



Innovation in a regulated environment?

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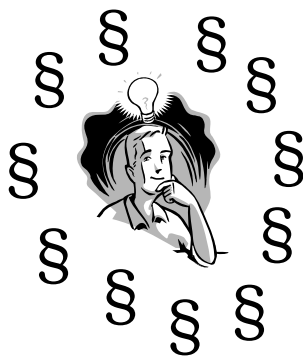
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How is innovation possible?



in a highly regulated environment as
the public sector?

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Validation of innovative proposals in the public sector

- ~~Is this good for the citizen?~~
- ~~Is this practically feasible?~~
- ~~Is this economically feasible?~~
- **Is this legally compliant?**

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How to use IT in the public sector?

- Automation of current practices
 - Current practice is adapted to existing regulations
 - No legal problems
- Process innovation
 - May deviate from existing regulations

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A brief case illustration

- Personal assistance to disabled persons
- The Social Insurance Agency makes decisions based on applications and pay for the personal assistance
- Municipalities or companies can be providers of personal assistance
- Very cumbersome administrative work to produce invoices to The Social Insurance Agency
- Two important laws are governing this area
 - The Act concerning Support and Service for Persons with Certain Disabilities (LSS)
 - The Act concerning Assistance Allowances (LASS)

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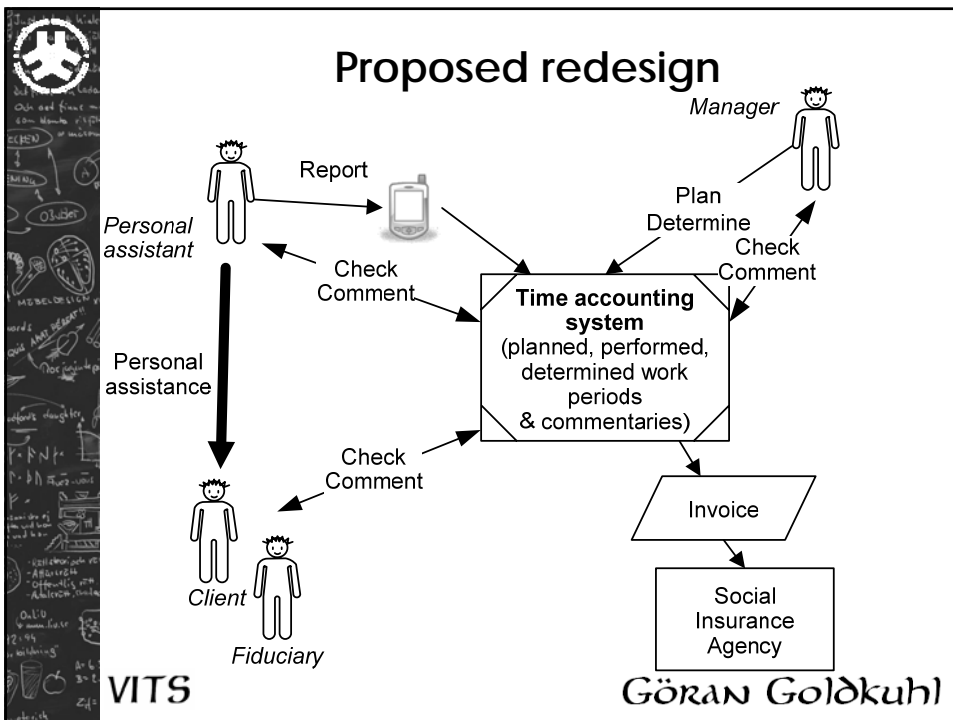
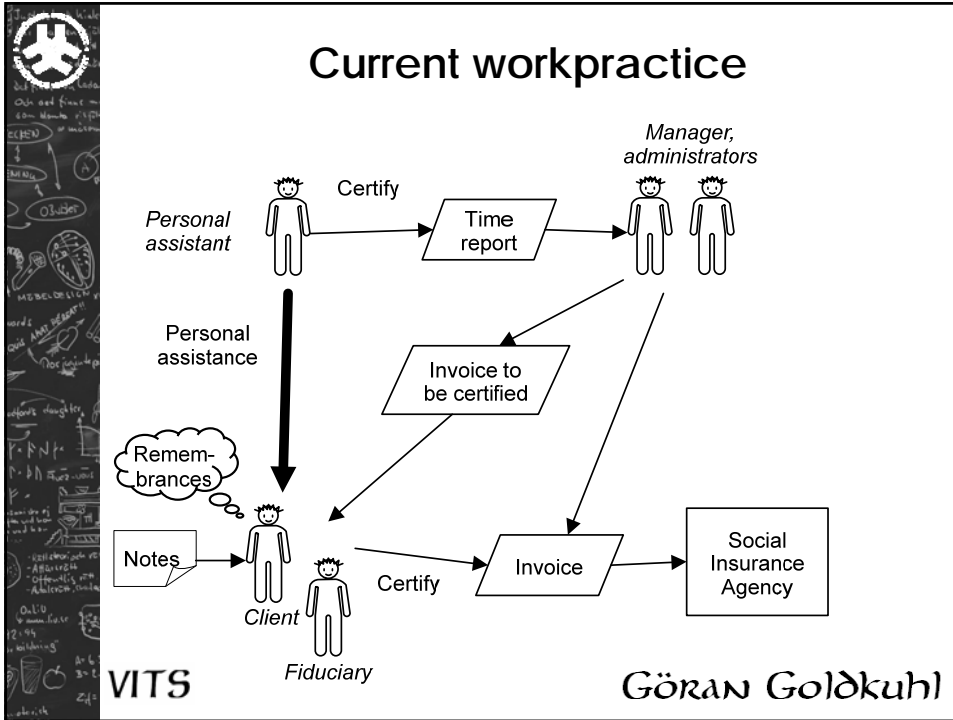


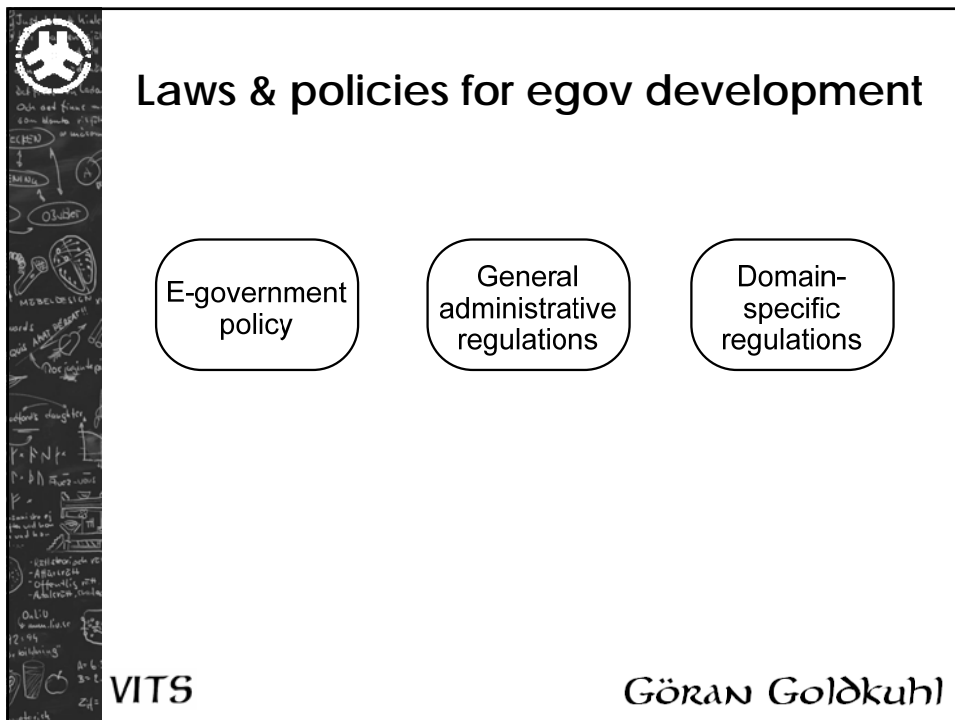
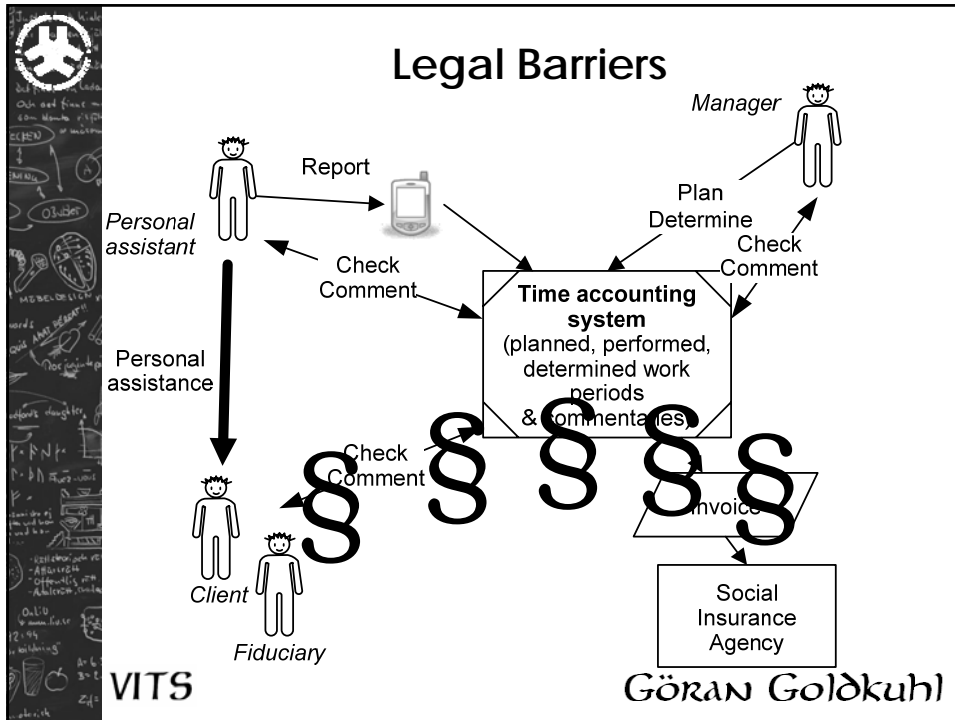
Action Research project

- Representatives from 14 Swedish municipalities
- Two researchers as designers
- Project arranged by Sambruk association
- Process redesign
- Innovative IT solutions
 - From individually certified invoices
 - To IT-system based on social transparency
- Negotiations with The Social Insurance Agency

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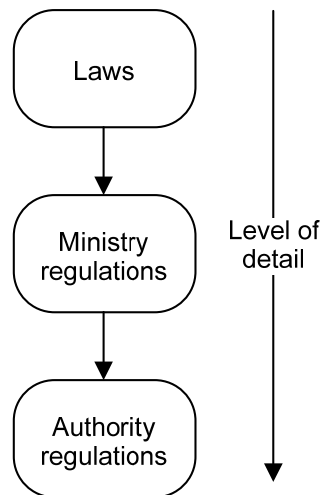
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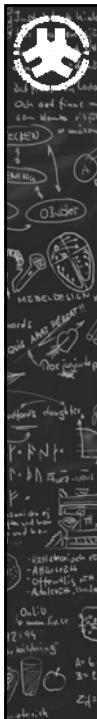


Regulation hierarchy



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Character of statutes

- Laws and regulations are ways for the legislators to express and emphasize certain **values** in society
- Every statute expresses certain values
- Different values are expressed in different regulations
- There may be **value conflicts** between different (set of) regulations
- These value conflicts are often not resolved by the legislators
- Such resolution and prioritization of value conflicts are usually left to the public administrators to manage

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Value balancing

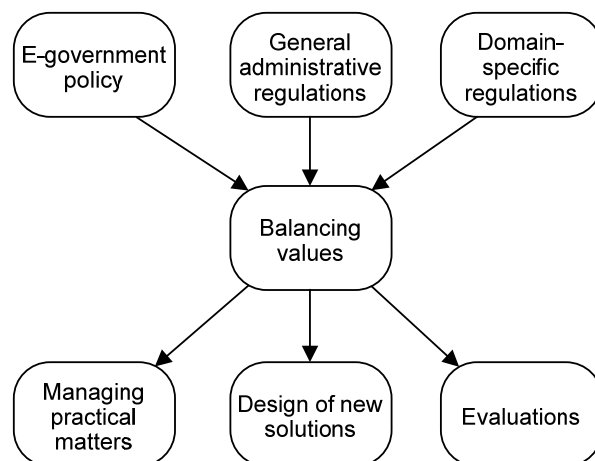
- The process where public administrators (or other actors) in a practical situation
 - **interpret** different applicable set of regulations and
 - **evaluate** their possible value conflicts and
 - come to **conclusions** concerning how to prioritize and balance the different values against each other

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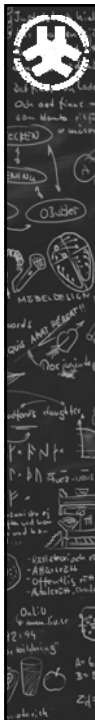


Value balancing

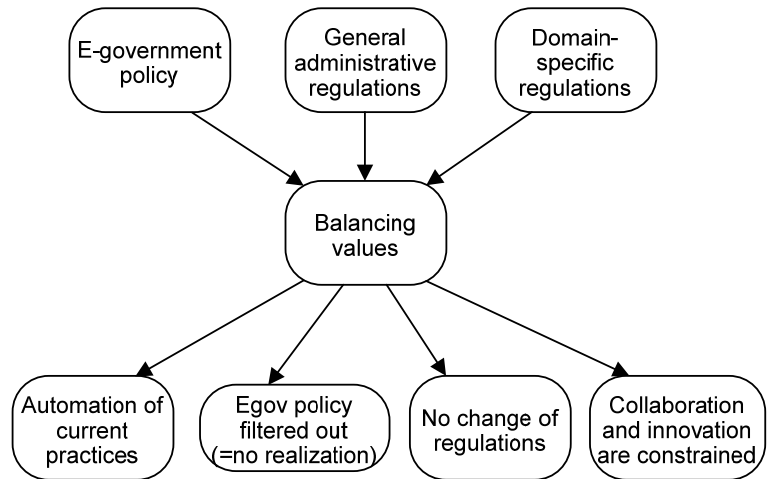


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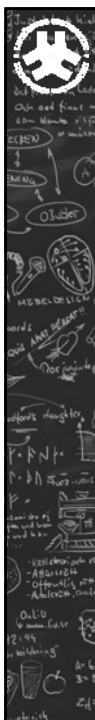


Prioritizing domain-specific regulations

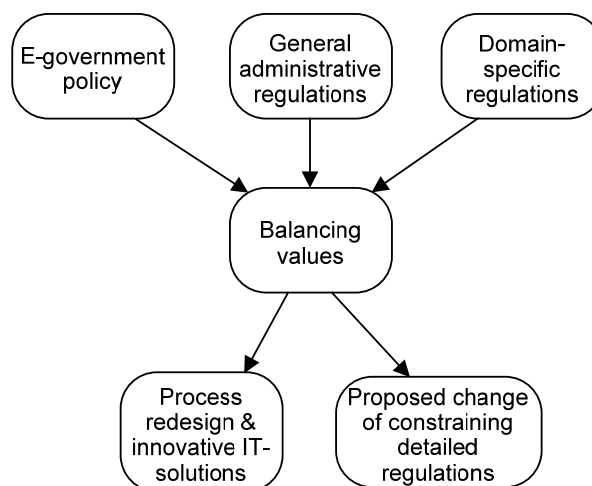


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Systemic approach with priorities to basic values



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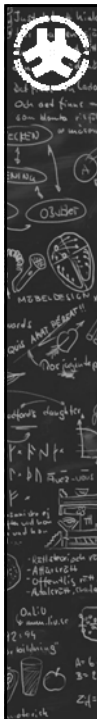


Systemic approach with priorities to basic values

- A search for solutions that are **rational** and **efficient** for **different stakeholders**
 - “§ ...take advantage of benefits to be gained for citizens and for the state as a whole”
- A search for **basic values** in laws (both general and domain-specific)
 - not to be constrained by detailed formulations in authority regulations

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The problem of legal formulations

- Many formulations (especially in authority regulations) restrict operations into cumbersome ways
- Many formulations in regulations are not technology neutral
 - The current technology has been taken for granted when legislating a new law and this technology has crept into the legal formulations

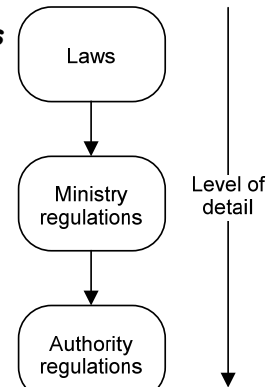
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The challenge for the legislators

- Formulate the regulations without unnecessary technological restrictions
- Less on **how to conduct** the practices
- With more focus on **what values** should be achieved
- A challenge for the legislators on all levels



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Documentation

- Sjöström J, Goldkuhl G (2009) Socio-instrumental pragmatism in action, in Whitworth B, De Moor A (Eds, 2009) *Handbook of Research on Socio-Technical Design and Social Networking Systems*, IGI, Hershey
- Goldkuhl G (2009) Innovation in a regulated environment? - Legal barriers for e-government development, forthcoming in *International Journal of Public Information Systems*

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