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To cite this article: Mary P. Murphy & Michael McGann (2023) A period of contention? The politics of post-crisis activation reform and the creeping marketisation of public employment services, *Irish Political Studies*, 38:1, 120-144, DOI: [10.1080/07907184.2022.2044313](https://doi.org/10.1080/07907184.2022.2044313)

To link to this article: <https://doi.org/10.1080/07907184.2022.2044313>



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Published online: 04 Mar 2022.



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A period of contention? The politics of post-crisis activation reform and the creeping marketisation of public employment services

Mary P. Murphy  and Michael McGann 

Department of Sociology and Maynooth University Social Sciences Institute, National University of Ireland Maynooth, Co. Kildare, Maynooth, Ireland



ABSTRACT

Public employment services (PES) have undergone significant change since 2011, reshaping the roles of the market, state, and community sector within Ireland's mixed economy of welfare. The post-crisis years saw the replacement of FÁS with a new network of one-stop-shop Intreo activation services, and the procurement of new employment services for the long-term unemployed through competitive tendering and Payment-by-Results. This process of marketisation is now being extended to other PES currently delivered by community organisations under block grants, such as Local Employment Services and Job Clubs. We position Ireland's PES landscape as a strategic action field wherein various providers compete with one another for position, power and resources during episodes of contention. Applying this lens to the ongoing reform of activation policy and PES institutions, the paper considers how the recent trajectory of PES marketisation has remained politically contentious. It examines the strategies of various providers and policy actors in shaping the politics of reform, focusing especially on the position of community organisations within the field and the degree to which they have been able to strategically mobilise against marketisation. Lessons are drawn about the nature of Irish politics and policy reform.

KEYWORDS Strategic action field; public employment services; marketisation; JobPath; activation; welfare reform

1. Introduction

Over the past decade, Irish politics has been marked by multiple waves of institutional and public services reform. These have unfolded against the backdrop of Ireland's loan agreement with the International Monetary Fund, the European Central Bank and the European Commission (the

CONTACT Michael McGann  Michael.mcgann@mu.ie  Maynooth University Social Sciences Institute, National University of Ireland Maynooth, Co. Kildare, Ireland

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Troika), and the pursuit of austerity through budget cuts and programmatic reform of how public services are delivered. They have included a wide range of measures from organisational rationalisation to performance budgeting, to greater use of outsourcing and performance-based contracting to procure new public services from the market. This is in a political-administrative system 'not traditionally considered a prominent reformer' (MacCarthaigh & Hardiman, 2020, p. 179) and where New Public Management reform ideas have historically had little cut-through.

Among the policy areas most affected by the post-2011 reform agenda has been welfare and social protection, with significant implications for the sectoral division of welfare between the market, state and community sectors. Welfare and social service provision in Ireland has historically been characterised by a two-tiered 'mixed economy' in which a significant proportion of the state's social inclusion and employment services programmes have been delivered by community organisations (Harvey, 2016). Over the 1990s and early 2000s, this was anchored in forms of partnership governance at the local level, as reflected in the establishment of partnership companies funded by the state to deliver community development projects, social inclusion programmes and Local Employment Services in areas of high unemployment (Geoghegan & Powell, 2006). At a wider national level, social policy development was partly governed through social partnership institutions in which the community sector formed an important pillar from the mid-1990s until the demise of social partnership in 2009. Collaboration between the state and community sector in reducing poverty and unemployment was a core feature of Ireland's welfare state during this period when public employment services (PES) were delivered in isolation from income supports and through a mix of state-led employment services provided by An Foras Áiseanna (FÁS), the National Training and Employment Authority and a suite of community-based services delivered by partnership companies and other not-for-profit organisations under annual block grant funding.

This mixed economy has been substantially reconfigured through a wave of administrative reforms that have seen partnership governance eclipsed by an increasing turn towards marketisation and the procurement of PES via competitive tendering and performance-based contracting. In 2012, FÁS was dissolved and replaced with an integrated activation and benefits administration service, Intreo. Responsibility for contracting externally delivered PES was transferred to the Department of Social Protection (DSP), which has increasingly sought to reform PES contracting through stronger performance monitoring, increased competition and outcomes-based payment models. An early 'game changer' (NESC, 2014) was the decision to contract two private companies to deliver a new Payment-by-Results employment service for the long-term unemployed, JobPath. With the introduction of JobPath (which quickly grew to become the largest contracted PES), the

market soon came to eclipse the community sector within Ireland's mixed economy of welfare. While community organisations continued to deliver a minority of PES in the form of Local Employment Services, Job Clubs and Employability services, these community-based programmes are now under threat following the announcement in late 2021 that existing PES contracts would not be renewed, and that the DSP would instead procure new Regional Employment Services to replace the suite of PES currently delivered by community organisations.

These governance reforms of Ireland's PES institutions have been paralleled by equally significant changes in income supports at a formal policy level; changes aimed at transforming the Irish welfare state from what was ostensibly a 'passive system' (J Whelan, 2021, p. 10) focused on job-creation and training programmes to a 'workfarist' model based on 'activating' people through a combination of benefit cuts, tighter eligibility conditions and sanctions for breaching new behavioural obligations to participate in labour market programmes. In so doing, Ireland has converged toward what Brodtkin (2013) argues is an unfolding 'global workfare project' (p. 13) wherein countries have increasingly reoriented their welfare systems towards the enforcement of behavioural obligations under the threat of payment penalties at the expense of enabling measures such as vocational education and training.

For Brodtkin (2011), administrative and governance reforms of service delivery institutions such as marketisation, constitute *political* projects. This is to the extent that such reforms relocate administrative discretion in policy implementation from the public and/or community sector to the private sector, thereby changing the organisational conditions under which frontline workers enact welfare policies so that different policies are in effect produced with citizens. Put differently, governance reforms of service delivery institutions are political rather than merely administrative reforms because they affect 'who gets what and how' (Brodtkin, 2011, p. i255). In this study, our interest is in approaching the marketisation of PES as a political project in a second way: by examining the politics and power dynamics at play behind the reforms; by positioning governance shifts as moments of contention in which a range of policy actors vie for power, position and resources; and by considering how such processes shape the broader sectoral division of welfare between the market, community and the state.

Following Taylor, Rees, and Damm (2016), we focus on PES marketisation as fluid and contested reform that both shapes and is shaped by power relationships between various market, state and community actors. We consider how the recent trajectory of PES marketisation has been shaped by the strategies and actions of various actors, paying particular attention to the impacts of marketisation on community sector providers and the degree to which they have been able to maintain their position within the field

against the threat of creeping marketisation. In addressing these questions, we approach the landscape of PES as a Strategic Action Field (SAF) that is populated by a range of policy actors from different sectors who compete for a position in the field. This enables a particular focus on the agency of different actors, including relatively powerless actors who try to mobilise and organise in the field. To understand the field as a series of contentions, we focus on a particular episode: the attempt to expand marketisation to Local Employment Services and Job Clubs, to understand the power dynamics at a particular point of reform. Data was accessed through a series of rolling interviews that took place in 2017 and 2019, whereby 25 key actors representing a variety of PES national policy actors and local delivery agents were interviewed in 2017. Ten policy and civil society actors were interviewed in 2019. All data were transcribed and manually analyzed, consistent with ethical obligations all data has been anonymized. These interviews are supplemented by desk research of various secondary sources including grey literature, parliamentary debates and media reports. The contribution is both empirical (a detailed assessment of a key process of procurement), conceptual (enhancing our understanding of marketisation) and methodological (the first applied use of SAF to examining the politics of Irish policymaking).

We proceed by first outlining the structural shifts in activation policy and the institutional reforms of Ireland's PES that have occurred since 2011. We then introduce the concept of understanding PES provision and commissioning as a dynamic and strategic action field that is continuously (re)shaped by the organisational practices and strategies of various policy actors including international and domestic policy entrepreneurs, incumbent providers and challengers or invaders from other jurisdictions and adjacent fields. The focus then turns to analysis of contentious reform and on unpacking a particular episode, concerning the 2016–2021 attempt to expand marketisation to Local Employment Services and Jobs Clubs. Having examined the contentious politics over the period in question, several observations are then discussed, including the impact of the scale of the politics of the shift towards marketisation, the importance of understanding the local electoral impact of constituency level campaigns, the nuanced capacity of local actors to differentiate reform politics across political parties and to make strategic use of political machinery.

2. Ireland's turn towards activation and marketisation

Since 2011, the trajectory of social policy reform in Ireland has taken what Gaffney and Millar (2020) describe as 'an increasingly workfarist turn (p. 69). This reconfiguration of Ireland's welfare state has proceeded through the dual tracks of increasing conditionality in welfare payments at

a formal social policy level, combined with governance reforms of public employment services organisations at an administrative and operational level (McGann & Murphy, 2021). Conditionality in income supports and job-seeker payments was tightened through the introduction, under Pathways to Work (DSP, 2012), of new mutual commitments for claimants to participate in mandatory activation programmes. A new series of penalties (amounting to a €44 sanction) were introduced for failing to comply with these new activation obligations as well as traditional compliance obligations which required claimants to be actively available for, and genuinely seeking work. However, compared to other regimes, the rate of sanctions appears modest in Ireland (Cousins, 2019) although it has nonetheless intensified considerably over the past decade. From 2011, a total of 353 claimants were sanctioned, rising to 12,380 in 2018. In total, penalty rates were applied to 51,535 claimants between 2011 and 2018 (Dáil Éireann, 2019).

These major reforms occurred in the context of a three-fold increase in claimants and consequent acute pressure on services, the immediate institutional response to which was to merge income support services and FÁS employment services into a 'work-first' and more conditional state-led activation service named Intreo. The institutional reform redeployed 1,300 civil servants into DSP and merged 700 FÁS personnel and functions into DSP along with the incorporation of 1,000 additional Community Welfare Officers. Over four years, 60 new one-stop-shop Intreo offices were opened and supported by refurbishment, new IT systems, training and cultural change programmes (Köppe & MacCarthaigh, 2019). Various studies have cast doubt on the effectiveness of this institutional reform (Kelly, McGuinness, Redmond, Savage, & Walsh, 2019) and clear issues of coherence, competence and culture remain (Murphy, Clarke, Eustace, & Dulee Kinslong, 2017). Moreover, the scale of change, while historically immense in the Irish context, was still insufficient to meet ongoing capacity pressures and the ratio of employment service caseworkers to jobseekers remained over 1000:1 compared to OECD norms of less than 200:1 (DEASP, 2019). Hence the decision to procure a contracted PES for the long-term unemployed, Jobpath, in 2013–2014. This was consistent with decades of New Public Management informed liberalisation of PES across many European and liberal welfare states where public services lost their previous monopolistic control of job matching, placement and labour market intermediation services. Expectations of greater cost efficiencies and innovations associated with privatisation, led various countries, particularly liberal-anglophone regimes, to adopt market practices in public services and/or to create markets for such services through performance-based contracting and outcomes-based payment models. Ten to fifteen years behind other countries, Ireland has had the opportunity to incorporate learning from other countries' experiences and to develop a distinctive Irish procurement

model with stronger elements of social democratic policy and practice in comparison to international counterparts such as Britain's Work Programme or Australia's Jobactive (Wiggin, 2015).

The introduction of JobPath originally took place under the radar, with little public consultation or public discourse. Many actors were distracted by the degree of change occurring not only economically but within their own organisations (disintegration of FÁS, restructuring of Vocational Educational Committees, austerity cuts within civil society). This crisis created an opportunity to drive this new procurement model through. In the context of public sector recruitment embargos, crisis-related capacity deficits were real and urgent, with no alternatives considered viable as short-term options (NESC, 2014). DSP General Secretary John McKeon advised a 2014 Dáil Committee how

It has been clear for some time that the combination of the Department's direct and contracted resource capacity is insufficient to provide a high level of service to all of the people currently on the Live Register. The purpose of JobPath is to further augment our capacity in a cost-effective manner to cope with a cyclical but diminishing peak in caseload.

JobPath was expected to double the number of caseworkers (Oireachtas, 2015). At the same time, the procurement process was generally recognised as a strategic opportunity in crisis to do something that the DSP had wanted to do for some time with the recession *accelerating* rather than prompting the policy change. DSP argued that Jobpath was not privatisation but 'outsourcing to meet need for additional capacity to deal with peak demand within a limited contract period'. They nonetheless chose a Pay-by-Results contractual arrangement normally associated with privatisation (and more conditional regimes). Cost savings or fiscal management in the context of post-crisis austerity was also a driver. JobPath contracts require companies to fund their own start-up costs and then pay out largely, only as people leave the Live Register for jobs. Expansion of capacity is, in theory, achieved for a relatively modest financial commitment. A Pay-by-Results model requires the bidder to fund their own start-up costs and, in effect, to wait for a substantial part of their operating costs to be paid out of benefit savings that accrue as people move off social welfare into jobs. However, managing such a 'back-ended' (Shutes & Taylor, 2014, p. 210) funding model, and the financial risk it entails, is beyond the capacity of many existing services. Indeed, formally, potential bidders were required to have an annual turnover of €20m in order to be eligible to tender for JobPath contracts (Wiggin, 2015). It is partly for this reason that the international trend towards performance-based contracting is criticised for skewing employment services systems towards 'large, cash-rich firms' (Hill, 2013, p. 204) and facilitating 'particular types of organisations [to] capture public services markets' (Bennett, 2017,

p. 133). Such markets are critiqued on various grounds including cost, value for money and poor outcomes, particularly for those most vulnerable (Grover, 2009; O'Sullivan, McGann, & Considine, 2021).

Civil servants who drove the initiative recall selling marketisation to a political system who had misgivings in the context of the controversial disability activation record of the UK model but also recall how clear support at cabinet-level of both Taoiseach and Tánaiste was considered crucial. The political momentum came clearly from the centre; with no local government role in delivering policy, there was a strong top-down vertical governance. Key domestic actors had ideological preferences for the market (bureaucratic actors were key to developing procurement policy in DSP, as was the Fine Gael political adviser to the then Taoiseach Enda Kenny). A form of political influence in a 'small p' context was the protection of local constituency services, in the form of political protection for Local Employment Services (Boyle, 2005). In this context, where the new service was additional to existing services, there were no losers, and from 2014 to 2021 the DSP continued to maintain grant-led contracts, through service-level agreements, with three distinct types of PES provider:

- *Job Clubs*, delivered by 40 non-profit organisations through annual contracts worth €5.3 million, who engage with job-ready clients in 43 locations.
- *Local Employment Services*, which are delivered by 22 non-profit organisations in 25 locations through annual contracts worth €19.7 million in 2019, these provide more comprehensive support to jobseekers who are considered more distant from employment.
- *EmployAbility* provides an 18-month activation support service for people with a health condition, injury, illness or disability, and a related recruitment advice service for the business community. The 24 *EmployAbility* contracts cover 31 locations and were worth €9.8m in 2019.

In 2019, after years of speculation, it was firmly signalled that Local Employment Services and Job Clubs would be subject to a competitive procurement process in late 2020. International consultants, the UK-based Institute for Employment Studies (IES), were contracted to advise the DSP on future procurement models and expanding marketisation beyond JobPath to a range of other, and until then, community-delivered PES (*Employability*, *Jobs Club* and the *LES*). These proposals to extend PES marketisation beyond JobPath were, however, postponed by the pandemic and existing PES contracts were rolled over, initially until the end of 2021, and subsequently to mid-2022. Nonetheless, in May 2021, the DSP issued a request for tender for new Regional Employment Services contracts that would cover areas (mainly the midlands and northwest) where Local Employment Services did not then operate

(DSP, 2021). Significantly, the Regional Employment Services tender was a competitive procurement model in what has subsequently come to be a blueprint for future Local Employment Services and Job Clubs commissioning.

The DSP invited price-bidding on the value of the registration and outcome payments potential providers would deliver the service for, while outcome payments were estimated in the tender documentation to account for up to 37 percent of total potential payments (DSP, 2021). Another feature of the contracts was that they covered much larger geographical areas (up to two counties) than the existing Local Employment Services and Job Clubs contracts, making the contracts themselves significantly more difficult to resource and manage for non-profit organisations. In questioning before an Oireachtas Committee, the Minister for Social Protection denied that the DSP was looking to privatise community-based PES (Oireachtas, 2021) and instead insisted that the move towards competitive procurement was necessitated by legal imperatives and advice from the Attorney General's Office, which appears to have interpreted EU competition policy in a narrow fashion as requiring that Government procure services presently delivered through grants by community employment services. However, in late 2021, the two JobPath agencies successfully bid for Regional Employment Services contracts whereas several partnerships were unsuccessfully tendered. Then, in early December 2021, it was announced that all existing Local Employment Services and Jobs Clubs contracts would no longer be renewed. Instead, the DSP was to expand the Regional Employment Services model nationally and to do so through a competitive procurement process that would closely follow the blueprint of the May 2021 Regional Employment Services tender.

3. Irish public employment services as a strategic action field

As Taylor et al. (2016) argue, developments in employment services commissioning 'raise crucial questions' about how a broad range of providers deliver services; about power relationships between the market, civil society and the state; and about 'the agency of providers' to shape PES contracting environments (p. 254). Drawing on Fligstein and McAdam (2012), they propose the concept of a strategic action field (SAF) to explore these dynamics and how PES fields are shaped by organisational tactics that are in turn 'structured by state funders shaping the responses and strategies of organisations' (Taylor et al., 2016, p. 256). The concept of a SAF is inspired by but also critiques new institutionalism in theories of organisation. It draws on Giddens's theory of 'structuration', and Bourdieu's account of habitus, field and capital in social and political life to seek explanations for the underlying structure of, and sources of, change and stability in institutional life in modern society. It can therefore be read as a general theory of social change and stability,

enabling us to understand how relatively powerless actors come to mobilise and organise fields. It allows us to grasp the idea of fundamental and unifying structural reality and crucially the importance of collective strategic action. Through it, we can map and analyse the efforts of collective actors to vie for strategic advantage in and through interaction with other groups in what can be seen as meso-level social orders (fields).

Analysing the politics of PES reform as a SAF helps us identify a dynamic PES environment where different actors are both shaped by the changing policy, but also attempt to shape that policy and practice. As Fligstein and McAdam (2012) anticipate, as a SAF, the public employment services landscape is a 'web of interconnections' (p. 58) where relationships can be dependent, hierarchical, interdependent or reciprocal, and where providers compete for position, power and resources as the state mediates and disrupts relationships in each field by reforming policies, reallocating resources, commissioning and procuring through quasi-markets. Outlining the PES as a SAF allows us to identify how such invaders, as well as challengers and incumbents interact to shape the emerging field. We can trace 'field actors jostling for position and attempting to shape the rules of the game, promote their interests and ensure their access to resources' (Taylor et al., 2016, p. 257). We can also, in examining social life as a complex web of SAFs, attempt to identify and assess how these statuses of incumbents, challengers and invaders change over time. There are also present external international and domestic actors who act as policy entrepreneurs, while external or exogenous actors from other (non-state) fields generate 'destabilizing change processes' (Fligstein & McAdam, 2012, p. 3). To this extent, it is important to regard SAFs not as isolated units but as 'embedded in a wider environment of fields in various relationships with one another' (Taylor et al., 2016, p. 256). In this context, special attention is paid to dynamics in adjacent SAFs, including the local Social Inclusion and Community Activation Programme (SICAP) and the reform of the national training and adult education infrastructure into SOLAS and local Education and Training Boards.

Figure 1 maps the basic outlines of Ireland's public employment services SAF in late 2021, which we build on below to examine the role of domestic and international policy entrepreneurs in shaping reform, and how reforms have repositioned providers relationships to each other and to the state as incumbents, challengers, and invaders. The actors within this SAF include a continuum (from left to right) of market, state and civil society actors highlighting how periods of contention within the field lead to realignments of the balance of power between the market, state and community sector in producing and delivering public employment services.



Figure 1. Ireland's public employment services as a strategic action field.

3.1. International and domestic policy entrepreneurs

Policy entrepreneurs, both national and international are a key part of the reform story and SAF. In the context of the broader policy shift towards a more conditional welfare state, the Troika was a key international policy entrepreneur. The Pathways to Work reforms were institutionally embedded in the Troika programme although the Troika was more of an enabler rather than the driver of reform in that it was largely 'pushing on an open door' (Dukelow, 2015, p. 1). As Hick (2018) argues, key reform decisions were mandated nationally and Troika requirements for quarterly reform reports were tactically used by national administrators to maintain reform momentum. Besides the Troika, other significant international policy entrepreneurs included the European Union, the Organisation for Economic Cooperation and Development and consultancy actors from the UK, all of whom had key policy transfer and formative roles in the shift to competitive tendering

and performance-based contracting due to the DSP's lack of core technical capacities and experience in procurement. At the heart of procurement is the DSP's Contracted Service Unit, a small unit of policy level staff and a technical unit with responsibility for oversight of contracted services that works alongside, but independently of the Activation policy unit with responsibility for oversight of the Pathways to Work activation strategy, now in its third (2020–2025) iteration. However, DSP's Contracted Services Unit staff are not trained commissioners nor do they have specialisation in the technicalities of the commissioning process. This required the DSP to secure external expertise from international think tanks and consultancies that have influenced the thinking and practical design of both the activation policy and the model of marketisation. In 2013–2014, the London-based Centre for Economic and Social Inclusion was contracted to advise on and develop the procurement process for JobPath. Then, at various points from 2019 to late 2021, the Institute for Employment Studies (which is led by Tony Wilson, a former director of the Centre for Economic and Social Inclusion), was contracted to advise on subsequent extensions of marketisation, including replacing existing community-based employment services contracts with competitively procured Regional Employment Services.

Domestic policy entrepreneurs are also evident, with mixed results. Individual entrepreneurs are identified in interviews including the DSP's General Secretary, John McKeon (who was recruited directly from the private sector into DSP) and Andrew McDowell, the Fine Gael employed advisor to the then Prime Minister Taoiseach Enda Kenny (2011–2017). Most notably, Dr. John Sweeny – who authored the NESC (2011) Report Services for Job Seekers – is recognised as influencing the direction of activation reform. However, his policy intervention through NESC, to urge caution with the advancing Payment-by-Results model of marketisation, was less successful. Think tanks including the National Economic and Social Council (NESC) and domestic research consultancy companies such as Indecon (2019) and the Economic and Social Research Institute (Kelly et al., 2019) are also present in the SAF.

The Irish Local Development Network (ILDN), the representative body for the country's 49 Local Development Companies, had in 2013 attempted to present as an alternative to JobPath. However, it has had more visibility as a policy entrepreneur in influencing the process of marketisation as it applied to Local Employment Services in the latter part of the decade. Here we see the policy entrepreneur develop a policy influencing role with DSP, engage with parliamentary committees and feed local constituency level campaigning material to Local Employment Services organisations, and in 2018 secure 80k per year from the DSP to engage in policy influencing. This Janus shape-shifting exercise, seeking to protect Local Employment Services from procurement, while at the same time offering themselves as a

vehicle to implement, if necessary, a procurement process, happens largely under the radar (ILDN, 2019). ILDN's greater prominence in the latter period may be explained by its experience of procurement in the adjacent SAF with the Social Inclusion and Community Activation Programme (SICAP) reforms. It applied its greater knowledge of how to develop defensive campaigning strategies in late 2021 in response to the Regional Employment Services tender, which we consider in further detail in Section 4.

Other actors including academics, trade unions and civil society organisations are visible actors in policy campaigns and parliamentary committees, but none have had very specific influence. Maynooth University has led academic work in the field, including through its Irish Research Council-funded project, a Collaborative Approach to Public Employment Services (2019–2021) in partnership with key staff from the ILDN, Irish National Organisation of the Unemployed (INOUE) and local employment services network. Trade Unions are largely visible in the context of representing the direct interests of their members. Privatisation and the introduction of JobPath was initially challenged under the Croke Park and Haddington Road industrial relations agreements, where both CPSU and PSEU (public sector trade unions now merged as FORSA) argued Jobpath would have a significant impact on public sector staff in terms of reassignment, redeployment and promotion options. The Civil Service Arbitration Board (2014) accepted DSP arguments that this was not privatisation but outsourcing of extra capacity and that DSP had followed adequate outsourcing consultative procedures. The trade union SIPTU has represented the views of threatened Local Employment Services workers to a parliamentary committee considering JobPath and procurement. It was subsequently quiet on PES marketisation issues for several years but became re-energised by the Regional Employment Services tender in mid-2021, mounting a series of strike actions and media campaigns against the threat posed by marketisation to community employment services (Goodbody, 2021).

3.2. *Invaders, incumbents and challengers*

SAF offers a structural way to understand how different actors respond to episodes of contention, and how those responses help shape the politics of reform in different ways. Different actors can be considered as invaders, incumbents and challengers, and may over time shift from one of these to another.

Invaders are understood as usually market actors, new to the field, who may be significant game changers in a SAF. The original aim in tendering for JobPath was to attract such invaders in the form of international companies already delivering PES elsewhere. However, Ireland is a small state, and the small internal market was less attractive for large multinational actors to

'invade'. With the post-2021 extension of marketisation, this now appears to be changing and a series of multinational human services organisations such as Maximus (one of the largest employment services contractors in Britain and Australia) are reported to be considering bids for contracts (Power, 2022).

In the 2013–2014 request for tender for JobPath, the initial sub-division of the country into four submarkets proved unsuccessful in attracting invaders. Accepting the Irish market might not be sufficiently large to attract primes, contracts were instead shared between two private sector companies with near monopoly like delivery responsibility for half the country each. The British human services organisation, Seetec, has been contracted to deliver these activation services in Connacht, Ulster and North Leinster. Turas Nua, a consortium of Irish-based recruitment company FRS and the UK company Working Links, mainly delivers JobPath in Munster and South Leinster. Each contractor services 25,000 long-term unemployed people a year. The original intention to do this through a supply chain of sub-contracted local, private and not-for-profit, specialist organisations did not come to fruition as expected. Under the original contract, referrals to JobPath from the DSP were due to cease by the end of 2019 but the contracts have subsequently been extended on numerous occasions and are not now due to expire until mid-2022.

While the 'disruptive technology' of JobPath has impacted on the PES SAF overall, what can be said about its capacity to shape the SAF? While presented here as a challenger, we might expect after seven years that JobPath is now moving to becoming an incumbent or 'insider firm' (Bennett, 2017, p. 144) with some expectation of contracts renewal and a growing relationship between them and the public purchaser. Once established, path-dependence would mean difficulty in scaling back the initial investment (Considine, O'Sullivan, McGann, & Ngugen, 2020). The momentum of policy feedback and pressure from 'incumbents' makes their retention more likely. This is especially so in the context of their monopolistic or oligopolistic power (being a small number of private providers). Up to 2018, the low awareness and degree of knowledge of JobPath among groups directly affected by it, in the wider policy community, and on the part of the public was surprisingly low. However, having entered the policy space quietly, overtime the JobPath programme has become somewhat of a lightning rod for civil society opposition to privatisation and procurement (Murphy, Maher, & Irwin, 2020). This exemplar of privatisation has led to more public debate – and indeed vigilance – about the intended and unintended cumulative consequences of creeping forms of marketisation. In December 2018, even the Taoiseach questioned the future viability of JobPath.¹ Despite this, less than three years later, each of the two JobPath providers had won new Regional Employment Services tenders, with Turas Nua winning the contract

for Laois and Offaly and Seetec winning the contract for Longford and Westmeath.²

The major *incumbent* in the SAF was the statutory insider the DSP and their own PES agency, Intreo. Staff allocated into Intreo from the DSP had poor knowledge and skills and no training. However, implementation of change in a period of crisis avoided industrial relations issues that might otherwise have occurred. Nonetheless Intreo, as the direct DSP incumbent (and arguably the least effective and efficient of all the PES in the SAF), continues to be protected by its parent department. Its protected status is reflected in the absence of performance targets for the Intreo service, and the ongoing acceptance of relatively poor-quality services characterised by data gaps and limits in delivery (Kelly et al., 2019). The ‘incumbent’ (DSP and Intreo) has the power to influence and to establish ‘common sets of understandings about what “makes sense” including positions, hierarchies and the rules for legitimate behavior’. DSP holds the greater share of the field’s resources and greater control over field rules and symbolic meanings that help to support their interests. Intreo has sway with the SAF’s governance units, who are oriented to supporting the dominant (incumbent-friendly) logic of the field.

For Fligstein and McAdam (2012), *challengers* in SAF have ‘less influence over the field’s operation; ‘they play the game while seeking opportunities to redefine the field or logic to their own advantage’ (p. x). At first sight, Local Employment Services and Job Clubs providers might superficially appear as incumbents rather than challengers given their longevity in delivering PES for the state. The 22 LES, nineteen of which are under the governance of local development companies and three of which (Ballymun, St Andrews Dublin City and Kildare) are independently governed, have no real incumbency status in the eyes of the DSP. Therefore, they are better understood as challengers with relatively weak power within the SAF, where the governance unit in DSP had little knowledge, understanding or patience for the guidance-led model delivered by Local Employment Services (N Whelan, 2021). Their annual contract model provides DSP a greater level of control over service operations and associated expenditures, and with more now determined from the centre, Local Employment Services have lost much of their local discretion. They have had to adapt to new ways of working, often against their own organisational ethos. Nationally set targets bear little relationship to local realities. Local Employment Services managers describe a hardening of the contracting environment since DSP took over commissioning, with more intensive performance monitoring and less certainty over contract renewal from year-to-year (McGann, 2021). The requirement of self-financing in procurement denied many the possibility of tendering for JobPath (NESC, 2018, p. 246), while some of those who did were considered to have demonstrated poor capacity for tendering.

The commissioning of JobPath had significant direct and indirect effects on what were originally grant-funded community-based employment services. DSP's contractual obligations for volume referrals to Seetec and Turas Nua meant that it channeled what would have been Local Employment Services' clients towards JobPath. This process of 'feeding the beast' has significant impacts on Local Employment Services' capacity to meet their own placement targets. While the commissioning process might, in theory, encourage partnerships and collaboration, the process of commissioning puts services in competition with each other and is associated with shifts towards a competition culture in sectors that were strongly collaborative (Taylor et al., 2016). In reality, Intreo, JobPath and Local Employment Services are vying with each other for clients.

In Section 4, we discuss in greater detail how and when Local Employment Services organisations engaged in contentious politics. Overall, we observe that they have had little influence on the SAF, and few meaningful opportunities to shape or influence policy and its implementation. To this extent, they can be described as 'challengers who [are] too marginalized to challenge' (Taylor et al., 2016, p. 265).

3.3. Adjacent SAFs

Experiences of contention in adjacent SAFs have also impacted on the employment services SAF, particularly in the areas of adult education and community development programmes. When FÁS was dissolved in 2012 in the wake of a significant corporate scandal, its training arm was transferred into a new proximate field, SOLAS, the new national training authority with a network of regional Education and Training Boards. These regional boards manage adult education and guidance services, and the guidance ethos and values underpinning both adult education and career guidance have proved natural allies for the local employment services' guidance model (N Whelan, 2018). Yet they are also a form of competition in the adult career guidance space.³

A second adjacent or proximate SAF is the Social Inclusion and Community Activation Programme, which has two important points of cross-over. The Irish public service is small and senior staff informally and formally share procurement experiences amongst senior officers. A key civil servant who had served at a senior level in DSP went on to lead the SICAP procurement process. The ILDN also have a significant presence in this proximal SAF where, as a policy entrepreneur, they mediated this complex and controversial SAF, to some degree distracting attention from the fortunes of Local Employment Services but also offering an opportunity to develop procurement experience which later was to be relevant in the context of local employment services. Local Employment Services also came to be seen by some SICAP incumbents as natural competitors for overlapping target

groups, confirming field actors in adjacent SAF's can be in constant competition while also embedded in a wider collaborative environment. Absence of strategic collaboration between SICAP and Local Employment Services or between the latter and Job Clubs or internally within the network of Local Employment Services, mirrors co-opetition (Nalebuff & Brandenburger, 1997) where collaboration happens with 'one hand behind one's back'. Informants describe less networking and exchange, less solidarity and less power with more 'tyranny of systems' within a logic of administrative managerialism.

4. Jostling in the PES SAF 2016–2021

We now turn to use the SAF framework to illustrate how different 'field actors jostle for position and attempt to shape the rules of the game, promote their interests, and ensure their access to resources' (Taylor et al., 2016, p. 257). Given the role of the state in structuring field conditions through procurement processes, commissioning reforms become political battlegrounds where incumbents and challengers lobby decision-makers and try to exert political pressure to shape programme designs to their interests and to gain/retain field position (Taylor et al., 2016). We illustrate this by reviewing how the challenger and least powerful actors, the network of Local Employment Services, engaged with policy entrepreneurs over the period 2016–2021 to reframe how community employment services are understood, to justify specific reform preferences and to strategically position themselves in relation to invaders, incumbents, and other challengers from adjacent SAFs.

In 2016, following years of speculation and signalling that Local Employment Services and Jobs Clubs would become subject to a competitive procurement, the Local Employment Services Network (LESN) – a forum representing all 22 Local Employment Services – acquired a limited budget of €8,000 from the ILDN to fund research to develop a defensive narrative 'Back to the Future' to protect their present grant type funding regime. While limited in scale and scope, the LESN used the report to good effect, launching on their 20th Anniversary at an April 2017 national conference with over 200 participants. This rallying of the Local Employment Services infrastructure and key academic and policy allies was considered a key opportunity to impress key members of DSP.

Through political interactions at the county and constituency level, Local Employment Services and Job Clubs remain close to local politics and can call on local political protection (Boyle, 2005). Over 2018 and 2019, the LESN used specialist knowledge of how power works in a small state, working the Proportional Representational Single Transferable Vote electoral constituencies to seek political protection of local projects in local constituencies, and consolidating progress in parliamentary committee hearings and parliamentary motions. The key target of such activity was to promote Local Employment Services while also running down the reputation of their key competitor,

JobPath. They were assisted to the degree that the framing of JobPath in parliamentary committees was consistently negative during this period, with academic (Griffin & Boland, 2019) and opposition party reports (Sinn Féin, 2019) very critical of the impact of the two JobPath companies' privatised ethos on services and clients. In March 2018, the LESN used An Employment Affairs Social Protection Parliamentary Committee on JobPath as an opportunity to defend Local Employment Services' position in the field, presenting community-based employment services as delivering value for money, generating societal value and delivering significant social returns on investment. Again, in 2019, European and Local Government Elections were used as ways to seek support from local constituency-based politicians and an April 2019 Oireachtas Committee debate on the Indecon (2019) review of Local Employment Services was also used to promote a not-for-profit model of PES.

Arguments that the DSP had few complaints about JobPath contrasted with significant public concerns and parliamentary debate about JobPath; including greater welfare conditionality and sanctions, transparency, data protection, value for money and poor-quality employment outcomes.⁴ The momentum led to a private members' motion against JobPath, which was successfully carried on Thursday 7 February 2019, with support from Fianna Fáil, Sinn Féin, Labour, the Social Democrats and several independents. This was followed on 2 April 2019, by an ILDN and SIPTU delegation to a parliamentary committee who set the agenda for a model for national employment services based on the not-for-profit model delivered by local development companies through Local Employment Services and Job Clubs. ILDN experience of procurement in the proximate local development SAF (SICAP) was used to frame ILDN as a central actor in delivering any future local and agile PES. Alliances were visible, and the SIPTU national committee of Local Employment Services and Jobs Clubs acknowledged the support of Fianna Fáil deputies Brady and O'Dea in facilitating their presence.

These examples portray jostling in a period of contention. While this jostling had a political impact, the shift towards marketising Local Employment Services continued, creating challenges for state actors with little capacity to design, administer and monitor large scale procurement and for community organisations with limited capacity to tender. In August 2019, the internal contracting services unit of the DSP claimed they were under pressure to follow legal advice from the Attorney General Office that procurement of PES was obliged under the EU competition directive, and it tendered for consultancy support (ultimately provided by the UK-based Institute for Employment Studies) to advance the procurement. On 27 November 2019, Minister Doherty confirmed via a parliamentary reply that, consistent with Indecon's 2018 review, a merged form of Local Employment Services and Job Clubs would be funded through multiannual contracts and a competitive procurement process. This procurement process was subsequently disrupted by the

pandemic until May 2021, when tenders for new Regional Employment Services were announced. The subsequent Minister for Social Protection, Heather Humphries, positioned the tender as the first phase of a wider re-commissioning of all contracted PES and as a blueprint for the procurement of Local Employment Services and Jobs Club contracts beyond 2021.

This sparked a second and ongoing episode of contention that has yet to run its course, coinciding with the 25th anniversary of Local Employment Services. This anniversary has been strategically deployed by the ILDN and LESN to mount a defensive 'Keep Our Doors Open' campaign, framing the Regional Employment Services tender as an existential threat to community-based employment services and harbinger of privatisation. Again, it has invoked the support of key political allies including Dublin's Lord Mayor, Labour Party Alison Gilliland, who in early October 2021 hosted an event at the Mansion House to commemorate 25 years of Local Employment Services. The Lord Mayor used the event to oppose the DSP's procurement model, arguing 'it is essential we keep the person-centred approach to local employment services as provided by our local partnerships' (Power, 2021). The ILDN has also sought to enlist the support of key members of the Committee for Social Protection, Community and Rural Development and Islands, most notably the Committee Chair Denis Naughten TD, Sinn Féin's Claire Kerrane and Fianna Fail Members Jackie Cahill and Eamon O'Cuiv. The latter were part of a group of Fianna Fáil politicians who formally requested the Taoiseach to block Minister Humphrey from proceeding with plans to competitively procure community employment services (Ryan, 2021). Throughout these campaigns, the ILDN and its political allies have positioned Local Employment Services as offering person-centred, guidance-led employment services while framing private provision as 'purely placement focused'. In late September 2021, the Committee for Social Protection, Community and Rural Development and Islands used its pre-budget submission to call for maintaining community-based employment services 'in their current model',⁵ while on 30 November 2021 Sinn Féin's Claire Kerrane moved a Dáil motion noting 'the failure of the current payment by results service, JobPath', and calling on the government to 'protect the not-for-profit and community-based ethos of employment services' and to 'suspend all plans to tender out employment services'.⁶ The motion was passed, but despite the strategic jostling by the LESN to maintain its position in the field, DSP has proceeded with the competitive procurement of Regional Employment Services as a replacement for existing community-based employment services contracts. Less than two weeks after the Dáil motion, the DSP announced that it was proceeding with a competitive tender to procure 17 additional Regional Employment Services contracts (on top of the four contracts it had already tendered out) that would commence in July 2022. By January 2022, ForSa and SIPTU, despite a joint

campaign on the issue, have not managed to secure a meeting with the relevant Minister. Consistent with Irish political culture, the tactic of the relevant Minister has been strategically ambivalent, making rhetorical statements supporting community-based services while refusing to meet their trade union representatives.

5. Discussion and conclusion

Having drawn out the contentious politics in the above case study, several observations are possible. Firstly, the reform remains difficult and contentious. Clients dislike the premise of a privatised profit-making service and their interaction with the service is often informed by a pre-existing negative perception of privatised delivery (Finn, 2019; NES, 2018). The sense of frustration with privatisation, experienced at a personal level by clients, is also a public sentiment and echoed within civil society (Murphy et al., 2020). Structural changes in service delivery contracts limit advocacy and political campaigning. This enables larger advocacy-oriented institutions such as the ILDN to rise to a more dominant campaigning position. At the same time, as policy entrepreneurs, they also present as actors who can facilitate competition in national quasi-markets, thus impacting the practical power relations and the dynamic of the SAF.

Secondly, the analysis raises important questions about the governance of the SAF and the degree to which policy development regarding PES reform is responsive to democratic institutions and can be held to political account. Evidence from other countries suggests that marketisation can breed a certain path-dependence (Bennett, 2017; Considine et al., 2020), as dynamics within PES fields become increasingly influenced by powerful economic and ideational actors such as multinational organisations, consultancy firms and international advisors. Once invested in a field, large providers can expend significant political and economic capital protecting their status and future contracts while commissioners, in turn, become dependent on those providers for the continued provision of services. While domestic consultants such as Indecon have had a significant influence on the recent trajectory of PES marketisation reform, we have seen how international consultancy firms, including the Centre for Economic and Social Inclusion and the Institute for Employment Studies, have had a major role in shaping the DSP's approach to procurement; largely reflecting how the DSP have not yet developed the skills nor acquired the expertise for governing large, commissioned programmes. Econometric modes of analysis, as well as technocratic and legal expertise in procurement, have gained significant traction in the governance of the field. Meanwhile, attempts by civil society organisations, parliamentarians and other local political actors such as the ILDN to halt and even reverse, the march of marketisation have had little success. It could be argued that the

centralisation of responsibility for PES commissioning within the DSP coupled with the shield of legal advice from the Attorney General's office has, to a degree, insulated marketisation reforms from political opposition and reach.

We saw how the ILDN used the opportunity of Local Employment Services' 20th and 25th anniversaries to demonstrate their longevity, and as the main challenger in the SAF to draw on formal and informal alliances from both within the SAF and from adjacent SAF's to politicise the shift towards marketisation. They sought, in that process, to achieve incumbent status and so protect itself. Actors understood the importance of framing and of understanding the local electoral impact of constituency level campaigns. The actors demonstrated nuanced capacity amongst both national and local actors to differentiate reform politics across political parties, drawing particularly on Fianna Fáil and Sinn Féin, and to make strategic use of political machinery including Oireachtas Committees. This alliance draws on a historic pattern of Fianna Fáil's political protection of local community-based services identified by Boyle (2005). At the same time, despite such strategic use of political machinery, we see no focus on PES during the 2020 general election debate or government formation process, suggesting the issue has only limited political or electoral saliency. And where issues of marketisation have risen to political attention, the actual impacts of campaigns on policy development have been muted if not entirely unsuccessful. This is most notable in the political counter-attacks against marketisation by an organised and unorganised number of actors over late 2018 and early 2019, and again in late 2021, a bit of which cumulated in parliamentary motions to halt the marketisation of PES through ceasing provision by for-profit firms, abandoning competitive procurement and maintaining the community sector's role in Ireland's mixed economy of welfare. These motions were successful in the Dáil but not in practice, and the DSP has continued to resist political pressure to draw back from competitive tendering and performance-based contracting. Despite the defensive campaign against the Regional Employment Services tender prosecuted by the ILDN, Siptu, Forsa, and political allies (including members of the Oireachtas Committee with oversight of social protection and PES procurement), it is clear that the DSP intends to procure a second round of JobPath while extending market governance to the procurement of additional PES contracts. Minister Humphries, while being sympathetic to community provision, has repeatedly defended the record of JobPath under Oireachtas questioning while maintaining that EU procurement law leaves the DSP with little choice but to put all remaining PES contracts out to tender beyond 2021.

The seeming imperviousness of PES administrative reform to political challenge also raises broader questions about the centralisation of policymaking in Ireland and the openness of policy processes to democratic rather than technocratic rationalities. Such questions are beyond the scope of this

article, although Murphy et al. (2017) has previously highlighted how the consolidation of fiscal and policy control at the centre of government following the financial crisis played a key role in diluting the impact of veto points such as parliamentary, union and community sector opposition, on activation and institutional reform. Likewise, Hogan and Murphy (2021) as well as Dukelow (2021) highlight the growing dominance of 'economistic forms' of policy analysis over the past decade, resulting in a rather one-dimensional and uncritical approach to policy development among key bureaucratic actors. The recent trajectory of PES marketisation reform, despite significant episodes of contention, would support this view while the limited ability of the Oireachtas to successfully oppose the continuation of JobPath and competitive procurement of Regional Employment Services is consistent with what many observe as the executive's dominance over the legislative process in Ireland. Namely, private members' bills rarely pass into law or significantly alter the course of policy processes that are by and large controlled by the executive and an increasingly powerful 'administrative state' (Kenny & Casey, 2021). In the specific case of the episodes of contention reviewed here, the upshot of this executive and administrative dominance will undoubtedly be a deepening shift towards the market and a further dilution of the community sector's involvement in Ireland's mixed economy of welfare.

Notes

1. https://www.thejournal.ie/jobpath-4394415-Dec2018/?utm_source=email.
2. See <https://irl.eu-supply.com/ctm/Supplier/PublicTenders/ViewNotice/255198>.
3. https://www.oireachtas.ie/ga/debates/debate/joint_committee_on_employment_affairs_and_social_protection/2019-01-17/3/.
4. See the debate on the Dáil motion to abolish JobPath, on 5 February, 2019. Available at <https://www.oireachtas.ie/en/debates/debate/dail/2019-02-05/36/>.
5. <https://denisnaughten.ie/2021/09/29/employment-services-must-focus-on-individuals-naughten/>.
6. <https://www.oireachtas.ie/en/debates/debate/dail/2021-11-30/19/>.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

This research has received funding from the European Union'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 the New Foundations for Research Programme (CommSoc project), with additional support from the St Stephen's Green trust. The views expressed are those of the authors alone. Neither

Maynooth University, the European Commission nor Irish Research Council are responsible for any use that may be made of the information in this article.

Notes on contributors

Prof. Mary P. Murphy is Professor and Head of Department in the Department of Sociology, Maynooth University. Her research interests include labour market and social security policy, power and civil society and gender. She has published widely in key journals. Key books include *Towards a Second Republic* (co-authored with P. Kirby Pluto Press 2011), *The Irish Welfare State in the 21st Century* (co-edited with F. Dukelow Palgrave 2016), and *Policy Analysis in Ireland* (co-edited with J Hogan, Policy Press, 2021). A contributor to national policy debate she was a member of the National Expert Advisory Group on Taxation and Social Welfare 2011–2014 and the Irish Human Rights and Equality Commission 2013–2017. In 2019 she was appointed by President M.D. Higgins to the Council of State.

Dr. Michael McGann is a Marie Skłodowska-Curie Research Fellow in the Department of Sociology and Social Sciences Institute at the National University of Ireland, Maynooth and a Lecturer in Political Science in the School of Social and Political Sciences at the University of Melbourne. He specialises in street-level bureaucracy and the governance of activation, with a particular focus on issues related to welfare-to-work and the marketisation of public employment services. He has published widely in the fields of Social Policy, Sociology and Public Policy and Administration, including in journals such as *Journal of Social Policy*; *Social Policy & Society*; *Public Administration*; *Administration & Society*; *Work, Employment & Society*; *Policy Sciences*; and *Policy and Politics*. He is the guest editor (with Mary P. Murphy) of a recent special issue of *Administration* on 'Ireland's activation turn-Ten Year's on' and co-author of *Buying and Selling the Poor: Inside Australia's Privatised Welfare-to-Work Market* (2021, Sydney University Press).

ORCID

Mary P. Murphy  <http://orcid.org/0000-0001-8258-2494>

Michael McGann  <http://orcid.org/0000-0002-2262-8216>

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