The will to sanction: How sensitive are caseworkers to recipients' responsibility when imposing sanctions on non-compliance in a welfare-to-work programme?

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Abstract

The activation trend in social policy entails that caseworkers on the front lines of the welfare state are expected to decide 'reasonable' activation requirements for clients and when and how non-compliance should be sanctioned. This study investigates how caseworkers form judgements about their clients' personal responsibility when activation requirements are violated and how their judgements about responsibility matter for the sanctions they impose. We find that caseworkers are sensitive to personal responsibility, varying the motivation for not fulfilling the activation requirement from a case where the client has less control (circumstances) to one with more control (choice) more than doubles sanctions.

Introduction

A central question in debates about distributive justice is the role individual responsibility should play in giving each his due. The idea of responsibility has traditionally belonged to the arsenal of inegalitarian thought, but during the last decades it has been taken up by so-called luck egalitarians who argue that advantages or disadvantages traceable to individual choices are fair, while those that arise from the circumstances beyond a person's control are unfair (Knight & Stemplowska, 2011). Several empirical studies also show that citizens' attitudes towards welfare policies are heavily influenced by their perceptions of individual responsibility. A common view is that those who are unwilling to exert sufficient effort to provide for themselves – as opposed to those who cannot provide for themselves – do not deserve public support (Aarøe & Petersen, 2014; Fong et al., 2005; Gilens, 2009; Petersen et al., 2011; Petersen et al., 2011; Petersen et al., 2012; Van Oorschot, 2000, 2006). In social policy debates, personal responsibility has been put forward as an argument for making benefits conditional on participation in work-related activities (Eriksen, 2019; Mounk, 2017; Wright 2012).

Are caseworkers on the front lines of the welfare state also sensitive to responsibility when they implement social policies? Several studies using qualitative methods have reported that clients' attributes and attitudes matter for how caseworkers assess their situations and what treatment they decide (Eikenaar et al., 2016; Maynard-Moody & Musheno, 2003; Senghaas et al., 2019; Vilhena, 2020). The strength of these studies is that they provide in-depth, thick descriptions of caseworkers' evaluations of their clients. Their weakness is that they are unable to demonstrate precisely how these judgements affect the treatment of clients. In addition, the trend towards increased use of conditionality in welfare programmes (Eichhorst et al., 2008; Kenworthy, 2010; Watts & Fitzpatrick, 2018) makes it urgent to study not only judgements about eligibility for benefits but also how caseworkers deal with activity requirements and sanctions (De Wilde & Marchal, 2019; Meuleman et al., 2017; Nybom, 2013; Van Berkel et al., 2017). That is the theme of our study; we ask how caseworkers attribute responsibility to welfare recipients within the framework of activation policies and how perceived responsibility influences the decision to sanction non-compliance.

To address these questions, we need variation in the underlying reasons for noncompliance while holding everything else constant. It is difficult, perhaps even impossible, to find this type of ceteris paribus variation in caseworkers' perceptions of clients' willingness to participate in observational data. Therefore, we used an online vignette experiment to manipulate the reasons for non-compliance. First, we used the vignette to test caseworkers' responsibility sensitivity by asking them to classify different cases of non-compliance along a scale that ranged from 'will not' to 'cannot' participate. Thereafter, we measured how this variation in attributed control affected their decision to sanction the non-complying recipient.

We are not the first to use a vignette or survey experiment to study sanctions in welfareto-work programmes. Schram et al. (2009), Terum et al. (2018) and Pedersen et al. (2018) use this method to study how the ethnicity of the welfare recipient influenced the propensity to sanction non-compliance.¹ In addition to focusing on responsibility rather than ethnicity, we also take the survey experiment methodology a step further by first verifying that the vignette had the expected effect on caseworkers' judgement of client responsibility and then by using the vignette in an instrumental variable (IV) approach.

By providing data on how sensitive caseworkers are to clients' responsibility when they implement social policy, our study contributes to the literature on caseworkers' use of discretionary power (Goodin, 1986; Lipsky, 1980; Meyers & Nielsen, 2012; Molander, 2016). In addition, this study draws connections to recent debates initiated by proponents of luck egalitarianism on the tricky distinction between choice and circumstances and how – if at all – it can be implemented in a non-arbitrary and respectful way (see Knight & Stemplowska, 2011; Wolff, 1998).

¹ De Wilde and Marchal (2019) also studied sanction decisions made on the front lines of the welfare state, but their focus, using the factorial survey approach, was to disentangle the factors that explain the variance in sanctions. They were not specifically interested in the effect of varying the effort (responsibility) of the client.

This article proceeds as follows. The next section presents the legal and institutional context for the experiment. Thereafter, we explain the experimental design. We then report the results, and the final section discusses the main findings.

Legal and institutional context

The context of our survey experiment was the Norwegian social assistance scheme, which is administered by the Norwegian Labour and Welfare Administration (NAV). In addition to the social assistance scheme, the NAV administers sickness, disability and unemployment benefits. Every year, approximately 20% of the working age population (16–66 years) in Norway receives benefits administered by the NAV (Terum & Hatland, 2014). Caseworkers, often educated as social workers, are responsible for benefits administration and public employment services.² The degree of specialisation and division of labour varies somewhat between the local offices, with tasks at larger offices being somewhat more differentiated.

The social assistance scheme is regulated by the Social Services Act, and since the early 1990s, the municipalities have had the opportunity to make social assistance conditional on participation in activation programmes. In 2017, an amendment (§20a) was added to the law, which required mandatory activation for social assistance recipients under the age of 30. However, conditionality is mitigated by the clause: 'unless weighty reasons speak against it' (SSA of 1991, §20a). In addition, the government circular for this act emphasises that activity requirements must not be 'disproportionately burdensome for the recipient or limit his or her

² Some activation/employment services are outsourced to private contractors.

freedom of action or choice in an unreasonable way' (NAV 2018). If the recipient does not comply with the activity requirement, caseworkers can impose a sanction. However, caseworkers are instructed to first assess whether the client's non-compliance was caused by a lack of ability or will. If the caseworker decides to impose a sanction, a reduction is the only alternative, while a termination of benefits is illegal.

This means that caseworkers are legally expected to make assessments both on appropriate activity requirements and whether non-compliance should be sanctioned. The act's several mitigation clauses leave rather substantial room for caseworkers' discretionary power. Previous studies from Norway indicated that managers and caseworkers use their discretionary power in the implementation of conditionality and sanctions (Gjersøe et al., 2020; Sadeghi & Terum, 2020).

Experimental design

Our aim is to examine how caseworkers make judgements about welfare recipients' responsibility when they do not comply with activity requirements and to what extent sanctions depend on this judgment. To do this, the data must contain exogenous (keeping all else equal) variation in caseworkers' judgement regarding to what extent either a lack of will or lack of capacity caused a client to break activation requirements. It is difficult to obtain this type of variation and measurement in observational data.

One way to produce relevant data, is to use a vignette experiment where we vary to what extent it is effort (choice) vs control (circumstances) that explains a client's failure to comply with the activation requirement. This chain illustrates the idea behind our experiment:

Vignettes \rightarrow *Variation in perceived client control* \rightarrow *Variation in sanctions*

To this end, we created four randomly assigned vignettes portraying a person (Daniel) who was receiving social assistance and who had violated a mandatory activation requirement. The vignette was included in a comprehensive survey that was sent to 110 NAV offices. Below we describe the vignette and the survey.

The Vignette

We developed the vignette in close consultation with experienced caseworkers at the NAV and conducted a pilot test with staff who had experience with the Norwegian social assistance scheme. This is the final version of the vignette:

Daniel Eriksen is 21 years old and has not completed secondary school. He often stays up late at night and playing games. Daniel says it's hard to find interesting jobs that are not too far away. He has only applied for a few jobs and has never been called in for an interview. A month ago, he applied for social assistance, which he was approved for on the condition of participating in a job search course. The first two weeks he attended eight of 10 classes on time, and the other days he did not arrive until 11 o'clock (AM). *Daniel has contacted you and expressed that the course is boring and that he is not learning anything new. He therefore thinks it is a waste of time.* Today, you were notified that Daniel has arrived late too many times in the past week and that he has stopped attending at all on Wednesdays.

We varied the explanation Daniel gave for not participating in the programme. In Vignette A above, the text in italics indicates that Daniel found the programme boring and futile. This should indicate that Daniel is in control of his decision. In the alternative Vignette B, the explanation is that Daniel suffers from social anxiety. The sentences in italics in the vignette above are swapped with these two sentences: Daniel has contacted you and says he finds it hard to attend class because he is afraid to be around people he does not know. Problems associated with social anxiety were also the subject of an earlier conversation you had with him. Otherwise, the text is the same. This should indicate that Daniel *cannot* participate.

These two base vignettes (A and B) are augmented in two additional vignettes (C and D) with this sentence, which makes his social circumstances unfavourable: *Daniel has no contact with his father and lives with his mother, who is on disability benefits and suffers from anxiety and mental problems.* In the case of vignette A, this information sheds new light on Daniel, while in the case of vignette B, it emphasises his difficult circumstances.

Our experiment contains four different vignettes that we, for brevity, denote as *will not* (Vignette A), *cannot* (Vignette B), *will not – mother* (Vignette C) and *cannot – mother* (Vignette D). The four vignettes were distributed randomly to four sub-populations, and caseworkers were asked to make a decision on whether or not to sanction Daniel (reduce his benefits) for breaching activity requirements. See Table 1.

Table 1 in about here

To validate that the vignettes had the intended effect on caseworkers' perception of how much control over his situation that Daniel had when he failed to comply with the activation requirements, we asked caseworkers to rate the vignette they received on a 7-point scale ranging from 'lack of capacity' to 'lack of will'. We also asked caseworkers how confident they were in making the correct sanction decision. Our goal with the vignette experiment was to examine how sensitive frontline workers are to choice (will not) vs. circumstances (cannot) when they decide about sanctioning of non-compliance in welfare-to-work programmes. Our assumption was that caseworkers would be able to classify our different versions of Daniel as either a 'will not' or a 'cannot' type, and that the 'will not Daniel' would be sanctioned more often than than the 'cannot Daniel'. However, we wondered *how* prone they would be to sanction in this way and *how* confident they were in their identification of Daniel as a 'will not' or a 'cannot', and how this confidence was influenced by adding the information about his mother's condition.

A methodological innovation of this study is that we used the vignettes in an instrumental variable (IV) approach. By applying the IV-method in verifying the intended effect on caseworks responsibility judgement, we met a methodological request. Kenneth A. Bollen has argued that the IV approach is underused in social sciences (with the exception of economics) as a method for estimating causal effects in social relations (Bollen, 2012).

The survey

This study was designed as a survey distributed online to 3,228 caseworkers in a random sample of 110 frontline NAV offices in the autumn of 2018. The response rate was 51% (1,646 caseworkers), but only those who confirmed they had experience administrating the social assistance scheme (901 caseworkers) responded to the vignette. To avoid bias due to previous questions in the survey, the vignette was placed in the first part of the questionnaire, which also contained items related to the caseworkers' background, attitudes, experiences and work conditions.

Table A1 in the Appendix provides summary statistics of the individual caseworker and office (municipality) characteristics in our sample. The table also reports the results from a randomisation test. With random assignment of vignettes, it should be impossible to use caseworker characteristics or office characteristics to predict which type of vignette a caseworker was assigned. The third column in Table A1 confirms the random assignment of the vignettes.

Results

In this section, we first check that the different vignettes altered caseworkers' assessment of the degree of control Daniel possessed when he broke the activation requirements. This is to check that our experiment had the intended effect on 'perception of control'. Thereafter, we estimate the effect of the vignettes on the sanction decision by comparing the fraction that decide to sanction Daniel for the different vignettes. Lastly, we combine these estimates to obtain an instrumental variable (IV) estimate of how client's effort or control affect sanctions imposed on non-compliers. The idea of the IV-strategy is to only use the variation in perceived control caused by our random experiment to scale the effect of the vignettes on sanctioning behavior induced by the vignettes. The IV-strategy requires that the entire effect of the vignettes on sanctioning behavior run via the perception of client control. This is the exclusion restriction in IV-lingo. We discuss this assumption below.

Vignettes' effects on caseworkers' perceptions

Even though we denoted these vignettes as *will not* and *cannot*, that does not mean that this is how the caseworkers interpreted them. To validate that the vignettes had the intended effect on caseworkers' perceptions of how much choice, control and responsibility Daniel possessed when he broke the activation obligation, we asked them to rate where Daniel belongs on a 7-point scale ranging from 'lack of ability' to 'lack of will'. We denote this variable as *lack of will*, which varies from 1 to 7. The distribution of responses is shown in Figure 1 below.

Figure 1 in about here

The pattern clearly shows that caseworkers who read Vignettes A and C (in which Daniel claims the programme is boring and futile) were more inclined to classify the reason for non-

compliance as a lack of will. Those who read Vignettes B and D (in which Daniel suffers from social anxiety) primarily categorised his non-compliance as a lack of ability. Adding the information that Daniel lives with a mother who receives disability benefits and who has psychological problems shifts both distributions away from the perception of a lack of will. Although there is overlap in the distributions, Figure 2 shows that the vignettes have large and statistically significant effects on the mean score of the variable *lack of will*.

Figure 2 in about here

In Table 2, columns 1 and 2 combine Vignettes A (*will not*) and C (*will not – mother*) to demonstrate how much these two vignettes increased the score for the *lack of will* variable compared to the other vignettes. Specifically, we constructed an indicator variable *will not – vig*, which is equal to 1 when *will not* and *will not – mother* are equal to 1 and is 0 otherwise. We used the following equation:

$$lack of will_i = \alpha + \beta (will not) - vig_i + \mathbf{x}_i \delta + \varepsilon_i$$
(1)

The *will not – vig* increased the score for the *lack of will* variable by 1.3 units, which is a large effect given that the average value of *lack of will* is 3.6, and the standard deviation is 1.5. We conclude that the vignettes had the intended effect on caseworkers' perceptions of Daniel's lack of ability vs will to fulfil the requirements for the mandatory activation programme.

Vignettes' effects on sanctions

We proceeded to analyse how much the vignettes influenced the decision to sanction Daniel. Figure 3 shows a plot of the fraction of caseworkers who chose to sanction Daniel based on the vignette read. The figure clearly shows that sanctions were much more prevalent for those caseworkers who read either Vignette A or C (*will not*). For those who read Vignette A, 86% decided to sanction Daniel compared to 39% of caseworkers who read Vignette B.

Figure 3 also depicts that the propensity to sanction declined for both the *will not* and *cannot* cases with the addition of the mother on disability benefits who is suffering from psychological problems (Vignettes C and D). There was a 12% difference between mean sanction rates for Vignettes A and C (p < .05) and a 5% difference between Vignettes B and D (p > .05).

Figure 3 in about here

Columns 3 and 4 in Table 2 quantify the effects of Vignettes A and C (*will not*) on sanctions. Compared to Vignettes B and D (*cannot*), there was a 43% increase in sanctions for Vignettes A and C.

Table 2 in about here

Effect of caseworkers' perceptions on sanctions

Thus far, we have shown that the vignettes had a strong effect on caseworkers' judgment of the degree of control (will) that Daniel possessed when he failed to comply with the activation requirements as well as the caseworkers' willingness to sanction Daniel. We will now combine these findings to estimate how variations along the control scale – ranging from *will not* to *cannot* – affected the sanction decision. In Table 3, columns 1 and 2 show the results from a linear probability model (ordinary least squares [OLS]) to assess how variation in the score for the *lack of will* variable correlates with the decision to sanction Daniel. We can see that a higher score on the *lack of will* variable predicts a higher probability of imposing a sanction on Daniel. However, this estimate cannot be given a causal interpretation since the variation in *lack of will* is potentially endogenous; it depends partly on the randomly assigned vignettes but also

potentially on non-observable factors that are correlated with the propensity to sanction noncompliant behaviour. It could, for example, be that caseworkers with a kind, lenient and flexible personality tend to downplay a lack of effort and will as relevant factors that can explain why welfare recipients misbehave, and they may be reluctant to impose sanctions on welfare recipients. If this is the case, and we regress sanctions directly on the *lack of will* variable, we will underestimate the effect that an exogenous change in caseworkers' perceived lack of will has on the propensity to sanction non-compliance by a client. In other words, we will underestimate their responsibility sensitivity.

To get around this problem, we used the vignettes to instrument the score on the *lack of will* variable. Random assignment of vignettes creates exogenous variation in the degree of control that caseworkers attributed to Daniel, and we used this variation to estimate how control affects sanctions. This procedure hinges on the assumption that the vignettes only affect caseworkers' propensity to sanction by altering their perceptions of Daniel's control (*lack of will*). It is not obvious that the exclusion restriction is valid in our case. Although we designed the vignettes to vary only one aspect of Daniel, namely his degree of control over the decision to not comply with the activation requirement, it is nevertheless possible that those who read Vignettes A and C (in which Daniel choose not to participate because he finds the programme futile) also considered him to be in less need of support and thus sanctioned him harder for that reason. If this is the case, our IV method will overestimate caseworkers' responsibility sensitivity when they sanction violations of activity requirements.

With that caveat in mind, Table 3 presents the IV regressions using the same indicator variable as Vignettes A (*will not*) and C (*will not – mother*) and 0 otherwise to predict the *lack of*

will score. Column 3 and 4 depict the IV results. A 1-unit increase in the score for the *lack of will* variable increased sanctions by 32%.

Table 3 in about here

Confidence in sanction decision

Where to draw the line between choice and circumstances is a philosophically contentious question, and even if such a line is drawn, placing a particular case on either side of it often requires information that is impossible to obtain. To understand how difficult it is to implement practical policy based on clients' responsibility, we asked caseworkers to report their confidence in the sanction decision they had made. The score for this variable ranged from 0 (very uncertain) to 3 (very certain). For ease of interpretation, we dichotomised the variable, setting it equal to unity if the score was 2 or above (confident and very confident) and 0 otherwise. Figure 4 shows that a relatively large fraction of the caseworkers reported confidence in their decision. Vignette A (*will not*) appeared to be the easiest case to judge, as there was a significantly higher proportion of caseworkers who were confident that they made the right decision to sanction Daniel after reading this vignette compared to the others.

Figure 4 in about here

Discussion and conclusion

Welfare-to-work or activation programmes authorise frontline caseworkers to decide what activation requirements are reasonable for recipients of benefits and when and how noncompliance should be sanctioned. Before imposing a sanction, however, caseworkers should assess whether non-compliance was caused by either the recipient's lack of will or ability. We studied a social assistance scheme in which non-compliance with activity requirements can lead to a sanction. In this study, we investigated how sensitive caseworkers' judgements were to their perceptions of a client's personal responsibility and to what extent these judgments mattered for the sanctions they imposed.

We used a vignette experiment to obtain ceteris paribus variation in responsibility factors and varied the explanation the recipient gave for not participating in a mandatory programme: either that it is boring and futile or that he suffers from social anxiety. We also varied the circumstances of his life: whether or not he lived with his mother, who is on welfare and has mental problems.

The vignettes had the expected effect on caseworkers' classification of non-compliance. Those assigned Vignettes A and C (in which Daniel found the programme boring and futile) tended to classify his non-compliance as a lack of will to participate, while those who read Vignettes B and D (Daniel has social anxiety) typically judged his non-compliance as a lack of capacity to participate. Although this pattern was strong, the data showed heterogeneity in caseworkers' judgments within the same vignette group. This heterogeneity was particularly evident for Vignettes A and C.

In these vignettes, Daniel justified his non-compliance by pointing out that the course was not relevant to him because he had not learned anything new. This may be true. Recipients are often shuttled from course to course (Fossestøl et al., 2016). Most caseworkers nevertheless interpret non-compliance as a sign of a lack of will and hence perceive that it is the recipient who is to blame and not the activity offered. However, a significant fraction did not make this interpretation and would, in their operational day-to-day work, perhaps behave more along the lines suggested by Vilhena (2020). She found that when caseworkers perceived that a lack of capability caused non-compliance, they were more inclined to re-evaluate and adjust activity requirements than to impose sanctions. Our finding that caseworkers classify the same case

differently on the 'will not'-'cannot' scale, and that this classification matters for sanctions, indicates the risk of arbitrariness in the implementation of welfare policies that are contingent on the recipients' perceived effort or will. In this way, our study highlights a well-known inherent problem in the delegation of discretionary power to the frontline (Goodin, 1986; Molander, 2016).

As expected, the caseworkers who read Vignettes A and C were more inclined to sanction Daniel. In Vignette A, Daniel was more than twice as likely to be sanctioned compared to in Vignette B. When we use the vignette as an instrument to create variation in the *lack of will* variable, assuming that the vignette does not affect sanctions in any other way than through responsibility factors, we find that a 1 standard deviation increase in the judgement that non-compliance was caused by a lack of will increased the probability that a sanction would be imposed by 21%. This indicates that caseworkers are very sensitivity to personal responsibility when they impose sanctions on non-complying clients. By using the randomly assigned vignettes as instruments that influence caseworkers classification of Daniel along the 'will not–cannot' scale, we are able to estimate the increase in sanctions caused by one unit increase towards will-not along this scale. The IV results presumes that the vignette does not influence sanctions via any other factors than caseworkers judgement of Daniels degree of control over his deviation. This may be a strong assumption.

Both the judgement about personal responsibility and the inclination to sanction changed when information was provided about Daniels' mother (unfortunate circumstances, Cases B and D). Caseworkers were then less inclined to judge Daniel as being responsible for his noncompliance and less likely to impose a sanction on him. This is interesting because the additional information is hardly legally relevant to the question of sanctioning. Nonetheless, information about Daniel's mother seems to dampen the perception of a lack of will, thus decreasing the propensity to impose a sanction.

This effect is large in Vignettes A and C (in which Daniel thinks the programme is boring). In the case of Vignette C, it appears that Daniel's unwillingness to comply is overshadowed by his circumstances. When we asked frontline workers to report their confidence in the sanction decision they just had made, they were less confident that they made the correct decision for Vignette C. These findings show that the distinction between choice and circumstances is blurred and that caseworkers become more unsure how to track personal responsibility when they obtain more information about clients' social circumstances.

A vignette experiment has some advantages over field studies of street-level policy implementation as well as drawbacks. The main advantage is that it allows us to introduce variation in client attributes while holding all other factors constant. We can therefore estimate the causal effect different client characteristics have on treatment decisions. This is not possible in a field study or empirical analysis of observational data. The main limitation of a vignette experiment is that it is stylised; it does not capture the complexity of a caseworker–client relationship. Another issue is that stakes are low since no real person is sanctioned; thus, the level of sanctions may be higher in our vignette experiment than in real life. The effect of the different treatments, i.e., the differences in responsibility judgments and sanctions across the different vignettes may, however, still be valid.

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