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Alice Forbess

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## Redistribution Dilemmas and Ethical Commitments: Advisers in Austerity Britain's Local Welfare State

Alice Forbess

LSE, UK

### ABSTRACT

Situated in Cameron's 'austerity Britain', this article explores contestations surrounding financial responsibility and fair redistribution in a local authority office and an NHS psychiatric hospital. Bureaucratic action is informed by simultaneously ethical and economic calculations, but to enact public good values, bureaucrats must circumvent material contingencies beyond their control. There is an ethical, even utopian, pressure upon street bureaucrats in local offices of the welfare state to deliver a fair outcome in the interests of all. At the same time, this is rendered increasingly difficult by austerity regimes which erode resources. This article examines how legal-style advice is used to handle such tensions. Advice is an interface that can convert economic value into moral legitimacy and vice versa. This ethnography explores advisers' 'ethical fixes', which aim to enable the system to operate more fairly, and the new forms of inequality which, paradoxically, emerge from actions motivated by ideals of universal equality.

**KEYWORDS** Advice; austerity; bureaucracy; ethics; value

As welfare states increasingly shed their care obligations, and commitment to reversing structural inequalities falters (Narotzky & Besnier 2014), the values and principles that shape popular understandings of the public good are undergoing radical changes, now visible in global form (Bear & Mathur 2015: 1). One of the public good values that has become increasingly influential worldwide as a result of this trend is fiscal accountability (Ong & Collier 2005). In the United Kingdom, the austerity regime introduced by the Cameron administrations, with the stated purpose of eliminating the national deficit by 2020, used this value as a justification for accelerating the rhythm of cuts to state funding for public services. In particular, it sought to reduce the social security bill by redefining key welfare benefits and radically cutting state funding for auxiliary services, such as legal style advice, on which vulnerable people have come to rely heavily to gain access to rights and entitlements.

**CONTACT** Alice Forbess  a.i.forbess@gmail.com

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Prior to these cuts, the growth of a flourishing ‘cottage industry’ of advice services increasingly essential to the functioning of the welfare state (James & Killick 2012; Forbess & James 2014) had been fuelled by structural and historic conditions peculiar to the UK (of which more below). The removal, in 2013, of most state funding was expected to deal a death blow to such services. Face to face forms of advice were expected to prove particularly vulnerable in an insecure funding environment. Yet, whilst researching front line advice in 2014–2015, I was intrigued to discover that, at least in some localities, face to face advice was proliferating. For example, in Portsmouth, the local council had funded an NGO to provide unlimited free face to face advice to all local citizens (the legal aid funded service it replaced was available only to people on very low incomes). Simultaneously, offices of the local and central state were developing novel forms of advice which assisted in the extraction of resources from other parts of the state bureaucracy (Forbess & James 2017). If austerity’s accelerated rhythm of cuts prompted state bureaucrats to assume increasingly extractive roles,<sup>1</sup> some were turning to advisers to assist in diversifying the sources of revenue that could be captured, and speeding up the rhythms of extraction.

Looking at advice as a technology of the imagination (Sneath *et al.* 2009) that can convert economic value into moral legitimacy and vice versa, I argue that its ethical and extractive potentialities are evolving in particular ways at the current historical moment. By performing the labour of relatedness central to their work, advisers strategically bring into play different value registers to achieve objectives that are simultaneously ethical and pragmatic. In the two settings explored here, a local council office and an NHS hospital, advisers are developing the potentialities of advice not just as an activity fuelled by an ethic of care (Kirwan 2016; Forbess & James 2017), but also as an extractive technology capable of generating economic forms of value clients, advice charities and their public and private partners.

For instance, the ethical value of fiscal accountability, used by the government to justify the cutting of essential public services, is invoked by advisers and street bureaucrats as a moral justification for new social investments. This value became influential globally through its association with an economic model which foregrounds market ethics, represented as simple, straightforward, universal and technocratically neutral (Bear & Mathur 2015). But in everyday encounters with one another, state officials, advisers and citizens strategically use it to support a bewildering diversity of ethical/economic visions.<sup>2</sup> Once it enters the social life of institutions, fiscal accountability proves to be not so much a clear-cut blueprint that might guide a standardisation of bureaucratic thinking and action along the technocratically neutral lines of market ethics, as a ground of debate about the relationship between moral and material forms of value.

In a recent article, Palomera and Vetta (2016) argue that, in discussions of moral economy, there is a growing tendency to ignore structural conditions such as class and capital. This has led to an excessive emphasis on the ‘moral’, with insufficient attention being paid to the complex links between ethical concerns and persistent structural inequalities (see also Fassin 2009; Thompson 1991). They argue that moral economies

should be understood in terms of diverse linkages between persistent inequalities and popular understandings of justice, rights, entitlements and so forth. These are always plural, 'fields constituted by dynamic combinations of norms meanings and practices' (Palomera & Vetta 2016: 414). Alexander *et al.* (2018) agree with this critique but argue that it is also necessary to pay more attention to the roles of state and quasi-state actors in such fields. This article explores how advisers attempt to mediate between such state/quasi-state actors and citizens, enacting ideas of justice, rights and entitlements in their attempts to address and redress structural inequalities within an increasingly unequal austerity setting. Whilst, in public debates about austerity, state bureaucrats are often portrayed as adversarial gatekeepers, this ethnography highlights the ambiguities of their positions. Like Pia (2017) in his discussion of Chinese Water Service officials, I take seriously the redistributive intentions embodied in bureaucratic plans of action (Abram & Weszkalnys 2016), and explore the novel configurations that arise from complex economic and moral contingencies as officials, adviser-mediators and citizens strive to bring about the realisation of different visions of social contract and public good (Bear & Mathur 2015).

This ethnography of advice encounters is located at the boundaries between institutions, where the clashes and reconciliations of different utopian projects and ideas about the social contract (see e.g. Bear & Mathur 2015) become visible. This article is divided into two sections, each centring on an ethnographic analysis of how advisers and officials use the value of fiscal responsibility in their attempts to reconcile ethical intentions and structural tensions. In the first example, situated in a local state office dedicated to the administration of council tenancies, the technology of advice is being used to extract resources not just (as previously) from tenants, but also, increasingly, from other state bureaucracies on behalf of the tenants. Advice receiving tenants are turned into conduits through which the local authority can access resources from other parts of the welfare benefits system (Forbess & James 2017). This strategy shifts the focus of extraction away from the tenants and onto the central state. This ethnographic example highlights the way in which advisers used market-oriented ethics, including ideas like fiscal accountability and technocratic neutrality, to actualise humanist-style ethical commitments.

In the second vignette, an adviser embedded in a local National Health Service (NHS) hospital juggles the languages of fiscal accountability, technocratic professionalism and legal ethics to bring to life her ethical commitment to universal access to justice, and to help redistribute streams of funding and revenue to the benefit of her clients. In her everyday interactions with patients, hospital staff and local council officials, she performs piecemeal fixes (Bear 2014) that sometimes augment and at other times complicate relations between different institutions. Her commitment to legal-style universalism (as she put it, 'access to the law should be equally available to all') clashes with attempts, within the hospital and local authority, to enforce principles of selectivity justified by the need for fiscal accountability. However, she also uses fiscal accountability in her own arguments, pointing to the higher long term costs, for both institutions, of refusing to help homeless psychiatric patients.

## Why Advice?

Advice is a proliferating domain of activity to which relatively little anthropological attention has been paid so far. This special issue argues that this phenomenon offers interesting insight into the contemporary transformations of welfare states. This is especially true in Britain, where a large advice sector has been helped to flourish by welfare state funding from the civil legal aid budget. One of the factors that account for this growth is Britain's complex, continually evolving common law system, which is built around a premise of adversarialism.<sup>3</sup> Traditionally, access to justice was contingent on obtaining professional legal advice and/or representation.<sup>4</sup> The architects of the welfare state acknowledged this, making legal aid initially available to the majority of the population (Biggs 2011). Whilst legal advice was initially delivered through private practices and mostly focused on family law, in the 1970s law centres (legal charities) staffed with solicitors specialising in social welfare law<sup>5</sup> were established. From the 1980s onwards, the Thatcher and Major governments opened the bidding for legal advice contracts to all NGOs, fuelling the growth of a diverse sector of advice-giving charities (Moorhead 1998, 2001; Sommerlad 2008; James & Killick 2012; Jones & Lowe 2002). Following an unsuccessful New Labour attempt to systematise this field, Cameron's Coalition government drastically cut legal aid funding for such services by removing several areas of social welfare law from the scope of civil legal aid (Forbess & James 2014).

I started researching legal advice services in 2011, just as the bill proposing radical cuts to legal aid was passing through the House of Lords, and charities were campaigning against it whilst preparing to cope with an uncertain future. Three years later I returned to observe the effects of the cuts in the context of a larger study which explored advice in a variety of institutional settings in London and Portsmouth – an NHS hospital, a local council office, and a range of different NGOs including CABs, law centres, a help at court scheme attached to a tribunal, and a charity providing a more holistic range of services. The main research method was participant observation, documenting around 200 meetings between advisers and clients. It was supplemented by semi-structured interviews with a range of key actors in the advice field, analyses of case notes and other legal documents, following selected cases, and a survey of judges' decisions at the First Tier Tribunal – Asylum Support.

Many of the advisers I shadowed were paralegals trained by the CAB's comprehensive system, a key entry point to the profession. Others held professional qualifications in specific areas of social welfare law (debt, housing, welfare benefits, immigration, etc.), or were studying towards law degrees. In institutions with legal aid contracts, these paralegals worked under the direct supervision of solicitors (a condition of the legal aid contract), some of whom also participated in this study.<sup>6</sup>

Whilst legal studies scholars have examined the phenomenon of advice from the point of view of access to justice (Bingham 2010: 37–47; Genn 1999; Moorhead 1998; 2001; Buck *et al.* 2008; Kirwan *et al.* 2016), this ethnographic approach highlights how advice interacts with the workings of the 'everyday state'. Although the state is often spoken of in the singular, and citizens tend to perceive it as monolithic and

indivisible (Abrams 1988; Koch 2016), different branches of the ‘everyday state’ engage with citizens in divergent and inconsistent ways (Fuller & Harriss 2001). In England and Wales, social security is administered by several bureaucratic institutions via a plurality of offices, some belonging to the central and others to the local state. The main social security agency is the Department of Works and Pensions (DWP), which administers a wide range of benefits. Local authorities provide housing and council tax subsidies which are often correlated with DWP awards. In addition to these, tax subsidies and Child Benefit are administered by Her Majesty’s Revenue and Customs (HMRC), whilst the Home Office offers support for asylum applicants. There is no centralised database of applicants across these agencies (attempts to create one have so far faltered owing to IT and other logistic difficulties). Different offices are expected to cooperate in the provision of welfare, but they also compete over resources, and this competition is exacerbated by austerity. Benefit claimants wishing to actualise their rights must engage with each bureaucracy separately, mindful of their different sets of rules, procedures, timelines, demands, eligibility requirements, and sanctions. Since benefits administered by different offices are often contingent upon one another, problems arising in one area often have unanticipated effects on others. At the local level, as brokers, advice-givers attempt to find ways of traversing these gaps. They force bureaucrats to communicate with each other, and may confront inadequate decisions by taking more confrontational steps ending in litigation.

### **Advice in the Local State**

Austerity has exacerbated competition over resources among different sections of the state bureaucracy. As a result, various offices involved in the administration of welfare seek to accelerate the collection of debts owed and, if possible, offload fiscal responsibility for the vulnerable upon other arms of the state bureaucracy, third sector organisations or the individuals concerned. In some cases, the methods used to do this are surprising and novel. For example, in Portsmouth, the local authority’s Housing Office, which administers council tenancies, has developed new forms of extraction using the technology of advice. Fearing that the austerity cuts would cause a rise in the number of tenants defaulting on their rent obligations, and preparing for steep cuts to central government grant funding for local authorities, this office had radically restructured its operations. But, unexpectedly, it did this not by cutting the face to face advice offered to tenants, but rather by expanding it.

Located near a vast estate of terraced 1950s houses in one of Portsmouth’s satellite towns, the Housing Office acts as social landlord<sup>7</sup> to some 15,000 properties, the remnants of a large council housing stock built after the war (now mostly sold off to privately managed housing associations). Seated side by side at long tables in the open plan office are the manager, Charlie Hill, various administrative staff, a few accredited debt advisers and several housing officers. Until the late 2000s, these housing officers played the purely extractive role of pressuring defaulting tenants to pay their rent arrears or attend financial counselling back at the office (as one money adviser observed, they ‘used advice as “a beating stick” to get people to pay up’). Now, they had been re-

trained as welfare benefit advisers who visited struggling tenants' homes to help them maximise their income. The advice on offer was more comprehensive than previously, focusing not only on re-establishing the flow of rental monies, but also on capturing additional resources from other benefits-administering bureaucracies, thus increasing revenues for both tenants and the Housing Office. Unusual at a time defined by austerity cuts, this expansion of face to face advice was part of a reorganisation of office operations inspired by a managerial approach called 'systems thinking' (also known as the Vanguard Method), which had been originally developed in the Japanese car industry (Deming 1993) and later adapted for public service bureaucracies (Seddon 2008).

Most tenants' rents are heavily subsidised through Housing Benefit (HB), a fund administered by another local authority office, but this subsidy is contingent on receiving benefits from the Department of Work and Pensions (DWP), a separate, central state agency. Whilst eligibility for Housing Benefit comes automatically with DWP benefits such as Jobseeker's Allowance, retaining these benefits is contingent upon meeting DWP-set conditions (such as job-seeking commitments). If, for instance, a Jobseeker's Allowance (JSA) recipient fails to attend a job interview, this triggers the suspension of the JSA and Housing Benefit. Once this happens significant effort and resourcefulness is needed to restore them: one must liaise with the DWP and HB offices separately, contest sanctions, appeal decisions, obtain the right evidence, apply for retrospective payments, and so on. Meanwhile, rent arrears can quickly mount, leaving not only the tenant, but also the local authority's Housing Office, out of pocket.

Housing Office manager Charlie Hill championed the introduction of benefits advice after realising that 'many tenants struggle to meet their responsibilities because they're not getting everything they are entitled to from the DWP'. This institution, Charlie suggests, is deliberately obstructive: 'they could do away with 90% of the form filling by using face to face appointments to determine what [benefits] people are eligible for'. Instead, they focus on gatekeeping tactics: 'the benefits system is not designed to help people claim what they are entitled to, but rather to stop them claiming what they are not entitled to'. This creates demand for advisers to help translate the professional jargon of forms into laymen's terms.

Such tactics, Charlie observes, actively create debt (and loss of revenue for his office). For instance, it is common for the DWP to 'hit' tenants with 'overpayment demands' (benefits sums retrospectively deemed to have been paid in error). These are recovered from Housing Benefit, leaving a rent liability. Chronic bureaucratic error at the DWP compounds the problem: 'there is a 60–70% rate of overturning decisions in Benefits Tribunals [but] the DWP is unwilling to learn from mistakes. No learning goes back from the tribunal' to the DWP. Instead, 'what gets said is that people can achieve justice. But if the work was done right in the first place there would be no need for it. The benefits bill is reducing, but at what cost?'

In Charlie's view, the problem with this way of imagining fiscal accountability is one of scale. Instead of actually reducing costs, the DWP passes them on to local authorities and the justice system. If costs were evaluated on a wider scale, it would become apparent that they are being passed on from one section of bureaucracy or budget heading to another. According to Charlie, this short-sighted approach to fiscal accountability, common in

public services, backfires because it is concerned more with meeting targets than understanding and addressing people's actual needs. For instance, in his previous role as 'performance review officer' at the council, he discovered that although offices were 'in the top quartile of the Best Value Performance Regime, the council surgeries were full of people complaining', suggesting 'that the performance indicators were wrong'.

Bureaucracies use techniques of management as a way of materialising their own particular versions of the social contract between the state and citizens (Bear and Mathur 2015). Charlie explained his vision in managerial and strategic terms, drawing contrasts to the 'command and control' NPM model prevalent in UK public services (Taylor Gooby 2006, 2008). He pointed out that a poorly designed system could thwart the best intentions of individual officers: 'generally people come to work to do a good job [but] if it's a good person against a bad system the bad system wins. ... The introduction of targets is demoralising people in a lot of public services ... [Their] power never fails to amaze me. It's killed people in hospitals'. Yet, Charlie's technocratic utopia also included more 'humanistic' aspirations to actualise ideals of fair redistribution: 'we [in public services] are hung up on on-size-fits-all services, [and] this means that everyone at least gets a crap service. I am interested in a system where people are getting what they need'.

As Bear (2014) observes, the contemporary politics of the public sector and of debt reduction emphasise a dystopic representation of capitalist time as a danger to the realisation of value. A model of governance 'as a medium for the speedy circulation, redistribution and accumulation of value' is gaining in dominance. Charlie and his staff repeatedly observed that the earlier 'command and control' system had generated chronic stagnation and waste, whilst the current model accelerated the resolution of cases. This helped to stem the escalation of tenants' debts, but it also increased the speed of their evictions. 'With the new approach we get tough, but we follow through, issuing possession notices and setting court dates'. The threat of legal action was used as leverage to responsabilise tenants, but leniency was shown, and help offered 'if there is commitment'. In such cases, 'we ... make sure [people] are getting everything they are entitled to benefits-wise in order to maximise their income'. This was seen as a way to create trust: 'the feeling you are interested in helping', a scarce commodity in public services (Taylor Gooby 2008).

The reconfiguration of this bureaucracy's *modus operandi* can be seen as an example of the economisation of the state explicitly connected to the new public good of fiscal austerity. But it would be wrong to conclude that this was merely a cynical attempt to extract more cash from tenants, using humanistic ethical values associated with advice as window dressing. Whilst it is true that advice was being used as a technique of governmentality to speed up time and the realisation of value, it also acted as a conduit for alternative ethical commitments, allowing them to flourish inside these neo-liberal advice forms.

The utopias that inform bureaucratic life are enacted through managerial strategic plans like Charlie's but also through the everyday performance of professional roles. Through their professional performances vis-a-vis tenants, advisers subtly reshaped the utopian scenarios and value sets that informed their work. For instance, housing



officer Ellie viewed her new advice role as an opportunity to enact a humanist-style commitment ‘to help people’. This, she said, eliminated some of the negativity she experienced as a local state official. But she still felt tensions between her roles as adviser and official acting as a conduit of the local state. ‘When you ask about debts, it’s often very personal and it will take time for people to open up’ she told me. ‘As a PCC housing officer, you have to make people understand there are reasons to do this, it’s not just arbitrary action’. For instance one tenant ‘had learned to keep her head down’ and appeared not to ‘give a toss’, but after extra income was secured for her, she told Ellie: ‘I trust you’. ‘If you put people in the position where they have options, they are grateful’, Ellie observed. ‘It shows that you can get rid of the demoralising aspects of the job and build intrinsic value into the work.’

This ethical complexity and diversity of motives was further illustrated when I accompanied Sian, another housing officer/adviser on a home visit. A man in his sixties severely crippled by fused bones in his spine, this tenant was completely unaware that he had fallen into rent arrears as a result of a bureaucratic mistake at JobcentrePlus (JCP, the local arm of the DWP). Upon arrival we discovered Sian was not the only adviser to visit his home: a woman claiming to work for JobcentrePlus had also been ‘helping him’. This made Sian suspicious: ‘why has the issue not been resolved if she saw you repeatedly? Beware of giving people access to your bank account. Don’t tell anyone you keep money around the house’. After checking progress on the JCP problem, Sian helped the tenant apply for another benefit for which he had not known he was eligible. He told me he was thankful but also baffled: why had the council not merely ‘taken the rent arrears out of [his] account, to which it had access? There was plenty of money in there’. ‘No’, Sian answered, ‘that would not be fair. You are entitled to receive this [DWP] money, you shouldn’t have to pay it yourself. In taking this stance she was enacting notions of justice and fairness – and holding the state financially accountable to the tenant. Advice is a technology of the imagination (Sneath *et al.* 2009) capable of clothing extractive efforts in an aura of moral legitimacy by identifying them as part and parcel of the worthy project of helping vulnerable people. But at the same time, face to face advice encounters have the potential to generate fresh and unexpected results, allowing moral economies to influence the trajectory of resources in unexpected ways.

### **Cross-cutting Rights Regimes**

The expansion of forms of advice to new areas across the state and private sectors can be seen as an instance of the spread of ‘non-binding coercions’ associated with the increasing pervasiveness of ‘soft law’ (Zerilli 2010). The result, in this case, was the emergence of multiple, overlapping advice regimes (belonging to the PCC Housing Office, Jobcentre Plus, the NGO Advice Portsmouth, etc.) which, though perceived as different by the advisers themselves, were less easily distinguished by the people offered such services. This seemed to be a growing trend. At a meeting of local council and NGO advisers, it was announced that the Ministry of Justice was taking over the regulation of bailiff companies in an attempt to stem abuses of power. It planned to do this by splitting

the professional roles of bailiffs in two. In the first instance, the bailiff would arrive at the debtor's house to 'offer support' in the role of 'welfare officer' (debt adviser). If the offer was ignored, the bailiff would return as 'enforcement officer' to collect the debts. Housing Office advisers at the meeting wondered how this could be ethical: would it not create a confusion of roles and, by ignoring the conflict of interest, generate distrust of advisers generally? At the same time, similar concerns were being raised about their own work (as described above) by advisers in third sector organisations. 'I've always wondered', asked Moira, who worked for the local charity Advice Portsmouth, 'if they do all the financial advice, do they then also do the evictions? ... How does it impact their work with clients? Are they distrustful? Do they [think] the council officer will choose to evict them ...? If there is pressure to get people signed up, other problems often get missed'.

However, like many other advisers, Moira's complex professional biography crossed sector lines. Advice work is often represented as grounded in an independent third sector ethos and dedicated to challenging state and private sector abuses of power, but in the course of their careers, advisers often move across sector boundaries. Sian, for example, had started her career in the private sector, working for a housing association, then moved to the state sector. Moira had completed the CAB's training programme but then spent a long interlude working in the state and private sectors. This included 10 years working for the DWP in a variety of capacities, being rotated across all the different positions on offer (fraud investigator, benefits assessor, finance officer, employment adviser and so forth) providing her with a thorough understanding of the workings of this central state department. She had also worked for a local authority before returning to the third sector because of the greater flexibility and independence it offered: 'often, charities can't afford to increase salaries and give extra leave each year plus flexi-hours'. But she decried the blurring of inter-sector boundaries, seeing it as a threat to the values and independence of the third sector. After the CAB where she worked brought in private sector consultants 'to make the business side of the charity more profitable', she quit.

Owing to constant institutional churn, it is quite likely that a person employed as state official at one point may be a former NGO adviser and vice versa. Such mobility allows advisers to experience a variety of institutional settings, gaining complex understandings of different institutional cultures, values and roles. Being able to draw on such diverse value registers is useful in orchestrating their interventions but sometimes advisers' structural position at the interface of different institutions, and their expectations of independence, can make tensions hard to avoid.

When I first met her, Moira worked for a Portsmouth NGO funded by the city council to offer free legal advice to all local citizens. Two days a week, she ran a legal surgery in the local psychiatric hospital, where she gave intensive legal advice to patients. The hospital consisted of several wards run by separate teams, each with its own budget. Many patients progressed from the locked 'secure' ward, through to the acute ward, dedicated to stabilising people, and the day care ward, which offered some a further six weeks of outpatient therapy. Many patients were admitted repeatedly, often because there was not enough support available to help them make a successful transition back to normal life.

Because mental illness made it difficult to cope with the paperwork, telephone gateways, deadlines, delays and unpredictability of the benefits system, many patients were homeless and unable to access the benefits to which they were entitled.

Most of Moira's work was located in the acute ward, devoted to stabilising patients and moving them on quickly. Owing to the shortage of beds, patients were often discharged with less than a day's notice. Whilst the law had previously banned hospitals from discharging people homeless, it had been changed to relieve the chronic shortage of beds. Now, homeless patients on this ward had at best a few days and at worst a few hours to secure some form of accommodation from the council before ending up on the streets. Local authorities have a statutory legal obligation to house certain categories of vulnerable people, including mental patients, but strong medical evidence is needed to gain a place at the top of the Housing Register waiting list. The legal tests<sup>8</sup> such evidence should meet were not normally understood by patients nor, Moira discovered, by the hospital staff that provided the evidence. This meant that unless Moira was present on the day someone was being discharged, they were unlikely to obtain the evidence needed to be housed.

For their part, council officers were reluctant to accept emergency housing applications because they were a great drain on council resources, since successful applicants often had to be housed in bed and breakfast accommodation<sup>9</sup> for lengthy periods, until more permanent housing could be found. Given these pressures, a housing solicitor who advised local authorities told me that many of them went to great lengths to avoid accepting responsibility for the housing of vulnerable people. Some subcontracted the processing of housing applications to private companies, meaning that decision-makers never met applicants face to face. Others pressured staff to make same day decisions, thus eliminating the duty to provide interim accommodation. In light of these facts, Portsmouth City Council seemed unusually lenient in its handling of applications, with decision-makers (case managers) interviewing applicants face to face and taking weeks to collect and check evidence in support of applications. Even so, few applicants were successful without an adviser. As Moira observed: 'the way [some officials] speak to people is intentionally discouraging. A housing officer told my client "this [evidence] might show you are in priority need, but it probably won't, and you're likely to be found intentionally homeless"' (see also Wilde, this issue). However, if the applicant 'returns "lawyered up", they tend to accept applications and give interim accommodation because of the threat of legal review'. Moira cultivated first-name-basis relationships with many case managers, often alluding to a shared professional pride in doing one's job well. She pointed out that gatekeeping behaviour was due largely to a genuine dearth of resources: 'a few years back when the council had its own temporary accommodation facilities, it was brilliant. But that was sold off. One is aware that local authority resources have been cut again and again'.

During Moira's first week at the hospital, a suicidal young woman was discharged and sent to attend a council housing interview unrepresented. Noting that she lacked the right medical evidence (a risk assessment) and acted seriously disturbed, the council official<sup>10</sup> sent her back and re-admitted to the hospital. Moira used this case to press for a change in the hospital's discharge practices, arguing that it was not

fiscally accountable because it undermined the gains of treatment and cost more because of frequent readmissions. Whilst members of the hospital staff complained she was ‘getting involved in issues not to do with [me]’, she argued this was, nevertheless, the crux of her role ‘[I] work for the client, that’s [my] remit ... I feel obliged to intervene even if it creates awkwardness. It’s difficult, but when people are having problems because the system is falling down, you can’t just sit there and say nothing’.

It was thus that Moira found herself in the paradoxical position of using the value of fiscal accountability to push for more expenditure by the council and hospital. To ease the pressure, she did her best to speed up housing applications, informally carrying on information gathering for the council’s case managers. She telephoned them at every step to explain the meaning of diagnoses, how the symptoms affected claimants, what kind of accommodation might work, and when evidence would be forthcoming. To streamline the housing application process, she talked to the council about setting up protocols for psychiatric patients, and tried to persuade hospital staff to use a form letter including all the information needed by the council (‘the diagnosis, care plan, medications and a mini risk assessment explaining what type of accommodation would be suitable’).

In ‘normal hospitals’, Moira argued, this job was assigned to a discharge team who ‘meets with the patient three days before discharge and start the process of getting them accommodated’, but ‘unusually’ this hospital lacked such arrangements. Whilst hospital staff found it convenient to leave Moira and a colleague in charge of discharge work, she argued it was improper for her to take on this role because she did not have the clearance to obtain the necessary information, and was present at the hospital only two days a week (so people discharged on other days would miss out on this crucial service). At her insistence, a benefits adviser in the hospital’s employment was named ‘discharge coordinator’, but a few months later she told me it was still unclear ‘how official the deal is. Half the staff on ward seem to forget we are here to represent the client, not to coordinate discharges. Dan is going on holiday, [but I am not sure there is another] member of staff on hand to take over his role’.

Moira saw her role within the hospital as that of an independent actor representing the interests of clients. But at the same time, she was pressing for her own insertion into the hospital’s knowledge economy. This included access to the computer database, allowing her to obtain information needed for her letters (including clients’ diagnoses and medication), and to enter her own notes, thus notifying staff of the patient’s legal needs and chart any progress in securing him/her a source of income and place to stay upon discharge. This integration was not going well: her email access was still failing months later, and the rooms where she met patients often changed, and rarely contained a working telephone connection, computer and printer needed to prepare official letters and chase up benefits applications. Worst of all, towards the end of my research (2015), the main body of the hospital was sold off to build luxury flats, leaving Moira with a desk in a large room full of other employees.

Ideally, Moira would have liked hospital staff to take on a legal style role because, as she told a nurse: ‘you *have the client’s authority*, so you need to provide [evidence the council needs] ... As long as someone has made a homeless application, the ward and

council should be able to liaise directly'. But nurses argued this was beyond their remit and that bureaucratic burdens interfered with the performance of their care role. 'When they are also trying to do their job looking after patients, paperwork falls by the wayside'. According to Moira, 'perhaps because they deal with patients' medical needs, ward staff feel there should be another tier [dealing with] discharge'. Their reluctance to be involved, she suspected, may also been due to misunderstanding: '[some ward staff] are panicked by the high-falutin title of 'risk assessment'. They assume risk assessments should be done only for people with risky behaviour, but the council requires them for everyone who is housed'. Nurses shied away from the extra paperwork partly because they were already overloaded with bureaucratic duties: 'the prospect of filling in a long risk assessment and care form puts them off doing it'. But as Moira observed, 'they could do [the council-required risk assessment] in one letter [and thus avoid having] to fill in all the other plans and forms the NHS provides'. At the same time, if emergency housing applicants attended council interviews without the right paperwork, they were sent back to the hospital, resulting in longer stays and re-admissions. Some nurses blamed Moira for this, complaining that 'patients could not expect to 'stay in hospital to resolve their housing problems'. Moira concluded: 'the whole philosophy of the ward is short-termist. All they have to do to attend to the longer term needs is a few bits of extra paperwork'. To streamline the paperwork required, Moira and her colleague wrote a form letter including all the information required by the council, which was approved by the matron, but nursing staff seemed reluctant to adopt it.

Dan, a welfare benefits adviser already in the hospital's employ, appeared reluctant to follow Moira's lead, and sometimes seemed inclined to side with the nursing staff. In the case of Rex, a suicidal patient whose condition was exacerbated by his housing problems, Dan and the nursing staff felt it was improper to keep him in the hospital whilst he applied for council housing, arguing that 'he attempted suicide because he has real problems, not mental illness'. Moira nevertheless insisted on getting paperwork for a council housing application, a task which was Dan's responsibility, in his role of discharge coordinator:

- Moira: Who would be the best person to [write a letter confirming diagnosis]?
- Dan: I'm not sure who writes them, maybe the ward staff?
- Moira: The ward staff don't write letters, they always refer me back to you.
- Dan: I think it's because the diagnosis would have to come from a medic. He has to sign it.
- Moira: Right, so how can we cobble a letter together with everything on it?
- Dan: Maybe D. can write them. Probably in the end it will come back to me.
- Moira: When it's an instant discharge like this, we can't get the information we need for the council. My concern is if he goes back to his flat the landlord's toughs will continue harassing him.
- Dan: Well that's where he's being discharged to ... If you have any problems give us a shout, I can sort it out but I'd prefer it if it came from a medic.
- Moira: As long as the letter has the NHS logo it's OK.

The contestations around how best to address patients' needs were exposing rifts between different conceptions of fiscally accountable ethics of care. Moira was not a

lawyer herself, but she looked to a principle of legal universalism ‘everyone should be equal before the law’ as an absolute guiding idea for her work. Even when cases seemed completely hopeless, if a client asked for her help, she would do her utmost to provide it (for instance, she did not even turn down a schizophrenic woman who wanted to be housed by the council despite already owning her own home, because she thought her home was haunted). Meanwhile, Dan seemed more inclined to be selective. Each morning, when he told Moira who would need help, he focused on some patients over others – usually downplaying the needs of people with histories of violence, aggressive behaviour to staff, prison convictions.

Value registers within the legal and medical professions, in terms of which Moira and Dan conceptualised their respective professional roles, were invoked in the contestation over how (and whether) help should be rationed. Dan and some of the nurses seemed to feel compelled to apply some form of selectivity and prioritising care to people whose needs were deemed most urgent. This was consistent with a climate of scarcity within the NHS, and with a medicalised approach to care, but it also overlapped with other, more personal, ideas of deservingness. For instance one of Moira’s success stories was Norman, a victim of long term abuse with a history of self-harm and suicide attempts. When Moira helped him obtain council housing against all odds (he was not homeless), nurses complained that other patients were more deserving. They suspected Norman of exaggerating his condition and tried repeatedly to discharge him before his housing application was decided, saying that he could not expect to be in hospital in order to socialise (he had really blossomed through friendships he had formed with other patients). At the same time, Moira’s ‘piecemeal fixes’ were convincing other, key members of staff, of the value of her approach. One example included the acute ward matron’s deciding to investigate the background of a severely depressed woman who had been on the ward for a long time, and who refused to speak to anyone. When nurses visited her home they discovered she had completely ‘fallen off the radar’ in terms of any income or social care and apparently survived with no money at all for over a decade.

An adviser with wide-ranging experience of the workings of state welfare bureaucracies, Moira is trying to embed itself in a quasi-state institution (an NHS trust) whilst at the same time angling for greater independence. She justifies this position in reference to an ideal of universal access to justice couched in a legal idiom – everyone should be equal before the law. But this clashes with other redistributive principles at work within the NHS, based on the need to prioritise care – and other forms of assistance – to those who need them most. Advisers like Moira are aware that, in the absence of adequate resources, their piecemeal ethical fixes can only give rise to new forms of inequality.

## Concluding Remarks

In debates around austerity, values such as fiscal accountability tend to be represented as blueprints for technocratic action at the forefront of a trend towards the economisation of ‘the political’. However, this ethnography shows that when such values enter the

life of public institutions, they can be pressed into the service of a variety of disparate, even contradictory ethical/economic projects, becoming objects of intense debate and contestation. In the two ethnographic examples presented here, advisers and other officials, whilst enacting their professional roles, reshaped the ways in which fiscal accountability was understood and applied to situations on the ground.

Genuine redistributive intentions can be part of the performance of fiscal responsibility. For instance, there is a strong current in UK public services which argues for more 'front-line' investment as a way of cutting long term financial as well as human costs. The systems thinking approach adopted in Charlie Hill's Housing Office is an example of such an initiative, adding more services at a time when the prevailing austerity logic would seem to require they be cut. But manager Charlie Hill also favoured a neoliberal-style rhetoric of responsabilisation which downplayed power inequalities between landlord and tenant. The housing officer-advisers under his command keenly felt such structural tensions and sought to offset these by actualising humanistic-style ideals of helping people, and of holding the state to account on behalf of tenants. Variations between different situated viewpoints within the office enhanced the ambiguities which made a variety of outcomes possible to each of the 'piecemeal fixes' attempted by advisers, but at the same time they helped obscure persisting and widening structural inequalities of austerity.

Used as an interface that converts economic value into moral legitimacy and vice versa, advice brings together ethical and extractive potentialities which are evolving in particular ways at the current historical moment. In their mutual everyday encounters officials, advisers and citizens may come to invest in, as well as question or challenge each other's moral projects. Some of the innovations this ethnography documents stem from the adoption of the technology of advice by state and quasi-state actors as a way of diversifying and accelerating the extraction of resources, but also as a way of materialising genuinely redistributive intentions – and developing fairer forms of redistribution in austerity times.

But at the same time, owing to the marginal position of advisers, at the interface of different institutions, and an engrained sense of independence nurtured by ethical positions prevalent in the third sector and legal profession, the outcomes of advice encounters prove difficult to control, often producing fresh and unexpected results. Yet, the ultimate scarcity of good advisers and time means that the ethical fixes that can be performed only serve to highlight the wider problem, and the emerging inequalities between those who are lucky enough to secure advice and those who are not.

Palomera and Vetta (2016: 414) frame moral economies as 'fields ... through which structural inequalities produced by particular forms of capital accumulation are metabolized'. They argue that such fields can have a significant impact on patterns of capital accumulation, whether to reinforce or 'short-circuit' or alter them. In this article, I have tried to show how such alterations can be brought about within state and quasi-state bureaucracies by actors who try to inhabit their professional roles, and the 'utopian' visions embedded in institutional plans, by hatching moral/economic schemes that

attempt to turn the tables on austerity. Owing to the fluidity of their role, advisers can be highly instrumental in such ‘metabolic’ operations.

## Notes

1. For instance local authorities – themselves squeezed by funding cuts – have, in recent years, become more proactive in shaping the nature of advice services. They do this in part out of empathy but also as a way of maximising their income. Like other funders, they are shifting their funding of third sector organisations from grants to commissioning contracts. In setting up these commissioning mechanisms, some local authorities have reconfigured these in innovative ways as means to both to provide advice and ensure their own coffers are not depleted.
2. For example whilst some officials used this value to justify cuts, others invoked it to support the expansion of local services, taking the view that they would produce savings in the longer term.
3. In such systems the judge plays an impartial role and cannot investigate, but must only rule on evidence presented by the advocates representing the opposing sides.
4. One attempt to remedy this problem was the creation of a system of tribunals designed to consider without the need for representation – the standard of evidence is lower than in normal courts, and judges are allowed to depart from their traditional role by questioning witnesses and gathering evidence (Cownie *et al.* 2007: 71–83). This role is more similar to that of magistrates in continental justice systems than to the traditional role of UK judges, which is predicated on impartiality and restricted to ruling on evidence presented by the two sides. Social security, housing, employment, asylum and other social welfare law appeals are heard in such fora. However, inequality of arms remains a problem in these hearings, which are often decided on quite technical points of law that appellants are unable to argue. Government departments almost always send professional representation to tribunal hearings, whilst most appellants appear unrepresented. For instance, a two month survey of judges’ ‘Statements of Reasons’ (decisions) carried out by myself at the Asylum Support First Tier Tribunal showed that the government department being challenged (the Home Office) was professionally represented in about 95% of the cases. Professionally represented appellants were significantly more likely to succeed than those who attended hearings alone or submitted only documentary evidence (Forbes 2016).
5. The term social welfare or ‘poor man’s law’ covers the areas of the law most relevant to vulnerable people, including debt, housing, social security, employment, education, immigration, and asylum (see Biggs 2011; Moorhead & Robinson 2006).
6. Most solicitors work in law centres, which are legally required to employ a high proportion of lawyers. However, most law centres work mainly by referral.
7. A part of the local authority or council, this office administers public-owned housing assigned to local citizens who are considered particularly vulnerable.
8. Each local authority (council) has its own, slightly different evidence requirements. Portsmouth City Council (PCC) requires the following documentation: proof of a qualifying immigration status; proof that it is unreasonable to return to the property the person previously lived at and/or that s/he will be homeless; proof the person has priority need (here vulnerability evidence is crucial); proof the person has a local connection, and to establish that the applicant has not caused his or her own homelessness.
9. This was due to the fact that the council, having sold its housing stock, did not own spaces where they could be housed.
10. Moira sympathised with the official’s point of view: it’s important to find the right accommodation [to] support recovery, so they need to know what might work for her’.

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