

## **MANAGERS, PROFESSIONAL AND DISCRETION IN STREET-LEVEL BUREAUCRACIES**

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Lipsky brackets off managers' motivation and the influence of professionalism as occupational ideology in his analysis of discretion in street-level bureaucracies. He assumes that managers are a uniform group that shares a common commitment to the effective implementation of policy. Street-level bureaucrats, a broad group of front-line workers made up of a range of occupational groups, are similarly treated as a uniform group, but one which, unlike managers, is unencumbered by concerns and commitments outside the self-interest needed to survive in 'the corrupted world of service'. I will argue that these assumptions are problematic and that they lead to a crude approach to understanding the nature and uses of discretion within street-level bureaucracies. In considering these issues I will draw on a qualitative study of street-level bureaucrats (social workers) and their managers in different teams within the same local authority. The study suggests that 'management' is not an homogenous group and that managers themselves exercise significant discretion in a range of ways that directly influence street-level services. The study also suggests that the idea of professionalism plays a significant role in structuring discretion, but to different degrees in the different settings. Overall I will argue that there is a need to extend street-level bureaucracy theory and move beyond sweeping assumptions about the motivation and commitments of key actors in the analysis of the construction and uses of discretion in street-level bureaucracies.

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## INTRODUCTION

The theme of this panel is the shift in public services from bureaucracy to entrepreneurialism. This idea can be approached from a number of directions. One approach would be to consider the change in the role of the state from direct service provider to commissioner of services. Another approach — and this is the one on which I will focus — is to look at the changes in the structures and culture within public services.

Over the past thirty years governments have sought to replace bureaucracy in public services with a leaner, fitter, customer-focused business ethos. The paradox of this change is that, to achieve this espoused end, an extensive managerialist bureaucracy of procedures and regulation has developed which has constrained initiative at street-level. One way of understanding this paradox as a transitional phase: the machinery of managerialism will fall away as a new entrepreneurial culture comes into being. An alternative perspective is that managerialism is designed to strangle local entrepreneurialism in the interest of central control.

A problem with terms like ‘bureaucracy’ and ‘entrepreneur’ is that they are burdened by their emotive quality. They are ‘dog whistle’ terms: bureaucracies evoke caution, red tape and traditions; entrepreneurs are enterprising innovators and risk-takers. Another challenge presented by these terms is that they seem to set up an opposition: they are chalk and cheese. But is this the case? In this paper I want to explore this question, by focusing on a critical examination of Lipsky’s idea of street-level bureaucracies (Lipsky 1971, 1976, 1980, 1991).

Since its development in the 1970s, Street-level Bureaucracy theory has exercised a continuing influence within the field of policy implementation. Approaches to policy implementation can be separated into two broad groups: top-down policy ‘sheep’ (policy is a blue print that is implemented by an organisational bureaucracy); and bottom-up ‘goats’ (policy is created in the context of a complex field of tensions and demands by enterprising front-line workers). While Lipsky can be characterised as a bottom-up theorist (e.g. Howe 1991), his theory actually straddles both camps. His approach overcomes the distinction between bureaucratic and entrepreneurial policy implementation/making.

Lipsky identifies discretion as an inevitable and significant aspect of policy work within public bureaucracies. In this, his analysis is a telling critique of the top-down view of policy implementation and its current manifestation in managerial approaches. Lipsky, though, is not an apologist for bottom-up policy implementation. He is also worried about discretion. Initiatives and entrepreneurship at street-level may be necessary to make policy work; but in making judgements about how discretion should be used, Lipsky adopts a top-down perspective, seeing strategic policy intention as the measure of appropriate discretion.

Lipsky's synthesis is engaging but it is also problematic. A particular problem is that he gives insufficient attention to the intersection of professionalism and bureaucracy in many public organisations. He doesn't consider the particular impact that professional status has on the extent and basis of discretion in street-level bureaucracies; and he gives little attention to the impact of professional commitments in terms of the motivation of street-level staff. He also brackets off managers from critical analysis, treating them simply as an homogenous group, committed to the implementation of organisational policy. The result is that he looks at a key problem in policy analysis—the apparent gap between what policy says and how policy is enacted in the day-to-day delivery of service—as a problem of street-level distortion, rather than also considering the role and influence of management discretion.

### **STREET-LEVEL BUREAUCIES, PROFESSIONALS AND MANAGERS**

Discretion, in the basic sense of freedom within a work role, is both a problem and a necessity in street-level bureaucracies. For Lipsky, policy implementation occurs in a context of conflict between front line workers and managers, in terms of the desire for top-down control and local opposition to this. But it also occurs in a context where policy has to be applied and understood alongside other policies, and has to be tailored to available resources, and adapted to changing and individual circumstances: that is: '...complex tasks for which elaboration of rules, guidelines, or instructions cannot circumscribe the alternative.' (Lipsky 1980:15) It's the lubricant in the public policy machine. But it's also difficult to control, and could overheat the engine.

In Lipsky's account of street-level bureaucracies, the key regulators of discretion are managers. And he locates the measure of appropriate discretion in the judgement of managers, whom he sees as best placed to make decisions about legitimate and illegitimate discretion, and who seek to constrain the extent of discretionary space of the staff they manage.

They manage discretion in the interest of the organisation. They are committed to organisational policy and policy consistency and they will seek to reduce discretion (ibid 18-25). But they are also pragmatists, and will encourage discretion where it works for the organisation. Their key guide in doing this is the spirit rather than the letter of policy. This is in contrast to the street-level bureaucrats they manage, whose motivation, for Lipsky, is more venal, capricious and self-interested: 'The role of the street-level bureaucrat is associated with client-processing goals and orientations directed toward maximizing goals.' (ibid 25)

Lipsky's account sets up managers and workers as two different classes in conflict, who at best achieve a compromise in terms of an armed truce. A basic problem with applying Lipsky's theory to all welfare bureaucracies, certainly in the British context, is that the theory does not offer sufficient recognition of the influence of professionalism within particular forms of street-level bureaucracies. Lipsky recognises that street-level bureaucracies employ a range of staff with different occupational status in front-line

positions. But he doesn't give this observation sufficient weight and engage with the complexities this suggests for understanding discretion and its management within street-level bureaucracies.

Historically, many welfare bureaucracies have employed professionals in front line roles to deliver their services and to act as policy entrepreneurs (Marshall and Rees 1985:255-7).<sup>1</sup> Furthermore, these welfare bureaucracies have been strongly influenced by these professional groups to the point where the organisations they work for are better described as 'bureau-professional' rather than simply bureaucracies. These organisations combine the structure of bureaucratic accountability with a commitment to professional principles of organisation, emphasising collegiate supervision rather than management direction and significant degrees of discretion, trusted by fellow professionals who occupy a hierarchy within the organisation (Parry and Parry 1979).

Professional status is closely linked to a claim to discretion, and to statements of values that legitimate and inform its use. It has an influence on the extent of freedom that an occupational group exercises, and also sets up values that should inform the use of that discretion (Friedson 1994, Noon and Blyton 2002: 210–21). Professionals are employed by organisations because they recognise that certain forms of service delivery require flexibility and the adaption of general principle to particular circumstances (Harrison 1999, Hood et al 2000). The professional status of workers also has an impact on their relationship with their managers: in most public and commercial organisations where professional are employed in the front line, their line managers tend to be drawn from the same professional group as the people they employ (Friedson 1994).

Another issue is Lipsky's assumption that managers are an homogenous group and that they act simply as policy lieutenants – they take and apply policy the policy they are given as best they can. There is evidence, however, that management hierarchies in public organisations are fractured, with a frequently occurring division between centre and periphery (Harris 1998, 2003) and managers, particularly from a professional background, do not define their loyalties in exclusively organisational terms (Balloch et al. 1995, 1999). Furthermore, the view that policy is communicated in a pristine state until it reaches street-level is implausible. Policy has percolated through several political levels before it reaches street-level, and has been the subject of argument, dispute and compromise. It is '... often rhetorical or speculative: "As politicians know only too well, but social scientists too often forget, public policy is made of language. Whether in written or oral form, argumentation is central to all stages of the policy process."' (Pawson et al 2003: 53). This must alert us to problems in any view of managers as policy ciphers.

Lipsky's work is prescient in its challenge to the idea of managerial organisations as well-oiled policy implementation machines. Scratch the surface and we will find discretion making the system work. However, Lipsky's approach gives insufficient attention to the role of occupational status, specifically professionalism, in structuring

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<sup>1</sup> Within field social work professional social work continues to be the most significant occupational group, with over 70% of practitioners and just over 50% of managers being social work qualified (Balloch et al 1999).

and informing discretionary practices. Lipsky's view of managers as the disinterested servants of policy, focusing on street-level practices as the source of policy distortion, is unrealistic. In the next section I will present findings from a study of a local authority's adult social service – a classic street-level bureaucracy (Hill 1982) – in order to explore some of these issues further.

## **STUDY AND FINDINGS**

The study looked at two adult social work teams within the same local authority. The local authority had a history of being committed to management going back to the 1980s. The authority prided itself on being head of central government during the late 80s and 90s, in employing modern business techniques to create an efficient, businesslike public service.

In adult social services in England and Wales, the watershed policy reform was the implementation of the community care reforms in the early 1990s. The reforms set up a legal distinction between professional assessment of need and the responsibility of the authority to meet need (NHS and Community Care Act 1990). A person could be assessed as having need for services but the local authority was only bound to meet those needs for which it deemed itself responsible. Essentially, the local authority set down a list of criteria (the eligibility criteria) that had to be met before people seeking help from social services would be seen as entitled to receiving a service.

The reforms sought to make the rationing of public services more explicit, and to transform the culture of service delivery. They were advanced in terms of user choice and service flexibility, but the underlying concern was controlling public finances – the rest was for the birds (Lewis and Glennerster 1996: 8). At the level of service, social workers should act as care managers, with a concern for resources as well as client need (Lapsley and Llewellyn 1998).

The study looked at the role of procedures and eligibility criteria in 2 different areas of adult social services – mental health services and services for older people – to consider their impact on the management of professional discretion. The choice of two different teams working with two different client groups sought to tease out the impact of perceptions of professional status (within the same profession) on discretionary practices. Traditionally, social work in mental health has been seen within the social work profession as having a higher status and complexity than work with older people, which has tended to be regarded as more routine and bureaucratic.

Data gathered for the study included observational visits and archival material, but the main source was individual interviews with social work practitioners and their local managers—ten practitioners and five local managers (team and assistant managers), all qualified social workers. The interviews focused on the experience of procedures, particularly the application of eligibility criteria, phenomena through which to explore: the effectiveness of senior management control of local practices; the nature of the relationship between local managers and practitioners; and the use of discretion at

street level.

Over the preceding decade the local authority had seen the implementation of community care and associated managerial reforms. Managers within the authority had introduced an extensive new bureaucracy: to specify service roles and regulate service delivery; to constrain local discretion; and to govern access to services with eligibility criteria.

The authority had developed detailed and extensive procedural manuals; but these had less impact on practice than might at first be supposed. Local managers and practitioners in the teams, especially the Older Persons Team, described the procedures and guidance as over-elaborate, and they believed there to be a tacit acceptance from senior managers that teams could be selective in applying them:

... there are so many rules and procedures and everything else that ... you know, no-one's got the memory of an elephant, so everybody's got a whole load that they can't remember. So there's a sort of ignoring of certain things ... And in a sense I think that's quite tolerated.

In the Mental Health Team the same procedural manual was seen as having little relevance because the procedures didn't reflect the different nature of its work, which was less about purchasing packages of care and more about clinical skills.

The problem of the managerial bureaucracy was not just one of volume or relevance of the procedures it generated. It was also the disjointed nature of the policy developments and the knock-on effects of changes in the organizational structures. The implementation of community care, for instance, had started when social services was located in a county authority. However, a few years into this process, the county was split into six unitary authorities and the social services functions transferred to them. The effect of this was that strategic policy expertise about social care policy in the (new) authority was severely curtailed, leaving teams to look to their own expertise and knowledge to make sense of policy.

The circumstance of the transfer also seems to have undermined senior management's capacity to manage. The county had introduced a 'client record and information system', designed to computerize records and manage and monitor case management. The computer system was countywide, but with the reorganisation it had to be disaggregated to operate at district levels. Within the district this resulted in its largely becoming a basic case-recording system, a system a government inspection report described as: '...unable to meet modern management information needs' (field notes) Furthermore, management attention was shifted to knitting social services into the new authority and responding to central government initiatives. The result, identified in the same inspection report, was insufficient strategic management capacity to develop the service. In the Mental Health social work team (which worked closely with NHS services), continual changes in the structure of the NHS mental health services and

imminent changes in senior staff appointments led the team manager to comment that he felt as if they were operating in a policy vacuum.

In this context, strategic management control prioritised their core concerns. Their priority was control of budgets – particularly control of spending – in the form of tightened and enforced eligibility criteria.

Eligibility criteria were the primary means of controlling expenditure on services. They took the form of a matrix inherited from the original shire authority: type/area of need on the horizontal axis; and level/urgency of need on the vertical axis, ranging from 8 (low-level need) up to 1 (urgent need). Recently the level identified by the authority as need that would be met had moved up to level 2 (just below urgent). However, even within the constraints of these tightened eligibility criteria, practitioners and local managers identified room to exercise discretion. The criteria had to be interpreted:

... it's like with anything that's written down: you could interpret it slightly differently, or perhaps you might interpret the risk somebody is at in a slightly different way ... I can't remember all the wording, but I think it's like with anything, it's a substantial amount of care, but what do you mean by that word 'substantial', or 'imminent', a situation that's imminently going to break down?

The application of eligibility criteria became an issue of trust between strategic managers and teams. One of the local managers described the suspicion of senior managers and their distrust of local decision-making. Senior managers instituted an additional decision-making level: a resources panel, which had to agree the allocation of revenues to any client — e.g. payment for residential home care— after eligibility had been established (creating a waiting list of those entitled to a service).

The tighter eligibility criteria and the institution of the panel arose from a situation in the preceding year, when instructions came down by word of mouth from councillors via senior managers to the Older Persons Team that the criteria should be applied in a tighter and narrower manner than in the official criteria. Teams objected to the authority's failure to acknowledge its tighter criteria publicly, and its perceived use of practitioners to mask a political problem with funding. The teams as a group wrote to senior managers to register their disquiet and demand that the authority formally acknowledge the tighter criteria it was seeking to operate. (The authority eventually published the tighter criteria and subsequently instituted the panel.)

Eligibility criteria were also a site of conflict in the Mental Health Team, but in a different way. In the Mental Health social work team the main resource was staff time, and here, the conflict of interpretation was between local managers, who wanted the criteria interpreted broadly, and the practitioners, who wanted to interpret them narrowly. The manager, who supervised all the practitioners in the team, took a broad view of how the eligibility criteria should be applied. She saw this as way of maintaining social work skills to meet a full range of mental health needs rather than a narrow focus on skills on severely mentally ill people or on care management. She was particularly critical of a small group of the practitioners who, she felt, were narrowing their role to act as case managers:

...it's really difficult, because I very often find people are going out of our way to make sure people aren't in the matrix—you know, can we shove them to this place, can we put them to that place—and I'm thinking, no ... there are certain workers who I think do it more than others ... they'll say 'Well, I've done that, now. I've closed the case' ... but then in about two weeks Mrs Bloggs comes back ... and I feel like saying to the worker, 'well, I'm sorry—you have to have them back.

From the preceding observations it was clear that there was a fissure in the organisation between senior managers and teams (local managers and practitioners). This can be characterised in terms of two different cultures—one business, the other professional. This fissure seemed to involve two processes – conflict between the teams and senior managers; and shared identification with professional ideas amongst local managers and social work practitioners.

In one respect the development of these two cultures arose from managerial reforms:

... in the old days it used to be the people at the top, at least they were expected to be professionally qualified ... they would look down almost as if they were a social worker or whatever, but they're higher up so they're taking a broader view of it ... I don't have the sense that it's like that, now. I think firstly at the top you're not even expected to be a professionally qualified person. It's not required. There's a much greater divorce between that and what people are really doing, in the sense that at the top what you're doing is setting out what the objectives are, and broad strategies.'

In a sense this change was seen at team level as potentially a good thing: '... I'm employing you to know how to do that. You get on and do it ... it's not my concern exactly how you did it, providing you're not doing it in a way that comes back to my ears as being grossly unacceptable.'

However, this occurred in the context of increasing feelings of alienation from the policy direction of the authority. In the Older Persons Team this view was more actively critical of the substance of policy, in terms of what they saw as senior managers' exclusive focus on cost-cutting opportunities and meeting performance targets, rather than on improving services and meeting the need of their client group. The Older Persons Team managers, for instance, were particularly critical of what they saw as a financial policy they were required to implement, which sought to reduce services for older people to compensate for overspend in other areas. (Older people's services were seen as being cuttable, both politically and because of the 'throughput'.) In the Mental Health Team, practitioners and local managers felt marginal to the organisations in which they operated. They talked of feeling 'semi-detached' and being in a policy vacuum, but there was also concern that the authority's focus on budgets in other adult services would soon also be applied to mental health services (which has so far been exempt because of a history of underfunding, and current growth to bring services up to national levels).

As well a critical attitude to the focus on authority policy, most managers and practitioners in the teams shared a commitment to the idea of social work professional freedom. One manager encapsulated this:

.... I think if you're sensible and if you take your profession seriously, I think you can, on a day-to-day basis, practice quite autonomously, really. It is dependent on having management structures that aren't overtly bureaucratic. And it's like anything else – you could actually, though, make yourself paralysed because you'd say, well, the bureaucrats say you've got to do this and this. So I think it's very much how you decide you're going to go for it.

The key resource that they drew on to legitimize their claims to discretion and their concerns and resistance to management intrusion was their commitment to clients' needs, their specialist skills, and their expertise in the assessment and management of risk. A discourse of professional expertise in dealing with complexity and managing risk was well established in the Mental Health Team and this was seen as part of the reason for the lack of intrusion of senior social services managers into mental health. Interestingly, a similar discourse was also developing in the Older Persons Team, in part driven by management reform. Numbers of professional social workers in the Older Persons services were being cut, and qualified social workers were being asked to focus on complex and problematic casework, particularly to do with vulnerable adults and the assessment and management of risk.

## **DISCUSSION AND CONCLUSION**

Caution is called for in drawing any broad conclusions from a small-scale study such as this. The research looked at discretion and its use in a street-level bureaucratic organisation — social services. The aim was to look at the role of professionalism and the relationship between managers and street-level workers in these forms of organisation. More broadly, the study also contributes something to our understanding of the dynamic between bureaucracy and entrepreneurialism in contemporary welfare services.

In contrast to the view that the development of managerialism has eliminated discretion (and made Lipsky's theory redundant), the findings of this study, along with other empirical studies in this area, suggest that discretion is still an important aspect of public service bureaucracies such as social services (Baldwin 2000, Ellis et al.1999). However, the study raises questions about the way in which Lipsky's theory plays down the role of professionalism as a resource of discretion at street level, and in the relationship between managers and the staff they manage. This is not to claim that professionalism is a uniform attribute; and certainly, in relation to this study, the claims to professional status seemed to be acknowledged to different degrees by the organisation in the two different teams. The organisational acceptance of professionalism was more evident and explicit in Mental Health; but even in the Older

Persons Team, professionalism was also significant in terms of the organisation, relying on professional judgment to animate the eligibility criteria.

For Lipsky, managers play the key role in managing street-level discretion. In his view they make their judgment on the basis of organisational priorities. However, in this study, most of the managers distrusted top-down policy, and professed a commitment to a set of values critical of organisational policy, particularly in terms of its effect on the client group with whom they worked. Their fellow professional street-level practitioners shared this commitment.

Discretion, in the sense of a form of agency, an ability to make choices or influence what's done, arose in this context from factors identified by Lipsky, such as vague policy and contradictions between policy rhetoric and resource realities. However, it also arose from the organisation's recognition that professionals would fill in the gaps it left in policy — e.g. it didn't define risk; it left that to professional staff. Yet discretion and policy entrepreneurialism were not the exclusive preserve of practitioners in this study. Incidents occurred in which senior managers sought to subvert and change published policy statements with another, unpublished standard of eligibility. Practitioners' response to this situation echoed Robinson's (2003) finding that practitioners are not antagonistic to bureaucratic rules and structures as such. Bureaucracy offers a structure of responsibilities (Du Gay 2000), which meshes with discretion as an idea of exercising freedom within a framework (Dworkin 1978). When practitioners were faced with situations where they were asked to step outside this framework, these rules seemed to provide a resource for street-level workers to challenge senior management's action. This study suggests the need for caution in characterising managers as the lieutenants of policy and the street-level practitioners as policy saboteurs.

In the context of managerialism, the idea that professionals can legitimately exercise discretion is called into question. But in what way? Is it a question about having discretion, or about how discretion is used? Discretion has two senses – freedom and judgment. Up to this point I've looked at discretion as freedom. I have talked about entrepreneurialism as the space for creativity: the ability to make policy work from the ground. However, in thinking about entrepreneurialism and discretion, in the sense of judgment, the idea takes on another sense, associated closely with managerialism: that of the business values of efficiency, effectiveness and economy. Within the studied authority, the values of senior management were seen from the perspective of local managers and practitioners to be business-driven and alien. Their commitment was to a different set of values, which they located in their shared professional culture. They saw the use of discretion as being informed by their profession commitments, their understanding of the needs and concerns of the people with whom they worked. The conflict evident in the study reflects wider findings about conflicts about the source of discretion in modern organisations: conflict between managerial discretion as economic commitment, and professional discretion as a moral economy (Lapsley and Llewellyn 1998). A commitment to the professional moral economy was a predominant view amongst professionally qualified managers and practitioners — but it was not a unanimous view. A small minority of managers and practitioners seemed to espouse the economic entrepreneurialism values identified with senior management. Policy analysis

should be careful not to caricature policy actors' motivations as either 'knightly' or 'knavish' (LeGrand 2003), rather it should be motivated by the insight: '... that to understand actions, practice and institutions, we need to grasp the relevant meanings, the beliefs and preferences of the people involved.' (Rhodes 2007:1251)

A tentative final observation is a statement and a question. The idea of an implementation gap is based on an assumption that there is a clear statement of policy that can be used to measure policy actions, policy outcomes and policy delivery. But where is policy? Should we assume, as Lipsky seems to, a simple relationship between hierarchical altitude and policy veracity?

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