**Street-Level Bureaucrats: Discretion and Compliance in Policy Implementation**

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**Summary**

In 1980 Michael Lipsky published 'Street-level Bureaucracy', arguing that public policy is often vague and imprecise, and relies on front-line workers to make sense of it on the ground in delivering public services. At the same time, the book is critical of front-line workers for not complying with policy in their use of discretion. Lipsky's approach has influenced a great deal of subsequent analysis of public service provision, but continues to contain an unresolved tension at its core. If policy is vague, how can discretion be judged non-compliant against it? The street-level bureaucracy approach has tended to seek to resolve this tension by assuming that all public services are fundamentally the same and that all public service workers should use discretion in a particular way.

While street-level bureaucracies — front line public services — are similar in that they are subject to policies, operate under conditions of inadequate resources, and afford frontline workers discretion in their work, there are also significant differences between types of public services in the ways they work with policy and the nature and extent of discretion of staff delivering the service. Different services do different things; the nature of the policy they work with varies, and the logic of provision and priorities vary between services. Policy, for instance, may refer to a precise set of instructions, or to setting out particular concerns or broad-brush commitments. Some services, such as benefits provision, are specified in detailed policy which not only sets out what they can do but also how decisions should be made. Others services, such as policing, are subject to a range of policies and concerns often expressed as conflicting demands that have to be balanced and managed in the particular circumstances of their application. And others, mainly human services, are primarily thought of in terms what the professionals within provide, and assumes a logic of service provision to be located in those providing the service. Policy is sometimes more explicit and discretion narrower; it is sometimes looser and relies more on discretion. It may, in some circumstances, be sufficient to refer to policy to understand what services are supposed to do; in other circumstance, policy alone provides a poor picture of what’s expected.

Street-level bureaucracy analysis is too broad-brush and cannot capture the range of ideas of compliance in public services. It tends to equate policy with instruction and judgement with organisational thinking, and to see non-compliance as endemic in the use of discretion. In doing this, it fails to appreciate the variety of relationships between policy and public services; the varied extent of discretion in different settings, and the range of concerns and ethical commitments in different public services. Compliance in policy implementation needs to be sensitive to different types of public services and the subsequent variety of commitments and concerns of street-level bureaucrats in those public services.

**Keywords**: Street-level Bureaucracy, Policy; Discretion; Administration; Human Services; Regulation; Compliance; Justice; Professionals

**Street-level Bureaucrats in Perspective**

‘Street-level bureaucrats’ are public service workers ‘…who interact directly with citizens in the course of their jobs, and who have substantial discretion in the

execution of their work.’ (Lipsky 1980/2010:3). It’s a term closely associated with the American political scientist Michael Lipsky, who argued that public service workers have a significant impact on the implementation of policy to the point where they are the ‘… street ministers of education, dispute settlement, and health services’ (Lipsky 1980/2010:12). However, he is critical of what he sees as a tendency on the part of street-level bureaucrats to develop approaches to their work that are: ‘...often biased in ways unintended by agencies whose policies are being implemented or are antithetical to some of their objectives’ (Lipsky 1980/2010:84).

Lipsky’s analysis sought to move away from traditional approaches to public administration (Bream and Gates 1999). These drew a clear distinction between administration as the execution of political decisions and politics as the making of policy; and emphasised the study of policy in documents and its implementation through the examination of formal structures as delivery mechanisms. In place of this, Lipsky was interested in the day-to-day activities of administering policy and the conditions within which people doing this work operated. In adopting this focus, he can be seen as operating within the tradition of policy analysis associated with Friedrich, who argued that ‘… the concrete patterns of public policy formation and execution reveal that politics and administration are not two mutually exclusive boxes, or absolute distinctions, but that they are two closely linked aspects of the same process. Public policy, to put it flatly, is a continuous process, the formation of which is inseparable from its execution.’ (Friedrich 1940:6)

Lipsky added to this two additional elements: the need to focus on the local (not just central) politics of administration; and the crucial role of frontline staff as policy decision-makers (Jacob and Lipsky1968, Hawley and Lipsky 1976, Lipsky 1980/210). Public policy wasn’t just a matter of what happened at the centre: it was also important to examine the practices in local services and local delivery. This was particularly the case because of the significant level of freedom afforded to frontline staff—especially in the expanded public services in the wake of ‘the war on poverty’ in 1960s America. Frontline workers, in delivering services, decided who got what. However, while his approach emphasised a divergence with public administration in the sense of the analysis of what actually happened in implementing policy, he retained a strong sense from the public administration approach of the ‘correct’ way in which policy should be implemented on the ground, in terms of compliance with the intentions of policy.

Considering compliance in implementing policy in the context of street-level bureaucracy involves a conundrum. The street-level bureaucracy approach regards ‘clear policy’ as a questionable idea. It describes policy as often vague, imprecise, incoherent. Compliance, as a judgement of the concordance between what policy says and what local services look like, assumes a clear plan or idea upon which to base an assessment. However, as the policy is nebulous, how can compliance or non-compliance be assessed? Compliance against what standard? The street-level bureaucracy approach has sought to address this problem in two ways. The first is by shifting the standard of policy compliance from the strategic to the local policy level — compliance with more concrete organisational policy and procedures interpreted by managers. Second, recognising that even at this local level there will still be significant front-line discretion — local policies still have to be interpreted, applied and understood in relation to specific facts, and tailored to the resources available — compliance argues that the deployment of discretion should comply to a general standard of balanced and reasonable judgement.

This approach raises more questions than it answers about compliance and street-level bureaucracies. A persistent criticism of the idea of street-level bureaucracy is that it is too broad a category — street-level bureaucrats, for instance, are those public servants who work in direct contact with citizens in public organisations ranging from benefits and tax administration, through policing, justice and regulatory services, to health, teaching and social care. The street-level approach argues that all these services can be grouped together because they are all subject to the same conditions of work— incoherent policy and insufficient resources — that both give rise to significant discretion and create the stress that dictates how this discretion is used. The degree of policy (in)coherence, the level of resource inadequacy and their impact on levels of discretion and stress may vary between services, but they are seen as areas for potential comparison between services that are fundamentally the same. However, this approach assumes a uniform relationship between policy and the work and services of street-level bureaucrats which is not obvious. Are the work that street-level bureaucrats do and the services they provide simply the implementation of policy? Does, and should, policy specify the service of all street-level bureaucrats? The assumption that it does, and should, do so discounts the fact that policy itself is a portmanteau term. It refers to things as varied as, say, a detailed prescription, a strategic plan of action, or the indication of a broad aim. Furthermore, and central to the question of compliance, policy can also play very different roles in the way services are constituted and the way its function is understood in a public service by its employees and users. Policy, for instance, may constitute a service, or it can set out a field of priorities or concerns to be negotiated or balanced; or it can provide some steer or structure to services, without specifying what they do.

Using this idea of different relationships of policy to services, it is possible to identify different forms of service and ideas of compliance. It is possible to identify three basic types (there may, of course, be more). First, in some situations the expectation is that policy will be directly translated into practice: policy actually constitutes services to be provided — it's a script to be followed, setting out how decisions should be made, what factors should be taken into account and what should then follow. Classic examples here would be benefits administration or the issuing of permits and licences. Second, in some services the role of policy is to frame decision-making: it sets out a framework of requirements, some of which are likely to conflict, that need to be considered, and the decision about what to do depends on judgements about how to balance these various policy requirements in the particular circumstances. Police work is an example of this: faced with someone who’s thrown a brick at a window and is shouting about aliens, the officer has to decide whether to approach the situation as a criminal offence and arrest the offender, or as a matter in which a person with a mental health problem has to be removed to a place of safety for psychiatric treatment. In both these forms of street-level bureaucracy, discretion cannot be understood apart from policy: in the first case it arises from the need to interpret and apply a rule; and in the second case it’s also the exercise of judgement about which rule to prioritise in a particular situation. In the third form of street-level bureaucracy service — particularly 'human services' — policy does not set out the purpose and practices of the service, but largely takes them for granted; policy’s role is to make available to citizens a service (that is already constituted, often in professional norms and practices), or to tweak and steer a service to attend to a particular issue alongside its existing responsibilities. In this, third sort of service, policy intervention scaffolds and directs discretion—which is inherent in the provision of the service. These three forms of services have different relationships to policy and its relationship to discretion that suggest different approaches to understanding compliance.

**Street-level Bureaucrats: Policy and Services**

***The Interplay of Compliance and Discretion***

Compliance describes a relationship in which one actor conforms to the demands, instructions or wishes of another. Beyond this straightforward description, there are questions about how compliance is evaluated and how it's achieved. Assessing compliance often focuses on considering how well it works as a means to an end (is it the best way to get one's wishes achieved?) and evaluating the substance of the goals or aspirations (is it a desirable thing or not?). However, the nature of the relationship suggested by the idea of compliance – where one actor submits/yields/conforms to the direction of another — also raises questions about the ethics of compliance and non-compliance (to what extent, if any, is obedience desirable or defensible?).

In public agencies, compliance tends to be thought of in terms of conforming to policy. But what is policy? It's often understood as a set of precise prescriptions and strictures, according to which services are simply the embodiment of policy. However, politicians and senior policymakers talk of policy in a range of different ways (Levine 1997): sometimes as a detailed plan of action, but also as an intention to do something; or simply referring to established schemes of provision or custom and practice in services. The idea of policy, as Hill (2013) explains, also relates to implementation in different ways. It may be a statement of a position or a stance, or it may refer to a concrete programme; but, he points out, both can also be used symbolically (as a rallying call) without the regard for the practicality of their deployment.

The conditions of policy under which street-level bureaucracies operate reflect this range of policy. Policy is often ambitious, setting broad goals but without providing adequate resources to meet them; it is also frequently vague and confused, and policies in the same area might conflict with each other (Lipsky 1980/2010). The fuzzy and fluid nature of policy might be because policy is poorly thought out as a practical strategy, but Brodkin (2011, 2019) argues that increasingly policy is handed down to public agencies in this state, because legislatures and governments are in gridlock, political-bargaining and compromises muddy the policy water and the buck is passed on difficult decisions. For Brodkin, the thrust and purpose of policy may be clear, but the strategy to implement it is unclear, incomplete or contradictory. The political decisions in policy are effectively handed down to administrative bodies— Street level organisations and their managers have to decide who gets what in the ways in which they decide to implement policies.

At the level of agencies and organisations, policy goals have to be translated into rules, procedures and targets which, in turn, even if they are not vague and ambiguous, need to be implemented and applied in a specific context. But they can also impede or distort their intended purpose (e.g. encouraging performance to the targets rather than the requirements of the service), resulting in unintended consequences for service provision (Evans 2010, Brodkin 2011).

These are the conditions within which street-level bureaucrats operate, and these conditions are central to the Street-level Bureaucracy approach that discretion is widespread and inevitable in their work. In fact, discretion is seen as central to policy implementation - but it has to be discretion used in the right way to advance policy. So we're back to the problem of how to identify the right approach to discretion. From a Street-level Bureaucracy perspective, policies, procedures and targets are instructions, but they are particular sorts of instructions. A distinction can be drawn between following the letter of the policy, where one identifies the literal meaning and follows it, and the principle, where the concern is the purpose or aim behind the instruction. It is this latter form of policy as goal-instruction that permeates the Street-level Bureraucy approach to an evaluation of discretion.

These questions focus attention on the concern that is the mirror image of compliance, which is non-compliance. How can it be recognised? Lipsky (1980/2010), for instance, identifies non-compliance in front line practices in terms of these being antithetical to objectives or resulting in unintended local practices. But this judgement relies on seeing policy in terms of what local agencies and their managers decide it should be.

However, while discretion is widespread in street-level organisations, not least because ambiguity et cetera is a universal phenomenon in policy, the degree and impact of policy ambiguity are likely to vary across different areas of public service. Some public services policy instructions are understood as being clearer than others. In other services, instructions may be unclear, but the purpose behind them may be apparent. Nevertheless, it’s implausible to assume that vague instructions can be clarified by recognition of a clear goal; Harrison et al. (1992: 3-4) have, for instance, noted local 'puzzlement' in the face of policy. Or it may be that both the policy and its purpose are unclear, or that the hiatus between them is assumed by policymakers to be filled by other actors, organisations or institutions. In many situations policies assume a hinterland of service provision. Actors not only have to fill gaps to make sense of a particular policy but must also work out how policies relate to each other and to the work they have to do (Evans and Hardy 2010). How discretion and compliance (and non-compliance) are understood may be less reliant on the discretion of organisational managers in some situations because the policy rules are clearer, and bind them as much as they bind the managers; in other situations policy may rely not on organisational objectives to understand its purpose but on other factors, such as professional standards of service provision.

Policy compliance needs to be understood beyond the simple assertion that this is the policy goal, and this practice is compliant or divergent. The meaning of policy in a field and compliance with that policy is a judgment that makes sense of statements, grasps purposes and does this in the context of interpretation informed by the facts, the situation, and what's considered a reasonable interpretation in terms of what one is supposed to do and what's required in that setting. And compliance is also an ethical question. Acting in accord with organisational aims and making them work is being compliant, but, as Arendt (2006) has pointed out, this is not a good enough or morally adequate basis upon which to act. Being unquestioningly compliant can be a problem.

**Street Level Bureaucrats and Policy Implementation**

From the Street Level Bureaucracy perspective, street-level bureaucrats have extensive discretion but are inclined to be non-compliant in their approach to the implementation of public policy. Street-level bureaucracies are challenging places within which to work. They are characterised by conditions of resource shortages and policy confusion (Lipsky 1980/2010,1991). Street-level bureaucrats have wide-ranging discretion because policy is unclear and often doesn’t make sense on the ground: objectives tend to be ambitious, ambiguous, vague and conflicting, and these organisations don't have the resources to match the tasks they are expected to perform.

Lipsky is concerned about street-level bureaucrats’ approach to their discretion. He argues that proper use of discretion by street-level bureaucrats should have a Goldilocks quality – neither too little nor too much discretion: just the right amount. But he feels they tend to frustrate the proper use of discretion (to realise organisational goals), either by denying that they have any or by over-claiming it, or using it inappropriately. He is critical of those whom he describes as hiding behind rules to avoid using their discretion to make judgements and show flexibility: ‘Workers seek to deny that they have influence, are free to make decisions, or offer service alternatives. Strict adherence to rules, and refusals to make exceptions when exceptions might be made … “it’s the law”, and similar rationalizations not only protect workers from client pressures, but also protect them from confronting their own shortcomings as participants in public service work.’ (Lipsky 1980/2010:149).

Another approach he identifies is that others ‘... assert discretionary dimensions of their job *to a greater degree than called for in theory* [original emphasis]...’ (Lipsky 1980/2010:150). They circumvent management control, playing on the private nature of their encounters with citizens to control the flow of information upwards and manipulate systems: ‘… they resist organizational pressures with their own resources. Some of these resources are common to public service workers generally and some are inherent in their position as policy deliverers with broad discretion’ (Lipsky 1980/2010: 25).

The correct use of discretion – for Lipsky – is somewhere in the middle. Street-level discretion should be used pragmatically to achieve policy intentions. It involves not letting the policy detail get in the way of the service; being pragmatic and practical in doing policy work; abiding by the spirit, if not the letter of policy. Street-level bureaucrats, he argues, are too often overwhelmed by the challenges they face in their work and struggle to survive, myopically serving their narrow interests. However, Lipsky argues, managers succeed in finding the right balance —they are interested in doing their best in difficult circumstances to make policy work and are committed to striving to narrow the gap between street-level performance and ‘..desired policy results’ (Lipsky, 1980/2010:223). For Lipsky: ‘Managers are interested in achieving results consistent with agency objectives. Street-level bureaucrats are interested in processing work consistent with their own preferences and only those agency objectives so salient as to be backed up by significant sanction’ (Lipsky, 1980/2010:18-19).

***Street-level Organizations and Street-level Actors***

Brodkin (2011, 2019) sees her work as building on Lipsky’s, but in a way that engages with organisational and political changes in late 20th and early 21st centuries. Public services have increasingly been contracted out to private corporations and not-for-profit agencies; public bureaucracies are a subset of street-level organisations delivering public services. She also underlines a shift of political decision-making from political institutions (where decision-makers are often mired in gridlock and indecision) to service agencies, to the point that local policies determine provision (rather than just implement decisions already made).

The underlying logic of street-level discretion, Brodkin (2011: 259) argues, continues to be a calculus in which: ‘… caseworkers will select act A over B when it is less costly and more rewarding’. This is a calculation of how to manage a mixture of day-to-day stresses of work, and policies, management targets and incentives. Although street-level ‘adjustments’ tend to fall beneath the radar, they have systematic consequences for how policy work is done and, ultimately, what is produced as policy on the ground**.** Depending on contextual conditions, adjustments may produce informal practices that are substantively different from—and far more diverse than—what a response-to-incentives model of managerialism implies.’ (2011:272-3)

Brodkin is concerned that, while front-line workers have discretion, they often misuse it and step outside the boundaries of how it should be used. The inappropriate use of discretion, she argues, is less to do with individual principled responses to a situation, or with challenging policy, and more about adaptive strategies to cope with the demand of work and the incentives and requirements of management. She sees these not as idiosyncratic and random but as patterns of discretionary responses. Brodkin(2011: 260) is sceptical of claims of discretion as principled front-line resistance to organizational policies – such claims, she believes, are more likely to be a smokescreen to what is really going on: ‘…self-valorizing accounts of discretionary practice demonstrate the lengths that street-level practitioners must go to (and by implication, the costs they must absorb) in order to diverge in selected instances from standard operating procedures.’

Brodkin (2011:262) identifies what she sees as four underlying patterns in the uses of discretion by street-level workers. There are strategies to limit demand by managing users’ access to services: by just doing what has to be done (the legal minimum); by shifting the burdens onto clients to produce paperwork, e.g. producing the right documents to access services. There are also strategies, she argues, once people are in the service, to make inadequate resources *seem* to work. There are ‘simplifications’ — stereotypes — that pigeon-hole clients, rather than engage with them holistically; or that employ simple formulae, e.g. postcodes, to allocate services. And there is ritualization - in which street-level workers perform their work, going through the motions but not considering what is actually needed to help. Finally, Brodkin (2011:270) argues, there are also strategies that street-level staff use in this context to manage: ‘… cognitive dissonance for caseworkers who may have wanted to do more to help, but found that they could not, creating the potential for street-level resistance to managerial pressures. It is in this context that delegitimation of clients and their demands for help emerged as an additional adaptive strategy.’

Brodkin brings some critical consideration of the impact of organisations and organisational managers into the analysis of front-line compliance and the management of discretion. However, while she identifies problems with the unintended consequences, and the challenges of some management techniques, she seems to reiterate Lipsky’s original position in Street-level Bureaucracy that managers are the servants of the organization (but having to use crude and inadequate tools in their work), who are doing their best to get the self-serving front line workers to use their discretion in line with policy — to be compliant actors who are concerned with personalizing public services in the best make-do-and-mend fashion.

***Street-level Dispositions***

Zacka (2017)’s ethical/political analysis of implementation draws heavily on Lipsky and the street-level bureaucracy approach. Street-level bureaucracy, he argues, is, ‘... a single category — notwithstanding differences among professions — because of similarities in the structure of everyday work ... street-level bureaucrats are at the bottom of the organisational hierarchies; they interact with clients directly; and they are vested with a meaningful margin of discretion’ (2017:23-24). Discretion is widespread on the front line of services and its use is extensive, because street-level bureaucrats have to make practical sense of fuzzy rules and procedures. Echoing Lipsky and Brodkin, Zacka (2017:64) believes that their use of discretion should involve, ‘... striking difficult compromises between values such as efficiency, responsiveness and fairness’. But front-line workers, facing difficult conditions of work, tend to use their discretion to develop reductive— pathological — conceptions of their role, which make work more bearable, but which undermine a positive public service approach. Again, like Lipsky and Brodkin, Zacka is also suspicious of street-level assertions of professional commitments or policy critique in their use of discretion as smoke-screens to dignify their attempts to manage their work and make their roles easier.

Zacka is particularly interested in street-level bureaucrats' ethical dispositions, a concept that refers to a relatively stable underlying view of the world: the moral sentiments that animate their understanding of their work and their responsibilities. In a democratic society, he argues, public servants are expected to be ‘...attuned to a plurality of considerations and [...] sensitive to the tradeoffs and costs associated with them.’(2017:96) A moderate disposition, he argues, reflects a balanced commitment to service efficiency; responsiveness to individuals; fair and impartial treatment; and respect— in the sense of asserting citizens’ own responsibility.

Front-line discretion should be assessed against policy in the broad sense of not only what policy says, but also any lack of clarity against the standard of a balanced ethic of public service. An ethical public service disposition, for Zacka (2017:151), is one in which street-level bureaucrats reflect '...the twin virtues of moderation and restraint ... [and] gravitate towards a conception of their role that is modest yet sustainable over time’. He is also suspicious of 'grand vocations' (151) that do not reflect the correct view (for him) of the balance of commitments. However, Zacka is concerned that in exercising their discretion, more often than not, street-level bureaucrats develop distorted and unbalanced conceptions — ‘pathological’ disposition — of their role, their work, and how they should use their discretion: ‘...which involve reductive, or overly specialized, takes on the role’ (2017:67). And they know not what they do: ‘...those who fall prey to them can fail to live up to their responsibilities even as they remain well intentioned, civic minded, and with the scope of their prerogatives.’ (2017:67) Zacka identifies three pathologies: 'the indifferent' worker focuses on organisational process in a way that can be distant and unresponsive; 'the caregiver' emphasises responsiveness to individuals at the cost of efficiency and risk to equal treatment; and 'the enforcer' focuses so much on following the rules that she or he ignores individual circumstances.

In these three accounts of street-level bureaucracy, there is a concern with problems of street-level non-compliance in two senses: first with not following policy direction (in terms of organisational goals and directions), and second, with not adopting a reasonable, balanced judgement of how to approach the inevitable discretion that emerges from the imprecision of procedures and rules. The fundamental problem in policy compliance is that policy is inherently unclear, and that front-line workers resist organisational direction, preferring to use policy vagueness to their own advantage and make their work more comfortable or more rewarding to them. A crucial measure of compliance for the Street-level Bureaucracy approach is that street-level bureaucrats not only conform to the purpose and goals of organisational policy (as specified by their managers), but also use the inherent discretion ‘reasonably’ — balancing a range of conflicting pressures – and not adopting an unbalanced approach to the use of discretion, which Lipsky calls ‘people/client-processing’, Brodkin ‘adaptive strategies’, and Zacka ‘reductive/pathological disposition’.

But are these two standards plausible and fair measures of policy compliance and discretion in street-level bureaucracies?

**A Wider Context of Policy, Compliance and Street Level Discretion**

In relation to considering compliance, policy and front-line discretion, there are good reasons for being concerned that the street-level bureaucracy approach lacks nuance. It's useful to remind ourselves of the range of occupations the idea of street-level bureaucrats covers: 'street-level bureaucrats are teachers, police officers and other law enforcement personnel, social workers, judges, public lawyers and other court officials, health workers, and many other public officials who grant access to government programs and provide services within them' (Lipsky 1980/2010:3). The question has to be asked: how helpful is such a broad and diverse category in understanding policy compliance at the front line of public services? And while Street-level bureaucracy captures the sense of the shared, difficult work conditions of a wide range of public services and the people who work on the front line, these conditions — the nature of policy and the under-resourcing — vary between agencies and can affect street-level bureaucrats’ response to the situations they encounter (Hasenfeld 1981: 156). There's a risk that, in focusing on similarities, the street-level bureaucracy approach misses significant difference (Anon 1981. 813–814).

At a general level of analysis, the focus on local policy and a sense of the responsible exercise of discretion seems like a good starting point for exploring compliance; but it's a starting point only in the sense that it has to raise further questions. In what way, for instance, should street-level bureaucrats comply with policy — is the relationship between policy and services uniform across all street-level agencies, or does it vary between types of agency? And what is a reasonable balance between conflicting demands? Do/should some services/occupations seek to advance particular projects that are reflected in a reasonable expectation that they should prioritize specific values and commitments over others, rather than give all equal weight?

Wilson, for instance, looking at management supervision of front-line staff and the challenges of specifying and measuring outputs and outcomes, argues that different types of agency raise different challenges for managers in ensuring compliance (Wilson 1989). There are also different perspectives on the relationship between policy and service delivery (Maynard Moody and Musheno 2000). While policy strategists and analysts often focus on the idea that policy directs and governs front-line practice, many practitioners don't see policy as a set of substantive instructions directing their work but rather see themselves as acting pragmatically in their work with citizens to deliver services. (Maynard Moody and Musheno also point out that practitioners often do both, complying with policy in most of their practice, but in situations not anticipated by policy they have to extemporize.)

The idea that there can be a one-size-fits-all reasonable discretionary judgement is also difficult to sustain. There are quite clearly different points of view of what's right. But in deciding what to do, actors have to recognize their commitments in a role and that: '…to reach a grounded decision in such a case should not be regarded as a matter of just discounting one's reactions, impulses and deeply held projects in the face of a pattern of utilities, nor yet merely adding them in—but in the first place to understand them'. (Smart & Williams, 1973: 118)

The relationship between public policy and those on the front line delivering services, and the idea of commitment and service decision-making, are unlikely to be the same across all public services. Lipsky (1980/2010) alludes to this in his observation that the public sector is not static but has expanded over time, taking on pre-existing services, including human services such as health, education, and social care. There are, for instance, differences in the way that human services and administrative and regulatory public services such as benefits administration and law enforcement relate to policy. They’re also likely to have different ethea and ideas of commitment that guide practice. A useful question to draw out the relationship of policy to types of public service is: to what extent would consulting statutes, reading policy statements and going through procedural manuals provide a reliable and robust picture of the nature of what is expected of the public service? Laws, rules and policy documents are primarily created to define, and can substantially describe, what public services such as benefits and policing *should* do. The relationship between policy and human services, though, is looser: you'd be hard pressed to get a solid sense of what a teacher, a social worker or a nurse or doctor does from just looking at what policy says about education services, social services or health services. Policy in these areas has tended to be more arm’s-length: its role has been less to specify provision than to establish access to these professional services**.** Similarly, expectations of the way in which street-level bureaucrats should approach the people who use their services tends to be more nunaced. While citizens may want disinterested public servants to make dispassionate decisions about who gets what benefits, or would expect a regulator to prefer community safety over responsiveness to the individual needs of organisations or citizens, they would be appalled by a doctor, nurse or social worker who didn't foreground their clients' needs. We expect different sorts of public service and public service workers to reflect different foci, priorities and specific concerns.

**Different Types of Street-Level Organisations?**

 One of Lipsky (1980/2010:6)'s concerns about street-level bureaucracy was its expansion in the 20th century, having '...absorbed responsibilities previously discharged by private organisations'. There have been two broad areas of expansion, both of which raise important questions about different forms of street-level bureaucracy and their respective relationships to public policy. One area of expansion was the extension of welfare benefits administration and regulatory provision reflected in the increase in policies which provide for these services and which structure the provision. Here, policy is making the service that is being provided: it exists in the rules and requirements that specify the entitlement to benefits and impose obligations. The other area was bringing into public provision human services, often professional-dominated services such as health, education and social care, and making them available to citizens on an equitable basis. The key role of policy here was to create a framework to provide these services on a public basis.

***Administrative***

Administrative services, where the primary aim is to distribute benefits or entitlements to citizens according to set standards, are difficult to imagine apart from the systems of rules. The rules constitute the service that is provided. In the vehicle licensing system, for instance, it's difficult to understand what it does outside the rules, regulations and the body of rules and precedents that govern decision-making. It is plausible to claim to understand the nature of the service and the way decisions are made simply from reading the relevant regulations or codes. They would give a clear sense of what the service entails, its processes and the roles of actors within it, because the rules and their administration *are* the service: street-level bureaucrats in these services need to know the rules to do their job. Of course, this is not to say that there is no divergence between this picture and observed day-to-day practices, but the point is that policy provides a plausible description of the service, and provides a set of standards against which divergence can be identified. Some of this divergence will arise from the open-textured nature of rules and regulations that the street-level bureaucracy approach underlines. It's the weak discretion identified by Dworkin (1978) and exercised in the judgements that have to be employed to apply a standard—because judgement cannot be applied mechanically. This reflects an idea of discretion that is grounded in a bureaucratic approach to justice, focused on realising policy goals (Mashaw 1983). Legislatively approved tasks are put into effect through an efficient and administrative strategy. This seeks to put into effect pre-established, legitimate social decisions and structured use of information and bureaucratic routines: '…selection and training personnel, detailed specification of administrative tasks, specialization and division of labor, coordination via rules and hierarchical lines of authority, and hierarchical review of the accuracy and efficiency of decision-making'. (1983:26) Judgements are explained and justified in terms of policy goals and administrative rules. Divergence may, of course, also reflect an attempt to subvert or undermine these rules, but this can be called to account and assessed as such within this ethos of administrative justice.

In this sense, these sorts of organisations are classic bureaucracies in the spirit of a systematic order that sets out areas of individual decision-making roles within a broader set of rules. At the front line, discretion is mainly about the interpretation of rules — what does this term mean, do these facts fit this or that category? etc. In making these choices, discretion relies on two things. First, the expertise of office: that is, an understanding of the context of policies and procedures; the recognition of the purpose and role of the organisation, and one's (and others’) position within the organisational structure. Second, a bureaucratic ethos (du Gay 2000) in terms of a positive adherence to procedures and respect for the office, not for its own sake but to translate abstract goals into concrete action in a way that reduces arbitrariness in administration and achieves consistency in day-to-day decision-making, but which still leaves room for (in fact requires) discretion in the sense of prudential judgment between options (du Gay and Pedersen 2019).

***Regulatory***

Sparrow distinguishes what he terms 'regulatory' from 'service' agencies. Regulatory services such as the police or environment protection often don't provide things that the individual citizens with whom they come into contact want. Regulatory work involves the ‘routine use of state authority and coercion' (Sparrow 2011:loc191) to place impositions on citizens and organisations, often in ways they find burdensome. Policy and procedures in regulatory work provide an idea of scope and factors involved in the work, but the picture that emerges is often one of contradictory and conflicting demands. As a result, regulatory work entails a particular relationship to policy (Sparrow) where regulators are expected to make judgements about what to do or not to do, rather than being expected to act in compliance with a policy script. The discretion they are expected to exercise goes beyond a narrow administrative role in interpreting rules and relating them to the facts of the case, moving to a judgment of which rules to apply in order to balance conflicting policy demands. May and Wood (2003), for instance, show how front-line inspectors can adopt different styles as regulators. Some inspectors focused on a legalistic approach and enforcement of compliance while others sought to educate and persuade those they regulated to prevent non-compliance.Rules, policies and procedures are tools: they offer choices that workers in these types of agencies have to make in doing their work — including the choice of which law to enforce (Sparrow 1994).

The scope of discretion involved in regulatory work is broader than that involved in administrative work, not least because: 'The nature and quality of regulatory practice hinges on which laws regulators choose to enforce, and when; on how they focus their efforts and structure their uses of discretion; on the choice of methods for procuring compliance.' (Sparrow 2011:loc 191). It involves judging which is the appropriate action. This can't be pre-programmed, but it can be framed, and policy nests discretion in a clutch of rules that have to be balanced in a given situation to meet a general social purpose— often in terms of safety, risk, practicality etc. Divergence can again reflect an attempt to subvert or undermine these rules, but this again can be called to account in assessment against policy —not so much its letter but its underpinning purposes and goals.

The ethos of discretionary decision-making in regulatory services is, in Mashaw(1983) 's terms, ‘moral'. The goal is to address competing demands and resolve conflicts concerning particular events, transactions or relationships. Rather than merely applying prescribed rules, this approach considers competing values and works out what's acceptable and unacceptable in a situation, and how interests should be balanced in a particular case. Central to this approach is the challenge of working with vague statutes and working out, in specific cases, 'the operational content of concepts such as *fairness* or *the public interest*.' (1983:33)

***Human Services/Professional***

Human services — education, health care, social care etc. — focus directly on working with people as pupils, patients, clients, service-users etc. The aims of these services are broadly about realising potential through, in different ways, the provision of education, health and well-being and social justice, etc. They are typically a subset of broader welfare services: those services that are, to a significant degree, human encounters. (Zin 2001)

Human services organisations have their hierarchies and rules, but these are laid on top of something else that is already there. Regulations and policies don't constitute the services: they steer, support and scaffold what already exists. These rules and policies assume that those providing services know what they are doing. The default is to let them get on with it, although specific policy initiative may reflect a particular concern and want to shift the services in a specific way (but even here this initiative can't merely be bolted on; it has to be adapted and integrated into the broader system of practices).

Organisational rules frame something — the service itself. Wilson (1989) talks about professionals deriving their incentives from outside the organisation in which they work. The idea of the services they provide is rooted in professional standards and values, and the belief that these should be the basis on which these services are provided. Human services are often subject to direction from other sources – for instance, in terms of occupational regulation, establishing systems to valorise and ensure occupation expertise, often via arm's-length bodies that establish standards of education, knowledge, skills and behaviour. Strip away the organisational bureaucracy and the nature of the service is still clear — perhaps clearer — because, at core, it is about the application of occupational expertise, experience and skills.

Discretion in these services extends to Dworkin's idea of discretion in a strong sense, which, in some circumstances, gives the decisions and the criteria of decision-making to professionals. But this is ‘... not tantamount to license...[it]... makes relevant certain standards of rationality, fairness, and effectiveness.’ (Dworkin 1978:33). Further, the focus of discretion is a service to the client, what Mashaw terms ‘professional’. Decisions are motivated by a commitment to help. This can involve pushing the boundaries of tried and tested approaches and using imagination and initiative to be responsive. This discretion is grounded in the primacy of the relationship between the professional and service-user, and a commitment to strive to meet this person's needs — even if it's not clear what can be done. The administration of services is organised to support professional work: 'Substantive and procedural rules, hierarchical controls, and efficiency considerations would all be subordinated to the norms of the professional culture. The organisation would be more of a lateral network than a hierarchical command structure' (Marshaw 1983:28)

In outlining these three different forms of public service organisations, which might otherwise be described using the homogenising term ‘street-level bureaucracies’, the claim is not made that these are the essential defining characteristics of any of these organisations. The characteristics of this range of agencies can be organised and understood in any number of different ways, depending on the purpose of dividing them up. For instance, Wilson (1989), as just mentioned, classified public agencies into four types based on his concern with the ability of management to control front line staff; the concern here has been in the relationship between agencies and policy. Following from this, too, these groups will overlap at the edges and reflect differences between agencies in the same category, as well as similarities, but for understanding different relationships between public agencies and policy, the distinction has a useful heuristic character.

**Street-Level Policy, Discretion and (Non) Compliance**

The key elements of the street-level bureaucracy approach have been set out in relation to understanding policy compliance and street-level bureaucrats. These elements will now be considered in the light of the discussion of how types of public agencies have different relationships to policy in their work. The street-level bureaucracy approach is a curious mixture of a top-down idea of policy as a blueprint, and a bottom-up critique of the clarity and utility of policy underlining its analysis of discretion (Evans 2011). This can be seen in the dual approach it has developed to understand policy (non) compliance. Policies are instructions that, even if they are not that clear, can be understood as a direction of travel and translated into rules and procedures by public agencies. However, while the work of agencies and street-level staff occurs within a policy context, the Street-level Bureaucracy approach doesn’t engage with the variegated nature of policy and how it relates to their work in importantly different ways. Discretion is simply characterised as a uniform and homogenous attribute of street-level bureaucrats, which, arising from the limitations of management control, presents problems of devising clear policy and sharp policy tools. It doesn’t seriously engage with the possibility that discretion in different contexts can have additional characteristics – such as the professional discretion of many staff in human services (Evans 2011). The issue here, however, is that discretion is also used in the street-level bureaucracy approach as a dimension of policy work and is seen as compliant, as against an abstract and disembodied standard of reasonable use that ignores the way in which standards underpinning the uses of discretion differ between types of services.

***Working Within Policy***

Broadly speaking, the emphasis in the Street-level Bureaucracy approach is on policy as a goal, expressed in organisational rules —procedures, directions and targets etc. Putting aside, for the moment, the problem underlined by the Street-level Bureaucracy approach that these tools are often crude and inexact instruments of control, it’s important to recognise that organisational rules are not always meant to be law-like instructions, specifying and requiring action: they can also be, and often are, rules of thumb to guide but not bind action; they are more like heuristics, advice and guidance that direct the attention of actors and seek to guide their actions (Herzog 2018). The Street-level Bureaucracy picture of the relationship between policy and practice in terms of instructions (a clear purpose giving a clear direction of travel) seems more congruent with the picture of an administrative agency than with a regulatory agency, in which policies and rules are more like guides and tools that are used to strike a balance between a range of different concerns. But policy, too, has a broader sense than a plan of action, a set of instructions or guidelines for consideration. It can also suggest an imperative to act —what Kirkpatrick calls ‘bright ideas’ rather than ‘blueprints’ (Kirkpatrick 2002: 43). Kirkpatrick, looking at a reform of children’s services in England, describes such a ‘bright idea’ approach as involving ‘...a multiplicity of competing goals and policy expectations all of which had potential implications for how they should re-structure services.’ Behind the reform was an idea that something must be done; but beyond this rhetoric, it was not clear what. Here it's not just that policy is disjointed and piecemeal; it’s also that it relies on something outside itself to make sense of it. For instance, Munro (1998), also looking at the reforms in children’s services in England, points out that procedural tools designed to manage practice didn’t make sense outside a framework of assumed professional knowledge and skills. Policy in human services agencies tends to have a more complex and symbiotic relationship with services —  it may specify criteria to access services, but in terms of professional categories and assessments, and in providing for access to services, it largely leaves the content and practice of those services unspecified, down to the professional culture of that service. A stark example of this is the relationship between managers and clinicians in a hospital setting. The idea that a manager should instruct a clinician on the nature of a person’s need, the priority of the case and the appropriate course of action— and that the clinician should have no view of how the organisational arrangements of the service impact on the service she provides—simply jars. In fact, in the early twenty first century, managers have face increasing public criticism for intruding into the area of the judgment of professional staff (and staff have been criticised for complying) by imposing their concern for financial priorities in place of the needs of patients (Francis 2013; Kirkup 2018).

Recognising these different aspects of the relationship between policy and types of services underlines the problematic nature of the Street-level Bureaucracy approach to examining policy compliance. It seems to focus on playing a one-club game, seeing agencies in administrative terms and considering policy compliance from this perspective; and has difficulty understanding approaches that might see policy as a series of tools with which practitioners can work in different (but equally plausible) ways to manage risk. Similarly, it neglects the role of custom and practice in human service, not only filling in policy (which often points to professional terms, definitions and judgments in operating rules), but also providing an alternative source of authoritative direction on how to go about delivering the service. But it is not just that the street-level perspective neglects these; the risk is that it fails to understand the roles they play in delivering services: it sees them in terms of acting outside (narrow) policy and describes them as non-compliant.

***Using Discretion***

Perhaps one of the most influential contributions of the Street-level Bureaucracy approach to understanding policy work is the central role of discretion — its pervasiveness and its inevitability. Discretion is as much part of policy implementation as policy itself; it has a role to oil the wheel of policy implementation, fill in gaps etc; and discretion, to be policy-compliant, should reflect a concern to make policy work.

In considering this aspect of the Street-level Bureaucracy approach to understanding compliance (or mostly, from its proponents’ point of view, non-compliance), two things call for particular attention — the idea of one standard of the right use of discretion, and the active dismissal of the idea that street-level bureaucrats’ professional commitments may guide the uses of discretion.

The idea of a reasonable, pragmatic, balanced approach to discretion lies behind Lipsky’s ciriticism of ‘people/client-processing’ and Brodkin’s identification of ‘adaptive strategies’; but it is little explained beyond a general sense of being pragmatic and seeking to advance policy goals. Perhaps the most developed articulation of this attitude is Zacka's (2017) account of appropriate discretion, as a modest and moderate judgment that seeks to make the best of the situation in which one finds oneself. He links this idea to a notion of public service ethic that treats everyone the same; being responsive and sensitive to individual circumstances; promoting the citizen's own responsibility not to rely on public services; and doing all this with an eye to the efficient use of public resources.

Interestingly this range of concerns reflects Wilson's (1967) observation that there is a range of conflicting demands inherent in public service provision; but while Wilson notes that agencies prioritise particular concerns (over others) in order to act—that they can’t do everything—Zacka and the Street-level Bureaucracy's approach more generally present these conflicting demands as a constellation of requirements that all street-level bureaucrats should consider in their use of discretion at all times. If their discretion habitually reflects particular concerns, their approach is ‘pathological’. But why is any particular prioritisation of these values pathological? Surely, using this argument, Zacka’s own emphasis on equal prioritisation is as much an habitual ordering of values as the value positions he describes as pathological!

Ethical deliberation can’t start from nowhere: street-level bureaucrats all have to start from where/who we are/from our commitments. Mashaw’s different models of administrative justice, mentioned in the section ‘Different Types of Street-level Organisations’, are not more or less forms of justice—they are equally valid (albeit competitive) ideas of administrative justice, which can sit more or less comfortably with particular types of services. Similarly, rather than dismiss other orderings of values as ‘pathological’, a more constructive approach to understanding uses of discretion and their impact on policy at street-level services would be to seek to understand the ethical concerns of those practitioners and how they relate to that particular service context.

A related issue here is the disdain for the idea of the professional commitments and values etc. which Lipsky and Brodkin characterise as a smoke screen, covering more self-interested concerns. This may be the case, but it also may not be. Becker (1971), for example, warns against a default cynicism by researchers towards the expression of ethical and positive purposes by actors (he was talking about this in relation to his research on medical students). It also seems rather strange not to consider the forms of knowledge and the obligations and values to which particular professions subscribe as having some relevance in the examination and evaluation of their uses of discretion in practice (Evans and Hardy 2017).

***Compliance and Non-compliance***

There is a broader question about policy compliance and street-level bureaucrats. The idea of ‘compliance’ in the policy literature has increasingly become associated with the idea of overcoming resistance from ‘policy targets’ and getting them to act as policy-makers desire (Weaver 2014). The problem is non-compliance. This is a surprising value shift, given that the early seminal works in this area were concerned with the problem of compliance. Milgram’s study of compliance, authority and obedience sought to understand why actors might comply with unconscionable instructions (Cialdini and Goldstein 2004). Compliance is not necessarily a good thing. Individuals or organisations who just ‘roll over’ and do what they are told, do not challenge ‘instruction’ and do not stand up for what they believe to be right, are criticised for being too compliant. Being compliant, unquestioning, simply doing what you're told, raises fundamental moral questions about the abrogation of moral responsibility.

The idea of compliance and the relationship between politics and administration, policy and practice in Street-level Bureaucracy is seen as a one-way relationship of top-down ethical authority: 'The logic of democracy requires that citizens and lawmakers alike have a high degree of confidence that enactment of a law will be followed by reliable implementation' (Lipsky 1980/2010: 221)

However, the nature of the polity within which street-level bureaucracy operates is more complicated than suggested by this idea of the logic of democracy. It's not just a commitment to majoritarian rule, but also a commitment to individual and minority rights (for example, European Union undated). In the UK, for instance, constraints operate on executive decision-making that reflects citizens' rights in administrative law (Government Legal Department 2016). It's not difficult to imagine situations in which government instructions should be resisted by street-level staff to protect individual or minority rights. In a report into the Windrush scandal — in which British citizens were denied their immigration rights by the Home Office — the House of Commons and House of Lords Joint Committee on Human Rights (2018:4) said that: '...the Home Office has an inadequate regard for the human rights of those who might wrongly be subject to their immigration procedures and that there is neither sufficient internal or external challenge to prevent the system depriving individuals of the fundamental right not to be detained.'

Second, Lipsky’s and Brodkin's observation that a lot of public services are provided by non-government organisations – charities with their purposes and commitments, or businesses focusing on the bottom line—raises questions about the authority of organisational rules, guidance and instructions and the authority of management direction. Lipsky (1980/2010: 216) argues that these private street-level bureaucracies are essentially the same as those in the public sector because the contracting regime now demands that ‘... contracting agencies conform to the high standards of accountability, [the] work patterns on the public side and private side converge’, and they employ the same sort of staff who do the same things. However, can one plausibly claim that these organisations have the same authority to expect compliance as a public organisation? In providing public services where the service is mediated by the non-government organisations, front-line staff can have good reason to critique and question these organisations and their managers’ interpretation of public policy. Carson et al. (2015: 11), for instance, looked at the implementation of a domestic violence policy where the service had been contracted out to a range of voluntary organisations. They found that:' there was considerable discretion in the implementation of programmes by agencies' and that '...The cumulative impact of these variations was ever-increasing layers through which managers' and front-line workers' discretion produced disparity between and within agencies and led to variation in programme practice.'

The rather crude insertion of a rigid contract (and the regulatory paraphernalia to monitor compliance with the contract) underlines the increasingly attenuated connection between some street-level organisations and democratic authority. This only emphasises that 'The inevitable dilution of the policy in the implementation process suggests that front-line staff have to interrogate the democratic authority of managers' instructions and test them against the relevant laws and the original policy aims.' (Evans, 2019:145)

Thirdly, and particularly in relation to human services organisations, where professional staff are not only a significant part of the workforce but also whose customs, practices and commitments are substantial contributors to the ethos and idea of the services being provided, their commitments can offer a valid basis on which to challenge and question policy instructions and organisational managers’ interpretations of policy. From a street-level bureaucracy perspective, all these challenges would be seen as non-compliance with policy. However, an equally sustainable interpretation would be that these are justifiable challenges to organisational interpretations of policy. It’s not that they are non-compliant, but that they are drawing on a context of broader policy concerns, to question a narrow interpretation of what public policy calls for, and to bring in important policy concerns that this narrow view ignores.

**Concluding Observations**

Discretion, from the Street-level Bureaucracy perspective, is endemic in public services where policy is implemented by a front line of staff interacting with citizens. However, its account of the nature of this discretion, and the idea of policy that lies behind this, have to be called into question. It largely sees discretion as arising from gaps in policy instructions, and requires that front-line workers should focus on the intention of policy-makers in terms of their organisational managers. This view of policy and discretion gives rise to a very limited and problematic understanding of compliance in policy implementation. Policy, for instance, is a very broad-brush idea that means different things in different contexts; and it’s possible to identify different types of services that have quite different relationships to policy-makers. In some settings, the idea of policy as precise instruction is a plausible picture; but in others, policy can be setting a framework within which broad decisions have to be made, or even a broad direction of movement. In these varying contexts, discretion can mean quite different things. It can mean a narrow space to interpret; a choice between options; or an assumption that decisions will be made by those on the ground best placed to deal with the situations that they encounter. If policy is understood as simply complying with what policy intends, putting aside the problem of how to discern intention, it fails to engage with the different expectations entailed by different forms of policy in different policy settings. The Street-level Bureaucracy approach has contributed a lot to raising the profile of the role that front-line workers can play in putting policies into effect. But the narrowness of its conceptions of the relationship between policy and practice, the nature of discretion and compliance, has limited engagement with important questions across public services of the way front-line services relate to policy. In trying to constrain the analysis of public services into a one-size-fits-all category, this approach struggles to engage in a nuanced way with issues concerning policy, public administration and service delivery.

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