

Introduction: The dual tracks of welfare and activation reform – Governance and conditionality

Michael McGann & Mary P. Murphy

Department of Sociology, Maynooth University, Ireland

A decade after the financial crisis, another shock is deeply affecting the Irish welfare state. At the time of writing, in April 2021, the Covid-adjusted unemployment rate is 24.2 per cent (Central Statistics Office, 2021) – well above the peak of the last crisis, when unemployment hovered at about 15 per cent. The contributions to this special issue were written in the throes of the pandemic. They reflect on a decade of intense social policy change during which mandatory job-search and other forms of conditionality have been intensified and extended to more people, including lone parents, as Ireland has followed other OECD countries in turning towards activation. The ‘activation turn’ (Bonoli, 2010, p. 435) is an umbrella term describing the reconfiguration of labour market policies towards supply-side interventions designed to either enhance employability through training or, more commonly in liberal welfare states, to propel unemployed people into work via widening benefits conditionality, stronger worker incentives and toughened sanctions. The pursuit of this latter ‘workfare’ approach has often coincided, internationally, with a second track of ‘government and management reform’ (Brodtkin, 2013b, p. 13). Countries have increasingly turned to outsourcing, competitive procurement and performance-based contracting, among other governance instruments, to streamline the delivery of Public

Employment Services (PES) and other activation programmes. Ireland is no exception. Programmes targeted at the long-term unemployed are being privatised, with the latest iteration of procurement happening as recently as March 2021.

In this introduction, we contextualise this decade of active labour policy reform by reviewing the key changes to income supports and PES that have unfolded since the financial crisis. The reforms discussed, and outlined in various iterations of *Pathways to Work* (Government of Ireland, 2012, 2016), form a core plank of the government's strategy to achieve its employment targets and related commitments under the Europe 2020 Strategy. They also reflect a consensus among administrative and policy elites that a work-first, sanctions-oriented activation model was overdue in Ireland (Grubb et al., 2009; McGuinness et al., 2011). Indeed, there was a widespread view that Ireland was a 'laggard' (Köppe & MacCarthaigh, 2019; Wiggan, 2015) or 'outlier' (Dukelow & Considine, 2014b; Millar & Crosse, 2018). The OECD likened Ireland's pre-crisis activation regime to 'the emperor who had no clothes' (Martin, 2015, p. 9), in that there was only minimal implementation of the formal policy commitments to activation under Ireland's National Employment Action Plan. The Great Recession was a window of opportunity to introduce reforms that were largely consistent with the mutual obligations model promoted by the OECD and the active labour market policy associated with the Europe 2020 Strategy. While the reforms evolved in the context of the troika's conditional loan programme (International Monetary Fund, European Commission and the European Central Bank), they are a domestic project. International actors 'were pushing on an open door' (Dukelow, 2015; Hick, 2018).

In reflecting on the past decade of reform, our aim is to briefly review the key social policy and governance shifts shaping the trajectory of Irish welfare reform and, in so doing, to develop an analytical perspective that frames these twin tracks of reform as involving a process of 'double activation'. This perspective views the New Public Management (NPM) tools, such as performance-based contracting, now being used to coordinate and direct frontline service delivery, as being 'cut from the same neoliberal cloth' (Soss et al., 2013, p. 138) as the conditionality regimes targeted towards claimants. It sees governance reforms of operational services and social policy reforms of income supports as being deeply interconnected, eschewing distinctions between *what* activation policies are pursued politically and *how* they are implemented administratively. This 'double

activation' perspective orients the contributions to this special issue insofar as the articles engage with both *the policy substance of activation reform*, from the perspective of conditionality and retrenchment, and *the institutions of policy delivery*, from the perspective of PES governance reforms.

We proceed by reflecting on activation from the perspective of conditionality, drawing on recently published relevant academic literature. We then turn to activation's 'double dynamic' (Newman, 2007), and the shifting relationships between the state, the market and the community sector that PES governance reforms entail. We conclude with an overview of the individual articles comprising this special issue, and the overarching conclusions they reach about the challenge of ongoing active labour policy reform.

Conditionality

Until recently, the Irish income support system was largely understood as a de facto system of 'passive' entitlements in that active labour market programmes were highly fragmented. An Foras Áiseanna Saothair (FÁS), the National Training and Employment Authority, was institutionally separated from the department administering income supports, albeit there was a relatively strong sanctions regime up to the mid 1990s with enforcement of obligations on actively seeking and accepting work (Cousins, 2019). Arguing Irish policy was 'more carrot than stick', McGuinness et al. (2011) contended that unemployed people engaged with through the late 1990s' National Employment Action Plan were more likely to remain unemployed than people who had no such engagement. This influenced and consolidated an emerging consensus that the system needed reform away from 'a regime with minimal monitoring and sanctions'.

In a significant turn towards what an OECD review described as 'a more *coercive* approach' (Grubb et al., 2009, p. 130), Ireland followed other OECD countries in turning towards activation. Under *Pathways to Work* (Government of Ireland, 2012), a series of penalties were introduced, amounting to 25 per cent of the unemployment payment, for refusal or failure to attend meetings requested by the Department of Employment Affairs and Social Protection (DEASP), failure to demonstrate proof of job-seeking, or failure to participate in an appropriate employment support scheme, work experience or training. In 2014 this sanctions regime was extended to lone parents whose youngest child was over thirteen years of age.

Cousins' (2019) analysis of the new Irish conditionality regime assessment is marred by the limited empirical evidence and lack of formal publication of compliance data but concludes that the rate of sanctions in Ireland remains relatively modest. Grouping three policy changes which work to incentivise people to seek work, he analyses increased sanctions for jobseekers, reductions in benefits for young single claimants and a reduction in the age (of children) for which lone-parent benefits are payable. Both Cousins (2019) and McCashin (2018) point to the limits of Irish conditionality, observing a political reluctance to extend conditional activation to mothers of younger children (both lone parents and qualified adults) and people with disabilities. Murphy (2018) and the National Economic and Social Council (NESC) (Johnston & McGauran, 2018) both discuss how individualisation of social welfare might impact on the extension of activation (and related conditionalities) to qualified adults and note that the Jobseeker's Transitional (JST) Payment creates the opportunity to offer enabling support without coercive sanctions.¹

Boland & Griffin's (2015a, 2015b) theorising of shifts in the condition of unemployment and welfare reform critiques the *Pathways to Work* regime, and related technologies including conditionalities, as 'governmentalising', whereby institutions scrutinise and categorise individuals, set them tasks, observe their behaviour and threaten punishment. Their focus is on the construction of unemployment as a 'liminal' experience, conditioned by policies that discipline jobseekers into becoming actors in the labour market. They see an intensification of the process, and the required conditions, as well as their extension to a potentially wider range of claimants, including people in part-time employment, under the second iteration of *Pathways to Work* (Government of Ireland, 2016). Unlike Cousins (2019), Boland & Griffin (2016) find not a modest but a significant increase in the relative application of sanctions. They argue that this is part of a pan-European shift to make PES more employer-centric by ensuring a supply of labour at competitive rates and critique the lack of independent analyses of impacts on health (mental and physical), future earnings and behaviour.

¹ The JST is a form of Jobseeker's Allowance (JA) for lone parents whose youngest child is aged between seven and thirteen years of age. Compared with the JA, the JST allows wider opportunities to work part-time and/or participate in education while receiving income supports. There is no obligation to be available and looking for full-time work.

Dukelow & Considine (2014a) contextualise the turn to activation in the context of welfare retrenchment and point to the regulatory role of activation policy and sanctions in servicing the needs of competition (see also Collins & Murphy, 2016). Dukelow (2015) argues that the ‘radical retrenchment and reform of social protection is taking place to ensure its closer compatibility with the perceived needs of a globalised neo-liberal economic paradigm’. Dukelow, in this issue, continues this theme, examining the relationship between conditionality and structural retrenchments of income support, which lead to some citizens being sacrificed for international competitiveness. Joe Whelan’s research on the lived experience of worklessness and welfare in Ireland highlights the now ‘compulsive geography of the welfare state’ (Whelan, 2021a, p. 47), and how the spectre of shame and stigma are operationalised through social and administrative contexts to form a ‘toxic symbiosis’ (Whelan, 2021b) which continually valorises a work ethic. Likewise, Gaffney & Millar (2020) relate the emergence of welfare fraud as a contentious issue, with the workfarist turn leading to the ‘scapegoating’ of welfare claimants and constituting them as subjects under constant surveillance. Nuala Whelan, in this issue, also examines workers’ and claimants’ experiences of PES, and points to the ‘missing middle’, arguing that attention to implementation can provide a less stigmatised, claimant-focused service. Also in this issue, Johnston & McGauran identify gaps in training, career guidance and links to employers, as well as enabling support services that require better inter-agency coordination to meet claimants’ needs.

Governance and marketisation

Alongside the policy reforms reviewed above, there has also been sweeping reform of PES institutions and delivery organisations. Two entirely new services, Intreo and JobPath, have been created in conjunction with significant changes to the way in which externally delivered programmes are procured. Administrative responsibility for service commissioning has also been centralised within the Department of Social Protection (DSP) following the dissolution of FÁS in the wake of a corporate governance scandal, and the consolidation of income and employment supports (Köppe & MacCarthaigh, 2019). This integration of employment and income support was already standard in European countries, and the OECD review of Irish activation urged the government ‘to gain better control

of its own administration' by following suit (Grubb et al., 2009, p. 95). In March 2010 the proposal to merge income and employment supports was formally announced, and from 2012 to 2016 a national network of sixty full-service centres was progressively built up. This roll-out also brought with it the introduction of a new active case management model and the targeting of services based on claimants' 'Probability of Exit' (PEX) from the live register, as predicted by a profiling instrument developed by the Economic and Social Research Institute (ESRI) (O'Connell et al., 2009). Claimants with a low PEX rating were prioritised for monthly meetings whereas those with a high PEX rating were interviewed only after six months. However, in an early evaluation, the ESRI found the PEX model 'was not properly implemented' in that many claimants did not have a PEX rating while the ratings of those who did were often based on limited data and 'not usable' (Kelly et al., 2019, p. iii). Nevertheless, the PEX model remains in use as the primary means used to target service delivery.

The consolidation of employment services within the DSP also had broader ramifications for how externally delivered PES were contracted. At the time of the crisis, the main externally provided PES were the Local Employment Services (LES), which are currently delivered by twenty-two community organisations and local development companies. The LES were established in the mid 1990s as parallel employment guidance services to FÁS for those with greater employment barriers. Participation was voluntary. However, following the crisis, the LES were brought under the National Employment Action Plan and responsibility for commissioning changed to the DSP. As a result, claimants could be mandatorily referred to the LES as part of their mutual obligations. The DSP's approach to annually contracting the LES has also subtly changed in recent years. Although the LES are paid on a 'costs met' (Indecon, 2018, p. iii) rather than performance basis, their achievement of performance targets has been increasingly monitored by the DSP since 2012. McGann, in this issue, situates these changes within the context of a wider post-2011 public sector reform agenda, spearheaded by the Department of Public Expenditure and Reform (DPER). Resonating with NPM ideas about public sector inefficiency due to weak accountability and the absence of performance incentives, DPER has placed an increasing emphasis on performance-monitoring public services and leveraging opportunities for outsourcing to deliver more efficient services.

Reflecting this new orientation towards performance measurement and outsourcing, one of the most significant governance reforms was

the creation of JobPath, a Payment-by-Results quasi-market, in mid 2015. The decision to procure JobPath was first mooted in 2011, although tenders were not invited until December 2013. The programme was closely modelled on the UK government's Work Programme (WP), and the two agencies contracted to deliver JobPath – Seetec and Turas Nua, which started as a joint venture between the Irish cooperative FRS Recruitment and the UK-based Working Links – were both experienced WP providers. Nonetheless, there were several differences with the WP, the most important of which was JobPath's 'grey box' (Wiggan, 2015) design. The DSP mandated minimum servicing standards to which both providers would have to adhere, whereas under the WP's 'black box' contracting model, it was largely left to agencies to determine the nature and intensity of services. JobPath providers could also be financially sanctioned for poor ratings in independent user-satisfaction surveys. This was designed to mitigate the risk of providers gaming by concentrating on servicing those clients closest to employment while 'parking' their more disadvantaged clients – a practice that was endemic under the WP (Carter & Whitworth, 2015). For these reasons, Wiggan (2015) describes JobPath as a 'cautious embrace of market rationality'. Nonetheless, as Murphy highlights in this issue, JobPath marked a watershed moment in PES governance. It was a decisive turn towards coordinating PES commissioning via competitive tendering and Payment-by-Results, with Murphy & Hearne (2019, p. 457) suggesting that it amounted to 'privatisation by stealth'. This was due to the absence of public attention or significant protest against the marketisation reform at the time, but also because of how the contract's Payment-by-Results funding model and requirement that prospective bidders have an annual turnover of €20 million effectively locked out community-based organisations from delivering the programme. Murphy & Hearne (2019) position this marketisation reform in the context of the increased legitimisation and use of results-based payment models to outsource services by the state.

Competitive procurement and performance-based contracting are both expected to form important planks of future PES commissioning, with official evaluations of contracted PES laying the groundwork for extending the market governance of activation. The evaluation of JobPath found that the rate of employment was 20 to 26 per cent higher among participants than in comparatively matched cohorts who did not participate, concluding that 'it is possible to achieve positive

results for unemployed people with a payment-by-results contractual model' (DEASP, 2019, p. x). In its review of the LES, the economic consultancy Indecon (2018, p. xiii) recommended that the DSP actively consider basing future service provision on 'an open/public competitive procurement model' and clear targets 'in relation to sustainment of employment outcomes'. This recommendation is now being taken up in the process, announced in October 2020, of expanding community-based PES into four new geographical areas where LES do not currently operate. The DSP is also understood to be actively considering a shift towards 'costs-bid' procurement for LES, which would see agencies potentially forced to compete on costs such as staff salaries.

A wider review of future PES commissioning was nearing completion when Ireland went into lockdown in March 2020, with the existing JobPath and LES contracts due to expire in December 2020. In the first lockdown, job-search requirements were suspended, and all contracted PES staff were retained and worked remotely, with the focus on supportively keeping in touch and filling vacancies as they arose. From early June 2020, contact was resumed for the purposes of activation, and contracted agencies were advised that normal services would resume but be adjusted with greater client numbers per caseworker. However, as second and third lockdowns emerged, PES have effectively been in cold storage. Following the recommendation of the Labour Market Advisory Council, PES contracts have now been rolled over until December 2021, when it is anticipated that the demand for contracted services will further grow as more people now receiving the Pandemic Unemployment Payment (PUP) become subject to activation. The PUP income support has been a swift and relatively generous response to the pandemic crisis, which waived conditionality. However, government may struggle to apply conditional work requirements to PUP claimants whose 'normal' employment was suspended on public health grounds, and who may not consider themselves 'unemployed'. Such discontinuity may lead to public ambiguity about conditionality, which McCashin (2018) argues was already evident pre Covid in relation to expanding activation to lone parents and those with disabilities. Murphy, in this issue, argues that given the profile of PUP claimants in comparison to 'typical' live register cohorts, many may question what is 'reasonable' to be activated into, resisting conditionality and poor-quality employment (Labour Market Advisory Council, 2020, p. 13).

Overview of contributions

Despite the significant investment and reform, the impact of the post-financial crisis reforms on the labour market reintegration of the long-term unemployed remains unclear due to the absence of independent research on both the efficacy of conditionality and the marketisation of PES. This is consistent with what Boyle (2014) finds is an underdeveloped culture of evaluation. As discussed above, several official quantitative evaluations, undertaken on behalf of the DSP and in conjunction with the OECD, have now been published and point towards a relative efficacy of PES (DEASP, 2019; Indecon, 2018; Kelly et al., 2019). However, there remain significant gaps in knowledge of the experiences of PES, and related activation policies, from either claimants' or workers' perspectives. The Irish National Organisation of the Unemployed (INOUE), using focus groups as a methodology, has published qualitative assessments of unemployed people's experience of service delivery in Intreo (INOUE, 2014), Local Employment Services Networks (INOUE, 2016) and JobPath (INOUE, 2019), while NESI (Johnston & McGauran, 2018) has published a major examination of services for the unemployed, which, among other methodologies, drew on qualitative interviews.

Building on this qualitative work, this special issue elucidates new analytical perspectives for interpreting the trajectories and impacts of reform. In particular, many of the contributions bring a 'street-level' perspective to the analysis of how activation policies change experiences of welfare and unemployment. Such an approach begins from the perspective that the welfare state 'does not live in abstract regulations and legal texts but rather in the day-to-day interactions between caseworkers and clients in local welfare offices' (Rice, 2013, p. 1055). Key to a street-level orientation is also understanding the role of service delivery organisations and staff as 'de facto policymakers' who shape policy content 'and the distribution of benefits and services through their actions' (Brodin, 2013a, p. 23). Regulations and policy guidelines are rarely as tightly defined as intended. Policy implementation therefore becomes 'suffused by moments of policymaking' (Zacka, 2017, p. 247) as caseworkers weigh often conflicting or ambiguous policy goals against organisational demands and the personal complexities of individual cases. These interpretative dynamics play out under varying organisational conditions, and in the hands of caseworkers who each bring their own world views and understandings of issues to this process. Changing the

organisational and professional conditions in which policy delivery is embedded can therefore lead to different policies being produced, bringing into view the intersections between the formal social policy turns towards activation and the ‘new ways of public management’ (van Berkel & van der Aa, 2005, p. 331) now orienting PES delivery.

The issue begins with McGann framing this ‘double activation’ perspective, positioning quasi-marketisation and workfare as welfare-to-work bedfellows. That the two reform tracks have coincided in numerous countries (Denmark, the Netherlands, the UK, Australia and now Ireland) is no accident given how both quasi-marketisation and workfarist activation rest on shared logics of governing people – whether claimants or service workers – at a distance through targeted incentives. Moreover, he argues that both reform tracks involve varying degrees of claimant commodification, with quasi-marketisation amounting to a form of ‘hyper-commodification’ whereby claimants are constituted as an intermediary market of non-employed labour that can be acquired by third parties (employment services providers) and sold on for profit.

This theme of commodification is taken up by Dukelow in her commentary on the role of activation and retrenchment in Ireland’s political economy. The point of departure for her analysis is the emphasis in the 2016 *Pathways to Work* strategy on activation as a means to ‘ensure a supply of labour at competitive rates’ (Government of Ireland, 2016, p. 14). Dukelow sees the turn towards activation as embedded within a broader suite of retrenchment measures, including shifts in the provision of income support towards greater reliance on means-tested benefits. This analysis underscores how ‘activation policy does not approach the labour market as a given’ but is pivotal to the state’s involvement ‘in market making’ and reinforcing competitive labour market dynamics. She argues that the combination of activation and retrenchment has resulted in a hierarchy of ‘welfare sacrifice’ where, through an evolving set of welfare practices, claimants are being made into a low-cost army of labour for the sake of maintaining an internationally competitive labour market.

The next three articles appraise the effectiveness of Ireland’s turn towards a more conditional activation model from the lived experiences of claimants and frontline workers. Reporting on forty-two interviews with jobseekers, Finn highlights how the introduction of conditionality restructures the caseworker–claimant relationship around tighter monitoring of claimant adherence to mutual

obligations. However, Finn's analysis suggests the focus on jobseeker compliance gives rise to a superficiality of engagement in which participation is primarily experienced as a 'bureaucratic formality'. Claimants feign compliance in response to encountering a 'systemic indifference' to their personal circumstances and needs. Whelan's article, also drawing on original qualitative research with key stakeholders involved in implementing *Pathways to Work*, similarly suggests that the emphasis on mutual obligations and compliance has produced a depersonalising system of supports. She partly attributes this to the preoccupation of bureaucratic elites with administratively managing the organisational change aspects of the reforms through a vertical implementation structure, rather than a focus on increasing the employability of jobseekers, leading to a highly administrative and work-focused activation approach. Johnston & McGauran's article draws on qualitative data to examine claimants' experiences of Ireland's reformed one-stop-shop Intreo service model. In so doing, their analysis identifies several ongoing gaps in training, career guidance and links to employers, as well as enabling support services such as childcare and housing that remain barriers to a more integrated PES approach. They highlight the need for a diversity of PES approaches to reflect local variation and call for a greater focus on inter-agency coordination to build a more tailored PES capable of responding to the multiple and complex needs of more disadvantaged claimants.

In the final contribution, Murphy develops a blueprint for how such a public employment ecosystem might take shape post Covid. Drawing on the concept of a Strategic Action Field, she unpacks the drivers and dynamics of the post-crisis administrative shift towards a workfare-oriented system, underpinned by centralised governance structures and the entry of new private actors through quasi-marketisation. These dynamics of centralisation and privatisation have, over time, produced 'co-opetition' between local public, private and not-for-profit policy actors at the expense of enabling more integrated and effective services. To enable a more joined-up and integrated PES ecosystem, Murphy argues for a return to more network-governance-oriented approaches to 'co-producing' PES commissioning. Highlighting the different delivery actors and mechanisms already in place in Ireland, she envisages a shift towards public, private and community actors collaboratively planning and delivering services in local partnerships as an alternative to centralised competitive procurement.

What emerges from the qualitative, ground-level analysis of the contributions to this special issue is a system of PES that continues to remain highly fragmented. Rather than this resulting in greater engagement and more enabling services to support personalised labour market (re)integration pathways, the contributions depict a ‘bluntly tailored’ system that is oriented by the logic of administrative compliance and the performance of accountability. Income and employment supports may be integrated, but inter-agency collaboration remains weak and hindered by the low-trust, competitive environment surrounding external service commissioning. This low-trust environment extends to the micro level of claimant–advisor relationships, wherein the regulatory demands of participation put these interactions on a transactional and superficial, rather than personalised, footing. The indifference and depersonalisation of jobseekers’ experiences recounted in the contributions jar with the image, repeatedly invoked in the *Pathways to Work* strategies, of a new system of flexibly tailored supports.

A theme threaded throughout is what the present pandemic means for the future trajectory of activation in Ireland. If the Great Recession afforded a policy window for Ireland to turn towards double activation, the Covid crisis presents an opportunity to pause and review this shift and to reorient income and employment supports towards more enabling services rather than regulatory activation. While the embrace of a ‘work-first’-led model following the financial crisis did have some success in reintegrating short-term unemployed jobseekers back into employment, the contributions highlight that a significant minority were ultimately left behind and did not experience economic or social recovery. This was especially the case for people who already had a history of long-term unemployment coupled with complex non-vocational issues impacting their participation such as mental health, caring responsibilities, homelessness or housing insecurity. As a small, open political economy, Ireland is particularly vulnerable to global shocks and needs strong enabling institutions to facilitate adaptation to the fourth industrial revolution (automation, digitalisation and AI) and climate change. NESC’s (2020) report on the future of social welfare in Ireland stresses the value of supporting high levels of participation through a more inclusive PES, oriented more towards flexicurity, and proposals for a pilot ‘Participation Income’ to shift the focus away from conditionality towards choice and dignity. An early reflection on the pandemic policy responses points

towards reforms that combine a PES with a reformed, individualised social security system that is unconditional but enables citizens to reciprocally contribute and participate, and where income is sufficient and non-stigmatising for all.

Acknowledgements

This research has received funding from the EU's Horizon 2020 research and innovation programme under the Marie-Sklodowska-Curie grant agreement no. 841477. It has also been supported by the Irish Research Council under Grant IRC/COALESCE/2019/56/MURPHY. The views expressed are those of the authors alone. Neither Maynooth University, the European Commission or Irish Research Council are responsible for any use that may be made of the information in this article.

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