

Closing the Loopholes: Categorizing Clients to Fit the Bureaucratic Welfare System

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Abstract—Categorizing clients is an essential part of the work in public services traditionally done by street-level bureaucrats. However, in the Norwegian Labour and Welfare Administration, this work has been distributed between supervisors, the front-line workers interacting with clients, and central unit caseworkers, who make decisions regarding financial welfare benefits on behalf of the bureaucracy. In cases regarding disability benefits, supervisors do the work of *closing loopholes* in clients' cases to improve the client's chances for being granted benefits, before a caseworker further processes the case. Both knowledge about the bureaucratic system with its laws and rules and knowledge about the client's situation is vital to do this work well. Digitalization or automation of case management processes and the increased use of self-service solutions may make this work more difficult. Thus, it may hinder the individual assessment that clients have a right to. This paper contributes to a growing interest in public services in Computer-Supported Cooperative Work (CSCW) by giving a detailed account of the work that street-level bureaucrats do to represent citizens' cases digitally.

Keywords—*Categorization; Representations; Street-level Bureaucracy; Work; Digitalization.*

I. INTRODUCTION

In public welfare organizations, a central part of the work is to categorize citizens so that they can receive the further treatment and financial benefits they are entitled to. This work is done by street-level bureaucrats — the employees who, through encounters with citizens, "render services, provide support, or make judgments about how citizens fit the laws and practices" of the organization they represent [1] (p. 237). A key characteristic of street-level bureaucrats is the opportunity to use discretion in their work, as they are unable to work "according to the highest standards of decision making" [1] due to lack of time, information or other resources. Their work is complicated by nature and can rarely be reduced to "programmable formats"— as they meet with and make decisions for real people with individual issues and concerns.

In CSCW and related fields, the use of digital systems in public service organizations has gained increased attention, both when it comes to the street-level bureaucrats' work [2] and with the notion of *participatory citizenship* and cooperation between employees and clients [3]–[6]. A common anticipation when introducing digital case management systems or automating work is that professionals will spend less time on routine tasks and thus have more time to do work

that the systems can not do, typically referred to as more *meaningful*. However, this is not necessarily the case, as digital or automated systems may leave residual tasks, or introduce new tasks that add on the employees' or users' workload [7]–[9]. For street-level bureaucrats, the expected outcome may be that they can spend their time and resources on complex cases that require human intervention or work that is more social. Still, research shows that not only may digital systems add new tasks — street-level bureaucrats may end up doing a very different job. Classification systems meant to systematize front-line workers in employment services have been shown to lead to their work becoming more administrative than social, and the use of classification systems may "benefit the system rather than the client" [10] (p. 400). The work of front-line professionals may also change as a consequence of introducing new digital self-service solutions for citizens because administrative tasks are moved from the bureaucracy to the citizens themselves, and thus the bureaucrat's role is no longer tied to specialized fields of knowledge, but rather to a support role for the citizen to *become digital* [11].

In this paper, we examine a particular part of the work that the supervisors in the agency do: the work of *closing loopholes* in preparatory casework to make sure the client will fit into the category that the front-line worker consider is the correct one when the case is processed further. Though the metaphor is not precisely used as it is in the ordinary language, it represents an association with suspicion and deception that the supervisors ascribe the bureaucratic system. The paper is structured as follows. Section 2 presents the background for the study, both the research project and the scientific background. Section 3 describes the theoretical grounding in street-level bureaucracy and categorization, while Section 4 describes the methods used. Section 5 presents the findings, before they are discussed in Section 6.

II. BACKGROUND

The study is part of an ongoing research project on how citizens' cases are represented and processed in the bureaucratic system, both by people in the local office, people in central units, and computer systems. The aim of the project is to explore how clients of welfare services is and can be represented digitally to ensure that they receive the good they are entitled to. In the Norwegian Labour and Welfare Administration (NAV), citizens must belong to a category to get the

treatment they need. These categories include "unemployed" to get help seeking jobs, "sick" to get sickness benefits, or as in the cases described later, "permanently disabled" to receive permanent disability benefits. The categorization of people in public organizations is not a new phenomenon [1][12][13], but the modern-day public organizations have developed, both in terms of internal organization, increased managerial control, and with the use of Information and Communication Technologies (ICTs). Where street-level bureaucrats traditionally could make many decisions concerning their clients using discretion, their work has been distributed between several employees in NAV.

In questions regarding financial welfare benefits, the work of categorization is distributed between the client's supervisor and a central unit caseworker. The supervisor is an employee working in a local agency office who interacts with the client and does the preparatory categorization work, while the central unit caseworker processes the case and make the decision on whether the client fits with the supervisor's selected category and is thus entitled to welfare benefits. They can only assess the case with the documentation available in computer systems, and the local supervisor's written assessment of the client's case. As the supervisors know the clients after having been involved in their case over time, they work to make sure the clients' cases meet the bureaucratic system in the best way possible. Therefore, they do work to present the case to an unknown person representing the bureaucratic system — the caseworker — in a way that they find beneficial to the client. For the processing of cases, then, digital information from various actors such as doctors, course organizers and specialists surrounding the clients is becoming increasingly important in the further processing of the cases, along with the supervisor's knowledge of the bureaucratic system.

Within CSCW, categorization and representation of people has not been explored much. However, both social workers' work practice and the notion of participatory citizenship has been described, as well as employee's "intermediary" role in public encounters between citizen and state [2]–[5][14]. Through an ethnographic study, Bolous-Rødje investigated the work practice of welfare workers in municipal jobcentres in Denmark, with an emphasis on how they use computational artefacts to assess citizens and identify *perfect pathways*. She describes a work environment very similar to that of NAV, where work is "carried out in a highly politically driven organization, with constantly changing institutional demands" [2] (p. 843). Ehrlich and Cash [14] discussed how technological developments would decrease the need for people acting as intermediaries between users and companies, as the information that people need will be available through the Internet. Their point is, however, that people who have an intermediary role, such as tech support or librarians, have a different expertise and competence with customization, formulation and source validation that regular people do not have. They are trained to uncover the user's "real" problems, find relevant information and customize that information to the user's problem [14]. Borchorst et al. [4] transfer the concept of intermediaries into public service provision, and describes how front-line professionals serve as intermediaries between citizens and the services they encounter face-to-face when they need to "construct identities" in order to fit within the bureaucratic system to get the service they need. Thus, when introducing

digital self-service, the role that intermediaries have in today's public encounters will change. The authors state that finding ways of designing interfaces that conform better with the citizens' situations is a major design challenge, but that human contact should not be replaced. Instead, they argue that finding ways to re-configure processes and thus empowering citizens is key [4].

III. METHODS

This case study deals with the phenomenon of representations of people in computer systems, where NAV is used as an instrumental case to illustrate this [15]. An important aspect is how the representations can enable automated case processing in the future, as well as what cannot be automated. The five participants in the study are all front-line employees at a local NAV office, who interacts with citizens and thus represents the bureaucracy at the street level. We have interviewed all participants, and each interview was recorded and transcribed. Furthermore, we have used ethnographic methods for data collection through a combination of observation and interviews. The observation has been participatory as we have asked questions and discussed work and cases with the participants along the way. During the fieldwork, we have also spoken to other employees and attended internal meetings where they discussed client's cases and their work. All the people involved have been aware that we are researchers, and consent has been given orally in these cases. Observations have not been recorded, and the data from the observations are based on field notes. The reason for this is that the participants work in open offices where other than the participants are also located. All participants who have been recorded have signed a consent form, but not the clients mentioned. Therefore, it is important to emphasize that none of the cases mentioned here are precisely described as they are in reality, but they are based on real cases. Elements such as age, occupation, and diagnoses have been blurred or changed, and all the names mentioned are pseudonyms. The data in the study was collected from August 2019 to January 2020. The project is reported to the Norwegian Center for Research Data and follows its requirements for safe storage.

IV. THEORETICAL GROUNDING

Citizens come to street-level bureaucracies as unique individuals with different personalities, experiences, and circumstances [1]. For them to receive treatment or help from the bureaucracy, the complex citizen must transform into a client, which is more manageable for the bureaucratic system. People are therefore placed in one of a small number of categories defined by the bureaucracy itself as if all people somehow fit a standardized definition with a set of characteristics and an associated slot in the system. These client characteristics often do not exist outside the process that gives rise to them; the social process it is to make a human being into a client [1]. Prottas [12] (p. 289) views clients as both consumers of the bureaucracy's output or services and as the *raw material* that the bureaucracy processes. In typical public service bureaucracies, it is not the goods that are distributed between clients, but clients that are distributed between the goods, and therefore the work of categorizing and processing people is very central. Becoming a client belonging to a category with an associated process is thus a prerequisite for being able to receive the

goods you are entitled to. Clients are therefore viewed as the organization's raw material: as something that must be transformed or processed in order to become consumers of the goods [12]. In some cases, categorization of people is a simple routine task and is done without particular human involvement on the part of the bureaucracy. Other times, it is complex, requiring someone to receive, evaluate, interpret, and act upon information from and about citizens [12]. In this process, highlighting or ignoring specific attributes of the citizen to determine which category they belong to is central. It is not all attributes that are important in all further processes. For example, NAV distinguishes between medical factors and social factors that may prevent a citizen from working. Social factors include challenges related to things such as not speaking the language, unhappiness at work, and sickness in the family. In cases of citizens receiving sickness benefits, for example, only the medical factors should be taken into account when processing the case.

The work of the street-level bureaucrats thus lies in transforming the human being into a client with certain characteristics or attributes that are crucial to the further process. The work and decisions of the street-level bureaucracy are naturally bound to and directed by the client's "real" characteristics and the bureaucracy's own rules, but "a considerable margin of discretion remains," according to Prottas [12] (p. 291). Categorization in institutions and bureaucracies differs from other categorization because one wants both to reduce complexity by categorizing and then use the category to determine possible actions and further processes [10]. Categorizing involves both a label and a process: The client's label defines what treatment it can get, and this label simultaneously binds the bureaucracy itself to a process of tasks, and therefore categorization has not only implications for the client itself but also the bureaucracy [12]. According to Lipsky [1], it is not certain that the citizens themselves agree with the categorization done by the street-level bureaucrat since their perception of reality is often different. The citizen sees himself as a human being with individual needs, challenges, and expectations of treatment that fit their understanding of their unique situation, as they are encouraged by society. The street-level bureaucrats who decide on the categorization, on the other hand, want to reduce human complexity to determine which categories of action suits their problems [1]. Categorizing is, therefore, a powerful tool that can be of great importance to the citizens of the welfare state; it is not only retrospective but also prospective.

V. FINDINGS

In this section, we present the findings by using illustrative examples from the data. We describe here the work of closing loopholes by supervisors in the local NAV office, and how this work is done as an attempt to make sure the outcome in the case will be what the supervisors believe is correct.

A. Closing loopholes around unclear diagnoses

A supervisor in the sickness benefits department, Jon, has taken on the task of writing a work-ability assessment document for one of his colleagues who works in the work assessment allowance department. Jon's colleague finds this assessment particularly difficult to write as it is not a straightforward case easily categorized in the slot they are aiming for. Though the client is currently receiving work assessment

allowance (a different financial welfare benefit) and thus is not Jon's client or in his department, he can still write the assessment. His colleague has asked him this favor as she believes he does a good job formulating the document in a way that favors the client. Jon is an experienced employee, having worked in the agency for nearly 20 years in various departments with different positions. The case at hand belongs to a middle-aged woman working in a job that is quite physically demanding, but that she likes and masters. Both her physical and mental health, however, are poor. She has a long history of thorough medical examinations, but except for a mental diagnosis, it is not clear what is the reason for her physical challenges. She has been on sick leave for years, though working part-time for a while. Thus, she has first been a client receiving sickness benefits, then work assessment allowance, and now hopefully moving on to receive disability benefits, as she is considered to have a permanent impaired ability to work by her supervisor and doctor. They believe she can work part-time 40 percent, which means she can be considered to be 60 percent disabled. The client's supervisor is clear about this: though she finds the case difficult, it is still apparent to her that the client should be granted a disability benefit. She has known the client for years, following her journey through sickness, employment measures, and disagreements with her employer. However, as the work-ability assessment can only be based on the available documentation, the state office may disagree. To be granted a disability benefit, everything must have been tried and tested out to examine any options for full-time working.

Jon explains that writing a good assessment document takes time, and he often starts by writing a draft containing the most important information, before going back several times to tweak formulations and change the wording. His task in this case, according to himself, is to write pro disability benefits by "closing the loopholes" that may cause the state caseworker to refuse the client's application for disability benefits. Jon's loyalty thus lies with the client and his colleague. He trusts that his colleague has assessed this case the right way. To write the assessment document, Jon starts by finding the relevant documentation in the client's case. In the archiving system, he finds the doctor's assessment and the final report from the employment measure organizer. In the system that facilitates dialogue between the client and her supervisor, he finds a summary of the latest meeting between the client and supervisor. He uses this documentation as a basis for what he intends to write in the assessment document but emphasizes what the client's supervisor tells him about the case as well. She has been in and out of his office during the time he has been working on the case, discussing the case and answering any of Jon's questions.

B. Closing loopholes by adding or reformulating information

In a different department, Mia, a supervisor working with young adults receiving work assessment allowance, tells a story about another disability benefits case. One of her clients is a young woman who has had cancer. She has been through treatment and is considered to be recovered from cancer, but she is suffering from fatigue and is struggling to get back to work because of this. The client has been in an employment measure after recovering but had to quit due to exhaustion. Mia finds it evident that this client has the right to be granted a disability benefit so that she can focus on getting well without

worrying about her finances. She says the client will most likely be able to work in the future, but that, as of this moment, she is unable due to medical reasons. As all other financial benefits are temporary, Mia argues that disability benefits will enable the client to focus on getting well instead of worrying about her finances. The client applied for disability benefits months back after Mia had written a work-ability assessment she believed to be bulletproof. Both Mia and the client's doctor agreed that she was so ill that she was currently unable to work. The state caseworkers, however, disagreed. They justified the rejection by arguing that the client had not tried out everything, and their advisory consultant doctor did not consider the client to be so sick that she could not do anything work-related. Mia found this assessment weak, and thus began her quest to convince the state caseworkers she was right. As the work-ability assessment can only be a little less than 5000 characters, she forwarded additional documentation that she did not have room for in the original document, like the epicrisis from the hospital where the client was receiving treatment. The processing time in the disability benefits cases is normally about five months, but Mia spent another three to four months to argue in her client's favor. In the end, the state caseworkers granted the client disability benefits.

Another supervisor describes a similar case. The supervisor, Anne, wants to discuss one of her client's further possibilities with the others in her team so that she can ensure that the client gets the best possible further case progress. Anne's client has been documented by doctors to be very ill, but the central unit caseworkers rejected his application for disability benefits. Anne believes the caseworkers have misjudged the case, as they justified the refusal by explaining that the client had to see if the treatment he received could work positively and possibly lead to him being healthy enough to work in the future. After the rejection, Anne spoke with the client's doctor, who stated that the treatment the client was receiving was only a way to keep the disease at bay and relieve the client's pain, and as such, the doctor said that nothing would change for the client's health in the future. The colleagues agree with Anne's assessment and believe that if the caseworkers are informed of the correct description of the treatment the user receives, they will grant him disability benefits. Anne and her colleagues want to make the further case process as quick as possible for the client. Therefore, they agree that Anne should ask the client not to use his right of appeal to complain about the previous rejection, as it will stop the temporary financial benefit the client is receiving today. Instead, the client should submit a new disability benefits application after Anne's colleague has written a new work ability assessment. This way, the client can retain the temporary benefit he receives today until he is granted the disability benefit. In other words, the supervisors have come up with a plan for how they will close the loopholes in the case by specifying that the treatment the client receives will not change anything regarding his illness. Also, they have put together a strategy for how the holes in the previous work ability assessment should not affect the client's finances until they have set the record straight.

VI. DISCUSSION

The clients in the agency are categorized into the bureaucratic system by a set of characteristics. In the case of disability benefits, the client must be between 18 and 67 years of age,

they must have been a member of the National Insure scheme for three years prior to their sickness, the sickness or disability must be the main reason their earning capacity is reduced, appropriate treatment or employment measures must have been tried, and their earning capacity must be permanently reduced by at least 50 percent due to sickness or disability. The two former requirements can quite easily be ticked off in a scheme. The last three requirements, however, demands an assessment by someone. To be granted disability benefits today is described to be very difficult by the supervisors in the NAV office. From a political point of view, the line of work is strong, and all Norwegian citizens should work as much as they can. For citizens who are sick or disabled to such an extent that they cannot work full time, their work ability must be clarified to examine how much they are capable of working. Disability benefits are intended to replace the income of people who have a permanent disability due to illness or injury. Since disability benefits cost society a great deal, it is important for the agency that the work ability of clients who may be entitled to disability benefits is thoroughly assessed and that all possibilities for working are explored. This means that the clients must have been through various employment measures, which can be e.g., education or courses, and that they have tried the treatment their doctor recommends based on the illness or injury they are living with. If everything has been tried and the work ability is still considered to be permanently reduced, the client can be considered to be entitled to disability benefits. The number of measures or treatments a client must take is individual and is often evaluated by NAV based on medical certificates and documentation from medical treatment. The medical certificates or documentation typically include a diagnosis — which is a code that consists of one letter and two numbers. Some diagnoses are classified as a sickness diagnosis (a clear diagnosis where the doctor has identified disease or injury). In contrast, others are so-called symptom diagnoses — unclear diagnoses explaining the patient's symptoms rather than the sickness itself. Clients who have a chronic illness that is known to prevent them from having a permanent job, e.g., dementia, may not need to go through many measures to be considered for disability benefits. Others, who may have unclear diagnoses, often need to go through more. It is these measures and treatments that help close loopholes in a case initially.

The work of assembling the key information needed in a work ability assessment starts long before the actual document is opened. First of all, the client, supervisor, and doctor need to have a common understanding of the client's case: they have to agree that what is best for the client is to apply for a disability benefit. Thus, the client must already have tried any and all other options for work there is, and treatment for whatever disease or disability they suffer from. Further, the client must partake in a clarification measure to get an outsider's perspective on the work ability. When all the actors involved agree that a disability benefit is the best solution for the client, the client and supervisor must have a meeting discussing the matter together. This meeting is the client's opportunity to influence the outcome by explaining how the disease or disability affects his or her life, emphasizing why he or she cannot work the usual 100 percent. Next, to ensure that the advisors in the office assess cases somewhat in a similar matter, the case might be brought up for discussion in a joint

meeting with other advisors and managers. These meetings typically occur every week and is a chance for the advisors to get others' views on the case and to ensure that similar cases are handled in a somewhat similar manner.

After there is a consensus between the involved actors that the work ability is assessed as permanently reduced, the supervisor must write a work ability assessment before the client can send in the digital application for disability benefits. In the work ability assessment, the supervisor must present the case in such a way that the caseworker understands that everything the local agency office considers appropriate has been tried, even though the client may not have tried all possible measures. The supervisor's job here is to speak the client's case, and close any loophole that may cause the caseworker to reject the client's application. The *loophole issue* seems to stem from a basic belief in the bureaucratic system and society in general that some people do not want to work, and thus, it is important to screen out those who would try to *trick the system*. From the supervisors' point of view, caseworkers look for potential loopholes in the work ability assessments that may cause them to reject the client's application. All the caseworkers who write work ability assessments regularly have a similar approach to writing them, as they follow the same recipe. They have a template document on their computer that they use as a basis, and fill in the information they consider relevant from other electronic documents. This is typically medical certificates, summaries from conversations between the supervisor and the client, and reports from labor marked initiatives in which the client has partaken. To do this job, they find the user's case files in the archiving system and the case management system that facilitates dialogue between supervisor and client by using the client's social security in the search field. The information in the systems is usually sorted by date so that the most recent information is immediately visible. However, to find the relevant documentation, they often need to browse through several documents. Every loophole must be closed, or else specifically mentioned why it has not been tried. The documentation that makes up the basis for the supervisor's assessment of the case is made mainly by doctors or other medical personnel, as well as people working in the private companies that organize employment and clarification measures that the client has partaken in.

The supervisors describe the work of closing loopholes both as overseeing that the client has been through any necessary measures for exploring options for working and as the work of assembling and presenting the key information in the case in a 5000-character document: the work ability assessment. In this document, the facts in the case are presented with the supervisor's subsequent assessment of the clients opportunities for a working life or lack thereof. When the case is sent for processing in the central unit, the caseworker uses this document as a basis for his or her assessment of the case, together with the user's digital application and other available documentation that the work ability assessment is based on. A loophole in the work ability assessment is described as, for instance, missing information about the illness, labour market measures, or a lacking assessment that may cause the central unit caseworker to reject the application for disability benefits. Thus, the supervisors do some parts of their work to ensure that their clients' cases are assessed in what they consider is the right way further in the bureaucratic system. This is done

to make up for the fact that other caseworkers and computer systems do not know the client as they do, and do not have the same knowledge about the client. They speak their clients' case when it meets the bureaucratic system.

In Jon's case, two aspects of the case may be considered as loopholes: the fact that the client does not have a clear sickness diagnosis, and the fact that he finds the clarification measure report a bit lacking. Thus, his job of closing loopholes concerns writing about these aspects in such a way that the central unit caseworker may not see them as loopholes. Therefore, he puts a strong emphasis on all the examinations that the client has partaken in with the aim of getting a final diagnosis and figuring out what treatment may be fitting. Also, he avoids mentioning what he finds lacking in the clarification measure report but puts emphasis on the organizer's assessment. The two latter cases illustrate the importance of solid supervisor work. Both of the client's applications were rejected by the central unit caseworkers because they believed some aspects in the cases were not appropriately explored, and that the client's health might change in the near future. However, the supervisors were sure that additional existing information would change the outcome. In the former case, the supervisor was right. As the whole team agreed on the latter case, the client's application will likely be approved after the supervisor reformulates the wording about the medical treatment. Thus, more information and a richer description of the clients' cases were needed to close loopholes.

The supervisors in the local agency offices work with *people* and their cases, whereas the caseworkers in the central unit only ever work with the *cases* that belong to the people. When a case is sent for further processing, important aspects about the clients disappear, as only the information that is crucial to the outcome in the *case* is sent. The supervisors can, in face-to-face encounters with the clients, see things such as how they function in social settings and whether their disease is hurting. Such things can only be described to the caseworkers, but they cannot see it for themselves. Therefore, the supervisors do their best to make sure the caseworker assesses the case in what they consider to be the right way. If they believe a client is entitled to disability benefits, they work to close any potential loophole. We see this as an attempt to ensure that the individual client is represented as just that: a unique individual, not like a person who automatically fits into a standardized category [1]. However, the digital systems in use today do not support this work: the information in the clients' cases is distributed between three systems; the archiving system, the case management system, and the system that facilitates dialog between client and the agency. To make case processing more efficient, only the most relevant information in the case should be included in the work ability assessment. As some clients may have had a case in the NAV system for many years, the supervisors emphasize how difficult it is to decide what information is crucial.

The work of closing loopholes has arisen as a result of redistributing the work of the traditional street-level bureaucrat among several different people. As the decision-making authority concerning financial welfare benefits has been moved out of the local office, front-line employees cannot make these decisions for their clients any longer. The supervisor who meets the client does the work of closing loopholes to represent the client as best as possible when facing the bureaucratic

system. The caseworker in the central unit represents the bureaucratic system with its laws and rules. They act to a greater extent based on pressure from management, and political and socio-economic goals, to reduce the number of citizens receiving disability benefits. By granting disability benefits, they also bind the bureaucracy to a further, expensive process [10][12]. From a political point of view, therefore, as few as possible should be placed in the "disabled" category. The supervisors, who know the clients, have a vast knowledge of the bureaucratic system; they also often know which aspects of a case should be highlighted in further processing. Thus, they speak the client's case by closing loopholes. The work of assembling the key information and closing loopholes can be quite a time-consuming activity for the supervisors. They may not know what information might make a difference when the case is further processed, and because the supervisor needs to search for the information in three different case management systems. Wording and formulations may also be of importance, as was illustrated in Anne's case.

Furthermore, since public welfare services are working on getting as many users as possible into using self-services, the client does some parts of the bureaucracy's prior work himself [8]. Will the clients eventually have to do the work of closing loopholes? As most citizens may not have a deep understanding of the bureaucratic system, they will have challenges with representing their case, free of loopholes, to the caseworkers who are making the decision. The categorization work described in this paper is complex and difficult, even for experienced supervisors. As the caseworkers always look for potential loopholes, the client should have an understanding of what these might be if he or she is to assemble the case.

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