two very different but somewhat related areas concerning disability service goal achievement. For people in Australia who would not be able to perform paid work in the general labour market without ongoing support, academic literature by Considine (2013, 2008) raises fundamental questions about the role of government in the process of ADE policy implementation and ultimate outcomes for people who are not able to perform paid work in the general labour market. This varies from, DES policy implementation from those who can. For reasons unknown, individual and ongoing support outside ADE/FaHCSIA funded service, on which Considine's (2013, 2008) research primarily focuses, is intriguing. One research example that has however gone down the DES/DEEWR path is the work by Kelly (2005). She

likens it to “the dilemma of the unsatisfied customer” in her research in the context of accountability and administrative performance in the present market model of public administration.

The foundation on which the nature, amount and quality of benefits and sanctions to assist people with a disability into sustainable employment appropriate to their capacity is the liberal model of social justice (Thornton 2005). Declaration for greater empowerment, by disability writers and advocates in Australia, is made almost entirely on the basis of social justice (Lantz & Marston 2012). Consequently, one primary concern from this is to protect the freedom and well-being of the individual from possible infringements by the state (Michailakis 1997, p.26). This is demonstrated when considering an Australian welfare governance system that has become inclusive of justice through employment promotion. Schram (2010) notes: “Citizens ... are now synonymous with ‘taxpayers’ who have a contractual right to expect efficient and effective institutional actions that produce a good return on their investment” (2010, p.743). Without delving too much in Legal Philosophy, one consequence of justice when considering Schram’s stand point, is the guarantee of due process for service users and their access to appeal or complaint mechanisms that relate to a service they experience. In our case, deliberations and decisions about what constitutes a ‘just act’ however, depends on the manner in which discretion is exercised by the independent regulatory agency of employment service providers. The implication of this, plays into self-regulation, compliance and the encouragement of ethical practices to curtail discretion while also avoiding unexpected outcomes in the Disability sector. When considering the coloured way in which discretion is viewed and controlled, legal and institutional factors can limit its exercise, but so too can the regulatory strategies being relied on too. This is when we might begin to question whether discretion is at all a pervasive means to an end, and become skeptical even about controlling for its use.

Support to Employment - Participation

Today, people with a disability are statistically more likely to be unemployed than people who do not have a disability. One model commonly used in supporting

employment provision is ‘place, train and maintain’ (Weston 2002). The individual focus of supported employment positively centers on a disabled client’s strengths, needs and aspirations in relation to employment. The ‘train’ component centers on specific task analysis, where the job is broken down into small, trainable steps. This can involve systematic instruction depending on service user (dis)ability. Breaking down job tasks into specific stages, the use of tactile and non-verbal prompts, and natural reinforcement in the workplace are common ways to teach job tasks. When involved in ‘train’ and ‘maintain’ components, ongoing support to the individual is provided as necessary. In many cases this progresses to natural support in the workplace, where co-workers support the employee, rather than the service provider support worker supporting the employee. Service providers are strongly encouraging this process to employers, as it is considered to provide more effective support to the employee than that given by employment support workers (Weston 2002). Although, when considering ‘placement’ colleagues at work who support disabled employees, and how this affects maintaining and keeping a job, is not common in literature.

The principle of providing support to employment indicates a type of employment status as well as a practice to include people with a disability. In Australia this status, supported employment, refers to:

Competitive work in integrated work settings consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals, for individuals with the most significant disabilities for whom competitive employment has not traditionally occurred; or for whom competitive employment has been interrupted or intermittent as a result of a significant disability (Bond 2004, p.346).

As a practice, supported employment refers to government funded programs to help people with disabilities find and keep these kinds of jobs. The practice of getting applicants job ready, to provide support to people with disability or impairment who would not be able to perform paid work in the general labour market without ongoing support, (see Lysaght, Cobigo & Hamilton 2012; Considine 2013, 2008; Bond 2004) will

not be a topic of discussion in this thesis. Some typical models include small business enterprise, work crews, enclaves within industry, and individualized job placement. In this study the focus is on competitive employment training and placement services for people with disabilities that have been established to assist them obtain and maintain award wage jobs in the general market and who are not developmentally disabled or physiologically challenged in keeping a job. Despite both independent groups experiencing barriers to employment, services assist in the development of positive as well as negative outcomes for service users (citizen-consumer). Just under one in five Australians (18.5% or 4.0 million persons) reported having a disability in 2009 (ABS 2012).

Labour force participation is believed to provide the indication of a desire for and the availability of paid work, and the ability to obtain and perform such work. Of people with a disability aged 15-64 years, 54% were participating in the labour force, compared to 83% of the non-disabled population (ABS 2012). Historical data indicates there has been little progress in relation to improving the labour force outcomes for people with disabilities over 16 years from 1993 to 2009 (ABS 2012). Of those people aged 15-64 years who were living in households and had disabilities, over 51% reported being restricted in the type of job they can do. In terms of other employment restrictions experienced by people with disabilities, 30% reported they were restricted in the number of hours they could work and 41% reported having difficulty changing jobs or getting a preferred job (ABS 2012). Of those people with disabilities reporting needing special employer arrangements and assistance in employment to enable or assist them to do their jobs, 37% reported needing special equipment and 22% needed conditional duties accommodating for disability type. Data relating to participant time in employment, disability service re-entry rates after becoming unemployed, and how both categories may vary between participant age groups over a generation cannot be found by the writer of this thesis. Nevertheless, it does seem certain, according to ABS (2012), that those who have a disability and are capable of working in open employment and are not using government funded programs will vary.

Support to Employment Theory and Action

According to the Disability Services Act 1986 (DSA), support to employment services means services to support the paid employment of people with ‘impairment’ (disability). The quality strategy for disability employment and rehabilitation services is part of a National Disability Strategy 2010-2020 announced in 2009. One aim of this strategy is to improve the workforce participation of people with a disability, who normally would not be working. This influence, which is also in line with the Social Inclusion and Disability Employment Strategy 2012-2022 announced in 2010, goes a long way to explaining assistance and support from a range of Australian Government-funded disability services.

In theory, ‘support to employment’ is primarily charged with emphasizing the benefits of individuals with disabilities to having opportunities for real, integrated work as members of a community. In Australia today, innovations of workplace support and employer leadership have helped increase the capacity of service providers and the business community to include people with disabilities in the workforce (Anon 2013). For more than a decade, support to employment has been associated with new methods of job development, marketing techniques, transition from school to work, self-determination, person-centered planning, assistive technology, and co-worker training (Anon 2013). These areas have encouraged individuals with significant disabilities to be involved in competitive open employment. However, on the other hand, work crews and enclaves are also seen to be a part of alternatives to encourage segregated workshops for people with severe disabilities as a type of support to employment nationwide, and to some degree controversially remain today as an option. Although this approach has been improved, it has been recognized that wages and integration are not reaching the desired levels in quality of life (Commonwealth of Australia 2011c). This has subsequently given drive to the NDIS initiative (i.e. as outlined by NDS) to protect work as an option where open employment would not be an option. Individual placement is, however, more favored and most likely seen to produce better outcomes for consumers in the disability sector.

Beginning in the early 1980s, customized employment strategy research has been drawn from a model where the key element of the model is a ‘place-then-train’ approach to employment (Griffin, Hammis, Geary & Sullivan 2008; Callahan 2003; Rusch 1990). Support to employment is intended to extend employment opportunities to individuals with a full range of support needs, replacing a focus on ‘prerequisite’. The emphasis is to learn on the job and have access to long-term support in the process. Research conducted in the mental health field has established empirical evidence for the effectiveness of this type of supported-employment model. This may include individualized and rapid job search, focus on good job matches, emphasis on job seekers’ preferences and needs, and building relationships with employers (Becker, Swanson, Bond & Merrens 2008). Promising support to employment practice this way includes involving family and friends in the job search, using job restructuring or job creation to expand employment opportunities, and using planning strategies such as person-centered career planning that emphasize choice, empowerment and an effective job match.

Support to employment practice that emphasizes citizen-consumer choices, empowerment and an effective job match includes innovative practice in working with network players. This includes the value of developing a relationship with the employer and the need to understand the work environment and employer needs in that process. Currently in the disability sector in Australia, for some there is less scope to deviate from formal controls and constraints when dealing with network players to allow for this, yet for others there is enough. Although rules do influence the complex tasks faced in support for employment, this in turn may determine the extent to which values come into the performance as well.

The link between service delivery and citizen-consumer satisfaction in the disability sector is administrative implementation through contract management by meeting service standards. One example to implement and manage disability service by this means, is through case management (Peck & Scott 2005). One of the contractual duties of case management is to monitor the conduct of the citizen-consumers to ensure they comply with their activity agreements in order to receive support into employment. This highlights state-agent and citizen-agent contradiction.

Case Management & Role Ambiguity

Case management highlights well the obscurity surrounding dual state-agent/citizen-agent roles in front-line ‘people as processing’ (Prattas 1978) agent interaction with citizen-consumers.

Policy ideas in the abstract ... are subject to an infinite variety of contingencies, and they contain worlds of possible practical applications. What is in them depends on what is in us, and vice-versa (Majone & Wildavsky 1978, p.113).

This ambiguity is not easily reconciled in practice. Lipsky (1976, 1971) makes reference to front-line staff developing coping mechanisms from an internal struggle (otherwise known as cognitive dissonance see Berkowitz 1969 for definition.) and contradiction in the work they do. The wish of front-line staff to negotiate, or simply avoid, altogether the dilemmas of their work with clients has been examined in the work by Musil, Kubalcikova, Hubikova & Necasova (2004).

In its 2011 report, the Disability Care and Support inquiry by the Productivity Commission highlights that it would be more efficient for clients to make their own decisions. No matter how good the case manager, the individual has more information about the complexities of their lives than anyone else. Therefore, they are best able to determine the path that will suit them (2011c, p.356). An approach to finding jobs for individuals with significant disabilities that has proven to be successful with self efficacy built through participation in employment services is customized employment (Inge 2007). Designed to foster decision-making and control by the service user, customized employment begins with an individualized determination of the strengths, needs and interests of the job candidate with a disability. Support and input can be provided by an employment specialist, family members and significant others. At the heart of this perspective is the belief by employment service staff that individuals with significant disabilities can make valuable contributions to businesses. Customizing a job for an individual with significant disabilities requires spending time with employers. The employment specialist’s responsibility is to ask questions that will uncover the

company's needs, sometimes not recognized by the employer, and then matching these with the needs and interests of the job seeker with a significant disability.

When considering role ambiguity in the disability sector and relevant reasons to implement and manage disability service standards as rules, it is also important to consider the protection of end-users as clients to allow for inevitable service delivery gaps from case management. Many studies have examined means to increase labour market integration of people in ways that include job monitoring in work environments (Roulstone & Warren 2005); social inclusion (Reitman, Drabman, Speaks, Burkley & Rhode 1999); advocate evidence-based practice staffing (Marshall, Rapp, Beck & Bond 2008); policy entrepreneurialism (Arnold 2013); and job coaching (Bill, Cowling, Mitchell & Quirk 2006). Many of these recommendations, however, miss the actual lived experience of people with a disability when accessing services. In addition, they do not question some of the assumptions inherent in social welfare reform that guide and control bureaucracy. Government, from the explanation of the writer of this thesis, is struggling with empowering service providers enough to meet political demand in our community, while also avoiding the quicksand that makes them so powerful as to challenge democratic rule. This in theory is highlighted by developing boundaries to manage front-line staff power when interacting with citizen consumers, promote coordination and seek accountability surrounding service provider auditing (Evans 2010).

Early work by Gold (1973), Hunter and Bellamy (1976) and Rusch and Schutz (1979) on assisting individuals with learning disabilities to engage in meaningful activities has developed over the last three decades into various models of support in employment (see Beyer & Robinson 2009). Lantz and Marston (2012) interviewed 80 DES clients over a 12-month period and found that few participants saw the continuous flow of required 'activities' as meaningful steps to achieving employment. They saw it as a 'performance' required to fulfill their contractual obligations (Lantz & Marston 2012, p.865). The study highlights dissatisfaction with some key processes and features of the DES:

- the assessment process, which was perceived as focusing on what people could not, rather than could do
- frustration at activities
- a lack of time with consultant supporting staff
- being forced to switch providers after 18 months in the program.

The competitive nature of the comparative performance framework and the star ratings system (i.e. Disability Employment Services DEED quality assurance) drives efficiency and cost saving. However, for some it discourages collaboration and increases risk selection (i.e. parking – diverting resources from clients who are difficult to place to the easy-to-place clients, and creaming – preference given to easy-to-place clients) of certain participants.

While apparently offering choice, procurement based on star ratings may stifle innovation and drive risk-averse services. In the case of DES, there are signs that the overwhelming focus on payable outcomes may indeed be at the expense of delivering a service that meets the needs of individual clients (Nevile 2013, pp.72-73; Nevile & Lohmann 2011, pp.63-64). Salzer and Shear (2002) and Meir and Bohte (2001) both identify consumer-provider benefit while evaluating consumer-delivered services and consequently reflect the importance of this very point. Individuals differ however in terms of the attitudes and beliefs they hold, what they value, and how they respond to their environment. Research by Edwards, Scully and Brtek (2000), Adler, Skov and Salvemini (1985), and Hackman and Oldham (1976) investigated how these individual differences may be influenced responses as a result of work design. They are important points for the reader to consider within this thesis as it offers an exploratory framework describing what influences the way that a front-line worker in a human service organisation puts into practice the goals of national policy, but more so the goals of citizens as consumers, while the service provider institution only serves the interests of political principals

Power and Social Exchange

Power is a special case of the exercise of influence: it is the process of affecting policies of others with the help of (actual or threatened) severe deprivations for nonconformity with the policies intended (Laswell 1950, p.76).

A necessity of power is highlighted in the associations between policy networks. These resource-dependent organisations rely on one another to achieve their goals through exchanging resources. Rules regulate this process of exchange while encouraging an outcome. This arm-wrestle knowingly creates variation in the distribution of resources and outcomes, both within and among all the networks. With this understanding, as outlined in Rhodes, Binder and Rockman (2006), conflict is inevitable; administrators have important resources that policymakers need, including information about their programs and the capacity to act. One concern for disability employment policy achievement, in Australia and internationally, is democratic control of policy implementation in that process. The scope and significance of what really shapes political and power relations, in a policy process for objective achievement, is remarkable and dynamic.

Current discussions on the nature of power, considering welfare governance systems and disability employment promotion in policy implementation, are few and far between. There is one particularly important focus that requires attention when considering adherence to either state or citizen agent need. The control of a de facto policymaker, as it raises a sharp set of contradictions between:

- incentive and contractual structure combinations
- conformity to policymaker goals
- policy adaption during the implementation process.

Over the past decade in Australia, particularly in the last three years, there has been considerable reform to the human service delivery system outcomes to include people with a disability.

When considering what applies to control in service delivery involving supporting employment services, Lipsky (1976) explains influence surrounding who gets what, how, when and why. To assume service provider A's role has power over individual client B's role is simplistic and somewhat inaccurate. Although the assertion that a service provider staff member has (some) power over a voluntary client is not an empty claim, it is however not very informative. A more complete account, that is also in line with Dahl's (1957) understanding, indicates:

- the source, domain or even a basis of the staff member's power over a client
- the means or tools used by a staff member to exert power over a client
- the amount of power over client experience
- the range or scope of power over client experience.

This basis of experienced policy is pertinent when available resources are inadequate: work proceeds in circumstances of physical/psychological threat and authority is challenged; expectations about performance are contradictory/ambiguous and include unattainable idealized scope (Lipsky 1976, p.198). The stressful conditions under which service delivery staff must often work are good examples to examine either positive or negative notions surrounding discretion. As it often can provide us with possible basis of power through pursuit of commonly acknowledged goals (DSS) or strictly determined rules (Disability Employment Services DEED quality assurance).

Designed to encourage innovation, leading to improved outcomes and better value for money, the practice of providers is significantly constrained by administrative and compliance arrangements. Benefits would be expected to flow from encouraging a more innovative approach to practice (Advisory Panel on Employment Services Administration and Accountability 2012, p.20). As indicated by Considine (1999), there are important questions in this field regarding the extent to which governments can continue to direct or control these diverse systems, and the extent to which new steering methods can include a public interest component. The forms of system development within contemporary welfare states that express these ideas are easily recognized and involve greater use of

local operational discretion by bureaucrats. They will be highlighted further in chapter 3. For the purpose of this chapter, the use of purchaser–provider agreements, the development of quasi-markets, and the widespread embrace of case management in welfare programs and coordinated care in the health and disability sectors, demonstrate the top-down power answer to these questions.

Policymaking as a process, from formulation to implementation, includes official service standards that mandate behaviour. Assuming that we can distinguish rules from principles and that all people are rational, according to Dworkin (1977, pp.26-27), one rule is not more important than another within a system of rules, and when two rules conflict one of them cannot be said to be an acceptable rule. Accordingly, principles have a dimension that rules do not. This too is an important distinction to make when considering conflict over interactions with citizens in policy administration and management. From this separation, it is in terms of choices that may be made where there are no rules or standards that questions may be asked. This is more decision-making and must not be confused with discretion. The greater engagement of service users (i.e. job seekers, workers and employers) in the way that services are delivered through NDSS is consistent with our government’s social inclusion and human rights agendas, which recognize the importance of people with disabilities having a voice to make decisions about issues that affect them. However, inevitably, unintended consequences of policy arise that often contradict this and other initial policy intentions.

According to Lantz and Marston (2013, p.866), a social policy requires a policy setting that responds respectfully to the diversity of capabilities and aspirations of people living with a disability. In her critique of neo-liberalism governance of welfare in the twenty-first century, Dowse (2009, p.576) argues that such a system brings a culture that seeks to identify those who are deemed unlikely, unable, or in need of assistance to attain working ‘productive’ status. The NDSS reflect this notion by incorporating people with a disability into their objectives. While most cohort members believe the government has a right to assess their circumstances, many challenge both the assessment process itself and the assumptions that underlie the assessments. The JSA process attempts to distinguish whether an individual’s disability is based on choice or chance (bad luck, accident, etc.)

and attaches benefits or burden based on this assessment. This recognizes the right to work and the importance of the right to make choices about work for persons with disabilities. It is also part of Australia's response to its commitments under the United Nations Convention on the Rights of Persons with a Disability (Commonwealth of Australia 2012a).

Current discussions regarding the relationship between welfare governance systems and employment promotion in disability policy appeal to a rejuvenated neo-liberal and paternalistic understanding of welfare governance (Lantz & Marston 2013). However, JSA is a strategy to establish a recipient's capacity to work. If the job capacity assessor concludes that an individual is able to work at least 15 hours a week, they are placed on the unemployment benefit (i.e. Newstart Allowance) and agree to sign an activity agreement that outlines their contractual obligations and possible sanctions if they fail to comply. This brings into question the reliance of standards for social coordination. The deeper one looks into DES as focusing on meaningful choices for service users through the implementation of DSS, the more one can see that it relies on official rules as an essential form of social coordination (Stone 2002).

Contract in 'New Managerialism'

The link between administrative service performance and citizen satisfaction when thinking about not implementing policy as intended through the use of discretion, involves service delivery through contract management. This demonstrates a relevant reason to implement and manage disability service standards as rules. It then also follows from this conclusion that due diligence, conflict of interest, commercial confidentiality and privacy, contingency planning, managing communication, relationship continuity, and dispute resolution are all important in considering the problematic nature of implementation of social policy today (Hoyle 2013; Wanna, Butcher & Freyens 2010). When considering relevant reasons to implement and manage disability service standards as rules, protecting end-users as clients and allowing for capacity gaps also become essential for case management.

One central theme in the design of government under the term ‘new managerialism’ is how to reconcile its need to extend power on the ground of service delivery (Smith & Lipsky 1994; Lipsky 1976; Fesler 1946) with front-line agents’ preferences of social policy implementation (Brodkin 2011). Service providers on the ground manage whether agents act under particular circumstances, while the government will oversee the extent of service provider actions (Whitford 2007). In their work, some, like Wood and Waterman (1994), Scholz and Wei (1986), Fesler (1973), and Kaufman (1960), infer that the structure of delegating makes it difficult to administer the exercise of discretionary exercise of power on the ground consistent with national service delivery goals. Arguably, all bureaucrats are bound by both law and rules in their organisations. However, bureaucrats are powerful actors because they have flexibility in how they interpret and implement the rules (Bourdieu 2005; Hawkins 2002; Bardach & Kagan 1982; Lipsky 1976).

According to Long and Franklin (2004), the political use of structure and process relevant to explain disability sector arrangements may be centralized or decentralized, or have a mixed approach consisting of top-level policy guidance and bottom/street-level administrative expertise. A centralized approach, proposed in Sabatier (1986), allows agency leaders greater control of the implementation process, as they are assumed to be the key actors in it. A decentralized approach, proposed in Winter (2003), Sabatier (1986), Hjern and Porter (1981), or Lipsky (1976), allows more input by lower-level staff. When decentralized implementation is structured to include external stakeholders (i.e. the use of non-profits), this still is, according to deLeon (1995) and Gruber (1987), a means of democratic control. Smith and Lipsky (1994) propose a mixed implementation approach that overlaps with Lipsky’s (1976) decentralized approach, advocating that constraints be imposed from the top (i.e. government strategies), and the implementing actors (non-profit organisation front-line staff) interpret policy so it is congruent with their own preferences. Whether this congruence of self-interest aligns with the organisation’s interest is open for debate and will be discussed further in chapters 2 and 3.

The use of rule-bending in people-processing work can benefit service provider, administrator and service user. Granting exceptions to rules may be one of the most efficient ways for an administrator to build a positive reputation with those whom they interact on a daily basis (Bourdieu 2005). The nature of social policy administration work, in this case, is a product of both its structure and its context. Hawkins (2002) argues that strictly enforcing rules is detrimental and contradictory to administration in the long term. He asserts that the administrator only implements or applies rules as a last resort and this is because of the formal structure and procedures in service delivery which, by default, take power out of the administrator's hands. Rules are central elements of implementation in that they signal the policy features that are important. In this regard, Heimer (2008, p.31) argues that rules allocate attention at the front lines in "the struggle to control the attention space of organizations and workers". Others acknowledge that it is often undertaken to provide for worthy or needy service users (Harvey, Killaspy, Martino & Johnson 2012; Maynard-Moody & Musheno 2003; Sandfort, Kalil, & Gottschalk 1999). Bending rules is paradoxical because it may be undertaken for selfish as well as altruistic reasons and because it tends to be individually appreciated and collectively dreaded.

Discussions of rule-bending and decision-making are prolific. However, discretionary acts that result in rule-bending by bureaucrats are still seen largely as the exception rather than the norm (Maynard-Moody & Musheno, 2003) and will be discussed further in chapter 3. It seems for the past six decades, scholars have considered that individuals with less social power use rule abidance and rule enforcement as a way to bolster their position (Evans 2013; Moller & Stone 2013; Brodtkin & Majmundar 2010; Scott & Pandey 2000; Bendor, Taylor & Van Gaalen 1987; Kanter 1977; Kydland & Prescott 1977; Green & Melnick 1950). Rule abidance and enforcement may increase with a motivation to serve in the public interest (DeHart-Davis 2007) and may be a positive way that an administrator, with less social power, can assert themselves in their working environment (Portillo & DeHart-Davis 2009).

The powerless employee uses strict rule adherence. Kanter (1977) directly relates this type of behaviour to a lack of power and opportunity for upward mobility in work

environments where innovation is restricted. Whatever the case may be, we are interested in the appeal of rules as an association of power in a service delivery environment. Rules are the only thing service staff can grasp at to avoid losing control. Although rule following and rule enforcement are largely seen as normal in bureaucratic organisations (Oberfield 2010), some scholars speculate that rules are a means of asserting power for the less powerful (Fletcher 2011; Prior & Barnes 2011; Duner & Norstrom 2007; Prottas 1978; Lipsky 1976).

Policy Implementation Theoretical Account

When considering rules as an essential form of social coordination and the issue of outcomes that are unintended or unanticipated by those responsible for setting policy objectives, a body of scholarship has generated fundamental insights regarding the interplay between our politicians and bureaucrats, politicians and citizens, and citizens and bureaucrats regarding the implementation of public policy and unintended outcome (May & Winter 2007; Lipsky 1971, 1976, 1980, 1994; Epstein & O'Halloran 1999; Huber & Shipan 2002; Bendor & Meirowitz 2004). This follows from implementation studies that indicate democratic responsiveness of political control over bureaucracy (e.g. Moe 1985; Wood & Waterman 1994; Shipan 2004).

Innovation is defined as an idea, practice or object perceived as new by an individual or other relevant unit of adoption (Rogers & Kim 1985, pp.87-88). It does not matter whether the idea has been described elsewhere or tried in another organisation. What matters is that it is something new in comparison to the prevailing practice in the service provider. While innovation from within is clearly needed in human services organisations, it is difficult for a variety of reasons. First, there is a strong tendency to believe that change can only come from the top. Second, it is difficult to create rewards or incentives for employees who come up with good ideas, even when this is desired. Finally, human services managers may be apprehensive about encouraging innovation from their staff. Innovations from below may be seen as threatening by those at higher levels in the organisation because they are seen as “undesirable variations in standard practices” or action in self-interest alone (Lipsky 1976).

Most efforts to understand the forces that control government regulators arise from the belief that these actors are not motivated solely to achieve outcomes that best serve the overall public interest. Top-down and bottom-up theories describe parts of the same process of using regulatory institutions to control behaviour that otherwise leads to market failures, distributional concerns, or other public problems. Consequently, the notion of accountability is important to discuss, as agencies are contracted to implement government services in the disability sector. The extent to which participation in the delivery of social service changes the operational style and mission of non-profit agencies can be seen in their close adoption of service standards, if not word for word. In seeking to pursue some of its functions by employing non-profits, however, for some, governments may simply be responding to bureaucratic failure or market failure (Lysaght, Cobigo & Hamilton 2012; Bond 2004).

Literature from the 1960s to the 2000s finds a field split into two major schools to administer policy, known as top-down and bottom-up. Hull and Hjern (1987), Hjern and Porter (1981), Hjern (1982), Hjern and Hull (1982), Berman (1980, 1978) and Lipsky (1976), during this time, have all argued that a realistic understanding of policy implementation could be gained when looking at a policy from the view of a target population and anyone delivering a service (i.e. bottom-up). Despite either top-down or bottom-up affiliations, disability policy occurs on two distinct levels (Berman 1978). At the macro implementation level, centrally located actors devise a government program. In this study both DEEWR and FaHCSIA reflect this level for implementation. At the micro implementation level, local organisations react to the macro-level plans, develop their own approaches and implement them. It is also here that the quality disability employment stories begin to unravel for the target population and the service deliverers. Berman (1978) and Lipsky (1976) have both argued that most implementation problems stem from the interaction of a policy with the micro-level institutional setting, and generally disability supported employment services are no exception. This is an important point to acknowledge, as according to the literature, central planners can only indirectly influence micro-level factors, yet on the front-line in Australia there would seem to be a narrowing of variation in how national policy is delivered by service provider staff.

Policy Implementation Success

Emphasis in the use of non-state organisations by Australian Government represents what Wright, Marston and McDonald (2011) describe as a limit to government's power base and traditional accountabilities to the public. With this comes a deflection of political risk away from the state and onto society and non-profit organisations. This is highlighted in the extent to which participation in delivery of social service programs involves change in the operational style and mission of non-profit agencies, who now find themselves accountable. For some, however, seeking to pursue its functions by employing non-profits, governments may simply be responding to bureaucratic failure or market failure (Lysaght, Cobigo & Hamilton 2012; Bond 2004). Either way, the interest in understanding disability employment outcomes that are either unintended or unanticipated by those responsible for setting policy objectives is open to debate.

For disability sector service delivery, in Australia the choice of an intermediary service provider is charged within policy implementation to achieve a service outcome within six to eighteen months of client referral by JSA. Implementing service standards in the disability sector requires multiple networks to span government, sectors and agencies and meet client outcomes. Given such complexity and variance of need, understanding the degree of success to social policy implementation is difficult. Dror (1968 p.119) illustrates one idea where four 'quality' types exist in different areas of public policy making and suggests satisfactory, optimal, actual, survival quality be used as a gauge of understanding success.

To avoid confusion, resulting from structural complexity and variance of need what is meant by successful implementation must be clarified in order to identify what is happening when implementing DES/ADE. Service delivery is a programmatic activity formulated in response to governmental authority (Kearns 1996; Dunleavy 1991; Downs 1967). It is this authority which government plans to carrying out and express their legitimacy. One pivotal question for the disability sector in Australia is whether attention should be focused on fidelity to the government's plan in considering disability

employment outcome, or, on the general consequences of the implementation actions when determining successful outcome for clients. Bottom-up implementation theorists argue that goals, strategies, activities, and contacts of actors involved in the micro-implementation process must be understood in order to develop a successful outcome. It is at the micro level that policy directly affects people with a disability wanting to develop a meaningful life and be included in their community, if care is an underlying focus. The influence of policy on the action of street-level bureaucrats must be valued here too in order to predict a policy's effect (Weatherley & Lipsky 1978), although some, like Lasswell (1971), have cautioned theorists not to expect outcomes to be predictable in any policy implementation. Policy outcomes are influenced by the clarity of policy goals (Mazmanian & Sabatier 1983) and also by the configuration of implementing organisations (O'Toole 1986) and the roles street-level bureaucrats play (Lipsky 1980). With disability service standard delivery in mind, what in fact constitutes successful implementation becomes blurred.

Policy implementation is key to successful policy output (Pressman & Wildavsky 1984; Lipsky 1976). The process of implementation and the way that a challenge is addressed determines whether a policy achieves the intended outcomes (Lipsky 1980). From reading the literature, there does not seem to be a single most effective model of implementation. It is more that implementation models adjust according to policy type and contextual factors (Forbes, Hill & Lynn 2007; Jewell & Glaser 2006; Wise 2003; Winter 1986; Lipsky 1971, 1976, 1980). As in the case of a non-profit organisation providing supported employment, the outcome is to essentially influence the client's work behaviour (Meyers, Riccucci & Lurie 2001; Meyers, Glaser & MacDonald 1998) when assisting in the provision of opportunity and support. Although front-line workers in human services are not able to have a great deal of influence on such outcomes per se, they are arguably the greatest point of leverage. This would seem to be due to their knowledge of program rules, expectations, resource understanding, and their contact as agency representatives with clients. After reflecting on how disability supported employment practice and inclusion as a principle of social policy may be understood, the structure of bureaucracy in action needs attention.

In concluding this chapter, knowing whether imposing procedural requirements and standards on agencies enhances the policy process or solidifies it depends on understanding what motivates politicians, service provider managers and front-line staff (Evans 2010; Seidenfeld 2009; Prottas 1978; Lipsky 1976). That motivation is likely to be the linchpin to the delivery of DSA and supporting employment for people with a disability. Social policy in the disability sector, both in its creation and in its implementation, is a product of actions by decision-makers and staff. One general way of understanding the politics of regulation, as we discuss in the chapter 2, is Michael Lipsky's (1976) Theory of Street Level Bureaucracy. Whose controlling decisions are in fact implemented in order to get what, when, and how are key to understanding the interplay between disability sector government requirements for service quality in Australia and outcome. This explains what happens when little emphasis is given to innovative service delivery and flexible management practice, ultimately restricting front-line policy implementation. What then is the usefulness of DSS to people directed with implementing a social policy, especially when so much emphasis from the state is being placed on DES performance frameworks restricting innovative policy implementation?

How and why policy influences disability employment outcome, highlights a differentiation between both collaborative regulatory relationships that advance social goals and employment opportunity, and those that result in a capture of it. The DSS outline the government's requirements for service quality. This chapter argues that support to employment is fertile ground to address our abstract policy problem of not implementing government's requirements for service quality as intended through the use of discretion. The bilateral relationship (i.e. government funding department and non-profit organisation service provider) ignores the role of people with a disability in achieving their own organisational objectives and funding and assists in the demonstration of an abstract policy problem using a top-down, one-size-fits-all policy direction to mandate. Due diligence, conflict of interest, confidentiality and privacy, contingency planning, managing communication, relationship continuity, and dispute resolution are important considerations (Hoyle 2013; Wanna, Butcher & Freyens 2010), often contributing to and reinforcing this contradiction.

As the Australian Federal Government moves further and further away from being a funder and a provider of human services to that of a purchaser of services in private sector markets or quasi-markets, this ultimately ensures that providers do what they are supposed to do. Co-production, recognising the role played by consumers in the production of employment output, in particular, can provide a useful way of thinking about relationships among key actors involved in the provision of employment services. At face value, what does seem relevant to both the relationships between regulators and their overseers and the relationships between regulators and those they regulate leads us to the theory of Street-Level Bureaucracy.

Chapter 2 Street-Level Bureaucracy

Service delivery within the disability sector supports a service to include policy understanding, knowledge, attitude, and value of the street-level bureaucrat. For Lipsky (1980, p.71) “To deliver street-level policy through bureaucracy is to embrace a contradiction”. It is this contradiction that key to interpreting meaning about what ‘policy’ is for state, service providers and citizen-consumers in our case. Implementing social policy in SLB goes to the heart of this thesis’ argument, that state or citizen based interest highlights a contradiction of intended policy meaning, and street-level bureaucrat use of discretion can emphasize this point very well. The abstract policy problem of not implementing a policy as intended becomes unearthed in the struggle between two interests and allows for this qualitative study to explore the story of discretion and better understand its influence in delivering government funded services in Australian disability sector.

Much of our discussion on acting in whose interest nonetheless, is marked by confusion as to how interests ought to be understood with relation to goal outcome meaning. This confusion is twofold and seems to identify a gap in research on policy implementation. Specific ambiguity exists between interests and the actions that those interests suggest/justify, and between subjective or objective interest judgments (Smith 1989). Lipsky’s concept of street-level bureaucracy provides the mechanism to think about a category of political behaviour and emphasize the contradiction in policy implementation experienced on the front-line of service delivery. In doing this specifically, he moves our attention onto a class of people charged with responsibility who routinely behave in ways integral to both state as well as citizen.

Understanding what may influence front-line staff when interacting with citizen-consumers on a daily basis raises the strength to a tendency for citizen-agent understanding and influence. Lipsky (1980, pp.13-23) has observed that discretion granted to a street-level bureaucrat and the relative autonomy afforded to them from being in a Street-Level Bureaucracy may create a space when guiding service delivery. This space ultimately becomes the playground to policy experience for themselves as

implementers and the citizen-consumer. This understanding opens the door for wanting to understand more about coping with SLB structure and the conflicts experienced with their own personal values (Stewart 2006; Weatherly & Lipsky 1977); social welfare administration and client meaning (Durose 2007); professionalism and management (Hoyle 2013; Lloyd & King 2012; Evans 2011; Shnit 1979); and inclusion and inclusive employment research (Carey, Riley & Crammond 2012; Holland, Ruedin, Scott-Villiers & Sheppard 2012; Lysaght, Cobiogo & Hamilton 2012), to name a few. To understand what may influence front-line staff when interacting with citizen-consumers on a daily basis, it is very difficult to go past four concepts impacting the actions of street-level bureaucrats as DES staff providing support to employment of people with disabilities.

What activities street-level bureaucrats spend their time on and how they interact with citizen-clients is important to study, and can both directly and indirectly contribute to the distribution of policy benefits. How values of street-level bureaucrats directly affect decision-making to deliver a certain way is very interesting. According to Kieser (2010), three particular kinds of attitudes may explain the types of decisions that street-level bureaucrats make. These are political ideology, adherence to bureaucratic goal or mission, and client assessment. May and Winter (2007) and Meyers and Vorsanger (2003) outline relevant conceptual issues in any policy implementation to be from:

- political and administrative superiors about the content, policy intentions (goals) and importance of a policy in support of issues in society
- organisation structure and extent to which an organisation delegates authority to make decisions to the front-line or limit that discretion
- knowledge and attitudes of the street-level bureaucrats concerning relevant tasks, their work situation, and clients
- contextual factors concerning workloads, client mix, and other external pressures.

As outlined in the previous chapter, access to support for employment is determined by more than one layer of government. Acknowledgement of the ‘multi-layer’ contributing to our problem of policy variance. This is important to acknowledge as it will most

certainly influence interview themes and how DES staff understand sector goals in delivering employment services.

The influence of politicians, managers and the dispositions of street-level bureaucrats in shaping service delivery action on the front-line is well acknowledged in the literature. It is now generally accepted that the actions at the front-lines of policy do sometimes, if not often, differ from the intentions of 'higher ups'. It is believed in our case this may not be so. Much scholarly attention to this mixed encounter has focused on networks of service agencies (McGuire 2006; Goldsmith & Eggers 2004; Milward & Provan 2000) and particularly on the contractual arrangements among public and private providers of services (Hodge & Greve 2007; Brown, Potoski & Van Slyke 2006). A variety of studies have examined controls over street-level bureaucrats and the ability to influence the behaviours of front-lines of service delivery staff. These include consideration of signals by political leaders (Keiser & Soss 1998; Langbein 2000), organisational arrangements (Hill 2006), administrative emphasis of policy goals (Ewalt & Jennings 2004; Hill 2006; Riccucci, Meyers, Lurie & Han 2004), enhancements of staff capacity (Winter 2003), and managerial supervision (Brehm & Gates 1997; Brewer 2005; Riccucci 2005). All these studies reinforce the well-known tenet of implementation research, where translation of a higher-level goal into street-level action can become subject to a variety of disjunctive and varied influences. As this is a problem the accumulated research mentioned, however, provides some understanding of the importance of political and managerial influence on implementation difficulty even though it is minimal.

Our interest here is to account for organisational conditions that affect what individuals can do on the front-line and are likely to do under certain conditions and pressures, from the structure that binds employment service work. Lipsky (1976) outlines a framework to understand dynamic organisational behaviour in this case, as even today it affects citizen/consumer under the guise of service delivery. For some, the policy or its feasibility is not important; what is, comes from when its effect is adapted to political interest and consequently developing political demand. According to Dror (1968), the direct output of interest from making social policy is public policy. The indirect output

from making social policy is how it affects real situations (Wanna, Butcher & Freyens 2010).

Street-level bureaucracy as a category of political behaviour moves our attention onto a cohort charged with responsibility integral to disability employment outcome. We have a fuzzy sense of the goals and motives of the independent behaviour of street-level bureaucrats in street-level bureaucracy, as street-level bureaucrats actually deliver services to Australian consumers. The primary task of the remainder of the organisation is to assist and direct a street-level bureaucrat in their work within the street-level bureaucracy. Yet, based on testimony from several consultations and industry specific reports (also consistent with street-level theory), the resources of street-level bureaucracy do not suffice to obtain complete compliance from their most front-line service staff. The basis of this authority in the social exchange experience lies in the complex relationship with their clients, as a citizen in need of employment support is both a consumer of that street-level organisation output and the primary raw material being processed (Durell 2011).

Demand of street-level organisations, however, is not always compatible with the demands, needs or wants of disability sector clients (as opposed to a consumer). It is at this point the mediator's role includes the dilemma of interest, and is addressed by them in the practice of everyday work (Lipsky 1976). This becomes part of street-level experience in work by finding ways to make conflicting practices meaningful and/or accountable (Billig, Middleton, Radley, Gane & Edwards 1988). By reading carefully the work of both Lipsky and Prottas, we can see a conflict evident in people-processing work. Hjörne, Juhila and van Nijnatten (2010) highlight the importance here of street-level work as a negotiator between institutions and citizens. Three areas such as autonomy versus control, responsiveness versus standardization, and demand versus supply capture their imaginations and reflect the gap between actions and expectations (Scott & Lyman 1968, p.46).

The Theory of Street-Level Bureaucracy

Overall, the theory of street-level bureaucracy (Lipsky 1976, 1969) adds body to our understanding of organisation and helps us to understand how change in the work environment can alter workplace practice and ultimately policy on the ground. To understand street-level bureaucracy, a person needs to study the routines and subjective responses that street-level bureaucrats develop to cope with the difficulties and ambiguities of their job. Michael Lipsky's (1976) theoretical perspective, within the context of urban politics, is one way to understand the gap between the actual policy being implemented and the optimal qualities of policy implementation expected by government. This outlines the political behaviour on the front-line of service delivery, and some of the barriers impeding innovation of policy knowledge. Some of these barriers in street-level experience are identified on the front-line as:

- inadequate resources
- physical/psychological threat to authority
- ambiguous/contradictory/unattainable/idealized expectations about job performance (Lipsky 1976, p.198).

Studies examining organisational conditions that affect what individuals can and are likely to do under these conditions are key to understanding the nature of street-level bureaucracy. The everyday practices of caseworkers in a variety of policy areas seem to demonstrate where the limitations may virtually determine the development of informal practices (Evans 2010). With the effect of top-down management on bottom-up service delivery, we can see Lipsky's (1976) concept of street-level bureaucracy is undoubtedly one of the most influential sociological ideas to have shaped how scholars and practitioners think about social policy outcome development in service delivery settings. The theory highlights the potential role of front-line workers in people-processing environments. He argues that the actions of front-line workers have substantial and sometimes unexpected consequences for the actual direction and outcome of national strategies and policy objectives.

The notion that front-line service providers – the staff responsible for the day-to-day implementation of social policies – routinely act in ways that distort or prevent the realisation of service objectives continues to resonate in social policy research (for some instances see Petchey et al. 2008; Jewell 2007; Evans & Harris 2004; Martin et al. 2004; Maynard-Moody & Musheno 2003). Hasenfield (1992) also points out that the impact of these street-level bureaucrats working on the front-line in street-level bureaucracy is particularly important because they transform those reliant on a benefit into functioning labour force participants. It is Lipsky (1976) who has shown us how the intentions of policymakers may be frustrated by the behaviours of street-level bureaucrats in street-level bureaucracy, as they operate in what Fletcher (2011) describes as a corrupted world of service.

Applying service standards within street-level bureaucracy is characterized by relatively high degrees of restriction in regular interactions with consumers. According to Lipsky (1980, p.207): “Fundamentally, at issue, is making the most of the reality that street-level bureaucrats primarily determine policy implementation, not their superiors”. This sentiment too can be found in his earlier work when he was developing a theory of political behaviour and organisational interactions with clients (Lipsky 1976, p.196). On this point, empirical evidence found in Murray (2006) identifies that managers could also exercise discretion and influence the application of policy similar to that of a street-level bureaucrat and in line with non-organisational standards. Compared to officials in traditional public administration, officials operating and managing networks can be expected to perform their tasks differently. The literature suggests that such officials are more dependent on a combination of negotiating skills, expert knowledge, and knowledge of relevant regulation than are traditional public servants (Considine 2005; Meier & O’Toole 2007). Even though negotiations are claimed to be of greater importance in governance networks than in ‘traditional’ public administration, the way in which public officials actually conduct negotiations in these settings has not been investigated to any great degree (Shmueli 2008; Lauria & Wagner 2006; Agranoff & McGuire 2003).

Within the literature there are many critiques involving Lipsky's tendency to overgeneralize reality and to consequently ignore diversity and difference between groups (Thornton & Marston 2009; Peters & Pierre 2007). However, what is important is alluded to earlier in Thornton and Marston (2009) and Peters and Pierre (2007) when explaining extraneous factors that may contribute to the space between street-level bureaucracy demand and client demand that then impacts street-level bureaucracy coordination.

Berman (1978) and Lipsky (1976) have both argued that most service provision problems stem from the interaction of a policy with the micro-level institutional setting; disability supported employment services are no exception. There is growing consensus among human service delivery authors that when implementing a social policy it can often deviate substantially from original goals and intentions. A Lipskian understanding of policy implementation can outline how street-level behaviour affects deviation on the people-processing front-line. The variation experienced by street-level bureaucrats across different sectors, according to Lipsky (1976), is in part the result of street-level discretion and coping with pressure from people-processing work. The latter ultimately determines the nature, amount and quality of benefit and sanction provided by their agency in the name of service delivery in the disability sector today.

Street-level organisations are a strong vantage point from which to examine questions about social policy and management on the ground. Adopting this viewpoint by Durose (2011) gives critical primacy to lower levels of work space in disability sector service delivery. Although in contrast to principal-agent theory, street-level bureaucracy theory does not necessarily regard the space between the rules as a matter of either 'compliance' or 'subversion'; it is more interested in what influences, and especially, what systematizes the exercise of it (the restriction). This, covered further in chapter 3, produces informal organisational routines that effectively constitute policy on the ground. The street-level approach seeks to illuminate how organisations work, considering both their internal dynamics and their relationship to the larger polity and society.

Street-Level Influence

Public bureaucracies have power because they are the instruments of state power. Individual bureaucrats have power because they have discretion over how to exercise those instruments of power. Bureaucracy can therefore be understood as a system of cascading decisions, plagued by problems of information. Empowering and controlling bureaucracies is a problem of managing those decisions and the information about them (Kettl 2006, p.370).

According to Smith and Lipsky (1994), we can distinguish between three types of non-profit service agencies which today contribute to Public-private networks: traditional, contemporary and problem based. Each has different connections to society and they rest on a continuum between new community-based organisations (non-bureaucratic) on the one hand, and the availability of government funding organisations (bureaucratic) on the other. This distinction brings to light an environment where contracts bring administrative and accountability demands to the fore, which could also be at odds with independent service provider vision. It follows from this that the greatest conflict between non-profit organisations and government in service delivery occurs among those agents that resemble government least (Smith & Lipsky 1994). It can also be added that in today's climate, the relationship to a service user depends heavily on the service provider relationship to government (Anon 2013).

Disability employment providers do not distribute goods among clients directly, but disperse their clients among goods. The work on the front-line of DES involves categorizing and processing people as a precondition to receiving advantage. Prottas (1978) likens the role involving bureaucracy to an ordinary factory where materials are processed as a precondition of their sale. In our case study, we find citizen/clients of street-level bureaucracy perform the role of the organisation's raw material. The actual work on the front-line, as employees, is to remold citizen/client to define their relationship to the service organisation provider as a consumer. This pattern of experience leads to a divergence of interests between organisational hierarchy and street-level bureaucrats (Lipsky 1976), while at the same time over-magnifying the street-level

bureaucracy behaviour and misleadingly making it a priority of concern. As street-level bureaucrats, by default, become integral to the street-level organisation's relationship with its clients as both citizen and consumer, they become powerful. It follows that when discussing notions of power, the importance of controlling street-level bureaucrats is the level to which they are capable of resisting that control as well (Protas 1978), and this would typically highlight the boundary actor role in the disability sector. This in turn frames client to disability sector consumer experience.

The management paradigm, according to Isett, Morrissey and Topping (2006), can reinvent government effort, contract it out, or involve service delivery networks. Within these areas, Howlett and Walker's (2012) research uncovers three sets of policy workers and policy managers that influence people-processing experience on the front-line. These are coordinator planners, research analysts or director managers. How administrators use the consumer discourses to manage consumption in order to promote individual enterprise and employability is not well known. Without getting into detail on the notion of customer sovereignty and the theory of new public management, how the customer ideal is being expressed and enacted in the practice of public administration is less understood. There is currently growing consensus in human service delivery literature that when implementing a social policy it often deviates substantially from its original goals and intentions. Here there are two widely discrepant views of the potential impact of managed employment services to the customer. One view holds that the impact is both strong and negative, whereas the other suggests it to be negligible (see Rosenthal & Peccei 2005).

Powerful influence in street-level bureaucracy is not simply a matter of the power of street-level organisation; it is also a matter of power within the street-level bureaucracy. Blau (1955) originally raised some of the issues that have become persistent in the study of street-level bureaucrats with relation to this. In our case study, phenomenological approaches by Jacobs (1970) and Zimmerman (1969) both reflect on the independence and influence of caseworkers in public welfare agencies. Handler and Hollingswoth (1971), however, use more a policy-oriented style, raising very similar assumptions. To a considerable degree, disability employment service as caseworkers

make disability sector policy. This is done not just in their formal role as employment service staff but in the interaction with clients and to further their own work specific ends (Lipsky 1976). These individuals are not independent actors but as we shall see, they do have considerable independence to act. Foundation literature from Lipsky (1976, 1969) Becker (1974,1952), Greer (1971), Kozol (1967), Kohl (1968), and Holt (1964) value this claim and report similar ideas and outcomes.

Mediators hold a powerful position that can lead to controversial output and outcome in the disability sector. For example, as stated in Lipsky (1980, p.9): “To treat someone as a welfare recipient, a juvenile delinquent or a high achiever affects the relationships of others to that person and also affects the person’s self-evaluation”. It follows from this exchange that both DES and DSS are enthusiastically negotiated when mavens such as these encounter customers in order to bridge a consumer gap. DSS place limits on what is possible, but at the same time it is a source of the mediation and interaction in question. Case studies using street-level organisation emphasize power and dependence in the same way as Gregory (2009) explains when dealing directly with citizen clients as consumers. A disability employment provider is dependent on employment service staff to implement DSS on the ground. This is to the same extent that a disability employment provider needs disabled clients looking for work and Centrelink (i.e. JSA) monopolises the capacity to refer disabled clients looking for work to DES/ADE employment providers (i.e. through capacity categorization).

By default, coordination makes sure that what needs to be done is done and that it is done efficiently. Within organisations, Weber (1964) points to several approaches – leadership, tradition or bureaucracy – to promote coordination. In reading Pressman and Wildavsky (1974), the task of making decisions, however, depends heavily on the bureaucrat’s position within the bureaucracy, as bureaucracy tends to be characterized by layers of workers structured hierarchically, with supervision through authority. Nothing in the nature of bureaucracy itself dictates this (Kettl 2006), as it is simply a method to organize people efficiently, to perform complex actions in a coordinated way.

Street-Level Bureaucrats

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).

Street-level bureaucrats are women and men who in their face-to-face encounters with citizens, 'represent' government to the people (Lipsky 1976, p.196). So as a judge and a server at the same time, a street-level bureaucrat is expected, from the pressure from above, to be benign and passive gatekeepers. The negative emphasis on passivity amongst users is linked to the job effort entailed in moving individuals away from that state into one of job readiness. It may also reflect the more general power of passivity in social interaction (Rosenthal & Peccei 2006). This idea, for some, is called the myth of altruism, as it is asserted that a service provider gives fair treatment which is usually unexamined (see Edelman 1977 for elaboration on myth in public policy).

The street-level bureaucrat is different from other bureaucrats in their relationship with their clients and in how that relationship is realized (Prottas 1981; Lipsky 1976). A client of street-level organisation service provision plays two roles (i.e. consumer of output and purchaser of product), and street-level bureaucracy has a dual dependence on its clients (i.e. justification of operation and content of daily work). Whilst Lipsky's theoretical interpretation represents an important step on from earlier 'top-down' accounts of implementation, it still retains many of their hierarchical and bureaucratic assumptions (Durose 2007; Maynard-Moody & Musheno 2003). Service delivery in the disability sector is no exception. A street-level bureaucrat is deeply accustomed to thinking hierarchically about bureaucracy and is focused on 'gaps' and 'compliance', to move beyond the conventional modes of thinking. One fundamental question here is how to understand complex organisational behaviour by investigating the realities of work for those directly engaged in policy delivery at the front-lines. If one could understand the logic of street-level work as staff experienced it, it would be possible to understand, and potentially predict, how changes in the work environment could alter their practices and

thus affect what they produce as policy through their informal routines (Keiser 2010; Lipsky 1976).

For Lipsky (1969, 1971, 1976, 1980), the origins and manifestation of dissonance, dealing in day-to-day struggles with dilemmas inherent in their work, is key to understanding the answer to our research question. The coping strategies 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). It is suggested here that street-level bureaucrats make policy in two ways. Firstly, through individual acts of discretion, by the aggregation of these individual acts they become, in effect, policy. This discretion then, secondly, is shaped in various ways by how much choice in a decision-making capacity an agency permits and, conversely, by the need to make decisions when policy seems ambiguous or non-existent. This is a very common scenario; in almost all cases it encourages conflict of organisational commitment when dealing with people seeking employment opportunity and development.

With the purpose of testing theory, street-level studies have provided empirical confirmation that the types of coping strategies identified by Lipsky (1976) are both widespread and profuse. Lasswell (1971), however, cautions us not to expect outcomes to be predictable in any policy implementation. Assuming that empirical confirmation adds to our case here, studies that examine the everyday practices of caseworkers demonstrate the idea that change in a work environment affects its practices on the ground. One example of policy-focused research with this in mind is by Gulland (2011) on disability assessors who reduce complex individual situations to nominal box ticking. One example of management and governance focused work would be Considine (2000) on contracting in Australian ADE workforce programs. In this study it was found that contract agencies appeared to perform well according to measured administrative criteria formerly, but informal patterns of practice through contract terms seemed to introduce inequality in service delivery. In both examples, the nature of street-level organisation emerges by asking questions concerning organisational conditions that shape social policy. Robbing

services of substantive value and skewing the distribution of benefits and service delivery experience are a well-documented theme in street-level bureaucracy literature.

What activity a street-level bureaucrat spends time on and how they interact with a client are important for the study of disability sector policy implementation. According to Kieser (2010), three particular kinds of attitudes may explain 'eligibility decisions' that a street-level bureaucrat makes. These are inferred to be political ideology, adherence to bureaucratic goal or mission, and client assessment. May and Winter (2007) and Meyers and Vorsanger (2003) take the step further and generalize an outline to be from:

- political and administrative superiors about the content, policy intentions (goals) and importance of a policy in support of an issue in society
- organisational structure and the extent to which an organisation delegates authority to make decisions to the front-lines or to limit that discretion
- knowledge and attitudes of the street-level bureaucrats concerning relevant tasks, their work situation, and clients.

The contextual factors concerning workloads, client mix and other external pressures are important examples that highlight how the interests and values of street-level bureaucrats may affect policy output. Clearly, bureaucrats have attitudes that influence how they implement policy. These attitudes arise from their experiences inside and outside the bureaucracy (Meyers & Vorsanger 2003). However, we do not know whether it is the attitudes or values of street-level bureaucrats that affect policy implementation, or whether it is the goals of managers, the organisation, or something else.

In the literature it shows that street-level bureaucrats play a role in explaining how the bureaucracy implements policy (Meier & O'Toole 2006; Eisner & Meier 1990; Lipsky 1976). There is evidence that values play a role in determining how bureaucrats implement policy (Maynard-Moody & Musheno 2003; Vinzant & Crothers 1998; Kelly 1994; Lipsky 1976). Street-level factors concerning policy understanding, knowledge, attitudes, and values of street-level bureaucrats are key to understanding what influences

them, specifically when dealing with clients daily. Who gets what from government is partly determined by who applies for DES services (Soss & Keiser 2006), the DES/ADE program purpose, policy goals, and processes shaped by front-line staff interests when responding to local and national environments.

The way a street-level bureaucrat's job is structured in a street-level bureaucracy setting could restrict street-level behaviour. Influences to consider, when also thinking about unintended policy outcomes from street-level behaviour, include the lack of organisational and personal resources, physical or psychological threat, and conflicting or ambiguous role expectations (Lipsky 1976, p.197). Prottas (1979, p.92) explains that due to client characteristics, many rules require combinations to encourage the introduction of discretion into a formal prescriptive system. In any case, making policy work in a street-level bureaucracy requires self-limiting discretion, partly through the way rules are used, which tends to limit their effectiveness.

Lipsky (1980, pp.13-23) observes that the discretion that emerges is the result of guiding street-level bureaucrats by rules and that it consequently becomes filled up by street-level factors. This observation is also found in studies looking at the role that street-level bureaucrats play when implementing policy with value conflicts (Stewart 2006; Weatherly & Lipsky 1977); social welfare administration (Durose 2007); professionalism and management (Hoyle 2013; Lloyd & King 2012; Evans 2011; Shnit 1979); and inclusion and inclusive employment (Carey, Riley & Crammond 2012; Holland, Ruedin, Scott-Villiers & Sheppard 2012; Lysaght, Cobiogo & Hamilton 2012), to name a few. In a general sense, four concepts may influence the actions of street-level bureaucrats as disability employment service staff.

Influence and Street-Level Work

Lipsky's theory of political behaviour and the importance placed on street-level bureaucrats primarily determining service delivery standards in street-level bureaucracy, as agents of the street-level organisation, is not without criticism. "Fundamentally, at issue, is making the most of the reality that street-level bureaucrats primarily determine policy implementation, not their superiors (Lipsky 1980, p.207). When considering this,

empirical evidence by Murray (2006) identifies an idea where managers can also exercise discretion and influence the application of policy, similar to that of a SLBT and in line with non-organisational standards. It would seem from reading about institutions and institutional thinking that there is a great emphasis on following rules rather than personal strategies to achieve personal ends. This is convenient to point out here, as it may encourage predictability, enhancing trust and the likelihood of reciprocating loyalty (Hecllo 2006). Within literature there are many critiques involving Lipsky's tendency to over-generalize reality, to consequently ignore diversity and difference (Peters & Pierre 2007; Thornton & Marston 2009) and the possibility of a number of extraneous factors. Contributing to experience on the frontline is street-level bureaucracy demand and consumer demand and the topic of trust and self-interest emerges.

According to Luhmann (1979, p.27) trust is a three-part relation where X trusts Y to do C. Writers on the topic generally agree; trust involves giving discretion (space) to another to effect one's interests (Hardin 1994). Without getting into the debate about whether trust is learned or not learned, we are rather more interested in 'trusting Y to do C' and not so much in whether X trusts Y. Lipsky (1980) addresses the latter by describing motivations between street-level managers and the street-level bureaucrat with personal strategies to achieve personal ends. The notion of giving discretion (space) to another to affect one's interests will be explained further in chapter 3 when we look at the discretion on the front-line.

In the disability sector, service provision by third party providers has increasingly become a dominant feature. Some, like Smith and Lipsky 1998, even go so far as to call this an era of contracting regimes. Nevertheless, as the saying 'the proof of the pudding is in the eating' goes, the same could possibly be said about society's experience with disability, inclusive employment and meeting service delivery standards. Often, between the design and implementation of DES/ADE, original intention can be misinterpreted, perverted, lost or simply ignored. In an ideal case all public policy programs and services in the disability sector would be subject to periodic evaluation, solely evidence-based with no contention over evidentiary bias and preference to policy decisions (Argyrous

2009). Disability employment, however, takes place under conditions that are seldom rational and instead are governed by various contingent and political rationales.

The quality of the relationship between non-profit organisation staff and the client is widely accepted as a cornerstone of effective practice in the disability sector throughout Australia. If quality and efficiency are mutually exclusive (i.e. through coordination), attending to the personal needs of people with a disability to gain employment offers a high quality but inefficient service. Much of the debate currently in the disability service sector surrounding motivation of service delivery hinges on the definition given to ‘essential services’ for people with a disability (Anon, 2013). There are ultimately two understandings about this. One believes essential services constitute the main demand component of service delivery today. The second believes in a need for front-line people-processing to be tailored, with professional skill sets targeting clinical and medical understanding of human behaviour and evidence-based rule-following. The Productivity Commission Report (2011) findings reflect on neither, even though Australian Government seems to have absorbed accountability problems from service providers. As government seems to be forced to eat cake on this issue, while service providers are not delivering service based on a number of outcomes, a contradiction surrounding motivation of service delivery becomes uncovered.

Street-level organisational rules can create powerful incentives to follow them for their own sake. This phenomenon, according to Kaufman (1977), is also known as red tape. Some in the literature argue that the growth of managerialism has restricted the ‘free space’ street-level bureaucracy/street-level organisation experience by increasing red tape to a point that free space no longer exists. This perspective is convenient, as it resolves the dilemma of front-line practice in a way that is unfavorable to either client or government department (Evans 2010; Hjerne, Juhila & Nijnatten 2010). However, a study by Fletcher (2011) found wide variations in front-line practice, as competing specialist service provider goals allowed front-line workers to undertake their own interpretations of the adviser role. This tendency is often compounded if not adequately trained for the implementation of new initiatives (Hjerne et al. 2010).

Constraint

Most efforts to understand the forces that control government mechanisms over those of service provider arise from the belief that actors are not motivated solely to achieve outcomes that best serve the overall public interest. Top-down and bottom-up theories both describe parts of the same process, using regulatory institutions to control behaviour that otherwise leads to market failures, distributional concerns or many other public problems. Consequently, the notion of accountability is important to discuss as service providers are contracted to implement government services in the disability sector. The extent to which participation in the delivery of social service programs provides change is dependent on the operational style and mission of street-level organisation. In seeking to pursue some of its functions by contracting street-level organisations today, government may simply be responding to bureaucratic failure or market failure (Lysaght, Cobigo & Hamilton 2012; Bond 2004).

Our interest in street-level organisations is in accounting for organisational conditions that affect what individuals can do and are likely to do under certain conditions. In keeping with this dominance, the ways in which a condition may affect street-level bureaucracy onto front-line street-level bureaucrats is central to our street-level project and must not be confused with simple adaptations to conditions of work (see Lindhorst & Padgett 2005; Smith and Donovan 2003; Meyers, Glaser & MacDonald 1998 for typical examples of adaption to conditions of work). In practice, the policy work of street-level organisations/non-profit organisations is political work to the extent that it effectively determines who gets what and how. In our case study, street-level bureaucracy under the rubric of new public management seems to be premised on advancing market-like approaches to social policy delivery. At times, the influence may be revealed directly, however in considering disability employment outcomes, indirect examples are just as relevant if not more relevant to our case. Maynard-Moody and Musheno (2003) emphasize this by looking at ‘bending the rules’ in responding to the cohort need in particular.

For some, like Gregory (2009), the test of a good policy is not that it goes on to achieve its objectives but more that people can agree on a particular course of action. Studies on representative bureaucracy highlight both passive and active forms of representation with this in mind (Meier & Bohte 2001). Passive representation refers to the similarities in demographic characteristics between street-level bureaucrats and client populations as consumers, while active representation refers to any situation in which street-level bureaucracy works to further the needs of a particular group of people. To look into passive representation further, there seems to be a difference in street-level bureaucrat attitudes, mainly towards street-level organisation consumers across public, non-profit and for-profit organisations. The differences in treatment according to Riccucci and Myers (2008) is said to focus on street-level bureaucrat attitudes, which relate to the quality of disability employment outcome in the disability sector. Difference in quality of service provision among the groups is acknowledged across public, non-profit and for-profit organisations.

To understand why policy is not always implemented as policymakers intended, how rules are experienced by staff delivering services in the organisation and what pressures they are subject to prior to implementing goals is a point of interest. Observing that political actors (i.e. street-level bureaucrats) sometimes deviate from what rules prescribe, institutional scholars have distinguished between an institutional rule and its behavioural realization in a particular instance (Apter 1991). They have sought an improved understanding formed by different types of institutions and processes, how and why different institutions achieve normative reliability (Kratochwil 1984), and under what institutional conditions political actors are likely to be motivated and capable of complying with codes of appropriate behaviour.

The dynamics of institutional change include elements of design, competitive selection, and the accidents of external shocks (Goodin 1996, pp.24-5). Rules, routines, norms, and identities are all instruments of stability and arenas of change. Change is a constant feature of institutions, and existing arrangements affect how institutions emerge and how they are reproduced and changed. Institutional arrangements can prescribe and proscribe, speed up and delay change; and a key to understanding the dynamics of change

is a clarification of the role of institutions within standard processes of change. Most contemporary theories assume that the mix of rules, routines, norms, and identities that describe institutions, change over time in response to historical experience. The changes are neither instantaneous nor reliably desirable in the sense of moving the system closer to some optimum.

When considering the making of social policy outcomes, Susan Barrett and Colin Fudge, who write around the same time as Lipsky, highlight an interesting circumstance.

Policy cannot be regarded as a constant. It is mediated by actors who may be operating with different assumptive worlds from those formulating the policy, and, inevitably, it undergoes interpretation and modification and, in some cases, subversion (Barrett & Fudge 1981, p.251).

In many ways, Lipsky sees SLBTS as policymakers in an environment that they do control. The typical street-level bureaucrat grants access to DES/ADE and provides services within them. As a coordinator therefore, the street-level bureaucrat is confronted with a conflict between organisational and user-centered goals when providing this service and this may lead to a varying interpretation of policy goal between manager and policymaker on the front-line. The work by Hjerne et al. (2010) describes subversion when highlighting the tension between willingness to implement and standardization across varying services in a sector.

Street-Level Bureaucrat Role

The routines, simplifications, and low-level decision-making environments of street-level bureaucracies are political. Street-Level Bureaucrats as I have been arguing, determine the allocation of particular goods and services in the society, utilizing positions of public authority. To say that their actions are political is to indicate in some people are aided, some are harmed by the dominant patterns of decision making. If the dominant patterns of decision making are characterized by routine and simplification, then the structure of the patterns must be analyzed to determine who gets what, when and how from this sector of government (Lipsky 1980, p.84).

A street-level bureaucrat fulfills a task within an organisation network and is integral to disability employment outcomes. When dealing with complex, ambiguous, contradictory goals and limited resources, they have to coordinate between the interests of involved parties on infrastructure solutions within and between a street-level organisation. The fragmented governance setting in our disability sector that surrounds them day to day in service delivery creates very different work conditions from those of non-people-processing organisations. The interaction with citizens as consumers, organisations and government reflects to the observer an informal as well as formal power resource that can either enable or constrain them in their service delivery for an employment outcome.

In order to control the coordination of employment outcome, a street-level bureaucrat will develop coping mechanisms, which Lipsky (1976) claims is based on the cognitive dissonance experienced from their conflicting duty and structure of work design. For this case study, structure of work design in street-level bureaucracy is key to understanding any influence over policy outcomes for people seeking employment. On this point, however, some argue against Lipsky and favor the position that stakeholders in the consultation process exert influence over the designs and structures that are finally implemented and become policy. Bickerstaff and Walker (2005), however, conclude that the consultation process has no effect on policy outcomes and that the aim of the process is rather “to justify or validate higher policy objectives or mobilize civic support rather than downwards to steer action” (Bickerstaff & Walker 2005, p.2134). The conclusion that coordinating interests for an outcome on the ground is dependent on the experience of power amongst exchanging parties, is far from ground-breaking. However, upon reflection we can see a need to discuss how, and if, the ‘justice’ of street-level bureaucrat decisions within network settings can actually be fostered through restriction. This will ultimately determine the nature, amount and quality of benefit and sanction provided by their agency. How a street-level bureaucrat can actually develop and apply coordinated responses within our networked disability employment settings is inevitable and exists in uncontrollable space. This space is discretion (Hawkins 1994) and its power over interests in policy implementation (Brodkin 2011; Stone 2002; Galligan 1990; Prottas 1978; Lipsky 1976). This is important because discretion determines the nature, amount

and quality of service delivery output and street-level organisation (i.e. contract service provider) outcome under new public management strategies in the Australian disability sector, and could have implications now and possibly even into the future (i.e. under NDIS).

In summary, Michael Lipsky's paradigm of street-level bureaucracy sets a course to understanding what determines the nature, amount and quality of benefit and sanction provided by their agency as 'street-level organisations' (a term coined by Durose 2011). At the intersection of service delivery and policy outcome is the democratic control of implementing 'agents'. Through street-level bureaucracy theory we can interpret how service providers operate in the Australian disability sector as a street-level bureaucracy. This also helps us better understand the important position 'bureaucracy' plays implementing service as standards. The potential of service providers to undermine the goals of social policy from bottom-up creates conflict and raises matters of accountability and interest. The implication of this from service providers, and the restriction that front-line behaviour is contained to specific outcomes by service standard goals on the ground, becomes complex and dynamic, as there are many networks, each with involved interests. The way frontline workers in human service organizations implement policy is greatly influenced by how their jobs are structured within particular organizational settings. Although scholars of street-level bureaucracy have provided important insights into this relationship how organizational setting mediates between policy goals and frontline behaviour leads us to the concept of discretion.

Chapter 3 Discretion

Discretion, as a concept in the disability sector, is under-examined in both professional and academic circles. The practice and regard for it as a relevant concept has generated little consensus on what it is or whether its effects are harmful, valuable or merely non-threatening to social policy outcome. Today, contracting to service providers by government is the foundation on which accountability in human services is built. This chapter will outline what discretion is, as well as main issues surrounding its use in delivering a standard of service. The use of discretion by street-level bureaucrats, as a source of power in standard delivery, becomes central to service delivery output and ultimately disability employment outcome. Discretion is neither good nor bad, or positive or negative, and it cannot be presumed that rules and regulations containing its use give a reason for unconditional control to deliver employment services in the disability sector.

Since the late twentieth century, it seems health and welfare policy in Australia has focused heavily on improving individual freedom, life choice and participation in human service provision. In light of this, public policy in the disability sector is implemented on the construct of social inclusion that seems to require great individualisation of service, active engagement of a service user and the inventive partnerships based on entrepreneurial spirit between a variety of service providers. For some this context, coupled with management of risk through a range of compliance procedures, may generally discourage the exercise of discretion in any sector service delivery. Specifically, it may limit the participation of the consumer of employment services while also reducing the incentive between service providers to cooperate and be entrepreneurial. This thesis will not weigh into the debate, as outlined in work by Carey, Riley and Crammond (2012), Warner (2011), Daly and Silver (2008), Humpage (2007), Lyons and Passey (2006) and Considine (2003), on the relevance of risk to social inclusion and individualised service provision in the disability sector. It is however acknowledged here and recognized as influential and contributing to policy implementation experience.

According to Sawyer and Green (2012) many staff in this context can develop their own risk management strategies over time, and this may not be attuned to rigorously applied occupational health and safety requirements. For front-line staff in these cases, regulation is oriented to protecting workers and the organisation rather than clients. In some instances this can be seen to hinder relationship building with clients. In response to social inclusion and individualized service provision in our disability sector, however, employment services are specializing their service provision to focus on categories of disability. As has been alluded to in previous chapters, the management of client outcome here continues to be driven by formal and informal regulatory measures through national service standards and service qualification procedures. There is little progress in the disability sector to formulate standards that guide not only discretionary power, but also how different service providers might be able to share the experience with their clients and with each other in employment services.

The Nature of Discretion

Discretion is defined by various theorists in different ways and applies to both women as well as men despite examples in the literature of prejudice. For example; Baldwin (1995, p.25): “Discretionary decision making is a continuing process, a subtle and shifting affair that is the result of substantial human interpretative work.” Hawkins (1992, p.80): “Discretion might be regarded as the space ... between legal rules in which legal actors may exercise choice.” Galligan (1990, p.8) “A sphere of autonomy within which one’s decisions are in some degree a matter of personal judgment and assessment.” Dworkin (1977, p.31): “The hole in the doughnut ... an area left open by a surrounding belt of restriction.” Davis (1969, p.4): “Discretion is wherever the effective limits on his power leave him free to make a choice among possible courses of action and inaction.”

From this very small number of examples we can see clearly that discretion is a type of riddle and what can emerge is a conflict between general and abstract rules, and specific situations (i.e. responsiveness versus standardization, autonomy vs control, demand vs supply). For some, like Davis (1969), discretion is a major source of injustice

and should be restricted as much as possible. However, for others, like Lipsky (1976, 1969) and Jowell (1973), it can be thought of as inevitable, and in many cases an essential condition for efficient and effective implementation of rules and social policy.

Lipsky (1980) argues that discretion is fundamental to the professional practice of street-level bureaucrats and identifies three conditions that encourage discretion. First, the goals, laws and guidelines that street-level bureaucrats must follow are vague and inconsistent with their own. Second, street-level bureaucrats work with people whose circumstances are unique, unpredictable and quite specific to an individual. Third, the discretion shaped by circumstances presumes that street-level bureaucrats will perform their tasks based on expertise and this provides latitude for personal discretion. Based on Lipsky, these three conditions constitute our analytical framework to best understand actions of street-level bureaucrats implementing policy on the front-line with discretion. Their responsibilities entail making decisions based on the needs of the individual within the confines of prevailing policy and stakeholder interests. They are forced to make necessary prioritisation when bringing into alignment both government strategy/objective and the individual consumer's need for assistance and support with the available resources.

On a conceptual level, discretion in delivering disability employment services is about the interpretation of objectives or the resolution of competing objectives, and must not to be confused with 'decision-making'. The use of rules involves discretion and the use of discretion also involves social and organisational rules (Hawkins 1992, p.12). When considering the use of discretion here it can be understood as:

The result of social situations that both shape the exercise of it and make its exercise inevitable. It exists not only where an agent is given authority to choose by statute or regulation, but also where authority is expressly denied (Lempert in Hawkins 1992, p.187).

Social scientists tend to see discretion not so much in relation to standards but more in terms of alternative action taken in circumstances where there are no discernable

rules/standards. Some writers who have clarified dimensions of discretion with this distinction include Evans (2010), Kearns (1996), Dworkin (1977) and Lipsky (1976).

There are two circumstances under which discretionary experience exists that are in line with Lipsky's conceptual understanding: the scope for personal assessments in the course of a decision being made; and the attitudes of other people-processing officials. Galligan (1990, p.9) suggests three primary elements, of finding facts; settling the standards and applying the standards to the facts, in the process toward taking action with this in mind. In the disability sector, discretion in the service delivery context relates to settling the standards, that is, where judgments and assessments have to be made as to the DES themselves, which explain and justify a decision. There is discretion in this, either because the standard leaves room for varying interpretation, or because the street-level bureaucrat is left to create the standard for themselves. While it can be accepted that discretion surfaces in the interpretation of a standard, for some this may still fall short (Evans 2013; Vega, Chiasson & Brown 2013). This shortcoming occurs, according to Galligan (1990), in respect to (3) in two possible ways. First, where a staff member on the front-line is required to do, or abstain from doing, some act with a client. Second, where a staff member on the front-line has various ways of performing a task, and in deciding how or whether to act, this person needs to determine for themselves the reason and consequent new standard to guide their action.

We are particularly interested in Galligan's (1990) interpretation, mentioned above using settling the standards, as this highlights what discretion is in a decision about service provision (i.e. standard 10: Service recipient training and support). This emphasis is, for us, how discretion is used in disability sector service delivery. This is intriguing. It may occur in an unlimited variety of situations by promoting a service client to a 'potential' employer, coaching a client to be employment ready, or even supporting a client or employer with job site alteration support. It is in circumstances like these that, according to Galligan (1990, p.10), a staff member is given little if any guidance in interpreting what is needed for an intended outcome. Another example of this may be when a street-level bureaucrat is told to provide service recipient training and support, without being instructed as to how to facilitate access to relevant training and support

programs that are consistent with the employment goals and opportunities of that service recipient. This constitutes a good reason for acting one way or another.

A variety of studies have examined controls over street-level bureaucrat interest and ability to influence the behaviours of front-line service delivery staff. This top-down notion of policy implementation includes considering signals by political leaders (Langbein 2000; Keiser & Soss 1998); organisational arrangements (Hill 2006); administrative emphasis of policy goals (Hill 2006; Ewalt & Jennings 2004; Riccucci, Meyers, Lurie & Han 2004); enhancements of staff capacity (Winter 2003); and managerial supervision (Brewer 2005; Riccucci 2005; Brehm & Gates 1997). All these studies reinforce the well-known tenet of implementation research, where translation of a higher-level goal into street-level action can become subject to a variety of disjunctive influences. The accumulated research mentioned provides little understanding of the importance of political and managerial influence on implementation difficulty.

As a hierarchical view of policy implementation focuses on structuring networks of communication and developing tools to control its organisations, Sabatier (1986, p.22-3) recognizes that implementing organisations need appropriate room to interpret. Or is this yet another example of restraint? Critics of this perspective argue that discretion extends beyond what is required in service delivery contexts (Burke 1990), and that undesired forms of discretion evolve over time and may be difficult to control (Rhodes & Marsh 1992). The nature of discretion in any service provider, let alone in the disability sector service standards, is dynamic and can lead to a number of outcomes.

For those who directly deliver services to consumers, discretion could also result from features of the policy being implemented that aims to contain discretion and facilitate compliance. Lipsky argues that street-level action effectively determines important features of policy experience and that many cohort needs are too complicated to be summarized into precise instruction or standard (Lipsky 1980, p.14-15). It follows then that discretion may promote the goals of disability employment strategy (DES, ADE), while also being thwarted by it. Although together this may involve street-level independence when dealing with consumers, it cannot be mistaken for autonomy.

Lipsky (1976) and Prottas (1979) both explore how street-level bureaucrats use discretion and interpret how this relates to managing implementing organisations. In considering this, it is generally understood that the kinds of hierarchical controls wished for in top-down models are not likely to work. One example is when managers attempt to tighten the standard being implemented, resulting in a possible reduction in the quality of service (Lipsky 1976). This is important for implementation, as street-level bureaucrats and their managers may need to consider how far the positive aspects of facilitating discretion in the workplace (by reducing the need for rule-making to cope with dilemmas) have been outweighed by increased levels of bureaucracy and the de-skilling of professionals.

Discretion, as in Evans (2010), Kearns (1996), Dworkin (1977), and Lipsky (1976), can be viewed as either good or bad, negatively or positively. When an official uses her or his discretion to pursue commonly acknowledged goals, according to Nagarjan (2013), this may be viewed positively. When an official's discretion is strictly determined by rules, then discretion according to Nagarjan (2013) is residual and can be viewed negatively as a void in a system of rules. Each wears a distinctly different coloured lens to view what discretion is used for in policy implementation. It seems from observation that much research has been conducted on decision-making in policy implementation. However, after our definition of the concept, discretion is not specifically decision-making per se but part of it as a process. According to Lipsky (1976), front-line officers as street-level bureaucrats are systematically confronted with scarce resources and a highly demanding work environment in service delivery and they develop routines as a way to cope with tasks. The way in which people deal with discretion through the interaction with consumers day-in day-out has several research traditions that focus on ways that staff in both public and private organisations cope with this.

Despite the literature on street-level bureaucracy emphasizing a central role of front-line workers in producing public policy and their broad influence on society and public trust, there is a great lack of research on how street-level bureaucrats deal with dilemmas caused by the inevitable forces that encourage discretionary power in street-level work. According to Hjerne, Juhila, and van Nijnatten (2010), some dilemmas in

street-level work under the influence of managerialism/new public management could be identified as autonomy versus control, responsiveness versus standardization, demand versus supply. Bloomfield and McLean (2003) also identify possible dilemmas here to be possibly from the interrelationships between time and space, technology, organisation, and human subjects (patients or staff) in the field of mental health care and support.

Whichever way, one important issue here concerns the attitudes and behaviours of 'street-level bureaucrats' (see Marinetto 2011; Smith 2011). However, when dilemmas evolve, how open is a street-level bureaucrat in facing new demand put forward by citizen-clients/consumers (see Riccucci 2005), by politicians who want to exercise political control (see Meyers & Vorsanger 2003), or by public managers who want to constrain the relative innovation (May & Winter 2009)? The degree to which street-level bureaucrats are able to cope with these changing societal, political and managerial demands may not only explain their interests, but also their willingness or resistance to implement supported employment and government strategy addressing disability sector demand in Australia today (May & Winter 2009; Riccucci 2005; Van Meter & Van Horn 1975). Coping is a consequence to align one's professional value with sector goals and according to Tummers (2009) coping is key for positive policy outcome.

The discretion that is available to a street-level bureaucrat to implement employment support, while meeting the objectives of the DSS and the needs of the citizen-consumer, is fascinating, dynamic and very complex. Ultimately, it determines current policy in the Australian disability sector. Leading authors in policy implementation research, such as Pressman and Wildavsky (1984) and van Meter and van Horn (1975), call for a better understanding of discretion. The principal concern has been discretion's links to policy formation and policy implementation. Trailblazers in the field like Elmore (1985), Hanf (1982), Hjern and Hull (1982), Barrett and Fudge (1981), and Lipsky (1980) see discretion mediating policy implementation in a more active and cooperative role. Other authors advocating policy implementation research in this tone are Garrow and Grusky (2013); Hefetz and Warner (2012); Jennings and Hall (2012); Neshkova and Guo (2012); Nicholson-Crotty and Miller (2012); Oosterwaal and Torenvlied (2012); Brodtkin (2011); Watkins-Hayes (2011); Wenger and Wilkins (2009);

Cho, Kelleher, Wright and Webb (2005); Riccucci (2005); Keiser (1999) and Kelly (1994). Given the subtlety discretion plays, policy formulation and policy implementation are not strictly independent but interdependent.

Whichever position is taken, it cannot be denied that even in the disability sector we can see that with discretionary power implementing employment support it can (and will) be abused. As we have seen in the previous chapter, the way front-line workers in human service organisations implement policy is greatly influenced by how their jobs are structured within particular organisational settings. How organisational settings mediate between policy goals and front-line behaviour is key to understanding what discretion is used for in the disability sector, and hence in answering our research question in this chapter. One's authority, role expectation, workload, client contact, knowledge and expertise, and incentives to behave a certain way in street-level organisations, combine to affect employment outcomes for people with disability in profound ways.

A variety of studies have examined controls over street-level bureaucrats and the ability to influence the behaviours of front-lines of service delivery staff. These include consideration of signals by political leaders (Keiser & Soss 1998; Langbein 2000); organisational arrangements (Hill 2006); administrative emphasis of policy goals (Ewalt & Jennings 2004; Hill 2006; Riccucci, Meyers, Lurie & Han 2004); enhancements of staff capacity (Winter 2003); and managerial supervision (Brehm & Gates 1997; Brewer 2005; Riccucci 2005). All these studies reinforce the well-known tenet of implementation research, where translation of a higher-level goal into street-level action can become subject to a variety of disjunctive influences. The accumulated research mentioned, however, provides little understanding of the importance of political and managerial influences on implementation difficulty. Studies that directly assess the importance of these factors for action of front-line workers mainly suggest minimal influence. However, no studies that directly assess the importance of these factors for discretionary actions of front-line staff in Australia's disability sector, appear in the research reports of Commonwealth of Australia (2012b) or Commonwealth of Australia (2011c).

Lipsky (1980, p.195-196) identifies failings in the policy process that lead to discretionary action. He notes three key issues:

1. the need for professionals to understand better the needs of their clients which could be achieved by routine reviews of their activities
2. the de-centralization of service provision through more management direction
3. the need to address the problem of professionals tending to police themselves and to work in isolation from other professionals, stimulated by the prospect of career enhancement based on individual performance.

If these were addressed there would be “less need for routines and simplifications to deal with uncertainty” and street-level bureaucrats would be more accountable for their behaviour (Lipsky 1980, p. 199). The extent to which bottom-up pressure has affected street-level discretion depends in part upon the knowledge of users about the service being offered and also upon the professional’s knowledge of how to make the best use of consumer involvement. Their ability to exercise discretion may well depend on their understanding of their own effect on the working of these processes, and the relationship between different actors in both the provision and receipt of services.

The argument surrounding discretion in service delivery twists around three central points that are important for bureaucracy theory and this case. First is empowering bureaucracy enough to be effective, without making it so powerful as to threaten representative democracy. Second is using top-down influence to coordinate programs without making bureaucracy inflexible. Third is securing accountability of bureaucracies to elected officials (and ultimately to the public) without rendering it incapable of effective action (Kettl 2002). Theory surrounding public bureaucracy, in general, has sought to manage these points in varying ways by drawing boundaries in the name of managerialism. These may be boundaries that constrain power, promote coordination and seek accountability. The management of public programs increasingly spills beyond public bureaucracies, and this phenomenon, for the purpose of this thesis, will be understood to be ‘governance’ (Kettl 2002; Pierre & Peters 2000; Peters 2001). However,

as highlighted by the Commonwealth of Australia (2011c), the very boundaries that have been created to manage have, in turn, crippled government in addressing issues relating to employment for people with disability (Anon 2013). Understanding formal and informal discretion in the delivery of social policy gives a good example of unraveling the nature of discretion.

Evans and Harris (2004) make the distinction between two perspectives in the field of research on discretion. The first viewpoint interprets discretion as fundamental and necessary for street-level bureaucrats to do their work (i.e. aligning with bottom-up implementation literature). The law and NDS guidelines must be interpreted by SLBT and creating the organisation's policy (see Lipsky 1980; Ellis 1999). In the second perspective, street-level bureaucrats' discretion is regarded as circumscribed by laws and guidelines, as well as by the increased power of management (i.e. aligning with top-down implementation literature). The discretion here is considered to be dependent on the economy and varies from one situation to the next (see Lumberly 1998; Howe 1991).

Who is Leveraging Whom

'Interest' is a central concept in contemporary liberal political theory. Much of this discussion is marked by related confusions between 'interest' and 'actions-in-interests', and between 'subjective' and 'objective' interests (Smith 2006, p.56).

It needs to be acknowledged that a street-level bureaucrat is presented with the additional weight of interpreting the public interest of both consumer and business as well. This is a task that cannot be accomplished in a value-free way. To inform the choice and management of means in Australia's disability sector, we need to look into the 'black box'. The conflict between a national government's goals and how a street-level bureaucrat guides the allocation of resources across competing claims is a perennial concern that the disability sector is not immune to. In disability sector contracting, discretion rests with the government, and contracted service providers, simple agents. The muddy middle ground in which both exercise discretion, however, is called the domain of collaborative governance (Donahue & Zeckhauser 2006). We distinguish what

shapes the potential, the risk and the strategic complexity of street-level bureaucrat service delivery in this middle ground.

Detection of noncompliance and enforcement strategies or sanctions available to disability employment outcome examiners is important to recognize here, as it highlights the structure and mandate that active enforcement agencies have in the disability sector. Work by Howe, Hardy and Coony (2013) on the Fair Work Ombudsman (FWO) in Australia as a new institution highlights this point well when describing the context:

At present it is pluralistic, in the sense that it exhibits a hierarchical, procedural approach in a drive to address concerns of consistency and accountability, while at the same time allowing, and sometimes encouraging, individuals to be experimental and adaptive (Howe 2013, p.81).

Undoubtedly, chosen service providers are permitted a good deal of latitude over how to meet the terms of service delivery contracted by government, but not what they are to be used for. Indeed, the expectation of efficiency through flexibility in production forms much of the rationale for outsourcing to them in the first place, although the definition of ‘ends’ remains the Australian Government’s prerogative. Effective contracting is not insignificant; however, according to Donahue and Zeckhauser (2006), there is always going to be a danger of not determining:

- its requirements
- poor translations of stakeholder requirements
- choice among competitors
- monitoring of a provider’s performance
- deceit or incompetence on the part of providers.

Good governance requires choosing the ideal street-level bureaucracy and the right ends. Many governments around the world are engaging in significant reforms in the way they enforce employment standards. These reforms commonly include change to resources,

procedures and legal regulation of service providers involved in implementing it (see Coslovsky 2011 Brazil; Weil 2010 United States; Malmberg 2009 Europe; Piore & Schrank 2008 Latin America; Cooney 2007 China). Studies that emerge as part of this international interest focus on several aspects also relevant for discretion in the disability sector in Australia.

Local managers tend to control whether agents act and under what particular circumstances they act. The basic administration function of DEEWR and FaHCSIA-funded employment services (i.e. DES/ADE) appears to be not merely of people but also of institutionalized action (Zald & Scott 2003). This conclusion is drawn because the DSS is solely the government's expectations of contracted service providers and an attempt to minimize local variation that is not intended on the front-line. On the surface, this implies in modern Australian society that we have not passed from control and coordination. There is, however, on closer inspection a shift to more organisational rationality and the administration of multi-organisational project activities and an entrepreneurial spirit as well. This is important to reflect on here because the choices made on the front-line reflect the intent to shape how local and national influences drive the practice of social policy delegated to policymakers. This power has perplexed social scientists and often stirs debate in the literature surrounding its strategic function and causal interpretation. What does this mean for groups that have a stake in and/or are affected by policy outcome? Interests, in Stone (2003, p. 210) are "the active side of effect, the result of people experiencing or imagining effects and attempting to influence them. Effects do not become important in politics until they are translated into demands. This implies that how, when and why effects are converted to political interests is of central importance to understanding discretion as power in social policy implementation.

The improvement of the employment rate and quality of career opportunities for people with intellectual and developmental disabilities is a high priority across the country and is supported by legislation. The literature is full of descriptions of promising practices that front-line staff can use (Callahan, Shumpert & Condon 2009; Griffin, Hammis & Geary 2007; Hoff, Gandolfo, Gold & Jordan 2000; Luecking, Fabian & Tilson 2004). It is not clear, however, if employment service staff always implement

these promising practices (O’Neill, Hewitt, & Sauer 2005; Luecking, Fabian & Tilson 2004). Promising practices for career planning and assessment include developing a detailed understanding of the job seeker’s strengths, skills and preferences (Callahan, Shumpert & Condon 2009; Griffin, Hammis & Gear, 2007; Callahan 2003; Griffin 2008; Kluesner, Taylor & Bordieri 2005); using job restructuring or job creation to expand employment opportunities; understanding workplace culture and structure, including developing a relationship with the employer and understanding the work environment (Carlson, Smith & Rapp 2008; Butterworth, Hagner, Helm & Whelley 2000); and using personal and professional networks to identify job opportunities (Butterworth, Migliore, Nord & Gelb 2012; Bolles 2009; Levinson & Perry 2009; Griffin 2007; Luecking, Fabian & Tilson 2004; Cadigan, Kiernan & Butterworth 1996; Bissonette 1994). Job entry and post-employment supports including transportation, work-incentives planning, and building and ensuring natural supports are also critical for a smooth transition to employment (Becker & Drake 2003; Test, Sollow & Flowers 1998).

The Power of Discretion in Service Delivery

The concern with ways to organise public bureaucratic work overlaps with widespread adaption of strategies involving privatisation, decentralisation and contracting-out. This is where Lipsky’s work on the mediating role of street-level bureaucrats between the public institutions and the citizen (i.e. consumer) is highly relevant. According to Marttila, Johansson, Whitehead and Burstrom (2012), ‘social’ type work has always been a form of help rather than a service. A help relation is linked with symbolic, invisible power that lies hidden in kindness, help and nurturing, which has been identified as a legitimate role. In social work, distinctions are sometimes made between deserving and undeserving clients, easy cases and difficult cases.

Negotiation in arriving at a clear agreement on distinctions can be empowering for both street-level bureaucrat and consumer. A street-level bureaucrat may be confronted with a situation where a client’s capacity to exercise some control and decision-making may be more important than the risks arising from denying this control. The professional who knows the client well will recognize the significance of the exercise of autonomy

and decision-making in fostering the individual's capabilities and 'needs as a self' (Yeatman 2009, p.10). The fostering of these capabilities heightens the client's independence and social participation, and therefore their experience of social inclusion. Contemporary approaches to working with people who have intellectual disabilities and challenging behaviour differentiate between proactive behaviour change strategies and reactive behaviour management strategies (see Hawkins, Allen & Jenkins 2005 for further clarification). Considerable concern, however, is expressed about methods of manual restraint that for their effectiveness depend on inflicting pain on service users. One study which specifically examines the use of physical intervention, from the view of people with intellectual disabilities, is conducted by Sequeira and Halstead (2001).

We need to think about the experience of discretionary power and ideas concerning service delivery and contract management in social policy implementation. The exercise of public service delivery involves the use of power, and power is about influence over and dependence on others. This makes the relationship between disabled consumer and street-level bureaucrat asymmetrical, and this then influences the experience and the interaction in the decision-making process. The decision-making process is not only influenced by the relationship in making a decision; street-level bureaucrats must also go beyond guidelines in communicating with other actors and coordinating information. It follows from this that in many areas of policy implementation, the literature implies discretionary power in service delivery is not common. The Disability Services Act provides for a set of guiding standards of quality services in the authority of DSS masking discretion, but not extinguishing it. These standards, in conjunction with the associated objectives (i.e. service provider compliance to national guidelines of service delivery) for service provision, are underpinned by social justice values that guide service delivery in action. The idea of compliance is strong and reflects, for moral reasons, the most desirable means of quality assurance.

Social policy implementation relies on discretionary power (Galligan 1990) in which bureaucrats act impartially, accept clear lines of accountability and supervision and define their day-to-day activities through routines, rules and procedures (Lipsky 1971, 1969). The influences and varying cases of politicians, managers and bureaucrats shaping

policy implementation and affecting society is well acknowledged and represented in the social science literature. However, applying rules according to meaning without direct reference to purpose only goes halfway. Power has purpose and is a way to subordinate self-interest of other groups or individual interests (Stone 2002, pp.32-34). The notion of citizen interest in power of discretion is very helpful when understanding new interpretations that result from discretion taken on the front-line. It goes to the heart of disability sector social policy implementation rather than to prescribing a cause.

It is now well accepted that street-level bureaucrat actions do sometimes, if not often, differ from the intentions of politicians and managers. Much of the scholarly attention about how street-level power relates to people-processing to implement social policy has focused on networks of service agency providers (McGuire 2006; Goldsmith & Eggars 2004; Milward & Provan 2000), and the contractual arrangements among public and private providers of those services (Hodge & Greve 2007; Brown, Potoski & Van Slyke 2006). When decentralized implementation includes external stakeholders, this can, according to deLeon 1995 and Gruber 1987, still be viewed as a means of democratic control. With this idea of democratic control and street-level power, Smith and Lipsky (1998) and Lipsky (1971, 1978, 1980) draw attention to specific mixed implementation approaches: constraints are imposed from top-down strategies, and implementing agents use discretionary power and discretionary decision-making to interpret policy congruent with their own preferences. To explain behaviour at the individual level is not important here, except for its interference at the aggregate/community level. People are only rational to the extent that they select the best possible means to achieve their goals. This may have implications not only for formal delivery of employment services but also for informal delivery.

When considering service delivery in the disability sector, individual needs that develop into political demand and can vary over time. The literature on mental health and disability employment outcome proposes a range of regulated, intermediate, vocational, and therapeutic services to be implemented for greater access to employment opportunities and development of meaningful life course, as outlined in the NDS 2010-2020. A portion of literature on this matter and service delivery targets two distinct

approaches of assistance (see Crowther et al. 2001, pp.204-205; Becker & Drake 2005; Chalamat et al 2005; Waghorn & Lloyd 2005, p.5; Rose & Harris 2005). First is a ‘train and place’ approach, which in Australia is typical of DES-DMS/DSS funded programs. Second is a ‘place and train’ approach, which in Australia is typical of the ADE funded program. In both cases, protecting the interests of service clients is important to consider here and it is addressed in the DSS. It cements the role of people with a disability in the Quality Assurance system as a term of service agreement between government, service provider and client.

Discretion Outcome and Managerialism

The notion that discretion can be managed in order to confine its exercise to certain actors and to limit the way in which those actors use it has been widely discredited. There is contention surrounding why it would need to be controlled in the first place, as discretion is always present. Discretion can be regulated procedurally as well as by rules, for example, by requirements to render the exercise of discretion accountable to others by reporting requirements and transparency, enabling the appeal of discretion. Having an impossible number of standards has meant front-line staff tend to concentrate on some issues while neglecting others for a variety of reasons, including the institution’s enforcement history or the professional background. More and more specific standards are being written by lawmakers in the misplaced belief that this narrows the discretion. The opposite is true: the larger the smorgasbord of standards, the greater the discretion of regulators to pick and choose an enforcement cocktail tailored to meet their own objective. A proliferation of more specific laws is a resource to expand discretion, not a limitation upon it.

It is claimed that too much discretion use may result in not reaching goals set by policy premise and that one’s private interest may be pursued or even sabotage governmental intended effect for a particular policy outcome to be experienced (Brehm & Gates 1999). We are particularly interested in this notion because in such cases, policy implementers are not elected officials and the legitimacy of their making independent decisions could therefore be questionable (Lowi 1993). Other scholars, however, argue

that delegating discretion to the individual implementing a policy is the opposite of this and must be encouraged (Berkman & Plutzer 2010; Dahl 1989). Delegating authority and including perspectives of street-level employees in a social program is also recommended by Moody (1990) as a realistic alternative to top-down control. From a street-level bureaucracy perspective, what is central to understanding a policy not being delivered as intended is the conflict between street-level bureaucrats and their organisation managers.

Managers are seen by Lipsky (1980, pp.18-23) to be primarily concerned with the dangers of discretion and what that means for them and the organisation. We acknowledge that there is often disparity between the practice of policy implementers and the intentions of policymakers. But what are the intentions of policymakers in the practice of implementing policy? This is the concern, especially because a street-level bureaucrat primarily determines policy implementation on the ground, and not their superiors (Lipsky 1976, p.196). Through interaction with 'clients' they are deemed by default to be the policymaker (Lipsky 1980). The identified disparity is taken further in Thornton and Marston (2009, p.79), who go on to outline three administration sub-groups:

1. those whose practice is reportedly consistent with the guidelines when reporting and is more 'rules-based'
2. those whose practice displays a greater use of discretion when interpreting standards and guidelines and is more 'discretion-based'
3. those whose practice regularly transgresses official standards of practice and is principally focused on the welfare of the client and is seen as 'virtue-based'

When acting beyond one's formal role as a SLBT, street-level organisation characteristics outlining formal discretion may create burden or opportunity. This may either limit or enhance quality assurance practice outcome that is desired from top-down implementation theories. This has a significant effect not only on the quality of service

delivered but also on the trust that citizens and consumers have in government (van Slyke 2003, p.308).

At a glance, it seems that the dominant issue in the disability sector has become how to decrease the cost of the welfare state rather than how to ensure continuity of service delivery for the impaired in Australia. The leeway available to managing service provider institutions in this issue is negligible. Service providers are harnessed to implement a social policy based on the rhetoric of entrepreneurialism and competition borrowed from the business world (Harris 2003). All this, in the name of effectiveness, can only be achieved when street-level organisations are made accountable for developing their services so that they will be efficient in terms of both price and quality.

With continual monitoring directed towards service providers as ‘entrepreneurs’ and their obligations to service standards, ‘new accountability’ (Banks 2004) implies these street-level organisations must be able to commercialize their work and quantify results to prove their effectiveness. For example, Stephen and Greg (2009) and Ramia and Carney (2003) explore discretion to implement social policy and street-level organisation of senior managers. It is found that attention on the outcome forces a street-level bureaucrat to “either embrace the competitive spirit or face dire consequences” in relation to prolonging financial sustainability (Ramia & Carney 2003, p.264). Work and client feedback systems have the power to guarantee high-quality services that treat all service users according to uniform and fair criteria (according to Burton & van den Broek 2008). A street-level bureaucracy has power because it is the instrument of the NDS and DSS. Individual street-level bureaucrats have power because they decide how those instruments are used. From this influence it seems the real meaning of social policy comes only through street-level organisational action. How a street-level bureaucrat will manage their interaction with citizen-consumer and street-level organisations is key to understanding how discretion is used in the disability sector.

Coping mechanisms not just are a way of avoiding frustration (ie. out of dissonance) but they can also be used in a more positive sense to gain settlement and agreement. To deal with their discretion, street-level bureaucrats develop routines to

avoid making endless individual choices in a demanding and complex environment. Research in this tradition attempts to conceptualize and understand mechanisms like creaming, routinizing, and controlling clients (Nielsen 2006; Fineman 1998; Moore 1987; Lipsky 1976), often used to achieve a fair and manageable workload. In accordance with Prottas (1978), three categories of influencing factors are distinguished: individual policymaker characteristics, organisational characteristics and client attributes.

Meyers and Vorsanger (2003) come to the conclusion that individual interest, professional norms and the processes through which workers construct meaning in their daily work routines have an influence on their decisions. Other studies reach a similar conclusion, highlighting professional norms, workers' beliefs and moral values of front-line officers as important determinants of street-level decision-making (Maynard-Moody & Musheno 2003; Sandfort 2000; Winter 2001). The most varied strand of research, however, concerns the assumed influence of the fourth category, "client attributes". Goodsell (1980, 1981), for example, states that clients who exhibit greater levels of need tend to receive proportionally greater benefits. However, others conclude that clients who are viewed as more difficult or troublesome receive fewer benefits; the high workload tends to force service providers to use tactics designed to make the application process more difficult for these clients (Smith 2003; Hasenfield & Steinmetz 1981).

In their empirical research, Ellis, Davis and Rummery (1999) observed that workers do not always consider the client's needs but rather manage their workflow according to their own priorities. On the other hand, Brodtkin (1997, p.24) emphasizes the goodwill of street-level bureaucrats by concluding that "caseworkers, like other lower-level bureaucrats, do not just do what they want or just what they are told to want; they do what they can." There have been numerous attempts to categorize the range of limits imposed on the exercise of discretion. Studies of representative bureaucracy highlight both passive and active forms of representation. Passive representation refers to similarities in demographic characteristics between bureaucrats and client populations. Active representation refers to situations in which bureaucracies work to further the needs of a particular group of people (Meier & Bohte 2001). Constraints on discretion can be both legally recognized and institutional. Legal constraints are widely accepted as

necessary for our democratic society, governed by the rule of law, namely: authorized by Disability Act, Discrimination Act, accountability, and rationality. Institutional constraints, such as the nature of the task, efficiency and effectiveness, organisational issues, political and economic considerations, and the overall attitudes of cohorts can be predicted.

The way front-line workers in human service organisations implement policy is greatly influenced by how their jobs are structured within particular organisational settings. This may include inadequate resourcing, threats and challenges to implementation authority, and expectations about job performance (Lipsky 1976, pp.198-201). How an organisational setting mediates between disability employment service provider goals, and supported employment staff behaviour, is open for discussion. To gauge how settings mediate between DEEWR program goals and their implementation by street-level officials, the organisational black box is open to look at the relationships.

Street-Level Bureaucrat Discretion

The picture of discretion and the nature of the relationship between local managers and service delivery staff in the disability sector emphasize the nature of key assumptions by Lipsky (1976) within street-level bureaucracy theory. While the street-level perspective is useful in focusing on particular aspects of discretion, it seems to bracket off other, significant elements of discretion and factors that explain its extent and variation. The particular strengths of the street-level bureaucracy perspective identified here are its analysis of the strategies of managerialist control alongside an informed and practical skepticism about their effectiveness. The ability of senior managers to control and direct street-level practice is curtailed not only by practical limitations identified by Lipsky, but also by the ideas and practices of being professional.

A growing literature over the past decade has been critical of the view of managerial influence, expressing skepticism about the managerial rhetoric of control and competence, and pointing to managers' inability to eliminate 'social' type work discretion (e.g. Baldwin 1998, 2000, 2004; Ellis 1999; Evans & Harris 2004; Dunkerley 2005; Ellis 2007; Newton & Browne 2008; Evans 2009). In Lipsky's accounts of street-

level bureaucracies (1969, 1971, 1976, 1980), the key regulators of discretion are managers. He sees managers as best placed to make decisions about legitimate and illegitimate discretion and as seeking to constrain their staff's discretion. They manage discretion in the interest of the organisation. But they are also pragmatists, and will encourage discretion where it works for the organisation. Their key guide is the spirit rather than the letter of policy, in contrast to street-level bureaucrats whose motivation, for Lipsky, is more self-interested: "The role of the street-level bureaucrat is associated with client-processing goals and orientations directed toward maximizing goals" (Lipsky 1980, p.25). Although scholars of discretion have provided important insights into relationships within policy implementation practice, what discretion mediates between policy goals and frontline behaviour leads us to better understand the experience of discretion.

Chapter 4 Discretion and Service Standard Experience

Discretion & Experience

When considering disability sector outcome, this thesis argues that deviation from social policy as intended, by the state is in part, due to discretionary action and street-level bureaucrat citizen-agent orientation. One abstract problem of not implementing policy as intended through the use of discretion, challenges the assumption that a policy as written will be implemented in practice. Not only do disability sector service standards aim at allowing political constraint to contain discretion, but so too do managerial, organisational and personal experience as well. Top-down policy implementation theorists and champions in the literature suggest that political force will act distinctly in a systematic and predictable way. However, as we define discretion and understand the varying interpretations surrounding it, we realise that this is far from the truth. Discretion is not the freedom to decide as an actor may choose, but more a freedom to be influenced by factors other than political constraint. In our case this tends to be citizen-consumer focused placing the needs of a person with a disability first. A Lipskian understanding explains the political behaviour by street-level bureaucrats and their interactions to represent government to the 'people'. This however does not identify how or what for that matter discretion is used in street-level bureaucracy. Discretion, is used by a SLBT to determine the nature, amount and quality of 'value' or 'support' provided by a service provider (i.e. street-level organisation) and this is in line with a service provider's aims of service delivery and output.

Employment support in the disability sector is interested in the behaviour of an individual in a working environment, and subsequently providing them with value support to pursue a life of opportunities. The SLBT inadvertently want any managed case to be subject to principles that are legal as well as ethical, valid to client circumstance and consistently (in principle) applied through the sector in Australia. Street-level bureaucrats, in our case however, are somewhat uneasy with the idea that standardization can be applied in managing cases, to meet consumer need across the sector. As each case managed is different from the one before it, the disability experience varies between

clients and service provider specialty. It is well understood by SLBT in our case study that their discretion in service delivery is being limited to a degree, raising questions about the purpose of what service they are providing. For example, one participant claims: “The DSS is simply a path for what to do and it is the DEED that tells you which path to take and how and where to walk on it” (Participant A). In considering this claim further, we see state influence through the DEED controlling for discretion. The interplay between bureaucratic organisational constraint, psychological factors affecting bureaucratic perception, and clientele behaviour in the disability sector (Lipsky 1976) are all under the surface when considering particular outcomes that are unintended or unanticipated by those responsible for setting policy objectives. Implementing social policy outcome within this context reveals inadequate resourcing (as asked in interview Question (Q) 2, Q. 11 and identified by 11 participants), threats and challenging behaviour to authority (as asked in interview Q. 7, Q. 8 and identified by 6 participants), and expectations about front-line performance (as asked in interview Q. 13, Q. 5, Q. 3, Q. 9, Q. 10 and identified by 14 participants).

The scrutiny placed on the ability of a street-level bureaucracy to meet the needs of both government and a person with a disability seeking an employment opportunity is an ongoing debate for the disability sector. However, in recognizing this it must be made clear that even though DSS controls for discretion, in a snowballing sense, a street-level bureaucrat may still exercise discretion. This turns our conversation towards limits placed on individuals by a social policy to preferred ends. Here we are concerned with the individual street-level bureaucrat coping mechanisms and their value judgments to shape policy as experienced. The street-level bureaucrat is not simply a cog in a heavily oiled machine, but someone who has a degree of agency (i.e. fidelity of discretion). The extent to which that ‘agency’ is exercised in disability employment services is conscious and instinctive, and can be likened to leaving the ‘window’ slightly opened. As we shall see further in this chapter, there are limits to top-down models of the social policy process. In understanding the context of street-level bureaucracy, we can see that SLBT make a difference to disability sector policy outcome, and, this is experienced when exercising a degree of discretion.

In this case, information on the employment background of staff members in the disability sector interviewed reveals an interesting quasi-professional group. These individuals have a non-professional status as street-level bureaucrats and serve the administrative capacity of service providers. As we previously noted in earlier chapters, scholars (mainly legal philosophers) often question the proper role discretion plays in policy implementation across institutional domains. We argue that bureaucrats use discretion considerably in managing their case load when adapting to street-level job conditions. In this case study, however, participants were somewhat ‘fuzzy’ on its meaning and how it was part of the work they do. For example, one participant claims:

There was a restaurant I wanted to approach on behalf of a client so one night I was discreet and went there with my girlfriend to eat and suss it out, they did not know so I wasn’t breaking any confidentiality ... I asked the waiter if he enjoyed working there and stuff ... afterwards on the way home I decided it wasn’t the right place for the client I had in mind (Participant B).

Another participant claims:

Last week I approached a small mum and dad business ... introduced myself and the service provider I am working for. Pretty standard thing I do this with all businesses in new areas I target. Nine times out of ten they are interested and polite but the conversation usually turns to cash flow. I then ask them if they know about opportunities available to small business to employ people from my organisation interested in getting work (Participant C).

It would seem that there is a well-defined distinction by the participants between an individual who works with employers’ needs (i.e. sales/marketing) in mind and an individual who works with a client’s needs (i.e. public sector, human services). It is also clearly recognized that discretion involves authoritative assessment of alternative options.

When considering action to meet the need of a client, it should also be noted that participants distinguished between making an informed choice, and the parameter giving them the authority to do so. One participant claims:

Our clients are the service providers, we represent them and they pay us membership and we provide them a voice to DEEWR as well as provide information and an understanding of the way DEEWR expects things. Ultimately I am here for their needs but there are instances when explaining ... for instance wage rates and expectations on service providers to give the correct information to potential employers ... there is nothing more I can do but just explain what is expected of them as a provider. They sometimes come back to me with a concern and I may include in my monthly feedback to the department head (Participant D).

The essential elements that distinguish decision-making from discretion is authority, power and responsibility. Undoubtedly, discretion is recognized by the participants in this case study to be the appropriate response for making informed choice based on an authoritative assessment of a situation. Front-line discretionary decisions are a form of bureaucratic authority.

Bureaucratic authority in our case study seems to be rational and rooted in principles of street-level bureaucracy work, which still distinguishes the hierarchical superiors and standardized rules for providing guidance on normative behaviour. As is the case, one critical issue for determining whether discretionary decisions will lead to expected outcome would be whether there is room to move. This hinges entirely on discretion in street-level bureaucracy existing, and it would seem to be playing a type of role. On stories provided by street-level bureaucrats it must be acknowledged here, that related constructs such as antecedents and consequences of discretion are obviously important to consider as well, but beyond the scope of chapters 4 and 5. With this parameter set, we find our case study raises some important points in relation to what discretion means, what it is used for on the front-line, and the contradiction that consumes it in social policy implementation for the disability sector.

Implicit in our participant responses is a difference between discretion over means and discretion over purpose. One may also use varying levels of discretion in either one of these circumstances and this for us highlights the multidimensional nature of discretion. The certainty that variance (i.e. varying levels of discretion use - e.g. fidelity)

exists, is consistent with sociologically oriented literature on discretion inevitability in organisations, and which openly accepts that an individual (i.e. street-level bureaucrat) may have more or less discretion in different aspects of their work (March & Simon 1958; Thompson 1967; Lipsky 1969, 1976; Prottas 1978). As citizen agents who act in response to individuals and circumstances, participants do not describe what they do as contributing to policy making or even as implementing policy.

What I do here is simply facilitate the process to support a person into the workforce...nothing more...sure there are times where I have a big and challenging case load, but ultimately I am here for them (Participant E).

The participants discount the importance of self-interest and will often make their work harder, more unpleasant, more dangerous, and less officially successful in order to respond to the needs of individual clients (ie citizen-consumer).

What Does Discretion Mean in Practice

The idea that discretion is a function of DSS is one that some would agree with and others would argue against. The extent to which a street-level bureaucrat has to create his/her own standards in this function becomes the quintessential challenge for service delivery today. Applying DSS daily is recognized in their task to involve elements of judgment, opinion and appreciation towards the individuality of a case. However, when discretion is acted upon and when a specific case falls into the terms of any given standard is a matter of perception, understanding and characterization that can also be open to various conclusions being drawn by managers, clients and other street-level bureaucrats. One participant claims:

I have no discretion in deciding if my client is or is not eligible for our service, that is done through JSA job services Australia, the rules of my job to apply to a client are clear and my only task is to decide if and where this case falls somewhere in between and work with it. Sure I think my decision at the end of the day to assist with a client in a certain way is final ... my manager is good like that and will support me here ... but I would have to say that it is in no way discretionary (Participant E).

Another participant claims:

In no way am I entitled to choose a certain type of work for a client because I think the client is not suffering from bipolar but schizophrenia, and their diagnosis to JSA says otherwise (Participant F).

From these participant claims, on the surface it would seem that street-level bureaucratic discretion is contained. However this seems to be on 'who' they deal with and nothing more. To apply DSS to a client's reality with discretion is very different from merely applying discretion to a client's reality (this may be interpreted by some disciplines as discrimination) and often involves a lack of street-level bureaucrat identification. This distinction becomes blurred in our case if a street-level bureaucrat needs to reconcile the meaning of the standard and the characterization of facts about a client in terms of that standard meaning. One participant claims:

It gets difficult when a client's circumstance test what I am supposed to do for them. If I have a full-time job opportunity for a client lined up, the client might not want to work standing on their feet all day because they experience headaches and dizzy spells because of the meds they are on ... but part-time jobs are limiting too and usually can have varying hours from day to week, and a client needs to fit in with this and keep to a strict timetable ... so if they have autism or in some instances even live alone with an anxiety disorder, it gets challenging (Participant G).

Certainly, in our case study participants comment that their specific job involves both assessment and judgment in delivering context-specific employment services. This is usually in career planning and assessment, job development and job support.

Nevertheless, participants do not acknowledge the absence of criteria of correctness per se but that they have to work between both department standard and consumer reality, and that is the job.

Where problems exist, according to participants interviewed, is when a SLBT understands the context of employment service delivery as one more amenable to their

own determination and self-interest (i.e. like meeting quotas to gain funding or meet service quality assurance to gain promotions in SLB). As outlined, a SLBT involves having to work between both goal and experience. In this case, participants are not necessarily conscious of using discretion as a supporting system or tool for dealing with their day-to-day tasks. The level of attention and energy devoted to their work is perhaps the most straightforward and somewhat commonly referred to example. One participant claims:

Work, day in day out is challenging ... but I love it ... the days can be long, sometimes difficult and hard if I have to travel to see regional clients and employers ... but yes it is my choice to do this work ... no one else's (Participant H).

It does seem that SLBT may be selective about how attentively a task is followed through. The discretion about completing the tasks expected of them by the street-level bureaucracy and the consumer, and how much actual effort they exert in doing so, develop out of the service provider process. This explains the street-level focus on means, but not on purpose. One participant claims:

I have some control over what I am supposed to accomplish in my job, I decide how hard I want to work to meet employment targets, and customer needs, but sometimes I do ask myself why? Because I have a family too ... others I know doing the same work are always applying for jobs ... This job allows me to juggle my workload to a degree ... (Participant I).

In a number of ways this leads to another aspect of discretion in our case, that of the direction of service delivery goals.

STANDARDS

One area involving discretion, of interest to the writer of this thesis, is in determining what one will do to pursue a particular standard. Participant goals reflect the extent to which they can decide about what they are trying to achieve. On reflection, this would seem to include both the desired output and the criteria used to evaluate it.

Individual goals were not really disclosed by participants in this case study; however, what was disclosed seems to be framed as ‘influence’ rather than as discretion. One interview participant gave the example of the general manager’s latitude to decide best practice when working with people of a certain category of disability seeking employment, and DEEWR’s choice of programs to develop further in relation to service providers. This seems to allow service providers deciding on their own how to go about meeting outcomes, yet the variety of methods to choose to complete the work adds to the problem.

Even though it is understood that service delivery in the disability sector involves standards, the matter of how to reach the standard is quite vague. One participant’s choices in developing training plans to meet client feedback, and another participant’s latitude in determining which employers to contact in a ‘cold call’ are both examples given by participant C & participant B consecutively. Deciding which methods and material to use and when during the course of the week/financial year to act are technical examples to consider. One participant claims:

I don’t have much control over the amount of resources a client can get as my sole focus is to meet job position quotas. My background is sales so this is not new to me, I can’t imagine one person trying to deal with a client directly as well as attempt to find them work ... it is too difficult, but I do know of one service provider where that is the situation. That is the reason why I left as too much was expected of me (Participant J).

Another participant claims:

One employer needed to make some physical changes to the work space my client was working in, funding was there, it wasn’t an issue about money but what case gets priority according to JSA. I needed to apply for JSA to evaluate the work space and this took four weeks before anyone was available to assess. In the meantime the employer gets frustrated, the client gets angry and starts to act out at home ... and we are judged (Participant K).

The options one has about influencing process to assist and influencing how others do their work is revealed as a playground for discretion. This is taken further and by some participants when raising the topic of how understanding employers are in doing this. One participant claims: “One food business owner has gone to great lengths to allow one of my clients a holiday schedule that is sensitive to her personal needs and medical circumstances” (Participant L).

A topic raised by more than one participant involves monitoring of case management performance. Individuals exercise discretion to help others in gaining or maintaining their work, including whether, when and how to provide assistance beyond their own case load. One participant claims:

If I have met with an employer who is interested in being part of a funded program, but I don't have any clients suited to their industry needs I let others know in our weekly meetings of opportunities ... for sure (Participant M).

In addition, this can spill over to supporting long-term clients as well. For example Participant N claimed; “I am always providing motivation and encouragement to clients, more so with the ones in the system that have been with us for a while”. While help/assistance is common, there are still special expectations and support functions that are typical to case management of citizen-clients in street-level bureaucracy. This makes the job easier to cope with however, assistance in peer-to-peer interaction outside training was not reflected upon by participants.

Monitoring performance, power to punish/reward may vary greatly between street-level bureaucracies, affecting the fidelity of discretion. One participant notes little effect about rewards for finding employment opportunity for clients. The participant is given guidelines about what behaviours the service provider expects from a client seeking employment services. Beyond task-related choices, participants in our case study use discretionary behaviour in their interpersonal contact with others. This is because the primary examples disclosed by participants tend to be interaction with clients. The decision to be friendly, avoid creating problems and not expend a lot of client time about

marginal matters is highlighted by three examples. The matter of interaction was commented on in more than one case. One participant claims:

I do not know what the next case will be. Clients are referred to us, sometimes someone will contact us, not going through JSA but that is rare. Whatever the case I have to concentrate on what ... (name of service provider withheld) ... wants me to do as well as the client and respond to their behaviour ... sometimes I get it right, sometimes I get it wrong ... but really that interaction with clients is what we are really about and here for (Participant O).

Selfless actions to benefit the organisation or oneself represent discretion in acts of civic virtue. They are typically seen in Lipsky's work as the underlying tension fuelling distrust between supervisor/manager and street-level bureaucrat roles (Evans 2011; Lipsky 1980). In our case study, selfless actions taken to benefit the organisation include attending non-mandatory training, viewing information webinars, and volunteering. More active forms of this are disability advocacy, defending the service provider's reputation, and encouraging friends to talk about disability. One participant claims:

I came to work in this industry by choice ... I got fed up with customers' expectations in hospitality and left it. I want to do a job that actually means something to somebody and I was told about a DES role in business development. I moved from Sydney and had to make some minor changes but I am now a lot more happy doing what I am doing ... even though there is the occasional problem ... but the engagement with clients and business adds to the good experiences I am having (Participant P).

Questioning participants on the subjective importance of service standards does reveals front-line understanding about both processes and goal direction in service delivery. Five particular preferences discussed in this cohort are:

- Standard 1 (Service Access)
- Standard 2 (Individual Needs)

- Standard 4 (Privacy, Dignity and Confidentiality)
- Standard 9 (Employment Pay and Conditions)
- Standard 12 (Protection of Human Rights and Freedom from Abuse)

Two preferences, surprisingly, not mentioned or discussed in this cohort are:

- Standard 5: (Participation and Integration)
- Standard 7: (Complaints and Disputes)

Participants within the same service provider and between service providers discuss four contradictory preferences in:

- Standard 3: (Decision-Making and Choice)
- Standard 6: (Valued Status)
- Standard 10: (Service Recipient Training and Support)
- Standard 11: (Staff Recruitment, Employment and Training)

Outcome and Consequence when Using Discretion

When working with clients, employers and sub-contracted assistance, service delivery can get quite convoluted within the disability sector. In considering dilemmas faced in front-line roles, three particularly interesting areas are raised by participants. First, tailoring assistance to the job seekers' personal circumstances, skills, abilities, and aspirations. Second, using available government funding appropriately to support job seekers. Third, the evaluation and sharing of best practice to enable continuous improvement in the delivery of employment services by the government, mainly the method for assessing quality. As outlined in Chapter 2 SLB, the literature identifies a broad variety of considerations claiming to explain the process of front-line work and the development of individual coping behaviour. In order to understand more clearly

differences between state-agent and citizen-agent perspectives, comments by participants leads us to distinguishing between:

- dilemmas in street-level work in which one can choose between various options within one's policy implementation discretion (e.g. a DES worker choosing between approaching a certain employer on behalf of a client or encouraging the client to contact the potential employer him/herself)
- dilemmas in which one may choose to act beyond one's policy implementation discretion because of ethical reasons (e.g. finding a balance between work and family life because of the enormous time commitments associated with disability sector work).

One positive example stems from networking with other service providers. In one participant's case their service provider case load did not have sufficient clients to meet a specific employer's needs. Being from a small regional center they were able to join with another provider in their region and apply for innovative funding to rebuild a community facility. As a project, it involved recruiting job seekers to do much of the work, and provided apprenticeship support for this to occur. Participant Q claimed: "No one stands out in particular, but it was only by banding together that we were able to apply for funding and go ahead with the project". This example by its definition and practice is different from a goal-oriented service standard delivery, although it also leads to tailored services for job seekers. It highlights a point that service providers vary greatly across states in the disability sector. This can be in their organisational details, the environment they operate in and how they approach the task of assisting job seekers. Whether it be building connections, engaging with employers or connecting with job seekers, implementing specific employment-related strategies to gain paid individual employment involves a street-level bureaucrat using a variety of standards.

Importance of Citizen-Consumer

Implementing specific employment-related strategies for job seekers to gain paid individual employment involves a street-level bureaucrat using a variety of strategies to

get to know a job seeker. Most street-level bureaucrats interviewed expressed, in one form or another, that they participated in person-centered planning and consultation for most or all of the job seekers they worked with. This, for some, involved communicating with the referring agency and peak body group to further clarify policy-specific interpretation and departmental need. When person-centered planning is used by SLBT to facilitate a job seeker's transition into employment, participants discuss workplace expectations with job seekers, vigorously listen to employers' concerns, and stay in contact with an employer after placing a job seeker.

One key component of this in employment-focused initiatives, and of street-level bureaucracy efforts to improve employment outcomes, is the focus to ensure that employment is identified as a priority. In one particular case about person centered planning:

I find a potential job for a client by viewing online ads, contacting employers who over the years I have established good rapport and ... sometimes making cold calls if I feel it is appropriate to the client's expectation and reality ... like if I have a client who wants to make computer games simply because they like playing computer games I would not contact a game making business unless I saw an ad online for a position (Participant R).

Training provided to case managers/service coordinators to enable them to become skilled in facilitating conversations about employment priority and to address individual/family concerns about community vs individual employment goals are an important part of the street-level bureaucrat experience here. In person-centered planning and consultation outlined in the interviews, the least-used strategy is to assist a job seeker with support for long-term career oriented goals. In three street-level bureaucracy cases, street-level bureaucrats facilitated employment-specific support by 1: teaching job seekers social skills 2: social skills on how to ask for help from employers 3: educating co-workers about how to support new employees.

In summary this chapter on participant discretion and service standards supports disability sector outcome through service delivery action and street-level bureaucrat

citizen-agent orientation. While the state has in practice recognized a wide range of public benefits in standard regulation this is based on promoting economic efficiency and accountability assurances. The service providers are concerned primarily with social and environmental benefits. As citizen-agents front-line staff determines the understanding about what is delivered in the interest of the citizen consumer. They can describe themselves as decision makers, but they base their decisions on normative choices, not in response to rules, procedures, or policies that state demands of them through street-level bureaucracy red-tape in their political and social contexts representing government to the people.

Interview conversations reflect on a number of managerial, organisational and personal experiences. It provides support for outsourcing to street-level bureaucracy and heterogeneity of outcome, but this for some will come at the price of true discretion as we understand it. Certainly, there is ongoing debate about what various workplace structures and bureaucratic processes do or do not affect discretion to the detriment of the organisation. In this case study we see firm belief by street-level bureaucrats that DEEWR retain the power to make important decisions that control meaningful aspects of their everyday work. DES laid out in contracts describe the assertive role government plays. Street-level bureaucrats are bound to the objectives of governance through person-centred planning and consultation today, with ambiguity still over their roles and judgments about whether to comply with consumers' requests for additional work when seeking assistance.

When considering the additional interpretation raised, criticism is often leveled at the service providers adopting such a passive approach. This is on the basis that they give 'unrestrained' discretion to the regulator to go beyond its representational power. Other critics of this argue that service providers themselves are simply not 'entrepreneurial' enough in delivering their services. Scholarship on the manner in which regulators themselves are not constrained is growing. One recent contribution of particular interest is by Nagarajan (2011), who evaluates the effectiveness of the Australian Competition and Consumer Commission's use of its discretion in the determination of public benefit within the authorisation process. It looks at the types of benefits that have been

recognised, the processes employed and the terms under which authorization has been granted. Research in this area is valuable for interpreting points raised by ideals that can guide all responsive regulators.

One of the ironies of discretion is that it has seemingly contradictory representation in legal and sociological literature. Discretion exists where, in the course of doing work, one is not working under control. This thesis rests on the clear distinction that can be drawn between action taken by members of a bureaucracy that involve discretion to pursue citizen-consumer based need, and actions that are simply state based requirements of accountability. Participant's acknowledge there is a political level influencing the degree to which they can use their discretion and this is on the back of delivering government funded employment programs to a standard of satisfactory quality. Dworkin's (1977) work is important to us here leading into the next chapter. It distinguishes discretion by separating it into strong and weak forms. With weak discretion, and as identified by Lipsky's (1976) theory of street-level bureaucracy, the work of a street-level bureaucrat illustrates to us very well what discretion is necessary for to deal with inadequate resources, threats and challenges to one's authority and expectations about job performance. In going beyond the classical rational model (also rational actor model) and the simple act of decision-making within a structure of rules to be justified by reason alone, we understand policy implementation is not 'failing' the disability sector in the worst case scenario possibly imagined. Rather it tends to be more optimal than satisfactory in reality.

Chapter 5 Connecting Experience to Theory

The paradox of service delivery in the disability sector is that it uses a top-down, one-size-fits-all policy direction to mandate a bottom-up implementation approach. Stone emphasizes this by referring to administration in the quote; “if, in the mythology of social policy, the culprit is always the user, the accomplice is always the administration of the program” (Stone 1984, p.171). Street-Level Bureaucracy, as theory, provides a useful foundation for examining the link between the process of implementing social policy directives and the resulting outcomes. In the optimal sense we see participants not only assisting people to find suitable employment but also to take on a power charged monitoring and compliance role, alongside the traditional focus on employment brokerage and support. The service provider’s reaction to procedural controls becomes even more critical to understanding organizational behaviour when one considers the implementation of social policy rooted in reinventing government standards of service delivery. A key point of difference when studying implementation is the approach that each agency uses to implement the policy. These approaches may be centralized, decentralized, or a mixed approach consisting of top-level policy guidance and bottom-or street-level, administrative expertise. The relationship with stakeholder participants can be viewed from two perspectives (Franklin 2001b): the direction of communication between the agency and its stakeholders, and the nature of the relationship between the agency and its stakeholders.

In considering particular outcomes that are unintended or unanticipated by those responsible for setting policy objectives, we become more concerned with the nature of the relationship between the agency and its stakeholders in this chapter. In particular where the action of street-level bureaucrats, the routines they develop, and the devices they invent to cope with uncertainty, become policy output and eventually public policy outcome due to the structure and design of their job on the front-line of policy implementation. Street-level workers, themselves, tell a different story, a narrative of the worker acting as a citizen agent. They do not describe what they do as contributing to policy making or even as implementing policy. Street-level workers discount the

importance of self-interest and will often make their work harder, more unpleasant, more dangerous, and less officially successful in order to respond to the needs of individuals.

The role of discretion in service delivery relates to connections between personal, organisational and structural levels of the implementation cycle within representative bureaucracy today. Lipsky claims: “Lower-level participants develop coping mechanisms contrary to an agency’s policy but actually basic to its survival” (Lipsky 1980, p.19). Discretion provides an opportunity to intervene on behalf of clients as well as to discriminate among them. At best, bureaucracies are highly ambivalent about personalized service delivery. At the very least, it is an enduring source of conflict between objectives of managers and the front-line (Lipsky 1976). One source of conflict this case study raises relates to Lipsky’s (1976) idea that street-level bureaucrats “develop coping mechanisms contrary to an agency’s policy”. We did not find this to be the case with our cohort. We agree somewhat with the idea that there are different job priorities between street-level bureaucrats and managers.

Government departments require rigorous due diligence processes when sourcing services from non-government sectors. The purchase of ‘output’, in particular, emphasizes a paradox for the disability sector between what is being purchased by government/an individual client and the service provider actually being capable of delivering the service to a required standard (Wanna, Butcher & Freyens 2010). It would seem that, to implement human service policy, the most important focus lies in accurately determining the nature of output that needs to be purchased and seeking assurance that the service design will produce desired outcomes.

When seeking assurances and considering desired outcomes, purchasing services in quasi-markets presents a number of practical dilemmas and assessment issues for government (Wanna et al. 2010). This raises some speculation about addressing community problems because providers may not be subject to competition as a result of there being few organisations applying for contracts to start with and there is only one client (i.e. the government seeking service provision). If quality and efficiency are mutually exclusive in the case of human services, attending to personal needs of clients

offers a high quality but inefficient service. Much of the debate in the disability service sector hinges on the definition given to ‘essential services’ for people with a disability. As service provider staff on the front-line often argue, non-essential services constitute the main demand component of service delivery. On this side of the argument, professional skill sets targeting clinical understanding of human behaviour rather than general non-professional skills are the interest. The need for street-level bureaucrat people-processing to be tailored with this in mind is acknowledged here but will not be discussed any further in this thesis. The focus is more on examining the purchasing of services and what this entails from a public policy perspective. Government seems to have absorbed accountability problems from service providers in the disability sector not delivering service, a problem identified by the findings of the Productivity Report (2011).

Disability sector instruments can breed or restrict demand for a disability service. These demands are not specific to only the disability sector; they can be managed in any public policy. The mechanisms used to contain demand directly are primarily through ‘eligibility criteria’ in our case, and indirectly through third parties service providers. Generally thinking about eligibility criteria, in our case, when a person applies for an employment service/benefit through Centrelink, an initial assessment is made and registration with a provider is assigned, with mutual obligation and commitment agreed upon between citizen-consumer and service providers alike. According to Wanna et al. (2010, p.163), creaming and parking are two recognized examples to influence outcome through contracting out to third party employment services.

One enduring public policy concern, in Australia and internationally, is the democratic control of policy implementation. A feature of implementing disability sector policy with discretion is found at the interface between citizens and the state. As the bridge between citizens and elected members of parliament, the potential for discretion of front-line staff to effect policy raises some very interesting questions. According to Lipsky (1976), where discretion exists how it is used by street-level bureaucrats to implement goals, will no doubt reflect what the actual policy experience is.

With an ever widening gap between what is known about policymaking and how policy is actually made, the actual policy experience is what really shapes political and control based relations in our discussion. Over the past decade, there has been considerable reform to the welfare system in Australia. In 2014 ‘new standards’ have been outlined and will be introduced across the sector, narrowing goals for service delivery from twelve standards to six standards. An income support system with minimal obligations on the unemployed has been replaced by a system deeply entwined with the market-centred philosophy of neo-liberalism and the paternalism of social conservatism (Schram, Soss, Houser & Fording 2010). Current discussions considering welfare governance systems and employment promotion in disability policy implementation are in principle very important to understanding welfare governance and discourse on public benefit and can not be ignored when discussing the relationship between the service provider as a street-level bureaucracy and its stakeholders.

Michael Lipsky’s (1976) notion of street-level bureaucracy proposes an alternative perspective from the bottom-up. In particular it focuses attention on the way that front-line staff organise their expertise and coordinate policy response across relevant aspects of an issue. Competence in networks of players and resistance to the efforts of new public managers to control these networks is pertinent here. To understand what discretion is used for on the front-line, to effect policy outcome, is an important question in our case study as we look beyond technocracy and squeaky liberal democracy, to that of a deeply connected representative democracy. Beyond the obvious importance as social policy implementers in the disability sector, street-level organisations put their own imprint on social policy and in the process, effectively determine through power ‘who gets what, when and how’ (Lasswell 1958). By directly investigating how organisations and the actors in them operate as policy intermediaries, a broad set of important questions in political science and social policy implementation opens up. This is especially the case where policy administration, management and street-level behaviour overlap.

At the point where ‘who gets what, when and how’, power is an important yet often neglected concept in the literature. Lasswell and Kaplan (1950) claim:

“the concept of power is perhaps the most fundamental in the whole of political science: the political process is the shaping, distribution, and exercise of power” (Lasswell & Kaplan 1950, p.75).

Upon close inspection of the exchange between government service organisations, provider staff and service users, we see an asymmetrical distribution of resources, threats and challenges to implementer authority, and expectations placed on job performance through service delivery in the disability sector. To conceptualise power in social policy implementation as only ‘individual capacity’ is to ignore all those cases in which power assists in the deviation away from initial government policy intention at organisational and structural levels.

In general, actors constantly draw upon principles and goals as guidelines to act properly and legitimately. In fact, these rules generate the definition of meaningful and justified circumstances and in many instances, from the actor’s viewpoint, the problem. Occasionally, actors become change agents, attempting to introduce standard change, procedure change and even workplace technology. Service standards define what street-level bureaucrats may and must do. By better understanding the manner in which rules as service standards are implemented from below, and discretion is exercised through them, we may be able to see how interest and policy outcome in the disability sector play out. The list of 12 principles are nothing more than a list of rules that may be read either up or down, and produce very distinct outcomes depending on disability category as well as service type being delivered. For example, Standard 5: Participation and integration (Appendix 1), is about developing opportunity to participate in the community. This standard seeks to extend the goals of employment beyond simply getting a job (‘any job’) by finding opportunities for a person to make the most of their skills and to grow as a member of a community. This integration and the achievement of social outcomes seems to allow for all types of public benefit while increasing the likelihood of finding and maintaining sustainable employment. This is, however, dependent on client commitment and initiative. The possibility of experiencing expected outcome as opposed to subverted outcome in this case is dependent on discretion and the adaptability of connecting user

interest with service provider interest through street-level bureaucrats. In so doing leads us to question the motivation for discretion in organisational input (Lipsky 1976).

In order for us to better understand aspects of motivation for discretion in human service people-processing, we also need to distinguish it from being motivation to occupy a discretionary job by the individual, or motivation to exercise discretion in such a job by an individual in a group. Thompson (2003) makes this distinction while explaining a number of propositions and drawing examples from studies with single and multiple consequences. To consider direction, on behalf of stakeholder interests in common, control and coordination of individuals and organisations as governance involves the means (Jewell & Glasser 2006). It is generally agreed that the exercise of discretion here should be managed properly, through direct supervision, standardisation of working procedures, performance-orientated reward systems, or attempts at changing the organisational culture. As in Lipsky (1976), our case study reflects where individuals exercise discretion whenever they understand it is to their advantage to do so, while evading it when resources are routinely low and outcome is uncertain or harmful. People motivated to exercise discretion in street-level organisation people-processing roles are, it would seem, interested in favourable actions, and willing to exercise discretion; interestingly, they also develop political skills. The importance within active-passive network representation is evident in that the front-line is not only charged to do policy work but is distinctly responsible for making policy in action work on the ground.

For representative bureaucracy to translate from an active to a passive representative democracy, street-level bureaucrats have policy discretion over an area that is more directly linked to their own values. The extent to which service provider experience coupled with work conditions in implementing disability service standards on a daily basis highlights an ambiguous, contradictory role and in some ways unattainable role expectations which street-level bureaucrats face. The policy-client role conflict occurs when front-line staff, in the disability sector, perceive that the behaviour demanded by the social policy they are charged with implementing (such as DSS) is incompatible with the behaviour demanded by the clients they manage. What discretion is used for in this process highlights a policy-client role conflict in the disability sector. In

order to determine the nature, amount and quality of benefit and sanction provided by their agency, a street-level bureaucrat must use discretion to deliver optimal standard quality.

The incompatibility between street-level bureaucrat interest and street-level bureaucracy interest may vary, and it is mediated through managers and street-level bureaucrat case management. With this in mind, we see a role conflict problem on the front-line that contributes to what discretion is used for when implementing DSS. The purpose of this thesis has been to explore Lipsky's (1976) understanding surrounding street-level discretion and what it is used for to determine the nature, amount and quality of benefit and sanction provided by their agency. There are three important concerns in the democratic control of implementing agents in Australian social policy. The first is the potential of street-level bureaucrats to undermine the goals of social policy from top-down, raising the point of accountability and interest on the ground. The second is the implication of street-level organisation restriction for the individuals who are affected by street-level bureaucrat action, such as the citizen/client with whom they interact on a daily basis. The third involves the space that exists between the rules (i.e. discretion) of implementing policy objectives in street-level organisations and the possible effects that may result. Social science research has explored the multiple interests that interact to influence social policy as it devolves down the hierarchical line (Ricucci 2002). This observation enables us to recognize the potential relevance of a wide range of actors in the production of policy outcomes (such as managers, regulators, elected representatives, service users, members of the public, and direct service providers).

Importance of Governance Constraint in Social Policy Delivery

If governance aims to provide assurances that power and resources are used for their intended and sanctioned purpose (Wanna et al. 2010), due diligence in the purchasing of outputs is both complex and costly when considering public goods to the community. Reflecting upon the use of discretion on a case-by-case basis in the disability sector, the discussion with participants on the front-line reveals several interesting points about the operation of governance. Between discretion use and service standard

implementation is a space where a service provider is bound by their due diligence contractual management and networked governance. In this space between rules, a street-level bureaucrat will exercise discretion based on a variety of both personal and environmental factors. With this experience being actual social policy, we see that street-level bureaucrats differentially interpret service standards as a result of a combination of pressures from the type of work they do. As this emphasizes a contradiction of sorts it brings into question both the provision of reliable supply in the context of third party service delivery and assurances about the viability of service providers.

When implementing through contract management, three particularly relevant environmental factors are raised in literature discussions pertinent to our interpretation. These reflect:

- having to cope with inadequate resources to provide employment services with a client's outcome in mind
- threats and challenges to their authority by the consumer and the agencies responsible for social policy determination in system assurances to implement government standards
- general expectations about their role in processing people and their performance.

Some personal factors will include:

- developing coping mechanisms to meet environmental factors such as simplifying and routinizing their work
- limiting a client's demands on them in their work
- changing their role expectation in processing people as well as changing the definition of a client.

Public sector governance and networked delivery is not a uniform process. The importance of governance here in the delivery of social policy is comprehensive. It stresses authority and control functions, objectives and interest, and accountability and

confidence in government to deliver services. As this may be in distinctly different ways, it is possible that what works for one street-level bureaucrat may not in fact work for another street-level bureaucrat, which consequently may lead to unintended policy outcome. As discretionary outcomes lead to increased scrutiny of front-line action by politicians, managers and the consumer, we see that discretion is often used as a means to infer negativity.

Using Discretion

If discretion is identified as working outside constraint, and we are open to and ascertain that multiple forms of constraint exist to affect social policy outcome, then what can we say it is for? One quote that resonates and identifies with this is; “To deliver street-level policy through bureaucracy is to embrace a contradiction” (Lipsky 1980, p.71). The following section answers this question by presenting a perplexing outcome from our semi-structured interview research. In particular, while we may expect employment services in the disability sector to suffer from political, managerial, organisational, and personal constraint, street-level bureaucrats are generally more likely to use discretion to implement organisational objective interest rather than self-interest. DEEWR and FaHCSIA undermine decentralised policy implementation by retaining control of key policy instruments and setting the agenda on measures of implementation success. In a general sense, we see from the substance of discretion given by participants that experience of it is primarily delegated by DEEWR/FaHCSIA. Based on Lipskian understanding of political behaviour and the interaction with clients in street-level bureaucracy theory, we investigate three main descriptions for this conclusion by using a bottom-up framework. Of specific interest are bureaucratic organisational constraints, psychological factors affecting bureaucratic perception, and clientele behaviour. The type of work, service delivery fragmentation and the unintended consequences of top-down policy fuse the street-level experience, which includes inadequate resourcing, threats and challenges to one’s authority, and expectations about job performance (Lipsky 1976). If power is the essence of politics (Goodin 1982, p.71) the essence of power in this case lies in restricting discretion available to street-level bureaucrats.

Daily Routines

When considering the uses of discretion by sector staff, we must outline what is being done on a daily basis in the service delivery role. Part of the sector's case management experience will involve a street-level bureaucrat advising their client/s about the service provider's Code of Practice. This includes the service standards as well as grievance and service feedback options available to consumers. Based on interviews there is an understanding that guarantees optimal delivery in line with citizen-consumer responsiveness. In many instances based on interviews it would include an explanation of how the provider is going to deliver specific employment services. Information that is given to the client, it seems, relates to obligations, and this may outline the specific type of service the client is qualified for as well as their responsibility in order to receive that specific type of service. In providing a job search service in particular, a street-level bureaucrat will work with an individual client to develop an individualised plan. This is with the intention of assisting the client in achieving their employment goals. It is often in the context of a client's disability experience and a source of contention. With the definition of disability acknowledged as the parameter, possible personal development and traineeship/apprenticeship opportunities may be identified, with relevant information supplied on a case-by-case basis. This too is intended by the service provider to improve employment opportunity through qualification and client turnaround. It is sometimes coupled with a meeting to assist in searching for work. Often, practical assistance will also be provided when a client is applying for jobs and attending interviews.

Within employment services, we can expect an employer to be approached for employment opportunities for disabled service users daily. This may include providing information about the assistance available for employing and retaining a person with a disability. Ongoing support and training to an employer is also common. Workplace alterations which accommodate a new staff member is often advised and funding applied for on behalf of client. On-the-job support while settling into a job may be provided as well as specific job training. Any problem that may arise will involve service provider assistance to resolve the issue. Sometimes, help to a client in finding another job when their employment ends may also be needed. It would seem from this that, dependent on

needs, the service provider helps a client and an employer to access a range of supports and funding-based opportunities.

Citizen-Consumer Engagement in Service Delivery

By determining the work demands of SLBT and what forms of discretion are available when offering employment and support services to job seekers, we add support for the Lipskian ideal to embrace contradiction. When looking at the use of discretion in service delivery, we are not addressing whether or not street-level bureaucracy deliver services efficiently or effectively in a normative sense; it is something different altogether. In keeping with our research question, supporting employment in the disability sector is perhaps an archetype, and discretionary experience in service delivery practice adds to its subjective experience. To implement service standards is complex; however, when appropriately framed and interpreted, placing discretion in governance research using Lipsky's (1976) theory of political behaviour is more relevant today than ever before. It is more likely to produce enduring knowledge about how DES provider activity is currently structured and managed on the front-line – especially in disability employment short-term outcomes and what goals need to be considered for long-term outcomes in the future.

The availability and influence of discretion is involved in implementing disability service standards for meaningful employment outcomes. The main premise this thesis follows is that those who process people on the front-line make a difference to social policy and to the way it is experienced from the ground up to contribute to meaningful employment outcomes. In making this difference, discretion shapes the citizen-consumer experience as a result of organisational structure within street-level bureaucracy. Helping people to become employed and to remain in the labour market is an important theme within the NDS (FaHCSIA 2011f). It is also followed closely by employment service staff.

We have found moderate truth to the claim that unintended policy outcome is a result of a lack of organisational and personal resources, physical or psychological threat, and conflicting or ambiguous role expectations (Lipsky 1976, p.197). Prottas (1979)

explains that due to client characteristics, many rules require interpretation, which only encourages discretion to be introduced into a formal prescriptive system (Prottas 1976, p. 92). In our case study, making policy work in a new street-level bureaucracy under new public management requires self-limiting discretion. Departmental restrictions and contractual expectations guide standards delivered on the ground and this is seen to limit their effectiveness by default. If we consider service delivery and citizen-consumer outcome in our case study, discretion is the result of front-line employee behaviours affected more by citizen-consumer orientation.

In the service delivery process, this operational powerlessness is identified when individual street-level bureaucrats have expectations of discretion and autonomy that typically contradict notions of traditional bureaucratic control. Recognizing this goes a long way toward establishing a sense of meaningfulness in public management practice (Tummers 2012; Pandey & Kingsley 2000). Front-line discretion in our case study highlights a number of techniques used in everyday work. Strategies that are more orientated towards relationship building than procedure become clear when talking to participants. Relationship building with the community is paramount when dealing with the efficiency and financial constraints placed on them; this requires local knowledge to a great degree. As found in Durose (2011, 2009), it involved the development of particular strategies whose aim was achieving civic ends or civic entrepreneurship.

This thesis forms the idea that front-line workers contribute significantly to policymaking by exercising discretion in people-processing work. From interviews we see implementing disability service standards on a daily basis highlights a ambiguous, contradictory role and in some ways the unattainable role expectations which street-level bureaucrats face. Without entering the debate about who is responsible for policy delivery, and notions of governance, competition and macro-economics, we see from interviews the primary interest in the role that staff play in delivering government funded services of support to employment for people with a disability through their use of discretion is the need of the citizen first and state second. In no way does it seem particular outcomes that are unintended or unanticipated by those responsible for setting policy objectives exists at all in our case due to interviews revealing service delivery in

line with service provider aims and strategy. The role of discretion in service delivery relates to connections between personal, organisational and structural levels of the implementation cycle within representative bureaucracy today and Lipsky's claim- that lower-level participants develop coping mechanisms contrary to an agency's policy but actually basic to its survival (Lipsky 1980, p.19) rings true.

By focusing on street-level bureaucrats in the disability sector we may appreciate how policy is practiced, including, social influence on their discretionary action. Participant interest sides with their employer - service provider, and this does not seem to be to the detriment of staff level discretion either. This is somewhat contradictory, because, what support to employment is doing on the front-line depends remarkably on what citizens as consumers are actually doing. Dealing with the initial characterization of a 'client' to a service provider, sets very clearly from the beginning, an expectation of the support to employment and ultimately the client experience. To encourage a service provider and support the systematic evaluation of initiatives and interventions is fundamental to their capacity to provide employment services. The movement to improve the evidence base of the disability sector available to policy analysis and in promoting disability employment goal development, is crucially recognized in Human Service literature. This will stitch together provider capacity-service delivery-engagement-client experience too appreciate bureaucratic organisational constraints; psychological factors effecting bureaucratic perception as well as clientele behaviour when street-level bureaucrats interact with clients and use discretion to meet need.

One implication thought about by the writer of this thesis, is toward political strategies, tactics and agenda setting of political leaders and street-level organisations, as they set the 'big picture' of priorities and approaches in the disability sector. Another implication of understanding discretion is toward professional knowledge of service delivery specialists and agenda coordinators. They too tussle with everyday problems of effectiveness and standard implementation, while also developing their own practical understanding of what works and under what conditions by sometimes improvising to meet the challenge of the customer. Acknowledging the role discretion plays here, within the administrative-management level away from street-level may also want to be

considered in future research. The wrestle with everyday problems of effectiveness and implementation, and the development of pragmatic understanding about what works, under what conditions and the improvised behaviours to cope, all play a role toward a source of ‘expertise’ and professionalism.

Echoed in works by Nutley, Walter and Davies (2007), Lavis, Robertson, Woodside, McLeod and Abeldon (2003), Landry, Amara and Lamari (2001), is that the supply-side of delivery and good research about ‘what works’ is not enough to fundamentally understand the uses of discretion and their social limits. Unfortunately, the networks through which rigorous evidence may influence service standard implementation are readily disrupted by external pressure, and subsequently does need specific attention. What capabilities need to be built within and across street-level organisations as networked and entrepreneurial service providers into the future for discretion to function? How can social and organisational fundamentals for SLB be improved to develop discretion further?

Future research may want to consider these questions when determining at which points in the policy development and policy review ‘cycle’ SLB contributions (based on rigorous evidence) can be most influential. Edwards (2001) might be a respectable place to start with relation to what finding work for people with a disability actually means beyond theoretical underpinnings of new governance ideals. When considering social policy implementation on the front-line, the value discretion has in SLB theory can most certainly be improved with empirical evidence. Like all studies this study may be seen to contain a number of limitations. One possible weakness may ultimately stem from its anti-foundation ontology position, adopting Lipsky’s interpretive epistemology and theory of political behaviour, to explain how discretion might be experienced. However to adhere to foundational criticism like this would be to deny the view that reality is socially constructed and shaped by social, political and cultural processes when an individual constructs her/his world and reflects on it at that moment in time (Furlong & Marsh 2010).

The qualitative methodology and case study design used advocates the relevance of implementation from the bottom-up within governance, and this gives an interpretation surrounding what is said to exist in reports by the Commonwealth of Australia 2012a, 2012b, 2011a, 2011b, 2011c, 2009). By focusing on strands in both implementation and governance literature that typically characterize central control (top-down) as a solution to any gap problems, interviewed participants claim two distinct narratives. This thesis supports a position of no divergence however, participants from management, citizen-consumers and small business owners were not included in the cohort to add support to the validity and reliability of any such claim. Future research could investigate whether variance exists specific to DES or across the sector, and comparisons could be made with human services in other English-speaking countries.

For a SLBT, areas of social policy are established by government priorities of employment and social inclusion, electoral promises and ideological preferences. Not all political goals surrounding employment for people with a disability are able to solve cohort problems and particular outcomes that are unintended or unanticipated by those responsible for setting policy objectives are inevitable. Raising the question how can they be expected to solve what is unanticipated. Based on the few available studies with this understanding about policy development in Australia, it does appear that there is much more to be researched. For the qualitative researcher, explanation and understanding of social and political behaviour can not be independent of context. As has already been noted, on a daily basis service delivery in disability sector highlights a very ambiguous, contradictory role fraught with unattainable role expectation which a SLBT needs to face. It is also acknowledged, on the front-line street-level bureaucrats deliver service standards with citizen agents in mind and act in response to individuals and circumstances. They do this through discretion and ultimately determine the nature, amount and quality of benefit and sanction provided by their agency.

CONCLUSION

In closing, the purpose of this thesis was to interpret the use of discretion in delivering public service in the public interest. The research question to guide this

purpose was, what do street-level bureaucrats use discretion for to implement disability service standards in Australia? The case study highlights that policy as political input and implementation as administrative outcome are not deviant or subversive, and they require an element of ‘coping’ in order to do one’s job within bureaucratic boundaries. Disability sector service delivery articulates a narrative of networked governance, placing the individual citizen-consumer at the centre. Questions however remain surrounding how to manage new street-level bureaucrats so as to not control independence and not effect optimal quality. The answer to this will contradict why the need for control is deemed necessary the first place. As we see, the way an individual responds to their environment and at the same time competes with demands placed upon them, may lead to encouraging positive rather than negative discretion in the disability sector.

The paradox of service delivery for people with a disability today, is that it uses a top-down, one-size-fits-all policy direction to mandate a bottom-up implementation approach. This promotes particular outcomes which are unintended or unanticipated by those responsible for setting policy objectives. Lipsky (1976) proposed that given their discretionary power, people on the front-line representing government (termed ‘street-level bureaucrats’) through daily people processing action on the front-line significantly affect policy outcomes. To implement social policy, a qualitative based method has been used to emphasize both intended and unintended consequences to front-line discretion. As a case, the street-level bureaucrats in disability employment services participated in semi-structured interviews and assisted this thesis design and provide the grounds to interpreting what it means to implement social policy in public interest today.

This case study supports Lipsky’s position and emphasizes clearly that policy can effectively be made as it is being implemented on the front-line. Lipskian interpretation through street-level bureaucracy theory demands that we understand our context and our self-interest in order to deliver a standard through exercising levels of discretion. To understand the relationship as a result of this power and how significantly it may affect the life of a person with a disability in our community is the name of disability sector governance today. In the disability sector, discretion and service delivery in Australia is often believed to be controlled for through due diligence, however, implementation from

the bottom up and the importance of allowing discretion is echoed in research by Barrett (2004); Exworthy and Powell (2004); Hill and Hupe (2002); O'Toole (2000) and Saetren (2005). These studies are important for understanding service delivery in the disability sector as they highlight, as this case has also discovered, a contradiction in people processing work. The Hill and Hupe (2002) discussion is a particularly important example of this, as it explains the accountability of SLBT in an era of multilevel governance. The space between the expectations at the top and perceived policy outcome on the front-line set the context, and this is very much dependent on how one understands what policy and implementation actually means today.

By asking the question what is discretion used for, the meaning of public benefit, deep-rooted in service delivery becomes exposed. It is argued SLBT determines the meaning for citizen-consumer experience from standards in the legislation, and in so doing highlights the ambiguity experienced between state-agent or citizen-agent understanding surrounding 'public interest' and 'public service'. The foundation on which the nature, amount and quality of benefits and sanctions, to assist people with a disability into sustainable employment, still rests with new street-level bureaucrats rather than the state initiative. Outcomes of service delivery rest on, in part, the use of discretion by street-level bureaucrats. This thesis disagrees with the state-agent ideal whereby particular outcomes that are unintended or unanticipated by those responsible for setting policy objectives (government) can be explained by the discretion of street-level bureaucrats.

Discretion is ultimately shaped by various external social, economic and political dynamics and the need for it to be controlled for, when delivering services, is questionable. Through semi-structured interviews the state-agent narrative is contradicted in our case, as participant self-interest in discretion use is not guiding street-level choice, but is geared toward service provider survival. Participants in this case tell a different story to state-agent narrative, leading to an understanding street-level discretion does not pose a threat to democratic governance. Rather than discretionary state-agents who act in response to rules, procedures, and law, some street-level bureaucrats in this case describe themselves from citizen-agent perspective and act in response to individuals and

circumstances. The SLBT does not describe what they do as contributing to social policy making or even as implementing social policy, nor does she/he describe the conclusions they make and actions taken as based on their own views of the knowledge of social policy, correctness of the rules or accountability to any democratic principle or higher governing power. Participants explain of delivering services based on their own decisions and on their own judgment of the worth of the individual citizen-consumer. There is a describing of oneself as having the discretion to make decisions on behalf of their citizen-consumer, but they base those decisions on normative choice and not in response to rules, procedures or policies. The normative choice made by a SLBT in this case, to include delivering a public service, is defined purely in terms of their relationships to citizens, clients, coworkers and the organization. In this case, by substituting formal service standards and legitimate authority with citizen-consumer interest, a street-level bureaucrat in their own view is acting dutifully.

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Appendix A

Disability Service Standards 2007-2013

Standard 1: Service access

Standard 2: Individual needs

Standard 3: Decision-making and choice

Standard 4: Privacy, Dignity and Confidentiality

Standard 5: Participation and Integration

Standard 6: Value status

Standard 7: Complaints and disputes

Standard 8: Service management

Standard 9: Employment conditions

Standard 10: Service recipient training and support

Standard 11: Staff recruitment, employment and training

Standard 12: Protection of human rights and freedom from abuse

Appendix B

Interview Cohort

Site Training Participant A. 2013. Interview by author. South Australia, Australia.

Employment Services Participant B. 2013. Interview by author. Victoria

Employment Consultant Participant C. 2013. Interview by author. New South Wales

Case Worker Participant D. 2013. Interview by author. Queensland

Employment Placement Participant E. 2013. Interview by author. New South Wales

Case manager Participant F. 2013. Interview by author. Western Australia

Psychologist Participant G. 2013. Interview by author. Victoria

Administration Participant H. 2013. Interview by author. Victoria

Employment Consultant Participant I. 2013. Interview by author. New South Wales

Case Manager Participant J. 2013. Interview by author. Queensland

Employment Consultant Participant K. 2013. Interview by author. Queensland

Administration Participant L. 2013. Interview by author. Victoria

Administration Participant M. 2013. Interview by author. New South Wales

Employment Service Participant N. 2013. Interview by author. New South Wales

Employment Service Participant O. 2013. Interview by author. Victoria

Employment Consultant Participant P. 2013. Interview by author. Queensland

Employment Consultant Participant Q. 2013. Interview by author. Australian Capital Territory

Appendix C

Semi-Structured Interview Questions

1. Can you please tell me a little about how you came to work in the job you are currently doing?
2. Could you describe for me a typical day at your work?
3. Can you tell me about the clients your organisation work with?
4. Which disability service standards are specifically important to you personally and how do you implement them in your day to day work?
5. What do you think the disability service standards mean to your clients and how different are the organisation's standards from the government funding agency (DEEWR/FaHCSIA)?
6. What are some common dilemmas you have to consider in your job through the week?
7. What typical course of action do you take when guiding other staff or clients in line with disability service standards?
8. Can you describe a time where you did not know the right thing to do in relation to a course of action?
9. Can you describe a time when your attitude to do your job conflicted with another staff member and their attitude to do their job?
10. How do you take a course of action when there are 2 or more alternatives?
11. Can you describe a time where you were creative in your job and went beyond what was normally expected of you in your current position? How so?
12. When I say 'discretion' what do you think of ?