

Closing the Loopholes

Categorizing clients to fit the bureaucratic welfare system

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Background and motivation

In public welfare agencies, categorization of clients is crucial to determine which services and financial benefits each client should receive from the agency.

- Giving the right follow-up and treatment to citizens is key
- Treating similar cases equally is important for fair case handling
- Front-line employees work closely with the clients and execute agency policy
- Digitalization and automation is seen as a way to ensure objective decision making and effective case handling in public welfare agencies

Case and methods

- The Norwegian Labour and Welfare Administration (NAV)
 - Decision-making power in cases regarding financial benefits is distributed between supervisors, caseworkers, and prevailing chief physicians
 - Supervisors in municipal offices do initial casework
- Ethnographic study in a municipal NAV office
 - 5 informants (supervisors)
 - Interviews and observations

Findings: The Work Ability Assessment

- The supervisors must assess what category the client fits by
 - Guiding the client through measures and courses to evaluate their work ability
 - Assembling information in the case from various documentation
 - Writing a 5000-character document presenting the key information in the case
- The document is used as a basis for the decision on whether to grant a financial benefit made by a caseworker

The Work of Closing Loopholes

- In order for a client to be categorized in the category that the supervisor believes is correct, the supervisor uses the information that exists about the client's case in a way that is appropriate for the outcome of the case by..
 - Emphasizing or de-emphasizing information to make the case fit a specific category (in our case, the “disabled” category)
 - Adding or re-formulating information to make the case fuller
- E.g., an extensive number of medical examinations can make up for the lack of a clear diagnosis

The Work of Closing Loopholes

- The work of matching the case characteristics to the formal characteristics of the category, is referred to by the supervisors as “closing loopholes” in the case
- A concrete example on using discretion: the supervisor aims to match the complex, real-world citizen to the formal, rigid category
- The term “loophole” refers to the supervisor's perception of how the caseworker handles the case; with a focus on finding a reason to dismiss the client's application
- To close loopholes may be described as a way to avoid obvious unreasonableness of the bureaucratic system

Conclusion

- Making a representation of the client that matches the characteristics of the formal category often requires work
- What is the right category may be negotiated, and requires a discretionary assessment
- Closing loopholes requires knowledge of both sickness diseases and medical treatment, what measures may be appropriate for the individual citizen, and knowledge about the bureaucratic system, rules and regulations.
- With the increased use of digital self-service, will the client have to close loopholes himself?