



Exit from and non-take up of public services

A comparative analysis: France, Greece, Spain, Germany, Netherlands, Hungary

[EMERGENCE OF "NON-TAKE-UP" THEME IN FRANCE]

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1. THE EMERGENCE OF NON-TAKE-UP AS A POLITICAL AND ADMINISTRATIVE PROBLEM IN FRANCE

Summary:

Difficulties of access to benefits are not a new phenomenon in France. Debates on social inequalities have highlighted these problems, both as causes and as effects, in some cases for a long time. Historical studies on the social treatment of poverty clearly attest to this.

In recent years the issue of access to benefits was revived when debate on 'new poverty' emerged on the political and media scene. In the late 1960s economic growth declined, social integration via employment was no longer sufficient, and joblessness increased and became a long-term phenomenon. In 1974 René Lenoir's report on 'Les exclus' helped to focus attention on this debate. Not wanting to let the issue escape its control, the government put it on the political agenda. It commissioned large-scale statistical surveys on household income trends which showed that the gap between rich and poor was widening and that some families were living below the poverty line. These results triggered the production of administrative and parliamentary reports from the early 1980s. The humanitarian, charitable organisation movement, following in the footsteps of 'ATD ¼ monde', demanded government action. The government's first response was the institution in 1988 of the RMI (Revenu Minimum d'Insertion), a minimum income support allowance that concretised the application of individuals' constitutional right to obtain the means to live from the community. Yet the first evaluations of the RMI soon showed that this minimum income support, an emblem of the struggle against poverty, was insufficient. >From the early 1990s all reports indicated the persistence of social exclusion despite economic growth. The existence of a 'new' poverty could no longer be denied. A part of the country's population was living below the poverty line, without access to social benefits. There was clearly an accumulation of difficulties in certain segments of the population: problems relating to housing, health, education and literacy. France had its 'fourth world'.

Charitable organisations stepped up pressure on the government to put a comprehensive policy to combat poverty onto the political agenda. The government commissioned a report by Father Joseph Wrensinski, founder of the organisation 'ATD ¼ monde', on 'Extreme poverty and social and economic precariousness' (Grande pauvreté et précarité économique et sociale). This report, presented in February 1987 by the Economic and Social Council, was a turning point in the recognition of the fundamental problem of access to social benefits. After an initial bill was scrapped due to the dissolution of the National Assembly in 1997, the 28 July 1998 framework law relative to the struggle against exclusion recognised access to benefits as a priority. This law still serves as a key reference in all policies to combat exclusion.

In the field a more operational concept was, however, needed. The CNAF (Caisse nationale des allocations familiales), the 'family' branch of the general social security scheme which administers all family allowances as well as 'social minima' like the RMI, required a concept that corresponded to its action. From the early 1980s the CNAF applied the recommendations of the Oheix report for combating precariousness and poverty. The institution was thus mobilised in the search for potential beneficiaries and in the attempt to ensure continuity in the payment of benefits and the increase of financial aid. The CNAF's research department consequently imported the concept of 'non recours' (a translation/adaptation of 'non take-up' and 'nietgebruick'), essentially as a result of its interaction with the Dutch academic Wim Van Oorschot. This concept has the merit of defining the phenomenon to treat and the groups concerned. The CNAF was the first institution, in the mid-1990s, to undertake studies and research on the subject.

Initially the CNAF was the only institution managing social benefits to engage in reflection and action on NTU. That was until the recent phase of more asserted recognition of the issue, resulting from several closely linked developments: the revival of the government's plans for social cohesion and its response to the National Action Plans against poverty and social exclusion (NAPs/incl); the need for results indicators in a new procedure of budgetary planning of policies to promote inclusion; and the establishment of a scientific research programme on NTU, equipped with an ad hoc 'observatory'. As a result, despite the persistent lack of awareness of NTU, by the beginning of 2005 the issue had acquired a degree of political and institutional visibility in the choices of the Inter-ministerial committee to combat exclusion (Comité interministériel de lutte contre l'exclusion) and the National council to combat exclusion (Conseil national de lutte contre l'exclusion) – two bodies created by several central government administrations in liaison with the institutions of the different branches of the social security system (family, health, pension). This consolidation of the NTU theme is reflected in the more general recognition of the phenomenon, in the development of methodological tools (establishment of on-going observation), and in the creation, on an experimental basis, of 'warning devices' financed by the State and informed by local public services and NGOs to identify and treat situations of NTU at a local level.

1. THE FRENCH SOCIAL WELFARE SYSTEM

1.1. The origins

The French social security system was created after the Liberation, as the result of new ideas and of the evolution of living conditions. The first article of the 1945 Plan stipulates that social security as an institution is designed to guarantee workers and their families against risks of all kinds where those risks are likely to reduce their capacity to earn an income. The Plan also aimed to cover maternity and family expenses borne by workers.

When the system was created, an ideal situation of full employment was expected for the years to come. That is why the creators of the plan opted for an insurance system based on employers' and employees' contributions. They thought that with full employment, everyone would contribute and that the protection would become universal. Based on occupational "insurances" as in the Bismarck model, the system nevertheless had a universal *Beveridgian* ideal.

In short, with that "ideal" model, protection is linked to the workers' professional situation: work can afford access to almost all social benefits. Most of the benefits are contributory and proportional to the replaced income. Employers and employees pay those benefits. The system is managed by the employers and workers and is relatively independent from the State.

This ideal was not achieved. Full employment was never reached. The amounts of benefits were linked to contributions, but some people did not work and did not have enough money to be covered by private insurance. However, the point was also to cover that population. Consequently, some benefits were paid to people who had contributed and to people who had not.

Certainly, a *Bismarckien* system can help those people who do not contribute. But when protection is largely based on professional contributions, it can be a problem if a lot of people are not participating. As we will see, the situation became problematical in the 1970s with the increase of unemployment and with long-term unemployment.

1.1.1. Developments since the 1970s

In the 1970s the economic system was hit by the oil crisis. With this crisis, and with previous improvements of the social welfare system, the social security budget increased.

As mentioned above, in a *Bismarckien* logic some thought that, with time, almost the entire population would have a job and could thus be insured, and that the others would be linked to someone covered by the system. The difficulties encountered since the 1970s changed that view. Except for family benefits which cover almost everybody and

are not linked to professional status, welfare coverage has caused problems for the long-term unemployed, for people who are often entering and leaving the work market, for people on the fringes of society, and for the socially excluded. The system cannot be financed by employees' contributions if the working class is not large enough.

Faced with that situation, and in a Keynesian logic, the governments chose, in the 1980s, to raise social contributions and thus, they hoped, to kick-start consumption. This strategy did not work and they also tried budgetary restrictions to decrease the expenditures of social security. Those strategies were hardly more effective.

After those failures, the State began, in the early 1990s, to apply a new logic in some sectors of social policies. To sum up, we can say that the French social welfare system was based on rights to receive benefits, based on work. The benefits received were not necessarily equivalent to the paid contributions, and a part of those contributions was used to help the "excluded". This situation is now moving towards rights established strictly by paid contributions. On the other hand, more social benefits for people who are not insured come from taxes. We can speak of a "dualisation" of the system. Some people come under insurance and others come under social solidarity.

See details in Annex: 1.1.5.

1.1.2. Important transformations

At the end of the 1980s and in the 1990s some reforms aimed to reduce the expenses of social security. Those reforms did not change the main objectives of the social policy (unemployed policy reforms, pension reforms and health insurance). At the same time, some reforms that may have seemed to be marginal applied new instruments related to new objectives. The *Revenu minimum d'insertion* (Minimum income support (RMI)) and the *Couverture maladie universelle* (Universal health coverage (CMU)), for example, are the signs of a deep transformation in the way of managing and conceiving of the system.

A. Unemployment benefits

The unemployment scheme was created in 1958. Initially this scheme was only for unionised enterprises but with time it was expanded to almost all private-sector activities. This scheme is managed independently from the rest of the social security system. Contributions are based on salaries and are necessary to receive unemployment benefits.

For the past few years unemployment benefits have come to correspond more and more to paid subscriptions and are less equivalent to the salary that they replace. We can also say that the unemployment scheme has been characterised by a tightening of the conditions to access benefits and by a shortening of the indemnity periods. With the 1992, 2001 and 2003 reforms, many unemployed people were excluded from the

system. For example, at the end of 1970, nearly 75% of the unemployed were covered, compared to about 40% in 2003.

Since 1984, two schemes have coexisted. An agreement was found at that time between the State and the social partners because of the rise of unemployment. With that reform, the distinction between things that were related to social solidarity and insurance was clearly made. On the one hand, the *Union nationale pour l'emploi dans l'industrie et le commerce* (UNEDIC) and the *Associations pour l'emploi dans l'industrie et le commerce* (ASSEDIC) finance and manage the benefits based on contributions. On the other, the new "solidarity benefits", with the *Allocation de solidarité spécifique* (Specific solidarity allocation) and the *Allocation d'insertion* (Insertion allocation), are managed by the State and financed by taxes. Those new means-tested benefits are for people who are still not or no longer covered by the insurance scheme.

For those who were not covered by unemployment benefits or by the "solidarity" unemployment benefits, the RMI was created in 1988. This benefit is financed by the State and managed by the *Caisse nationale des allocations familiales* (National family benefit funds (CNAF)). The RMI is a differential benefit, calculated by deducting all the income of a worker in reference to a minimum income. All the beneficiaries of the RMI are supposed to sign an insertion contract, with certain insertion activities like searching for a job or training schemes.

The RMI is representative of the new dualistic character of social security. This policy is linked to the residual logic of social welfare. It is for the poorest people, is a targeted policy, is means-tested, is financed by taxes and is managed directly by the State.

Others unemployment reforms have followed. For example, with the 1992 reform, an important agreement was passed between employers and some unions. The multiple unemployed benefits that existed till then were replaced by a single benefit. This benefit aimed to paid contributions more closely to the amounts received. With this reform and the following ones, the accounts of the unemployment "office" were more balanced, the amounts of contributions were raised, the relation between paid contributions and benefits received was tighter, and more people received State "solidarity" benefits.

B. CMU

In recent years poverty problems have escalated. With continuing economic problems and restrictions of the conditions of access to unemployment benefits, it seems that the RMI has not been enough to help a growing part of the population. A law to fight against poverty was passed in 1998. This law can be seen as the failure of the "classic" social welfare system to help everybody. The text is directed toward the "poorest" people, it speaks about social solidarity and about the access to that solidarity for all citizens. Some measures have followed the text.

Linked to the 1998 law, the CMU can be given as an example of the new type of policies recently developed by the State. This policy is targeted by the poorest and represents a change from the traditional logic of the social security system.

The French health care system is based on insurance. The social partners manage the system. The services are provided by public or private hospitals, and by private "professionals". People are refunded for their expenses in relation to the scheme to which they contribute.

The CMU law was officially passed in 1999. With this decision, the affiliation of everyone to the normal regime of social security was expected. For people with an income under a certain amount, access to a complementary coverage was implemented. This programme was partly a reaction to the progressive reduction of coverage provided by the legal health insurances regimes. The CMU is a solidarity programme, not financed by contributions, and targeted toward the poorest people (The programme is qualified as "universal". In fact it means that by helping a specific part of the population, a universal coverage should be attained).

1.1.3. The war on poverty, new logics of social welfare and access to benefits

Even if the changes presented may seem to be marginal, we can conceive that they have contributed to altering the structure and the logic of the system. In a liberal vision, there is now a separation between the people who are able to go alone with insurance, and people who need to be assisted, who are targeted by the social policies.

With the economic crisis that affected the country in the second half of the 1970s, a multitude of new problems arose. The most important were certainly the increase in long-term unemployment, the "casualisation" of work or the transformation of work. Faced with the increasing number of beneficiaries, access to benefits was often restricted in part to past contributions. A lot of people found themselves excluded from protection, for example from unemployment benefits. With those new problems, "new poverty" situations appeared. The social security system did not seem to be able to treat those situations.

As mentioned above, the social welfare system was based on occupational status and was not designed to care much about "excluded" people. Some policies like the RMI were created. The RMI represented a new logic in the social welfare system, where the coverage was not linked to the professional situation, where the "targeted" allowance was given according to the financial resources of the citizen, and where the allowance was financed by taxes.

Those policies were not sufficient and in the late 1990s, in 1998, the State put in place a global strategy to fight against exclusion and poverty. The law to fight poverty and exclusion adopted a global approach, based on partnership. It represents a contextual

vision of the problems, an individualisation of actions, a targeting of policies, often contractual procedures, and a territorial view of interventions.

The new policies of "solidarity" to fight against exclusion, like the RMI or the CMU, have often be interpreted as policies corresponding to the emergence of new social rights, based not on work but on citizenship. In other words, those new policies represent a kind of separation between the social rights gained by citizenship and the social rights that can be obtained by working. The people that supported the 1998 law insisted on the recognition of those rights, on the access to social rights for people excluded from the insurance system.

We thought that the development of social policies based on a solidarity logic was largely responsible for the emergence of NTU as a French administrative problem. With more individualistic policies, with a global approach to problems, with proximity, with the insistence on access to benefits, the new discourse about solidarity have allowed the emergence of the NTU issue.

In the next section, we are going to try to explore in a more specific way the reasons that can explain the emergence of NTU as an administrative problem in France.

1.1.4. Annex: The French social welfare system: logics and schemes

Extract: Union Syndicale Solidaires (<http://solidaires.org/article183.html>)

1° Definition of social welfare: Social welfare refers to all the mechanisms of collective insurance that enable individuals or households to cope financially with social risks, i.e. situations that can cause a decline in income or an increase in expenditures (old age, illness, invalidity, unemployment, family responsibilities, etc.). The areas covered are:

- ▶ health: illness, invalidity, occupational accidents and diseases
 - ▶ maternity: family benefits (family allowances, assistance for childcare), paid maternity leave and other related benefits
 - ▶ old age and survival: this primarily includes old-age pensions and survivor's pension,
 - ▶ housing: mainly housing allowances,
 - ▶ employment: various measures related to insertion and occupational reintegration, as well as unemployment benefits, poverty and social exclusion: various benefits for the underprivileged (mainly the RMI).
- 83.6%of these benefits are paid by social security organisations.

In France, social welfare functions on the basis of three logics:

... A logic of social insurance to cover the loss of income related to unemployment, an occupational accident, illness or old-age. Benefits are financed by contributions deducted from salaries and are paid to eligible parties, i.e. those who have contributed and their direct dependents.

A logic of assistance that establishes solidarity between people to fight against different forms of poverty. The aim is to guarantee a means-tested minimum income support (RMI, disabled adult allowance, etc.) without the beneficiary being required to have contributed to the system.

A logic of universal protection that covers certain categories of expenditure for all individuals, irrespective of income or contributions; this is the case of family allowances.

Note: social risk is an evolving concept that differs from one country to the next.

Unemployment as a risk has been covered from 1958 only, with the creation of the Unedic. The liberal policies holding sway since the early 1990s have caused the development of situations of poverty and exclusion that have become major social risks. The social welfare benefits paid differ in three respects:

- financing (contributions, taxes)
- management (social partners, local and regional authorities, etc.)
- payment (income substitution, reimbursement of expenses, housing allowances, etc.)

Tax reductions (calculated on the basis of the "*quotient familial*", i.e. total taxable revenue / no. of persons in the tax unit) can be considered as an additional benefit but are not taken into account in the evaluation of the cost of social welfare.

With time and as a result of its history, the social welfare system has become complex and opaque.

2° Social institutions and different social welfare schemes

The main social institution in France is Social Security, which manages the basic compulsory schemes for employees and other occupational categories (self-employed and farmers), i.e. health insurance, pensions and family allowances. The social security schemes cover 84% of risks concerning health, invalidity and occupational accidents, 95.3% of survival pensions, 65.7% of family-related allowances and 99% of maternity benefits.

Our social welfare system also includes other institutions that manage:

- compulsory complementary retirement schemes (AGIRC, ARRCO),
- the unemployment scheme (Unedic et Assedic),
- the Social Aid or government scheme,
- optional complementary health insurance schemes (mutual benefit or provident schemes),
- company schemes,
- not-for-profit institutions to assist "households" and individuals.

Most social security institutions are private not-for-profit organisations that fulfil a public service mission under strict control of the State. They are set in a system of solidarity and as such are excluded from the field of free competition. In parallel with these institutions there has been a proliferation of organisations managing various funds such as the FOREC*, the FSV*, the FFAPA*, the FIVA*, the FRR*, the reserve fund of the CMU, the CADES*, and others.

*FOREC: *Fonds de financement de la réforme des cotisations patronales* (fund to finance the reform of employers' contributions), FSV: *Fonds de solidarité vieillesse* (pension fund), FFAPA: *Fonds de financement de l'allocation personnalisée d'autonomie* (fund to finance the APA), FRR: *Fonds de réserve des retraites* (reserve pension fund), FIVA: *Fonds d'indemnisation des victimes de l'amiante* (compensation fund for asbestos victims), CADES: *Caisse d'amortissement de la dette sociale* (fund to pay off the social security debt).

3° Compulsory basic Social Security funds

Social Security currently comprises several schemes:

The general scheme covers employees in trade, industry and services: 80.3% of the population.

_ Various special schemes concern civil servants, members of the military, employees of the SNCF (railways), the mines, and the RATP (Paris transport system), among others (their management is more or less autonomous, depending on the risk): 4.2% of the population.

The agricultural scheme covers farm employees and farmers as well as employees in related sectors such as agri-food: 8.8% of the population.

The scheme for "non-employees" outside the agricultural sector covers self-employed artisans, traders, industrialists and professionals: 5.7% of the population.

The general scheme:

This is the basic scheme instituted by decree on 4 October 1945 for employees not covered by special schemes (law of 22 May 1946). In view of its general scope, it also covers students (September 1948 law), writers, artists and composers (21 July 1949 law), war orphans and widows (26 August 1954 law), State "*agents contractuels*" and the unemployed.

Since the 21 August 1967 decree, the general scheme has been split into several branches for each type of risk: illness, maternity, invalidity, death, occupational accidents and diseases, old-age, and family responsibilities. A separate branch also exists to collect social contributions.

On 2 January 1978 the "generalisation" law affiliated all individuals not covered by any other scheme to the general scheme, provided they contributed to the optional personal insurance fund.

The 27 July 1999 law replaced this personal insurance by compulsory universal health insurance (the CMU - *couverture maladie universelle*).

The special schemes:

Most of these were set up prior to the social security system. Their characteristics differ from one branch to the next.

Some are entirely autonomous and cover all risks (e.g. the SNCF, the RATP, the mines). Others cover certain risks only, so that employees of EDF-GDF (gas and electricity utility) and civil servants are also members of the general scheme for health insurance.

Another particularity consists in what are known as employers' schemes, the most important of which is the State civil servant's scheme for which there is no retirement, invalidity and occupational accident fund that is legally distinct from the employer. Other schemes have their own fund (e.g. national local authority pension fund for hospital and local civil servants).

There are over one hundred special schemes, but only about ten of them are still open to new members. The main ones are the schemes for employees of: the State, EDF-GDF, the SNCF (railways), the RATP (Paris transport system), the mines, notaries' offices, the Banque de France, and local authorities, as well as a scheme for sailors.

All these schemes were set up progressively.

The agricultural scheme:

This scheme concerns both farmers and employees in agriculture. As far as number of members is concerned (close to five million) it is the second largest scheme in the social security system. It was set up from 1952 following the 10 July law that created the compulsory pension scheme for farmers, and subsequently the laws of 1961 that created maternity health insurance (AMEXA).

Although it belongs to the social security system, the agricultural scheme is a particular case. It falls under the Rural Code and the supervisory authority of the Agriculture Ministry.

The scheme is managed by the MSA (*Mutualité sociale agricole*) for all risks, including both the compulsory and the optional parts. This body is responsible for collecting members' contributions and paying out benefits.

The MSA comprises a central fund and 85 funds at departmental level (for one or more *Départements*).

The financing of the agricultural scheme is also particular, at least for farmers. In accordance with a law passed in 1960, Parliament votes on the budget (the BAPSA – *budget annexe des prestations sociales agricoles*) for the health, old-age and family branches of this scheme. The State thus directly subsidizes it. In 2001 this annual subsidy amounted to €823m.

In 1996 when the government passed the laws on the financing of social security, it chose to maintain this form of funding. In 2004 the BAPSA was replaced by a new fund for financing the social benefits of non-salaried farmers, the FFIPSA (*fonds de financement des prestations sociales des non salariés agricoles*).

The general scheme makes up the entire deficit of the agricultural scheme for employees.

4 ° Special funds

From the 1990s, in parallel with the organisations and administrations of the social security system, special funds have proliferated. These funds account for substantial amounts of money (€33bn in 2001). Their existence contributes towards making the organization and financing of the social welfare system particularly complex.

Although they help the government to cope with increases in certain social solidarity benefits, they also enable it gradually to withdraw. These funds are fed by various overlapping sources that can be revised annually when the laws on financing social security or the country's finance laws are passed (subsidies, CSG, taxes, transfers of social security bodies, etc.).

Some funds have even planned to invest a part of their resources in the stock market.

5 ° Complementary pension schemes

Complementary pension schemes became mandatory with the 29 December 1972 law, while complementary health insurance schemes are still optional. The 8 August 1994 law recognised that complementary pension scheme institutions have "a mission in the general interest", which excludes them from competition.

On 14 March 1947 an agreement between employers and trade unions created a compulsory scheme for employees with the status of *cadres* (managers), known as the AGIRC (*Association générale des institutions de retraites des cadres*).

After the Liberation, *cadres* refused to belong to the general scheme that functioned by distribution. A compromise had to be found.

In return for adhesion to the general scheme, *cadres* obtained recognition of their corporatist union (the CGC) and the possibility of contributing (from the part of their salaries over the social security ceiling) to a compulsory complementary inter-professional distribution scheme, in addition to the basic compulsory scheme for all employees.

On 8 December 1961 an inter-professional collective agreement created the association of complementary pension schemes (ARRCO – *Association des régimes de retraites complémentaires*) for employees who were not *cadres*. Originally it was a federation of institutions and schemes, but on 1 January 1999 ARRCO became a single scheme.

On 1 April 2001 the AGFF (*Association pour la gestion du fonds de financement de l'AGIRC et de l'ARRCO*) replaced the financial management association ASF (*Association pour la gestion de la structure financière*) created by agreement on 4 February 1983 to finance the extra cost of retirement at 60 in the complementary schemes. It is financed by a 2% contribution up to the social security ceiling, and 2.2% beyond that.

The IRCANTEC (*Institution de retraite complémentaire des agents non titulaires de l'Etat et des collectivités publiques*) is a complementary pension scheme for civil servants without permanent posts. It has two million members.

6 ° Complementary health insurance schemes

Except for beneficiaries covered by the CMU (universal coverage) created on 27 July 1999, complementary health insurance is optional. It is provided by mutual benefit and provident schemes.

Mutual benefit schemes: there are some 3,000 mutual benefit insurance companies or groups. These are private institutions with a not-for-profit status, that fall under the Mutual Benefit Code. They also manage about 1,000 social institutions for their members (medical or dental centres, eye-care clinics, etc.).

Provident societies are private not-for-profit organizations (of which there are 51), necessarily based on a corporate collective agreement, which cannot include a pension fund.

Benefits paid by the mutual benefit schemes are health-related (75.5%) and survivors' pensions (23.5%).

Since 1992 the provident and mutual benefit institutions come under Community directives on insurance.

Commercial insurance companies (of which there are 118) come under the Insurance Code. They do not fall within the province of social welfare.

7 ° The unemployment scheme

Since 1 January 1984 compensation for unemployment is paid by two distinct schemes but a single organisation.

· **The insurance scheme:** The scheme is managed nationally by the Unedic and the Assedic at local level. As in the social security system, these are private not-profit institutions responsible for managing a public service. They are managed jointly. The two institutions receive contributions (from employees and employers) and pay out benefits, primarily the allowance for re-entering employment (*allocation d'aide au retour à l'emploi*), the employment replacement allowance (*allocation de remplacement pour l'emploi*), and the allowance for aged unemployed persons (*allocation de chômeur âgé*).

· **The solidarity scheme:** The 4 November 1982 law created a solidarity fund to finance solidarity allowances. This assistance scheme, supposed to take over from the insurance scheme, is a form of Social Aid.

To cover its expenses, the solidarity scheme collects the 1% solidarity contribution paid by public- and para-public-sector employees who do not fall under the unemployment insurance scheme. It receives a State subsidy.

The solidarity scheme covers the following benefits: specific means-tested solidarity allowance subject to former employment (*allocation de solidarité spécifique*, the allocation of which was challenged in 2004), the insertion allowance (*allocation d'insertion*, that concerns only very particular categories such as asylum-seekers and former prisoners) and a specific allowance (*allocation spécifique d'attente*) created in 1998 and paid by the CAF to beneficiaries of the RMI and the ASS who have contributed for 40 years but have not reached the legal age to benefit from their full pension.

8° The public authorities' Social Aid schemes

Social Aid existed before Social Security, in the form of public charity and then assistance. It currently plays an increasingly important complementary role (refer to the assistance and insurance sheet).

The public authorities' Social Aid schemes can be classified in three groups:

benefits paid by the State scheme: RMI, guaranteed income for the disabled, API, early retirement, etc.

benefits managed by specialised funds in various central administration bodies (ODAC – *organismes divers d'administration centrale*): ASS for unemployment, housing allowances, complementary CMU, etc.

benefits paid by local authorities, primarily through their social action for children, the aged and the disabled.

Benefits paid in the interest of national solidarity:

– *Minimum vieillesse*, created in several stages from 1941 to 1963; paid by the pension funds to people over 65.

– *Allocation aux adultes handicapés (AAH)*, an allowance for disabled adults, created in 1975, financed by the State and managed by the CAF.

Allocation parent isolé (API), an allowance for single parents, created in 1976, financed by the State and managed by the CAF.

Allocation d'assurance veuvage, created in 1980 and managed by the Cnav or the MSA. It concerns widows under the age of 55 who have a child under the age of 16.

Allocation de solidarité spécifique (ASS), created in 1984, financed by the State and managed by the Assedic, concerns the unemployed no longer entitled to unemployment benefits.

Allocation d'insertion (AI), created in 1984 and managed by the Assedic for the State, concerns only a few very particular categories such as newly-released prisoners, refugees and asylum-seekers.

Revenu minimum d'insertion (RMI), created in December 1988, financed by the State, and managed and paid by the CAF and the MSA. On 31 December 2002 there were over one million beneficiaries, but 2.1 million people were covered, including spouses and children

– *Couverture maladie universelle (CMU)* was created on 1 January 2000. On 31 December 2001, 4.7 million people benefited from complementary CMU, managed essentially by the CAM (93% of beneficiaries).

– *Aide médicale d'Etat (AME)* set up on 1 January 2000 with the CMU, primarily concerns "undocumented" migrants. In 2003, 150,000 people received this aid.

Allocation personnalisée d'autonomie (APA) created on 1 January 2002. In December 2002, 800,000 people benefited from it. This allowance is financed by the budget of the *Départements* and by the FFAPA which is financed by a fraction of the CSG and a contribution by all the compulsory pension schemes.

Since 1 January 1984, when the Defferre Act on decentralisation came into force, almost all Social Aid had been transferred to the *Départements*. Social Aid now accounts for the regional, departmental and local authorities' main budget item. It consists of mother and infant care, social aid for children, and aid for the disabled and for the aged and dependent.

Creation of the CMU on 1 January 2000 removed medical aid from the province of the *Départements*. State medical aid (AME – *Aide médicale d'Etat*) now concerns only "undocumented" migrants.

In 2001, Social Aid expenditures accounted for €12.9bn for the *Départements* and €1,708bn for the State.

9° Company schemes

These schemes pay benefits related to employees' employment contract, in accordance with collective agreements or company agreements. They are paid directly by the employer and may be in the form of family allowances, additional daily wages (maintenance of the salary in case of illness) or severance pay. The company schemes operate mainly in the areas of employment (39.2%) and the family (37.2%).

10 ° Social Aid schemes of the ISBLSM (*Institutions sans but lucrative au service des ménages*)

These are private organisations such as works councils or charities, e.g. the Red Cross, the Secours Populaire, the Secours Catholique, etc. Their action is primarily oriented towards the most vulnerable sectors of the population.

1.2. Reasons for the emergence of an interest in NTU

In a particular context where the social protection system was not able to answer to the needs of everyone with "insurance", solidarity policies were developed. Those new policies to fight against exclusion, developed especially in the 1990s, can be pointed to as largely responsible for the emergence of NTU. They brought a new logic of access to benefits based on citizenship and not on employment-related rights, like for insurance policies.

Besides that general context described above, some others factors explain why NTU was not a recognized problem before the 1990s.

1.2.1. Reasons for the lack of interest in NTU before the mid-1990s

A. A problem ignored by political decision-makers

NTU has never really been a subject of interest for political decision-makers. Interviews by Antoine Math in the 1990s show that different factors can explain that indifference. NTU was often considered not to exist, for example in the case of family allowances (the detection of beneficiaries was done at the prenatal tests). Other people thought that NTU was not really important: if someone does not ask for something, it is because he does not really need it. Other people thought that maybe NTU was a problem. In fact, they saw NTU mostly as a problem of delays between the time when someone asks for an allowance and the time when they receive it (for example in the case of RMI). The idea that it takes a certain time for an allowance to be known and to be used by people can reveal this absence of interest in NTU. This idea implies that NTU is a normal phenomenon of low importance because people just have to wait a little to receive an allowance. It assumes that each citizen is well informed of his or her rights.

B. A problem ignored by researchers

Researchers in the social sciences have worked little on NTU. Maybe it is because of the dominant "spirit" or because of the lack of public orders. This lack of interest can also be

explained by the difficulties that one could meet when studying NTU. NTU is very difficult to know because we “want to know what we do not know”. The people who have access to services and allowances are easier to identify. The lack of statistics can be a real problem in our society, where “quantification” is the norm.

C. The importance of the CNAF

The lack of interest in NTU that has been shown by politicians and researchers has been, in part, counterbalanced by the work of the CNAF. Regularly, until the 1970s, the CNAF produced studies on the question, searched for potential beneficiaries of allowances, and tried to improve information about allowances and the way beneficiaries were received. We can for example refer to the studies by Jean-Luc Outin in 1979 and in 1992. More recently, the CNAF has even included NTU and access to benefits as subjects to pay attention to in the agreement that was signed with the State. We can note that the CNAF was one of the first institutions to be in charge of “solidarity” benefits, a fact that can explain this interest. *(This section is completed by Part 2).*

D. The importance of charitable organisations

In our opinion these associations are at the base of the recognition of NTU and access to benefits as questions of interest in France. They played an essential role in the “emergence” that we can observe mainly from the mid-1990s. They were the first to observe the consequences of the 1970 crisis and to ask for new policies like the RMI. They were also the first to talk about the rights of the poor, like insured people had rights.

Since the 1970s those associations have written official reports and spoken about the question of access to benefits. The Secours Catholique, for example, has regularly asked for the recognition of the problems of access to benefits and NTU. We can also give as an example the report on great poverty signed by Joseph Wresinski, the founder of the organisation ATD Quart-Monde, published in 1987. About this report, Geneviève De Gaulle-Anthonioz writes :

The issue of access to benefits has been developed or put “into the foreground” with the 1987 Joseph Wresinski’s report...This approach represents a huge step forward in the rehabilitation of poor people. Those people will never be seen again as responsible for their situation. It is misery that deprives them from their fundamental rights.

Marie-Thérèse Join-Lambert, the former president of the *Observatoire national de la pauvreté et de l’exclusion sociale* (ONLE) (National Observatory of poverty and exclusion) likewise emphasised that the Wresinski report was particularly important in France for the recognition of the rights of excluded people.

Despite the extensive media coverage of associations' claims, their demand that non-access to benefits be considered as a *'quasi-risk'* (a risk of social welfare in relation to

itself, i.e. not being accessible to those entitled to it, along with risks that are recognized and covered by the social protection system; see Annex 1.1.5.) is not necessarily very explicit and therefore not always recognised¹. The associations still lack a real status as public policy actors².

1.2.2. Possible reasons for the emergence of an interest in NTU from the mid-1990s

>From the mid 1990s the questions of access to benefits and NTU have been the focus of more and more attention. Political decision-makers, charitable organisations or administrative bodies like the CNAF have shown an interest in the problem. Studies have been published and the terms "NTU" or "Access to benefits" have begun to appear recurrently in public discourses and reports. Apart from the general context that we have pointed out, other related reasons can explain that emergence.

A. Long-term and massive unemployment

As mentioned, the social context has played an important role in the emergence of NTU. At the end of the 1980s long-term and massive unemployment was one of the main causes of what has been called "new poverty". This trend was linked to unemployment but also to the policies that restricted unemployment allowances. The reforms of 1982, 1984 and 1992 were particularly important in that sense. With the increase in poverty, "new solidarity" policies were developed and linked to them. Some began to talk about access to benefits based on citizenship, just as that access could be based on professional situation.

B. The fight against poverty and exclusion

The notion of "social exclusion" became important in a context where poverty was increasing. When speaking of exclusion, we implicitly ask "excluded from what?". The use of this concept has surely influenced the interest that has appeared in problems of access, in "the things that people are excluded from". Poverty refers primarily to a lack of material resources. In comparison, exclusion could be defined with reference to two conceptions.

The first conception of exclusion is an institutional one. Exclusion is the non-realisation of the social rights guaranteed by the law. The second possible conception, which has been developed for example by Robert Castel, sees exclusion as a severance of the social link. It insists on the necessity to create policies that reinforce social cohesion.

¹ WARIN P. 2002. The role of non profit associations in combatting social exclusion in France. *Public Administration and Development*, 22: 73-82.

² WARIN P. 2002. La politique associative en construction. Enjeu économique, enjeu démocratique. *Lien Social et Politiques*, 48:35-52.

C. The charitable organisations

At the same time, charitable organisations have become more important producers of knowledge about exclusion and poverty. They have put the question of access to benefits and NTU into the foreground. Furthermore, those actors have been important for the public recognition of poverty as a national cause.

In 1994 the Secours Catholique, a leading organisation, started to produce an annual report. This report and the subsequent ones were about the people who appealed to the organisation for help. Based on a quantitative analysis of the situation of those people, they have had an impact on the opinions of political decision-makers and the media. The statistic approach of the Secours Catholique provided figures on people without access to their benefits, as opposed to the official statistics that did not include those people and only covered beneficiaries.

We can also insist on the emergence, in the mid-1990s, of some actors that criticized the economic and social system *per se*. They demanded the recognition of “rights”, like the right to accommodation, income, transport or public services (electricity, water, telephone, etc.). Those actors were also the revealers of changes in the relationship between the public and the administration. Users began to accept a “logic of rights” between themselves and the administration.

D. The political decision-makers

Influenced by the charitable organisations that became the main source of data on exclusion, the political decision-makers insisted on the improvement of access to benefits as a solution to the problem. The idea was to target policies, to reach the excluded people, and also to prospect for possible beneficiaries of policies³.

Here, we note that the term “solidarity” can be tricky. Policies like the RMI were made to help people, yet in a neo-liberal context they can lead to a real separation between the “assisted” and the rest of the population. This can be a dangerous situation for a welfare State that is linked to a universal vision of social security.

E. A policy evaluation tendency

The fight against exclusion and access to social benefits, with the involvement of politicians and the action of local NGOs, became a national cause in France in the 1990s. Searching for the causes of problems in access to benefits, some pointed to administrative factors. Administrative reforms that were in place and the changes still to come have been linked to NTU. To sum up, we can say that:

The link that has been made between administrative reforms and the fight against poverty has contributed to the emergence of NTU. Many changes have appeared, for example with the reform for the simplification of administrative language or the “quality”

³ BORGETTO M. *et al.* 2004. Les débats sur l'accès aux droits sociaux. Dossier d'Etude 60, CNAF.

reform. With the official programme to fight poverty in 1998, the communication strategies of the administrations with citizens explicitly appeared as problems regarding access to benefits. Some changes are beginning to occur.

The reports of the ONLE, for example, have mobilized the public actors. Those reports have made the link between the complexity of administrative language and NTU. (See *PART 2. Data and measurement*).

F. Research

The NTU concept was developed in the Netherlands, the United Kingdom and Germany. Its "importation" into the CNAF research office certainly has had an importance in the growing interest in NTU in France. This importation can be explained by the attention given by France in the 1990s to the social welfare systems of its European neighbours. That was at the time of the "1992 Europe". A lot of studies were launched about those systems and French researchers "discovered" the NTU concept.

1.2.3. Comments and Hypotheses

At the end of the 1980s and in the 1990s, with the past oil crisis and the increase in unemployment, and with the failure of the insurance system to protect everyone, the war against poverty became a national cause. In that context, a new logic of social solidarity became more important.

In that general context, the charitable organisations projected into the foreground a topic that they had been speaking about for some time: access to benefits. In that period the charitable organisations also became knowledge producers about exclusion, certainly to push their ideas. Faced with the poverty problem that past policies had been unable to solve, the political decision-makers found an interest in the rhetoric of access to benefits. They adopted the leitmotiv that the local NGOs had been pushing for the past couple of years. The administrative answers to those preoccupations involved the development of an administrative simplification programme, reforms for the implementation of more proximity between the administration and the citizens, and an interest in the detection of people's entitlements by the administration.

A review of the official literature about exclusion shows how the question of access to benefits and NTU has become increasingly important in the French political discourse. It also shows how the definition of the problem has evolved and been linked to a more general context, and how some solutions have appeared.

1.3. Access to benefits. An evolution

1.3.1. Before 1990 – discreet emergence of a problem

With the rise of unemployment in the 1970s, the State asked for reports on the “new exclusion problem” linked to massive and long-term unemployment. We can find in those documents some concerns about access to benefits and NTU. We present a survey of those documents, often produced by the members of charitable organisations.

A. Social exclusion and poverty. The lack of material resources is not the only suspect

For example, we can point to the report on exclusion of René Lenoir in 1974. The author writes:

We know that the consumption of health care and education rises with incomes. We can also say that the lowest income categories of the population, because of their disadvantages, are not able like the others to access the help that the State has provided for them.

According to Lenoir, the bad circulation of information about those benefits is in part responsible for this situation. The solution must be found in a better way of receiving and informing citizens. The State can also pay more attention to the situation of immigrant people, who have a particularly serious lack of knowledge about their rights. Lenoir also highlights the “means-tested allowances”. For him, those allowances do not always provide benefits for the people that they target :

Being able to supply official papers and proof is still a handicap for people without resources. Only a small proportion of them are able to make the necessary efforts to overcome such difficulties.

Lenoir also writes that for two reforms, one concerning an accommodation allowance and the other a childcare allowance, the number of beneficiaries was only one quarter of what was expected.⁴

B. The charitable organisations: problems of access to benefits responsible for exclusion

In the context of growing concern about “new poverty”, or new forms of poverty, the State commissioned a report by Joseph Wresinski, the father of the organisation ATD Quart-monde (a charitable organization created to help the poorest of poor). The report *Grande pauvreté et précarité économique et sociale (Extreme poverty and economic and social precariousness)* published in 1987 insists on the importance of recognition of rights. With this report, the world of charitable organisations was trying to alert public

opinion about access to benefits. The report denounced the lack of information about NTU. Over time those organisations have become important sources of production of knowledge about NTU. We read in the introduction of the report:

There is less solidarity in our society and it is hard to detect the excluded. These poor people have a new perception of the situation. They have become aware of their rights and are claiming them.

According to the author of the report, the State had to be aware of the situation. Bad living conditions prevented families from exercising their civic rights, recognized by the Constitution:

Is social welfare addressed in priority to the poorest? The information available for this report only gives facts about the people who are receiving social benefits. They do not give indications about the people that do not receive any help, while they should have access to social benefits.

We also read:

The statistics about the "customers" are usually efficient to measure the number of people who receive an allowance, for example the "accommodation allowance". But those statistics do not concern the people who are eligible for those benefits without requesting them. Mr Fragonard, director of the CNAF, was speaking recently about "potential beneficiaries". This is a true limit when we are trying to analyse poverty. A good analysis should include a countdown of all the potential beneficiaries of a measure, irrespective of whether they ask for it or not.

More specifically and as an example, the Report concerns unemployment benefits. It refers to a study undertaken by the *Union nationale pour l'emploi dans l'industrie et le commerce* (UNEDIC) in September 1984; to a inquiry about employment by the *Institut national de la statistique et des études économiques* (INSEE), and to an investigation by BVA on 2,000 people enrolled for 9 months or more at the *Agence nationale pour l'emploi* (ANPE) (national employment agency). We can focus on a number of statistics. A representative sample has been created on the basis of 75% of unemployed people who do not benefit from any compensation (data from the UNEDIC). In this panel:

- 55% have never had the right to access to unemployment benefits
- 31 % have been refused as beneficiaries
- 3 % have a file that is classified "no follow-up".
- 20 % have already been beneficiaries but are no longer entitled to it.
- 20 % did not ask for the unemployment benefit.

The report specifies that the waiting period between an application and the answer can be an important factor of precariousness. It states that "23 % of people are concerned and their situation should be studied".

The report also focuses on the causes of NTU. For example, there is a section about children who drop out of school and those who often miss school, due to their families' financial problems. It reports on unemployment allowance beneficiaries and the complexity of the system which does not give a chance to people who lack information or contacts. Writing and reading problems as causes of misinformation, delays and NTU are also mentioned. As regards the "accommodation allowance", the report notes that:

The poorest people are often discouraged by the steps that are required to obtain access to allowances and by the ineffectiveness of those steps. Finally, their requests are not accepted.

As regards "access to health care", the report focuses on the lack of confidence that can lead certain sections of the population to NTU. For example, in the case of school medical visits, a woman may be afraid of criticism about how her child is fed. She may therefore not send him to school that day.

C. First knowledge about NTU

The RMI was created in 1988. At that time, political decision-makers were confronted with the rise of unemployment. Many studies were undertaken on this new allowance, thus contributing to the emergence of NTU as a political problem in France.

For example, NTU interested the *Commission d'évaluation du RMI* in a report written in 1992. This report focused *inter alia* on "target policies" and their consequences. It highlighted a study by the CNAF on people who are entitled to the RMI but do not apply for it. According to this study, out of 300,000 people eligible for the RMI, only 130,000 received it.

NTU is also a subject of interest for the *Centre de recherche, d'étude et de documentation en économie de la santé* (CREDES) in a study called "Les bénéficiaires du RMI fréquentant les centres de soins gratuits" ("The beneficiaries of the RMI who frequent free healthcare centers). The authors examine the reasons that lead some people not to use the "ordinary health system". They insist on the financial problems of people as a source of NTU.

D. For a simplification of the administrative procedures

In the 1989-1992 Plan of the *Commissariat général du plan*, Philippe Nasse considers social exclusion. In a section of the report, he points to problems of access to benefits as a source of social exclusion. As regards statistics on the excluded, he notes:

The complexity of the social system and the cumbersome procedures that afford access to allowances lead to the exclusion of part of the population. Those people do not necessarily have the skills of the people who create the social policies, and they find themselves excluded as beneficiaries. For example, when the RMI was created, we realized that: 2,000 people (according to a study by the CERC) had

never had access to social benefits before; one third of the beneficiaries of the RMI were not covered by health insurance, although health insurance has in principle been accessible to everyone since 1978; and 15 % of the people that were entitled to the RMI would not ask for it.

According to the report, the increasing fragmentation of public institutions is one of the main causes of NTU. All future efforts in the field of social policies must be linked to reflection on the opportunity for all people to have access to allowances simply because they reside in the country. For the authors, the most important change should be to try to reduce the fragmentation of the responsibilities of all the social actors:

This fragmentation of responsibilities, this way of thinking by categories [...] is not compatible with the fight against social exclusion. That is why exclusion can often be defined as the incapacity for people to have access to their rights.

1.3.2. After 1995 – the rise of a problem

The strategy to fight poverty and exclusion has taken more space in the political field since the mid-1990s in France. Politicians have admitted the failure of the precedent policies to overcome the problem. Charitable organisations have continued to insist on the importance of access to benefits as a part of the solution and they have started to produce more studies on the question. Administrative reforms like the one on the simplification of administrative language are the most important tool to facilitate this access to rights.

A. Policies that reach their targets?

1995 was an important year for the official recognition of the problem of access to benefits and NTU in France. Geneviève De Gaulle-Anthonioz, an influential personality from the organisation ATD Quart-Monde, presented her report to the *Conseil économique et social* (Social and economic council) in that year. This report links poverty to the issue of access to benefits one of the first official studies about NTU. In this report, the author asks the following question:

To what extent have previous targeted policies to fight against poverty affected the poorest people of our society? Have those policies given them a chance to have a better life? Have those policies helped them to have access to their rights?

The report showed that many sectors were concerned by the strategy to combat poverty: accommodation policies, health policies, family policies and employment policies. Concerning accommodation, the lack of low-cost social housing is pointed out. According to the author, because of this scarcity many people don't bother to apply for accommodation; they doubt the State's ability to meet their need. This is often the case with the *Fonds de solidarité logement* (FSL) (Accommodation solidarity funds). The report also concerns the RMI. It asks questions about the people who do not apply for

the allowance because they lack the necessary information, have difficulties collecting all the required documents, or fear being stigmatised by the allowance and its reputation. The report also considers access to health care. For example, the author criticizes the long delay faced by people who are waiting for recognition of their invalidity by the *Commissions techniques pour l'orientation et le reclassement professionnel* (COTOREP) (Technical commissions for orientation and occupational replacement). In the field of family policies, the report concerns bursaries for secondary school. According to the CREDOC inquiry, only 65% of the people who are entitled to them ask for them. The author also deplores the fact that the social services which can help to provide access to benefits are largely under-utilised. More generally, the report insists on the fact that people do not usually have access to all the allowances to which they are entitled. The diversity of allowances, the complexity of the procedures, and also the fear of stigmatisation linked to some measures are responsible for that. In the conclusion of the report we can read that:

If we want access to rights to be a reality for everybody and especially for the poorest, a lot has to be done. We must simplify, harmonise, and coordinate. We should be able to guarantee a set of homogenous and coherent benefits. Finally, we must avoid delays and severance of payments of the social minima.

Note that the report asks the *Conseil national des politiques de lutte contre la pauvreté et l'exclusion sociale* (CNLE) (National council of poverty and exclusion policies), created by a law in 1988, to be a more active player in the war on poverty. The report also suggests that this CNLE should be helped by a new body such as an *Observatoire national permanent de la pauvreté et de l'exclusion sociale* (Permanent national observatory of poverty and exclusion).

Complementary to the Report of Geneviève de Gaulle-Anthonioz, a study undertaken by the CEBS was published. In a small report called *Les politiques de lutte contre la grande pauvreté* (Policies to fight extreme poverty), NTU was officially defined and detailed for one of the first times. In a section of the document the authors referred to the different categories of the population: "the people who are entitled to an allowance", "the people who ask for an allowance", and "the people who are receiving the allowance".

When a population is not of a single nature, we must split it up to determine who the beneficiaries of a particular allowance are. The situation is complex. In fact, we can identify seven possible situations when we look at the people who are concerned by an allowance.

These situations are classified according to "recognition of a need", "effective request" and "final access". In that system, two types of situation can be identified as NTU: first, people who ask for an allowance and are entitled to it but do not receive it because the administration faces a situation of rationing; and second, people who are entitled to an allowance but do not ask for it.

As regards NTU, the report refers to the work of René Lenoir, to the inquiries of the CNAF on accommodation policies, and to studies on the RMI. The typology developed by W. Van Oorschot is set out in the document. The report furthermore concerns the fear of stigmatisation that can lead some people not to ask for an allowance. The authors propose, among other solutions, that the administration begins to prospect for possible beneficiaries when an allowance is created.

Another document published with the report by Geneviève De Gaulle-Anthonioz was a report by the CREDOC entitled *"Politiques sociales : l'épreuve de la pauvreté. Enquête approfondie auprès de 754 personnes en situation de pauvreté réalisée par le CREDOC pour le Conseil économique et social dans le cadre d'un programme d'évaluation des politiques de lutte contre la grande pauvreté"* ("Social policies: The poverty test. An inquiry on 754 people in a poverty situation" by the CREDOC for the Social and Economic Council, as part of a programme to evaluate policies to combat poverty). This paper gives a lot of importance to NTU in the evaluation of the efficiency of social policies.

The authors of the report are Marie-Odile Gilles and Michel Legros. Firstly, they note that their work is not an analysis of the characteristics of a poor population. Instead, they try to evaluate the efficacy of social policies on that population, with an inquiry conducted on 754 poor people. They refer to a State decree of 22 January 1990 that created an inter-ministerial mechanism to develop and finance evaluation programmes in State administrations.

In the first place, the researchers asked questions to establish which social benefits the examined people were eligible for. They then asked the people whether they did in fact receive those benefits. If the person received the benefits, the point was to know about the steps they had taken for that. If the person did not receive the benefits, the point was to know why.

As an example, we learn in the report that 62% of the people entitled to an accommodation allowance did not ask for it. We also learn that 18% of the sample was not covered by any health "insurance". 29% of the people met never spoke with a social worker and never asked for help from a charitable organisation. Statistics about subjects like access to accommodation and culture, in relation with the respondent's age or family situation, are also presented

The third part of the report is an analysis of the inquiry results. We read in that section that:

Most of the policies considered are targeted policies. They concern a specific population and are implemented to solve a particular problem. If we want to evaluate correctly the efficiency and the efficacy of a policy, two steps are necessary. First, we must clearly define the targeted population of a policy. Then we must calculate the "penetration level" of a policy on that precise population.

This “penetration level” divides the total number of people who benefit from a policy by the number of eligible people. According to the authors:

If we really want to know about the efficiency of a policy, we must evaluate the “penetration level” of a policy and then try to know why some people do not receive the benefit. Among the causes of exclusion, possible problems of diffusion of information will be analysed. The evaluation must also look at the impact of a policy in the fight against exclusion. The feelings of the people about the efficiency of a policy are taken in account. That information is analysed for the people who benefit and for those who do not.

Most importantly, we learn that for almost all of the studied measures, a large section of the population is excluded. For the authors, if a lot of people are living below the poverty threshold, it is because they do not receive all the benefits that they are entitled to. Many reasons for that situation are advanced. Some people think that they do not need a benefit. Others do not know about this benefit or/and they do not know how to receive it. Others simply reject the possibility of asking for a benefit, sometimes because they fear being stigmatised or because they think that they do not really need it. To change the situation, the authors suggest improving information about benefits. They also wish the administration to systematically give an explanation when it refuses to give a benefits to someone. According to them, the administrative steps must be simplified. The authorities should always look for the potential beneficiaries of a new policy. The case of each person should be analysed in a more global vision of his or her situation and civil servants must become more versatile.

B. Breaks and delays

A report signed by Marie-Thérèse Join-Lambert was published in 1997. This report, commissioned by Lionel Jospin, was headed *"Chômage: mesures d'urgence et minima sociaux. Problèmes soulevés par le mouvement des chômeurs en France fin 1997-début 1998.* (Problems caused by the unemployed movement in late 1997 and early 1998 in France). According to Marie-Thérèse Join-Lambert, the charitable organisations, confronted with the rise of unemployment, asked for help in the 1980s. They were no longer able to face the problem and to help everybody. However, the reforms of unemployment policies that occurred in subsequent years did not solve the problem. The situation of the unemployed was even worse when the Government decided on cuts in some programmes and benefits. In 1997 a movement of revolt took place among unemployed people. During that period the charitable organisations insisted more than ever on the lack of allowances, on the problems of access and on the end of entitlement for certain people. Their demands and the situation had a strong influence on the 1998 law against exclusion.

In her report, Marie-Thérèse Join-Lambert does not speak explicitly about NTU. However, she denounces the situations where people who have the right to receive an allowance must wait for too long to effectively receive it. She writes:

The running of the *Fonds d'urgence sociale* (social emergency fund) has shown that many distressful situations were linked to long delays before the person could effectively receive an allowance. A large proportion of the potential beneficiaries must survive without any income between the time they ask for an allowance and the time they receive it. This wait can last for weeks and sometimes for months.

The report also concerns the stigmatisation that is linked to certain allowances. Some people wait before applying for certain allowances or just do not ask for them because they are ashamed.

C. A national programme for access to benefits

a. The law

The law no 98-957 of 29 July 1998 to combat poverty and exclusion contains 3 sections: access to benefits, prevention of exclusion, and a section on social institutions. In the law, the fight against poverty is essentially conceived of as a fight for the recognition and the effectiveness of the rights of excluded persons:

The main object of the law is to ensure social cohesion, by asserting the rights of excluded people. This objective shows a new approach to the exclusion problem: an approach by way of fundamental rights.

The second paragraph of the law stipulates that:

The present law is intended to guarantee, throughout the country, effective access to benefits in the fields of employment, housing, culture and child and family protection.

The law does not create new rights. It only affirms that exclusion is often linked to the loss of access to one or more benefits:

Financial means are not the only means to support the fight against exclusion. To guarantee the effectiveness of the rights of excluded persons, we must inform them about their rights. Past studies about exclusion have put the emphasis on the fact that a lot of people do not know their rights or do not know how their rights can really be respected. The law to fight exclusion insists on the need to inform the socially excluded regarding their rights.

Consequently, the State, the territorial authority and the public institutions must take:

the necessary measures to inform everyone about their rights. If necessary, they must help people in a personal way to accomplish the administrative steps.

Note that the 1998 law created an *Observatoire national de la pauvreté et de l'exclusion sociale* (National observatory of poverty and exclusion). Regular reports on the

application of the law, evaluations and studies of the impact of the law were provided for. The law also created a *Comité interministériel de lutte contre les exclusions* (Inter-ministerial committee to combat exclusion).

b. Evaluations and track records

After the law was passed, many evaluations were carried out. They followed the logic that the fight against poverty had to insist on the sound implementation of policies that were already in place, and that the administrative reform process, started in the 1970s, had become more important. The rationalisation of expenditures, the simplification of administrative language and procedures, the importance of decentralisation and the emphasis on proximity between the administrations and users all became more relevant. They were seen as tools to facilitate access to rights.

In 2000, a *Premier bilan de la mise en oeuvre de la loi relative à la lutte contre la pauvreté et l'exclusion* (first review of the implementation of the law against exclusion and poverty) was made by the *Inspection générale des affaires sociales* (General inspection of social affairs). The 1998 law had provided for evaluations every two years. Maybe because of the short period period concerned (18 months), the document is more of a track records of the law and less of an evaluation.

The second chapter of the report is headed: "*Pour un accès plus effectif de tous aux droits de tous*" (For more effective access by all to the rights of all). This section concerns access to accommodation, health services, culture, education and employment. The document says that 3.9 million people were beneficiaries of the CMU in March 2000. This is 65% of the 6 million potential beneficiaries. The document also points to the fact that certain people encountered certain specialists (e.g. dentists, ophthalmologists) who refused to treat them. The authors also examine "school medical visits", especially in places "where take-up of services is not sufficient". Concerning access to employment, the authors make a comparison of a sample of people who have benefited from the "*Nouveau départ*" programme and of people who have not. More specifically, they compare people who have entered the programme and those who were eligible but did not enter the programme. As regards the treatment of people who have been unemployed for a long period of time, the authors comment:

Uncertainty exists concerning the propensity of the local agencies of the ANPE to effectively propose to firms people who have been unemployed for a long time.

Speaking about the programme "*Trajets d'accès à l'emploi*" (TRACE) (Programme for work access), the authors mention the action of certain local missions who are prospecting for beneficiaries. This prospecting can be linked to NTU because we consider that the State must go in the direction of citizens to favour take-up, to fight NTU. In the field of employment, the report concerns the "adult qualification programme". Only 3,207 people were beneficiaries of the programme while in 1999 10,000 beneficiaries were expected. Speaking about a programme that aims to register the homeless on the electoral lists, the authors mention that only 0,2% of the estimated number of homeless were registered. The lack of publicity on the programme was considered as the main

culprit. Finally, speaking about the *Commission de l'action sociale d'urgence* (CASU) (Commission for emergency social action), the authors recommend the local prospecting of isolated people so they can become beneficiaries.

In a more general way, the report shows an interest in the causes of non-access to benefits. It speaks about unreadable documents, about problems of understanding, about discouraging discourses and about the lack of information. It also points to problems with transferring files, especially for the CNAF. Those periods of transfers create NTU. The authors recommend an improvement in communication with the administrations, especially for programmes that are not really used, like the right to have a bank account.

D. Official research about access to benefits

a. A first report

The first report of the ONLE was published in 2000 and completed by an important document that sums up the work of the ONLE for the period. This report is of great importance for our work because it speaks extensively about NTU, defining the subject for one of the first times in an official document (except for the report of the CEBS in 1995). According to Marie-Thérèse Join-Lambert, who was the President of the ONLE, the interest shown by the ONLE in NTU stemmed from her experience with the unemployment movement in 1997. She then became aware of the problems of people who had to wait for long periods to receive their allowance, or who did not know their rights. Marie-Thérèse Espinasse, the current President of ONLE, links the interest in NTU to the report of the *Cour des Comptes* (national audit office) in 1999 and to the work of Antoine Math. We can read in the introduction of the report:

A thorough knowledge of the population who is concerned by NTU requires research methods that are not easy to implement. What can we do to know the people who are no longer asking for help, who are unknown by the administration?

We also note that:

Bad information about the programmes, lateness in the treatment of files, lateness in the payment of the allowances, problems to obtain the allowances and NTU are common situations.

The first chapter of the first section is written by Christian Loisy and entitled "*Pauvreté, précarité et exclusion. Définitions et concepts*" (Poverty, precariousness and exclusion. Definitions and concepts). When he speaks about social minima and about the statistics on the number of excluded people, he affirms that:

To limit poverty only to the people who receive the social minima is not a good idea if we want to have an effective targeting of the population. At the same time,

the social legislation is often changing and that is also a problem if we want to do a count of the excluded people. Certain behaviours like NTU do not enable us to associate poor people with the population that is receiving the social minima.

He says that NTU can concern people who do not know their rights, but also people who know their rights but who do not ask for allowances and services in a voluntary way. The author refers here to "exit from", a situation that is not often treated in official documents.

The third section is particularly interesting for our research question. This section speaks about the relations between users and the administration. The ONLE conducted two types of study about the problems that can take place in this type of relationship. The first chapter concerns the problems encountered by various bodies and the second one gives users the opportunity to express themselves.

The first chapter of this third section is signed by Jean-Luc Vieillerivière and is entitled "*Les difficultés administratives des personnes les plus démunies face au système de protection sociale*" (The administrative difficulties that the poorest people have with the social welfare system). It concerns NTU. The chapter is based on the number 43 of the CNAF newsletter *Recherches et prévisions*. In this issue dedicated to NTU, people like Antoine Math defined NTU for one of the first times in France in the research domain.

In the chapter of the ONLE report, the causes of NTU are listed. The author speaks about the lack of information on people's rights, about the over-complicated procedures, and about the delays in the payments of the allowances.

The problem of people who are entitled to an allowance but do not receive it is not really studied in France. Nevertheless, foreign research studies and the few that have been undertaken in France suggest that this phenomenon is not a marginal one in France.

For example, the author speaks about the *Fonds social d'urgence* (Emergency social funds):

The way of granting the allowance has often be characterised by vagueness and precipitation. Consequently, there has been a high level of inequality in the decisions. There is a high level of NTU characterised by a lack of information, by difficulties in filling in forms, by discrimination, and by discouragement.

According to the author:

We can ask ourselves questions about the efficiency of the social policies if a large part of the potential users cannot have access to the allowances designed for them.

The second chapter is signed by Hayet Zeggar. It is based on an "*Enquête sur les personnes en difficulté face aux prestations et aux administrateurs*" (Inquiry about

excluded people as regards allowances and administrators). The author specifies that the purpose of the inquiry was to review the situation of disadvantaged people. The inquiry identifies the allowances that people receive, the ones that they are entitled to, and the reasons why they cannot receive all that they should have.

With this inquiry we learn that one “poor” person in two thinks that they are not receiving all the allowances that they are entitled to. We also learn that 17% of the respondents gave up applying for an allowance in the months prior to the inquiry. Of this 17%, 60% were discouraged and 54% were dissuaded by the complexity of the procedures and of the administrations.

Here are some of the questions that were asked by the inquirers:

What allowances should you receive? Why are you not receiving those allowances? In the last few months, did you give up a request for an allowance? Why? What happened? (You thought you could not receive it, you were discouraged, you were not motivated enough to pass through the process, you did not know to whom you should address it?).

b. The 2001 Report

The 2000 Report was about the difficulties that some poor people have to access all the allowances to which they are entitled, consequent to the complexity of the social legislation. The 2001 Report is also about access to rights, but in a more preventive and concrete way.

For example, in one chapter Marie-Thérèse Espinasse speaks about the social rights of poor immigrants. For them, the problems of access described in the first report are just worst. The period while they wait for their situation to be regularised is often quite long and that is a certain form of NTU (according to our definition of NTU, even if in practice those people do not have “rights” until they have their papers).

Another chapter, by Bénédicte Boisguérin, Chantal Casès and Claude Gissot, speaks about the CMU. The chapter refers to an inquiry about access to CMU undertaken by the *Inspection générale des affaires sociales* (General inspection of social affairs (IGAS)). About the complementary allowance, we learn that:

We can observe that students do not apply as often as the rest of the population for the complementary allowance.

Referring to an inquiry by the CREDED in 2000, the authors also write that:

If we look at the people who receive a complementary allowance and who do not think they can receive the CMU, 39% state that they would not ask for the CMU even if they could have it.

We also read that:

The aged and the youth seem to be less informed than the rest of the population. The lack of information is surely a source of NTU. We can also observe that the populations who are the most concerned by the CMU are the ones that have asked for it the least.

Finally, Marie Avenel presents an inquiry into assistance as regards accommodation. She studied the "feelings" of beneficiaries and non-beneficiaries of that assistance whom she met. She notes that the non-beneficiaries are often in that situation because they asked for the allowance and are waiting to receive it. We also learnt that the feeling of "not receiving all the allowances that you are entitled to" is a dominant impression for non-beneficiaries as well as for beneficiaries.

E. Administrative reforms: prospecting, targets, simplification and information as solutions

a. The report of the working group on access to benefits

In 2001 the CNLE presented a report by the *Groupe de travail sur l'accès aux droits* (Working group on the access to benefits). This initiative was inspired by the first report of the ONLE. The CNLE, with this report, wanted to present recommendations to facilitate access to benefits, in a context where the first national plan against exclusion was in preparation, where an administrative simplification programme had been developed, where la CNAF negotiated its new objectives agreement, and where the conditions of access to legal help were revised. In the introduction of the report, we read:

Access to rights has become the priority of social institutions catering for publics in difficulty.

The CNLE also affirms that:

Like the ONLE has shown or like the *Mission régionale d'information sur l'exclusion* (Regional mission for information on exclusion) has said, our country is characterised by limited knowledge about NTU situations. There are many reasons that can explain that situation: lack of information, complexity of procedures, past failures to obtain an allowance that cause discouragement, people who fail to ask for help etc.

To combat NTU, the members of the group talk about a "systematic" prospecting for entitled beneficiaries that has to be made by the administration. This prospecting is especially important when a new policy is made, when changes occur in the rules, or for administrations that have extensive contact with users. The authors asked the ONLE to do a study on NTU for its next report.

Speaking about the implementation of rights, the authors explain how traditionally the services of the administrations worked according to their own constraints. Users were supposed to prove their rights. The CNLE explains that this mentality must change. Administrations must insist on the quality of "reception", on the accompaniment of users,

on coordination and proximity, and also on participation of users in the management of the administration. The CNLE recommends that severance of benefits of the poorest users must be stopped.

b. IGAS

In its annual report for 2001, the IGAS chose to discuss *Les Institutions sociales face aux usagers* (The social institutions and the users). In the introduction to the document, we read that:

The social institutions have been designed to give services and allowances to a relatively homogenous population. Today, those social institutions have problems to adapt themselves to a society that is more fragmented and unstable. It is more difficult for users to recognise their rights and to have access to them if the institutions do not help them.

The IGAS notes that information is a capital variable in this access to benefits. The example of the "allowances guide", distributed by the CNAF, is given. The IGAS also speaks about the CMU that does not seem to reach enough people. The question of the quality of services is also concerned. This quality must be the same for all the publics, without discrimination. The efforts of the *Associations pour l'emploi dans l'industrie et le commerce* (ASSEDIC) are also given as an example. Those efforts have caused:

A 1.5% increase in the number of beneficiaries. Those new beneficiaries thought that they were not entitled to an unemployment allowance.

According to the report, access to unemployment allowances still remains something to watch. The report also speaks about the allowance for widows and about old-age pensions. The authors insist on the huge difficulties encountered by some population groups to have access to their rights. In the conclusion to that part of the report, we read that:

Until now, the strategy to facilitate access to rights has mostly helped the middle class users. Not being able to reach the poorest people is a major problem. The State is always creating new allowances but do the people who really need them benefit?

The third part of the report is about social rights "that do not exist if nobody tries to make them effective". The constant fragmentation of the system, its specialisation, the partition between national and local solidarity, between social security and insurance companies are denounced.

The first chapter of this third part is headed: "*Connaître les usagers tels qu'ils sont*" (Knowing users as they are). The authors speak about disadvantaged users who have to be helped to access services. We read that:

Other potential users are totally unknown by social networks. They represent a set of potential users that are for the moment unknown and unreal, even if they have social rights.

The authors divide users into three circles: customers, the target public, and marginalised people. The target public is relatively homogenous, is receiving allowances and is followed by the institutions. According to the IGAS, most of the people that they have met have a tendency to deny the existence of a group of marginalised people:

It is possible to doubt the existence of a group of marginalised people that nobody knows, that are silent and virtual. We see that they exist each time that a device is created to detect them. The difficulty for the institutions met for this report is to situate those potential users in relation to their own missions and competences.

For the authors, the social institutions must enhance the quality of their services. They also have to search for potential users who cannot access the services alone because of particular difficulties. The IGAS suggests that institutions invite people to participate in the planning and implementation of social policies. The quality must be at the heart of social institutions and special budgets must be created to deal with exceptional situations. The simplification of the system is a priority, as is the modernisation of the administrative language. Finally, the authors insist on the recognition of social rights. When people cannot have access to their benefits because of errors or because of bad information, those rights are as important as private or fiscal rights.

c. The Ombudsman

Some actors who are between the administration and the State have also contributed to the emergence of NTU. By essence, the Ombudsman's work is linked to NTU. This institution offers users the possibility to complain when they are not satisfied of an administrative service received, when an allowance or a service are refused to them, when they think that there is an administrative error. For example, the Ombudsman speaks of the long delays that users can experience and about the lack of information on services and allowances.

For example, the Ombudsman Report for 1995 notes that the application of complicated rules can cause exclusion. The case of the national grant for student is considered. We learn that the complicated steps that are necessary to obtain this help exclude from the programme those students who need it the most.

In 2001 the Ombudsman engaged in the reform to simplify administrative language, dealt with NTU. In the report, he criticised the inflation and instability of legal norms that cause problems for citizens. He also pointed to the fracture between civil society and the administration. He spoke about the impossibility for certain people to fill in complex forms or to provide all the necessary papers if the administration asked for too many documents. We read in the report that:

Complex rules, the coexistence of contradictory logics like solidarity and insurance, and the complexity of the administrative language all make it impossible for some people to have access to some services and allowances. Those services are often of a particular importance for those people...

In his report for the year 2002, the Ombudsman remarks that the people who often need him the most are the ones who are most likely not to make the request:

Some people do not know about their rights. They do not know where to go, they do not master the language, but they need advice and they have the right to be heard.

F. Reinforce access

a. The 2001 plan to fight exclusion

The *Plan national d'action français contre la pauvreté et l'exclusion sociale* (National French plan to fight poverty and exclusion) was published in 2001. After the Lisbon meeting in 2000, each country of the European Union had to submit a national plan to fight exclusion to the European commission for June 2001. This plan was supposed to concern access to health care, accommodation, education, justice, culture, sport and recreational activities. In the French case, this plan was inspired by the older French programme to fight poverty. The collaboration of social institutions, local authorities, insertion structures and charitable organisations was requested.

The access to fundamentals rights is central in this plan. One section is entitled: "*L'accès à leurs droits pour les personnes en situation d'exclusion demeure difficile*" (The access to their rights for excluded people remains a problem). We read in this section:

NTU is difficult to apprehend. Nevertheless, we can assume that there are a lot of people who are not able to access their rights. Those cases are particularly important in accommodation allowances, for social minima and for family allowances.

The plan shows an interest in the difficulties that people meet to have access to allowances, especially when the forms are too complex to fill in or when people lack information. The charitable organisations insist on the unpredictable delays necessary to obtain an allowance and on the non-utilization of available "advances" on the allowance. According to a representative sample of excluded or poor people, the plan says that 20% of those people have given up the struggle to obtain benefits (ONLE study, 2000).

b. The reinforcement plan of 2003

A *Plan national de renforcement de la lutte contre la précarité et l'exclusion* (National plan to reinforce to fight against poverty and exclusion) was published in 2003. The first objective of the plan is to concretise the access to their benefits for the excluded or poor people. Again, the authors speak about a simplification of the steps, about the lack of

information about programmes, about the shortening of delays to receive allowances. The objective is to:

Put in place a new logic compared with the current one. The administration must reach out to potential beneficiaries of an allowance or service. Currently, citizens have to search for the allowances to which they are entitled and that way of doing things is still dominant

We also read that:

Excluded people are suffering because they do not know their rights. Often, they cannot access their benefits.

Some examples of those difficulties for specific programmes are given. Speaking about the *Programmes régionaux d'accès à la prévention et aux soins* (PRAPS) (Regional programme for access to rights and prevention), the authors say that a better search for the benefits to which people are entitled is necessary. Speaking about the *Programme d'aide à la reprise de l'activité des femmes* (ARAF) (Help for women to return to work), the authors suggest checking that the target public knows about the programme. The plan also concerns some under-utilised programmes, like programmes for access to culture or for telephone access.

1.4. Access to social benefits in the "Family" branch of French social security: retrospective and prospective overview

1.4.1. Political context

With over ten million beneficiaries, the CAFs (*Caisses d'Allocations Familiales*), the institutions that pay family allowances and are active players in the field of social action, are particularly concerned by problems of access to benefits and non-take-up. Yet being "concerned by" this problem and "undertaking" actions to remedy it are not necessarily the same thing. It is around this question of the relationship between discourse and reality that this contribution to the Exnota research is articulated. The authors, who are employees of the "Family" branch of the French social security system, address the topic from an institutional point of view. This positioning must be taken into account when reading this report, for the documents studied and the individuals questioned to complete the authors' own analysis are all directly involved in the system.

Three main tendencies can be distinguished in discourse and action in the field of social benefits in France. These tendencies structure managerial approaches and are not mutually exclusive. The first and historically oldest, was based on the assumption that users were responsible for taking the required procedures to obtain the benefits to which they were entitled. In the second tendency, which appeared in the 1980s, it was

assumed that ideally state organisations had to facilitate access to social benefits by the most underprivileged groups. This managerial tendency resulted in the 1998 law on exclusion. Finally, the third tendency, less publicised than policies on access to benefits, is directly related to immediate political interest. The underlying idea is that it may be politically useful for certain groups to have access to certain benefits.

These different managerial ideologies can be implemented from several operational angles: that of the recipients, that of the benefits themselves, and that of the organisation of services. These combinations have effectively determined action plans in this field for the past two decades at least. Although they are not systematically taken into account in the discourse, they can be identified in the measures that have been taken.

Reminder: typology of NTU of benefits

Several types of NTU of benefits can be distinguished: primary NTU (the user did not submit an application), secondary NTU (the user applied but was refused), partial NTU (the benefit is received but is less than the amount potentially due), total NTU (the benefit is not provided) and temporary or permanent NTU (Math and Van Orschoot, 1996). The type of NTU that is easiest to evaluate is NTU by beneficiaries who are already registered recipients, known to the CAF. NTU by users who are not registered at a CAF is more difficult to identify. By definition we have no data on these potential beneficiaries. Evaluations performed until now have therefore focused primarily on individuals who already receive a benefit or are at least registered.

1.4.2. The origins

A. Organisation and communication

As regards the organisation of reception of the public, in the 1950s already a functional unit ("the public line") was created by the national union of family allowance funds (UNCAF – *Union nationale des caisses d'allocations familiales*) to help the CAFs in their front-office organisation. At that stage prospecting for beneficiaries was not a major concern. The institution did not seem to be confronted with a problem of NTU or, rather, did not seem to be aware of this phenomenon for at least two reasons: the nature of the benefits paid and the form of contact between the CAFs and their beneficiaries. Until the late 1970s benefits paid out were above all redistributions and based on the number of dependent children. Their calculation and the identification of beneficiaries were very simple because these benefits were not means-tested. Moreover, communication to beneficiaries was via an itinerant paying agent who knew his/her public well. His/her role was not only to pay benefits in cash but also to inform "his/her" recipients of their rights and hence of the benefits to which they were entitled.

The simplicity of calculations and determination of beneficiaries partly explains why communication was not a major management concern. The communication department at the national agency, the CNAF, was created in the mid-1970s only. This absence of initiative needs to be seen in a general context where the issue of access to benefits was still largely absent from reflection on good administrative management and, more generally, from public debate.

B. Emergence of the issue of access to benefits

Emergence of the issue of access to benefits in the CAFs dates back to the late 1970s⁵. Two factors initiated it: the upsurge of precariousness, related to the deterioration of the job market, and the institutional response to this phenomenon that involved an increase in means-tested benefits (the first of which – a single-parent allowance – was created in 1972 less for employment reasons than to cope with changes in family structures). Having noted that the proliferation of benefits offered generated major difficulties, the CNAF commissioned Jean-Luc Outin to conduct a study on families' access to social benefits (1979). This first reaction was above all theoretical and exploratory. The move to more concrete action was made in the 1980s when the entire CAF network launched an exploratory search for potential beneficiaries for family and social housing support (ALF – *Allocation de logement familial* – and ALS – *Allocation de logement social* – respectively). Here again, very little operational information or generalisation can be drawn from these surveys due to the variety of methodologies applied by the different CAFs. Moreover, the survey was not supervised at national level. The leeway left to the individual CAFs needs to be analysed more precisely. To our knowledge, its explanation is twofold: the material difficulty in steering such research at a time when available technical resources – especially computer resources – were still very limited; and the fact that the search for potential beneficiaries was above all an operational problem left to those actors least well equipped to succeed: the CAFs.

The impulse seems to have come from outside, from the Mission Oheix. In 1980 this task force, in which the CNAF participated, submitted a report presenting its proposals for the struggle against precariousness and poverty. Its approach was particularly important for:

- the search for potential beneficiaries;
- continuity in the payment of benefits;
- improvement in the management of benefits;
- an increase in financial aid.

Certain proposals were adopted by the CNAF. From July 1981 the CAFs introduced a procedure to maintain means-tested benefits for three months for beneficiaries with a low income who had not sent in the required documents to prove their eligibility. In case of changes in beneficiaries' situation, their CAF maintained a supposed benefit pending reception of the required documents, and retrospective payment of benefits due became automatic. From 1983 it was the CAFs that automatically transmitted the files of beneficiaries whose address changed. Beneficiaries simply had to send the certificate of transfer to the new CAF.

Apart from these "technical advances" that were more a matter of maintaining benefits than facilitating access to them, a more ambitious and dynamic approach was launched. In 1982 the CNAF initiated systematic prospecting (at national level) for potential beneficiaries of family housing support. It covered 2% of the national beneficiary file. In

⁵ About this story : KESTEMAN N. 2004. Lutter contre le non recours aux droits sociaux dans la branche Famille du régime général de la Sécurité sociale. *Informations sociales*, 120 :78-87.

the conclusions drawn from this initiative, it was estimated that if the operation had covered the entire file of all funds concerned by family housing support, 275,000 new beneficiaries would have been identified. On the basis of this figure, a 10% rate of NTU of this benefit was estimated.

However, this operation was not followed up and generalised to the entire beneficiary file due to the economic and social context at the time. Budgetary constraints were strong, more stringent control over spending was introduced, and the government considered that despite its advantages the approach was not advisable.

Despite this setback the subject was not dropped, although it was scaled down (in terms of the types of benefit considered and the financial amounts involved). A large-scale study of beneficiaries of the orphan and family support allowance (*Allocation d'orphelin – allocation de soutien familial*) was conducted in 1985. It highlighted obstacles to take-up of this allowance, for which the NTU rate was estimated at 50%, mainly due to its specific nature: in order to receive an allowance, proceedings had to be instituted against fathers who failed to pay maintenance for their children.

Another national inquiry on the "social management of welfare benefits" in the CAFs resulted in the creation of a CNAF-CAF working group in 1984. The aim was to identify local actions that helped to "decompartmentalise" reception and administrative services in order to improve the quality of the service and consequently access to benefits. Most of the CAFs had already set up one or more operations or organisations of this type.

With this survey the "Family" branch left the exploratory stage in search of "good practice" in the CAFs.

Note, however, that the social management of benefits is a labour organisation concept that concerns only registered users. This is the whole paradox of this policy of access to benefits. It was to assume multiple aspects and continue during the following two decades with the same philosophy: access to benefits concerns above all entitled beneficiaries already registered by the CAFs. The objective was not to prospect for new beneficiaries but to improve the quality of the service. The problem of access to benefits was an important but non-exclusive component of this policy.

The "social management of benefits" was thus emblematic of the diffusion of good practice within the institution. However, it was based on the principle that beneficiaries had to "do their bit", that is, to take the necessary steps to obtain the benefits to which they were entitled. This view was also based on the assumption that beneficiaries who were the targets of family and social policies, as well as the associations that could serve as intermediaries, knew what their benefits were and were able to take advantage of them. The idea was an "administrative exchange" or even a "co-production" where the two parties (users and the CAF) met halfway. While the beneficiaries were to make sure that they were informed and to comply with administrative rules and constraints, the CAFs improved their "service" (reception, written relations, telephone contact). An illustration of this will to improve the service was the inquiries on user-satisfaction that

were carried out on the CAF network. Apart from seeking information on users' reasons for personally visiting their CAF, phoning it or writing to it, several CAFs tried to assess the complexity facing beneficiaries who had to fill in forms, who wanted to know their benefits, etc. Behind these inquiries was the idea that procedures were not clear and were a source of difficulties of comprehension that generated contact and therefore, from a management point of view, also generated more work for front- and back-office staff. Here again, better knowledge of the causes for dysfunctions was accepted more easily by the institution because it "killed two birds with one stone". By improving beneficiaries' understanding of administrative procedures, it helped to reduce NTU and simultaneously to limit the number of visits, telephone calls and letters that were a source of additional costs for the CAFs. Once again, better access to benefits and managerial concerns go hand in hand. The question is which of the two comes first?

1.4.3. Social management of benefits and comprehensive approach to beneficiaries (the 1990s)

With the introduction of minimum income support (RMI – *revenu minimum d'insertion*) in 1988, social management of benefits seems to have slowed down. The CAFs, faced with the arrival at their agencies of a public that no longer consisted exclusively of families and was characterised by precariousness, focused on production and management. The priority was to process files without delays at the lowest cost. Yet the problem of access to benefits was not entirely shelved. In fact the rapid development of the RMI confirmed the fact that beneficiaries experienced difficulties in their relations with their CAFs. In the early 1990s J.-L. Outin and N. Bardaille were requested to conduct a new study on the CAFs and their beneficiaries. On the basis of this study typologies of beneficiaries were constituted, and it was shown that the CAFs and the public they served did not function with a comparable rationale. In 1996 the DAR (*Direction de l'animation du réseau*) of the CNAF conducted a survey on users "with a low level of administrative autonomy". In the same year a special issue of the CNAF's research journal, *Recherches et Prévisions*, was devoted to the complexity of welfare benefits. In several articles A. Math and W. Von Orschoot developed the first comprehensive theoretical analyses of non-take-up of benefits in French social and political science research.

In 1998 the CNAF and the CAFs launched an institutional project on complementarity between social action and family allowances in reception of the public and access to benefits (report by the group *Accompagnement Social à l'Accès aux Droits* in March 1998, whose recommendations were transmitted to the CAFs by circular). The idea was the institutional consecration of "social management of benefits". This approach resulted in the modification of services and sometimes of posts in order to establish legal benefits/social action versatility in the CAFs' reception of their public.

The state-CNAF objectives and management contract (COG) for 1997-2001 engaged the CNAF in a procedure of simplification and legibility of benefits, concretised essentially in the reformulation of letters to beneficiaries and of forms they had to complete. It also included the objective of facilitating access to benefits by individuals in difficulty, that

was to involve family allowances and social action. Apart from its inclusion in the national guidelines circular on social action for 1997-2001, this contract also led to the creation of a national CNAF-CAF working group on access to benefits.

The COG furthermore committed the CNAF to reducing payment of un-owed sums. The CNAF-CREDOC report on un-owed payments (D. Buchet *et al.*, 2001) showed that the origin of three-quarters of all of these amounts lay with the beneficiary. A policy of proactive communication and contact, and the development of interaction between the CAF and third parties could help to avoid them. Automatic submission of cases to the commission of appeal (CRA – *commission de recours à l'amiable*) in case of a low family income was proposed on the basis of this report.

This period also witnessed the establishment of an institutional mediation service at the CNAF (1991) and in many CAFs (60% of them had this type of service in 2001).

All these projects and changes were at the origin of the first reflection on a comprehensive approach to beneficiaries. This seems to be a concept that cannot be dissociated from access to benefits and is reflected, above all, in the internal processing of all legal and extra-legal benefits without the beneficiary having to explicitly submit an application.

In parallel, other studies on NTU were carried out:

- a CREDOC-CNAF survey in 2000 on family housing allowances and personalised aid for housing, at the behest of the national audit office (*Cours des Comptes*), on a sample of 669 beneficiaries with at least one dependent child, concluded with a NTU rate of under 5%;
- research in 1996 by Anne Reinstadler for the CNAF, on NTO of a child allowance (*allocation parentale d'éducation*), on a sample of 713 potential eligible families in Meurthe and Moselle, concluded with a NTU rate of 17%.

Some conclusions can be drawn from these initiatives by the "Family" branch of social security, regarding access to benefits and NTU. They emerge with the change of type of beneficiary and the upsurge of means-tested benefits, when the traditional mode of operation of the CAFs was hit by the arrival of a public in more precarious situations, more financially dependent on the benefits received, and less able to understand the administrative procedures required by a relationship with the civil service. By adopting specific policies for this public, the branch joined a more comprehensive movement than traditionally known in public services, in which public action is brought closer to its beneficiaries.

Yet when we look more closely at the CNAF and CAF approach, we see that their initiatives waver between progress and standstills. Although we cannot deny the branch's investment in studies and research, and the fact that it is often ahead of other public services and helps to feed into reflection on these themes, this active policy of access to

benefits has to be seen in a particular context. It is accepted all the more easily by policy-makers within the CAF in so far as it also serves a managerial policy aimed at getting to know beneficiaries better in order to improve the understanding of their approaches and needs, and thus to adjust the service. Access to benefits is obviously highlighted because it is politically fruitful, in so far as it enhances the image of the CAFs as social organisations. But we may well wonder whether, above all, it does not serve the managerial interests of the CAFs. At best, these two interests work together; at worst, the generous policy of access to benefits masks a less noble, purely managerial policy.

We also note that the very generosity of these policies – guaranteeing people all their benefits – is strongly contingent on economic realities. Several initiatives were limited in scope by the absence of "food for thought" once the recession set in lastingly in France.

Finally, another factor limiting the scope of these policies was introduced by their methods. All policies on access to benefits focused on beneficiaries who were already registered by a CAF. The policy was therefore limited, especially since any prospecting to identify unregistered potential beneficiaries was not allowed. Thus, the policy on access to benefits was not really a policy to combat NTU. It can rather be considered as a policy to combat partial NTU. The experience acquired by the CAFs through experimentation and mutualising a series of measures to facilitate access to benefits suggests that the vast majority of beneficiaries now receive all the benefits to which they are entitled. The real problem lies with unregistered potential beneficiaries. This section of the population remains unknown to the CAFs, shrouded in mystery.

Work undertaken in the framework of the state-CNAF management contract (COG) for 2001-2004

As a continuation of the previous COG on service quality, and following the audit office report in 2000 recommending the inclusion of prospecting for potential beneficiaries as a service commitment, the CNAF undertook, for the duration of the contract, to:

- conduct a study in cooperation with the CAFs, targeted at the search for potential beneficiaries (and to record actions undertaken by the CAFs in this respect);
- run experiments in prospecting around the identified targets;
- evaluate the results obtained;
- make methods, communication tools and computer application available in the network, for the targets considered as relevant.

Article 2 of the COG completes these commitments:

- facilitate access to benefits (processing of all benefits),
- informing beneficiaries better: three months before a benefit reaches its term, inform the recipient of the change and possibly of other benefits offered by the CAF.

The results must be transmitted to the State and to the board of administrators of the CNAF.

Research field:

- Potential beneficiaries (total NTU): policy of communication + exchange of data with partners.
- Already beneficiaries (partial NTU): policy of communication + exchange of data with partners + comprehensive approach to the beneficiary's file + specific computerised inquiries.

Constraints:

- Obligation to define targets, especially for potential beneficiaries (total NTU)
- CNIL (*Commission Nationale Informatique et Libertés*) (data exchange)
- High marginal cost of management: human and financial resources
- Financial cost in terms of volume of benefits detected.

The latter two constraints indicate the state's ambiguity in this approach. In 1982 already, during the ALF survey, the finance ministry refused to extend prospecting for benefits to the entire beneficiary file due to the cost of the operation. On the other hand, the fact that prospecting for beneficiaries entitled to the child

allowance (*Allocation parentale d'éducation*) was supported by successive governments, despite its cost, can be explained by its marked effect in reducing the number of job seekers. Likewise, communication on the housing allowance for students and facilitation of access to this benefit, clearly correspond to an economic and electoral concern (housing market, new voters).

Provisional results:

- A moral report on the issue of access to benefits and the search for potential beneficiaries in the CAFs (A. Caizzi)
- A reasoned synthesis of actions undertaken or to be undertaken in the comprehensive approach to beneficiaries (registered and potential)
- A study on the management of definite termination of benefits in *Cristal* (an informatic system)
- A survey on formal or informal mediation services set up in certain CAFs (A. Caizzi)
- The stumbling block is detection of non-beneficiaries. No particular methodology has yet been adopted in this respect. Initially, reflection focused on modes of searching for beneficiaries: by benefits, by geographic area, by type of population? Currently it is highly unlikely that work on the detection of non-beneficiaries will yield tangible results. Non-beneficiaries seem to be implicitly abandoned, due to the time constraints of the COG.

Other work under way illuminates this approach:

- The CNAF survey on reminders of benefits;
- The DREES (social affairs ministry)–CNAF surveys on beneficiaries of minimal social benefits;
- The *Observatoire du Non Recours* (ODENORE) set up this spring in the Isère *département*, with the aim, concerning the CAFs in this department, of constructing new tools for evaluating NTU, especially by exploiting existing internal and external (partner) data bases. These tools will be designed to serve the network of CAFs.
- INSEE survey on a sample of 4,000 homeless users of accommodation services and distribution of hot meals in 2001. The findings enabled the CNAF and the DREES to evaluate NTU of the RMI and family allowances. The results have not yet been released.

1.5. The Emergence of Non-Take-up and Administrative reform in France

With the upsurge of problems of precariousness, poverty and social exclusion, the role and place of government administrations and services has once again become an issue in France. For a little more than a decade, criticism of administrative shortcomings that can be sources of NTU has increased. Government administrations' and services' capacity to serve all sectors of the population and in particular to take into account the needs and expectations of the socially and economically most fragile groups is questioned. Tentative answers are provided. In some cases we witness NTU of public services being taken into account more or less explicitly. This applies at a national level, in policy on the modernisation of the civil service, but also locally, through implementation of the principle of proximity regarding underprivileged groups.

It therefore seems possible, in the French case and on several different levels, to identify attention to the NTU issue in debates on government administration and services. Our observations are necessarily juxtaposed since the emergence of the NTU topic is scattered and reforms underway are multiple. We have chosen to group them together in two main sets. The first series of observations concerns policy on general reform of the State administration (I), while the second series concerns the construction of a model of proximity services as a means to revive "disadvantaged areas" (II).

1.5.1. Non-take-up: An emergent concern in public administration modernisation policy

Current reform of State administration is being implemented in two areas: it is attempting to bring the administration closer to citizens, and it is overhauling public management (see in annex the attached presentation)⁶. Since the early 1980s the main objective has been to modernise the civil service while cutting costs in order to relieve pressure on the State's budget. One of the main approaches, adopted by successive governments, has consisted in tailoring services to individuals' needs and requirements. Like most other European and, more generally, OECD countries, France opted for a logic of individualisation of the public service offer.

Since the 1970s, administrative shortcomings have been the target of French policy to modernise government administration. This priority is attested by the most recent framework law passed in this respect, on 30 March 2000, and aimed at bringing the State closer to citizens⁷. To remedy weaknesses in the civil service this law was designed to boost the movement extending citizens' claim rights that has characterised modernisation policy since its distant beginnings. The law followed a long series of legislative texts (laws, decrees and orders) aimed at extending users' rights concerning access to information (simplification of administrative language, access to administrative documents, etc.), and quality of treatment (shorter reaction time, explanations for decisions, stating the name of the agent in charge of the file, etc.), and facilitating appeal procedures in case of disagreement or prejudice (reversal of the onus of proof, introduction of mediators, simplification of legal proceedings, etc.) (see Box 1).

Box 1

"Claim rights are the core of the 12 April 2000 law on citizens' rights concerning their relations with the civil service. This law corresponds to a large extent to the trend towards administrative transparency initiated nearly twenty-five years ago [...] to restore the citizen's right to information and to reverse the administration's obligations as regards confidentiality. Originally conceived by the former *Commissariat à la Réforme de l'Etat* under the Juppé government (1995-1997), it aims to revise important legislation in order to consolidate citizens' access to legal rights, which is above all the main condition of a government administration at the service of the population. Twenty years ago recognition of citizens' right of access to administrative documents (11 July 1978 law), the administration's obligation to explain unfavourable individual decisions (11 July 1979 law), assertion of citizens' rights as regards computerised processing of normative information by public administrations (law of 6 January 1978) and other texts constituted a significant wave of measures intended to affirm users' civil rights. With general regulations relative to non-contentious administrative procedures (28 November 1983 decree) the outlines of a system of protection for users also emerged. The April 2000 law [...] aimed at adding shine to these various measures oriented towards the implementation of administrative citizenship by guaranteeing individuals their rights in relations with the civil service."

Extract: Philippe Warin, "Les droits-créances aux usagers : rhapsodie de la réforme administrative", *Droit et société*, 2002, 51/52 : 439-440.

⁶ The attached presentation is taken from the website of the French Embassy in the US (www.info-France-usa.org/fr). We chose it for its exact, clear and detailed presentation of current policy. It lists the most important laws, presents key figures and cites its main information sources.

⁷ A presentation of this framework law of March 2000 is available on the website of the Jospin government's archives (www.archives.premier-ministre.gouv.fr/jospin).

Within the framework of this general policy, public management objectives have been set to enhance efficiency in the civil service. French public administration has thus to a large extent adopted a contractual approach designed to structure means and objectives around the measurement of results. This has required the development of management tools and experimentation with evaluation methods comparable to hybrid benchmarking applied in other European countries⁸. At the same time, government authorities have continued their drive to develop new information and communication technologies as a tool to improve relations with citizens. Under cover of discourse on the need to usher France into the information age, rationalisation of human resources assigned to administrative tasks has been introduced, with the main aim of slashing the number of civil servants by replacing them with machines⁹. This objective is currently at the centre of the renovation of public management, but the idea is much older¹⁰. Through these different actions (contractualising means and objectives; management and evaluation tools; switch to e-administration) and the government's employment policy to reduce the number of civil servants by thirty percent by 2009, profound reform is underway. The main objective is to shift over, *as far as possible*, from a career-based to a job-based civil service¹¹.

To understand the current emergence of the NTU theme in this public administration modernisation policy, it is important first to mention the obstacles to recognition of the phenomenon until now. The somewhat dispersed nature of its emergence is then easier to grasp.

1.5.2. Obstacles to recognition of the NTU phenomenon

Above all, it is important to note that in France this reform policy is essentially focused on organisations and agents. The common theme in successive measures over the past thirty years has been to put an end to the historical entanglement between the civil service status and the public service mission. From the 1970s statutory guarantees granted across the board in exchange for specific missions assigned to State agents, in accordance with the general status of the Civil Service instituted by law in October 1946, seemed to be less and less compatible with general economic demands, and an impediment to change. In particular, the principle of depersonalisation of the administration that precluded any definition of means and objectives in terms of devolvement, was gradually questioned. Reference to the user became central, to

⁸ The website of the Civil Service Ministry is useful: (<http://www.fonction-publique.gouv.fr>).

⁹ On the government's action programme on the information society (PAGSI), see: www.droitconsti.org/Pagsi.htm; on the general modernization policy via NICT, see: www.ladocfrancaise.gouv.fr/dossier_actualite/ntic.

¹⁰ It was the Nora-Minc report submitted to the State President in January 1978 that first pointed out the economic effects of computerisation/automation with a view to general reform of government administration: Rapport Nora-Minc, *L'informatisation de la société*, Paris, La Documentation française, 1978.

¹¹ The career system that predominates within the European Union (with the exception of the Netherlands) can be defined by the combination of several elements, including life-long careers within the civil service and a hierarchical progression whose successive steps and conditions are determined by laws and rules, and which consists in the occupation of several positions successively. This system, that goes hand in hand with the assertion of the specific nature of the State service, is generally contrasted with the employment system in which civil servants are recruited only for a specific job and have no right to a career. The civil service is then fragmented into a multitude of jobs.

facilitate the introduction of a reform via organisations and agents. The objective was to reconfigure government administrations in relation to users' needs, with a view to cutting costs, curbing public deficits and thus drawing nearer to European "convergence criteria"¹².

On this basis, France's reform policy needed a representation of a user who demands quality in the service delivered. This figure was not formally introduced into management processes (as in the UK, for example), but its presentation as an ultimate civil service reference was to serve as unavoidable justification to get organisations and agents to agree to a whole series of measures. It followed that individual user satisfaction was to be defined as the target in the production and delivery of public goods. We have here the keystone of the "French public service doctrine", a common principle shared with many European countries¹³. Throughout this period in France, political reform used the same set of tools: responsibility, contracts, and results¹⁴. This triggered the upsurge of secondary legitimacy of public services through the quality of their services to users¹⁵. More substantial user expectations were thus masked.

In other words, formal recognition of users in the reform discourse was translated into facts by a black-out on expectations regarding the public service offer and even policy. This is clear in the tools applied. Unlike several European countries and the United States, the management tools implemented in France have involved users very little, or only in highly experimental forms. In no government services or administrations do tools exist for taking into account the needs, problems and preferences of users. Such tools might have pointed to NTU.

More generally, we can consider that France's modernisation policy was not based on the co-production model applied in other countries. This model, taken from the USA in the late seventies (after the torments of institutionalisation of citizens' direct participation in public decision-making) and developed by economic approaches to administration, aimed at improving the quality of services. More radically, it was also intended to do away with the civil service's concession contracts or even to privatise services on the basis of a detailed analysis of costs and in relation to observed under-utilisation¹⁶. In France this

¹² ROUBAN L. 1993. France in search of a new administrative order. *International Political Science Review*, 14 (4): 403-418. HERITIER A. 2001. Market integration and social cohesion: the politics of public services in European regulation. *Journal of European Public Policy*, 8 (5): 825-852.

¹³ See: BAUBY P. 1997. Services publics : des modèles nationaux à une conception européenne. *Politique et Management Public*, 15 (3) : 108-122. This is confirmed for Germany: KAUFMANN F.-X. 1982. Elemente einer soziologischen theorie sozialpolitischer intervention. In KAUFMANN F.-X. (ed.), *Staatliche sozialpolitik und familie*, München/Wien, Oldenbourg: 49-86.

¹⁴ de MONTRICHER N. 1999. Citizens and the quality of public action: seeking a new form of management. Public participation and contracting practices in France. In ROUBAN L. (ed.) *Citizens and the new governance*, Amsterdam, IOS Press: 113-122. OGIEN A. 1999. Contrat, politique et administration. In ERBES-SEGUIN S. *Le contrat. Usages et abus d'une notion*, Paris, Desclée de Brouwer: 121-155; WELLER J.-M. 1999. La place du contrat dans la modernisation des services publics. In Sabine Erbes-Seguïn, *Le contrat. Usages et abus d'une notion*, Paris, Desclée de Brouwer: 157-169. TROSA S. 1999. *Quand l'Etat s'engage. La démarche contractuelle*, Paris, Editions d'Organisation.

¹⁵ WARIN P. 1999. The improvement policy of services to users in France in the face of equity requests. In ROUBAN L. (ed.), *Citizens and the new Governance. Beyond New Public Management*, Amsterdam, IOS Press: 41-53.

¹⁶ The co-production theme is rooted in different approaches to the upsurge of economics and the service society (FUCHS V.R. 1968. *The service economy*. New York, Columbia University Press; GARTNER A., RIESSMAN F. 1974. *The service society and the consumer vanguard*. New York, Harper and Row). It was to be developed a little later, in relation to the theory of public choices, especially in the framework of the workshop

model has not been applied to any significant degree, despite a few attempts. Several explanations exist for this "French exception" as compared to other European countries. Unlike Germany, for example, public-sector researchers and decision-makers are not interested in this issue. In Germany the success of the co-production model, both in theory and practice, stems from the fact that sociological debate on social policies and government services focused attention on the role of citizens in the production of the public's safety and welfare¹⁷. The co-production topic was simultaneously addressed by many senior civil servants, not only to find a way of improving service quality, but also because they perceived it as a solution to budgetary cuts. The result was a diversity of applications, especially to local or urban public services, primarily in the United States and the UK¹⁸.

In these countries, the fact of taking into account the question of control and cooperation in users' relations with the civil service focused attention on the crucial problem of under-utilisation of services. Reflection was organised around two main questions: Is under-utilisation sufficient as a criterion to close down a service? And, when a substantial proportion of underprivileged groups do not use services created to help them, how can the public authorities solve their problems? The literature¹⁹ reports on this shift from the recognition of under-utilisation by certain groups, to questioning on the public authorities' ability to avoid such NTU, and from there to the search for mixed solutions (public/associative/private)²⁰.

There has been nothing comparable in France, neither in administrative practices nor in scientific reflection. Even the core issue of the civil service's accountability for its decisions and actions is more recent in France than in many other countries (having appeared in the 1990s only), and primarily concerns the reshaping of professional relations within the civil service, not the accomplishment of user participation. Rather than co-production, it is the idea of the contract (objectives then results, in relation to measures adopted successively) that has gained precedence within government organisations, and been imposed on civil servants. It is out of the question to give users

on political theory and policy analysis led by Elineor and Vincent Ostrom in the late 1970s (PARKS R.B. *et al.* Consumers as coproducers of public services: some economic and institutional considerations. *Political Studies Journal*, 9 (7): 1001-1011; WHITAKER G. PB. Coproduction: citizen participation in service delivery. *Public Administration Review*, 40 (3): 240-246). Follow-up can be found today in discussions on administrative organisation and public performance measurement (MIRANDA A., LERNER A. 1995. Bureaucracy, organizational redundancy, and the privatization of public services. *Public Administration Review*, 55 (2): 193-200; GILLAT S., FENWICK J., ALFORD D. 2000. Public services and the consumer: empowerment or control. *Social Policy and Administration*, 34 (3): 333-349; LEVY. R. 2002. EU programme management 1977-96: a performance indicator analysis. *Public Administration*, 79 (2): 423-444).

¹⁷BADURA B., GROSS P. 1976. *Sozialpolitische Perspektiven. Eine Einleitung in die Grundlagen und Probleme sozialer Dienstleistungen*, München, Piper; WIRTH W. 1986. Public administration and publics. Control of bureaucratic performance by affected citizens. In KAUFMANN F.-X, MAJONE G., OSTROM V. (eds.). *Guidance, control and evaluation in the public sector*. Berlin and New York, De Gruyter: 739-763.

¹⁸ See, in particular, the Special Issue of *Voluntary Action Research*, 16 (3), 1987. More recently: ACKROYD S. 1995. From public administration to public sector management: understanding contemporary change in British public services. *International Journal of Public Sector Management*, 8 (2): 19-32; MOTTRAM R. 1995. Improving public services in the UK; Government in transition. *Public administration and development*, 15 (3): 311-318; SAVAS E.-S. 2002. Competition and choice in New York City social services. *Public Administration Review*, 62 (1): 82-91. THOMPSON L., ELLING R.-C. 2000. Mapping patterns of support for privatization in the mass public: the case of Michigan. *Public Administration Review*, 60 (4): 338-348.

¹⁹ KATZ D. *et al.* 1977. *Bureaucratic encounters*, Anne Arbor, University of Michigan; WIRTH W. 1982. *Inanspruchnahme sozialer dienste. Bedingungen und barrieren*, Francfort/New York, Campus.

²⁰ This is akin to contemporary reflection on welfare understood as being a matter of both a welfare mix and welfare pluralism.

the role of the third party controlling the functioning of the administration, the efficiency of the means applied, the effectiveness of results, and thus the definition of needs. Even if in France, as in other countries, successive governments have been fully aware of the need to maximise each of these four dimensions (legality, financial accountability, effectiveness of results, and definition of needs), they have made sure that users have no grip whatsoever on this "magic square"²¹. Although the user has become the ultimate reference of the public service, he/she has been kept at a distance by cleverly offering him/her claim-rights that have instated him/her as the "customer-king" (a king yes, but a naked one). Consequently, because users are not involved in the production of services, there has been no way of recording their interest or disinterest in the public offer and even of directly observing that some groups are using services very little or not at all.

In France, research on public administration has shown no more interest in the NTU phenomenon than have reforms. The studies that attended administrative reforms (as much to justify as to illuminate them) in the framework of programmes launched by public administrations or major public utilities, or on the initiative of such institutions as the *Commissariat Général du Plan*, have been of little help in revealing users' expectations, disappointments and possible withdrawal. Since the late 1980s, most reflection has been focused on the analysis of civil servants' behaviours and the functioning of organisational systems²².

Most social science research that has tried to renew the sociology of public administration has helped to make interactions with users more visible. However, by constantly focusing on how agents work it believes, without verification, in the presence of users and fails to see that part of the public is turning away or cannot attain public services. Consequently, the whole question of service relations that for the past ten years in France has concentrated most research efforts on public administration, totally conceals the issue of the user and *a fortiori* that of NTU²³.

1.5.3. Recent, diffuse recognition

Since the law of 29 July 1998 relative to the struggle against poverty and social exclusion, the issue of access to their rights by the most disadvantaged groups has received so much attention that the necessity to take measures to combat exclusion has been introduced into many government policies. Policy concerning modernisation of the public administration is also concerned. In this respect, the question of access to services and therefore to rights was announced in the early 1990s already. The 1992 preliminary

²¹ To use the term coined by GRUNOW D. 1986. Internal Control in Public Administration. In KAUFMANN F.-X., MAJONE G., OSTROM V. (eds.). *Guidance, Control and Evaluation in Public Sector*, Berlin, New York, de Gruyter: 645-662.

²² WELLER J.-M. 1998. La modernisation des services publics par l'utilisateur : une revue de littérature (1986-1996), *Sociologie du Travail*, XL/3: 365-392 ; WARIN P. 2002. *Les dépanneurs de justice. Les "petits fonctionnaires" entre qualité et équité*, Paris, LGDJ, série politique; SPANOU C. 2003. *Citoyens et administration. Les enjeux de l'autonomie et du pluralisme*, Paris, L'Harmattan.

²³ WARIN P. 2004. Ressortissants. In BOUSSAGUET L., JACQUOT S., RAVINET P. (eds). Dictionnaire des politiques publiques. Paris, Presses de Sciences Po : 391-397. WARIN P. 2003. Les relations de service, objet de recherche en sciences sociales. *Pyramides* – Revue de l'Université Libre de Bruxelles, 7: 19-32.

report of the CEBS for the European Observatory on National Policies to Combat Poverty and Social Exclusion, cited above, focused on welfare services. Chapter 3, relative to their efficiency, contained some reflection on NTU²⁴.

Box 2

The report notes that theoretical models of evaluation of the efficiency of welfare services either include or exclude the issue of access or not to services. Unlike the "universal" model founded on a cost/benefit analysis and the "political" model with its purely collective objective, social cohesion, the so-called "goal-based" model proposes *"a method for evaluating the efficiency of welfare policies such as the quality of responses to the needs of persons or eligible parties defined in terms of political and social goals. The empirical translation of this model concerns the appropriateness of policies in relation to the constitution of entitled parties. The analysis of efficiency then contains two important questions:*

- *are welfare services allocated to eligible parties or rather, do the eligible parties for welfare services benefit fully from the welfare services made available to them? If not, why not?*
- *is the management of welfare services rigorous enough to be focused on eligible parties. If not, what are the perverse effects?"*

An analysis of the obstacles to access to social and political services is then developed. It diagnoses the main difficulties that other studies have since then repeatedly revealed:

"The difficulties of access to social services vary, depending on their nature, their functioning, and the organisation of their distribution. Yet at least five difficulties can be cited" [and from the time this report was released, they triggered proposals for measures which, on the whole, indicated that non-access to services concerned a large number of policies; in this respect the lack of precision and sometimes utopian nature of the proposals is noteworthy]. These can be summed up as follows:

- *"geographic distance": "policies to spread infrastructure and services, policies for services at home; transport policies";*
- *"exclusion through prices": "policy to modulate prices";*
- *"rationed the service supply": "reduction of administrative rationing and recognition of new rights, increase in capacities to receive users";*
- *"the low quality of services": "political brand image, improvement of services delivered, recognition and promotion of social rights";*
- *"the lack of information": "education and training policy (long term), communication policy (short term), policy for the recognition of rights".*

Extracts: Chapter 3, "Efficacité des services sociaux", in BOUGET D., NOGUES H. 1992. *Les services collectifs en France*, CEBS report for the European Observatory on National Policies to Combat Poverty and Social Exclusion, DG V, April, 113 p.

Policy on modernisation of the administration gradually incorporated the issue of the struggle against exclusion, especially under the effect of the National Programme to prevent and combat poverty and social exclusion, and the National Action Plan for social inclusion, both of which emphasised mobilisation of actors in the public and private sectors to facilitate access to rights. But other trends emerged, also related to the struggle against social exclusion, especially in three respects: administrative language, managerial rationales, and discourse on the quality of the public service.

A. The challenge of access to benefits for persons in situations of exclusion

In French policies to combat poverty and exclusion the return to employment is the main challenge that has to be accompanied by a struggle against factors of precariousness

²⁴ BOUGET D., NOGUES H. 1992. *Les services collectifs en France*, CEBS report for the European Observatory on National Policies to Combat Poverty and Social Exclusion. Commission of European Communities, DG V, April, 113p.

relating to income, housing, health and knowledge. In these vital areas, access to rights is recognised as the other major challenge, inseparably linked to the first.

Participation in employment and access by all to resources, rights, goods and services are considered as priorities in the national programme to prevent and combat poverty and social exclusion. This programme defines the financial elements of this policy and at the same time organises the French response to the European Commission in terms of a National Action Plan for social inclusion (NAP/incl)²⁵.

The National Programme and the NAP/incl both emphasise "the complexity of administrative procedures to go through, forms to fill in and files to constitute, and the fact that the entanglement of management rules often makes access to rights tricky"²⁶. The importance of more decisive action in the areas where poverty and exclusion are most marked is also highlighted. France, like other European countries, has included political indicators in its NAP/incl and, like the UK and the Netherlands, proposes to act specifically in "disadvantaged areas".

These national and European policies to combat poverty and social exclusion have impacted on policies to modernise the public administration. The implicit issue of NTU and, more generally (and explicitly), of access to rights, was relayed from one policy to the other, until it found itself on the political agenda at several levels. From the outset, the main action of the Raffarin government as regards the reorganisation of access to public services was to launch an experiment on 21 July 2003, on the scale of three *départements* (Charente, Corrèze, Savoie) and probably a fourth (Dordogne). The national agreement consequently signed between the State on the one hand and the main public utilities and all sections of the social security system on the other²⁷, aim at renewing forms of access to public services, especially through cooperation between different public services and public-private sector partnerships. These experiments are partly intended to "concretely test new forms of organisation and financing contributing to the implementation of an offer of access to public services that is straightforward and suited to users' needs and particularly to the more vulnerable and disadvantaged groups", and to "provide an answer suited to the particular needs of sensitive areas, especially rural areas".

The attention focused on rural areas (the choice of pilot *départements* is significant from this point of view) stems not only from the fact that the current minister in charge of State reform is also responsible for regional development. The extent of specific social and economic problems encountered in these areas is fundamentally more significant. It clearly appears that institutional or administrative withdrawal from many territories is a

²⁵ Commission des Communautés Européennes, "Communication de la Commission au Conseil, au Parlement, au Comité économique et social et au Comité des régions. Projet de rapport conjoint sur l'inclusion sociale. COM (2001) 565 final: 110-115.

²⁶ *Ibid.*: 111.

²⁷ Signatories include directors of the Post Office, Electricité de France-Gaz de France, France Télécom, the Agence Nationale pour l'Emploi (national employment agency), the Caisse Nationale d'Assurance Maladie des Travailleurs Salariés (national health fund for employees), the Caisse Nationale des Allocations Familiales (national family allowance fund), the Caisse Centrale de la Mutualité Sociale Agricole (central agricultural mutual fund), the Agence Centrale des Organismes de Sécurité Sociale (central agency of social security bodies).

crucial factor of impoverishment and exclusion. In this respect, in its diagnosis of the main problems and needs of disadvantaged groups in France as in other European countries, the PACE-rural Programme (Prevent and Combat Exclusion – rural) directly points to the importance of "geographic, economic and social isolation" as a factor of exclusion stressed by rural populations themselves. In particular, it concerns "isolation as regards services, structures, activities (existing services are sometimes run down and distant), information, social and financial aid, rights (people are not always able to decipher the administrative procedures to follow to obtain aid, and do not always know what their rights are, especially since inhabitants of rural areas think that harsh living conditions are normal)"²⁸.

Without the concept of NTU being directly mentioned, the fact that difficulties are experienced in access to public services is clearly noted and currently influences the issue of territorial reorganisation of those services. Note that the notion of exclusion, which is becoming a key reference in the definition of many government policies in France and elsewhere, contains the idea of NTU. In addition to the economic and monetary dimension of poverty, exclusion raises the question of the individual's place in society and identifies the possibility of a break in the social link that public services, by essence, help to maintain. The approach of the European Observatory on National Policies to Combat Social Exclusion, of NGOs and of France, notably in its 1998 law on the struggle against all forms of exclusion, is that the phenomenon results in a denial of basic rights.

B. Simplification of administrative language

For decades, simplification of administrative language has been emblematic of the efforts made to improve relations with users. Owing to the quality of written and oral communication, the feeling of being "badly administered" was supposed to disappear to a large extent. Yet until recently the administration has shown little interest in the real problems of exclusion produced by the complexity of the administrative language, and in inequalities generated by certain groups' very limited knowledge of French.

With the institutionalisation of the struggle against poverty and exclusion in the form of laws passed and national plans and programmes decided on in 1998, problems of communication with administrations gradually appeared as a major source of non-take up or withdrawal by users. Reports of the National Observatory of poverty and social exclusion are again pointing to government authorities. They clearly draw a link between the complexity of administrative procedures and language and NTU of benefits, renunciation of rights, and discouragement of the most disadvantaged. With explicit reference to the observatory's reports, official discourse on the need for simplification is becoming more precise. It recognises the fact that the complexity of administrative language causes some users to relinquish their rights. The Civil Service Minister's speech on the occasion of the founding of the *Comité d'Orientation pour la Simplification du Langage Administratif* on 3 July 2001 clearly illustrates this change of tone. NTU of benefits was explicitly mentioned as an administrative failure due to the excessive

²⁸ <http://www.pace-rural.org>. See "Phase préliminaire, Etude du territoire, Problèmes & besoins": 4-5.

complexity of communication²⁹. The question of the complexity of administrative language, thus revived by key actors in the struggle against exclusion, afforded the first possibility to officially introduce the NTU issue into the debate on reform of government administration.

In contrast, the question of the complexity of administrative procedures has not received the same attention. In fact this issue is far more tricky than that of administrative language, for behind the denunciation of administrative procedures it is all the problems related to conditions of access to rights that are challenged. The complexity of regulations, their frequent changes, but also the absence of texts or their limited nature, or the over-zealous behaviours of certain administrations or agents that throw in additional conditions at will, are all realities that are difficult to deal with because embedded in administrative functioning. Even though it has been denounced for a long time, including at senior levels of the civil service, this dissuasive functioning seems out of reach for several reasons. Above all, in a country like France the ineffectuality of rights remains a rule in the functioning of the public administration³⁰. For the administration itself, the question is how to avoid changing the rules determining access to goods, services and rights, when those changes stem from government choices guided by macro-economic or budgetary motives to which it is also subjected? For although French public administration is partly at fault, it is also powerless. These dissuasive characteristics of its functioning, the cause of NTU, can be challenged only from the outside. One of the most recent illustrations is the vigorous protest by associations against the government's decision in late 2002 in terms of which – by way of an amendment to a finance law – "undocumented" foreigners were barred from access to free medical care.

C. The managerial model

Policy on modernisation of the administration has been implicated more explicitly as a potential source of NTU through certain analyses of the effects of the managerial model applied to particular administrations or institutions. For instance, studies by trade unions and academic research on the modernisation of the public service for employment contain particularly clear analyses of institution-related NTU. These analyses show the connection between reforms carried out since the 1990s and the necessary and organised referral, to subsidiary institutions, of those persons considered to be the least employable³¹. In this case as in others, the functioning in place seems highly dissuasive (see Box 3). Theoretically, certain categories of users still have access to these public services, but everything is organised in such a way that they give up and turn to other means.

²⁹ www.fonction-publique.gouv.fr/communications/discours archives.

³⁰ The question of discredit of the law, largely related to the ineffectuality of legal rules, has been addressed extensively. In fact State advisers have been the most critical, for example Jean-Michel Belorgey, "De l'ignorance du droit civil par l'autorité administrative et par le juge", *Revue de droit sanitaire et social*, 36 (3), 2000: 489-494; "Lutter contre les discriminations", *Maison des Sciences de l'Homme*, April 2001, roneo, 8p. Note that the problem of the ineffectuality of the law was previously denounced by other attentive observers of public administration, especially in the mid-eighties by academic jurists in the movement *Critique du droit*.

³¹ BURGI-COLUB N. 2001. Moderniser l'Etat, moderniser l'emploi. *Assujettir, Raison Présente*, 140: 87-100. STROBEL P. 2001. Les chômeurs sont-ils responsables de leur sort?. *Lien social et Politiques*, 46: 163-173.

Box 3

"Reform of the Agence Nationale Pour l'Emploi (ANPE) [the national employment agency], whose creation in 1967 was already the outcome of modernisation of the French public service for employment, was inspired by the managerial model, like all other administrative modernisation projects. [...] Basing its organisation on the model of the banks, the ANPE has, over the past decade, implemented a system of management-by-objectives articulated to a bonus system, introduced multi-skills and team-work, revised its recruitment methods and in-house training programmes, reinforced its partnerships with the Communes, rationalised and standardised its services proposed to the unemployed, made use of outsourcing on a large scale, [...]. Ten years later, some say that the ANPE has become efficient. It is reportedly profitable. From a political and strictly managerial point of view that is probably true. [...] But in the process the ANPE has lost its soul. That profitability has had a price. To reduce unemployment statistics it was necessary to get rid of the most vulnerable job-seekers, either by removing them from the ANPE's lists for both good and very bad reasons, by getting them to do useless training courses, or by "spilling them over" onto partners that had no obligation to produce results, or associations for the unemployed. The managerial model has been instrumental in this process of disqualification."

Extracts: Nöelle Burgi-Golub, "Moderniser l'Etat, moderniser l'emploi, assujettir", *Raison Présente*, 2001, 140 : 87-100. We mention this research in particular because it was part of a European four-year project (DG XII) under Catherine Lévy on the subject: *"Minima sociaux et cohésion salariale: une comparaison européenne 'vue d'en bas'"* (TSER programme, domaine III.1/III.2).

We have observed the same thing as regards the police and justice:

Box 4

"Public order institutions are not necessarily the only arbiters in social life. Some non-claimants avoid them by choice or by conviction; others because they consider the police and judiciary as incapable of providing satisfactory answers to their problems. The latter emphasise the propensity that these services have to rank requests and to favour certain ones according to their own objectives."

By virtue of the rationales of the police and judiciary as institutions, it is not rare for the requests/petitions referred to them to be perceived and experienced as unjustified (the complaint is excessive) or as inadequate (the person has not referred the matter to the right institution, the request is not relevant). For the staff of these State institutions, the public service function sometimes seems to be abused by requests considered as excessive or not as priorities. Police officers and magistrates have the impression that they have to deal with a stream of requests that prevent them from fulfilling their main mission."

We may therefore wonder if NTU is not the result of a deliberate strategy by administrations. Simply due to the ranking or internal optimisation of its functions and means, it can be in an administration's interests to avoid or hinder a particular category of request. In this way it can concentrate more fully on those tasks it considers more important, or simply avoid internal paralysis of its functioning, for example by a flood of requests likely to congest the courts, etc."

Thierry Delpuech, Laurence Dumoulin, Martine Kaluszynski 2002. "Le non recours à la Police et à la Justice." In Philippe Warin (ed.), *Le non recours aux services de l'Etat. Mesure et analyse d'un phénomène méconnu*. Recherche pour la Direction Générale de l'Administration et de la Fonction Publique, Grenoble, CERAT: 140-141, 157.

This research on the modernisation of employment services or State administrations such as the police and the judiciary is interesting in that it shows how the transformation of public management, under cover of principles taken directly from new public management, strips public services of their general-interest or universal mission and thus excludes a part of their public. This is not necessarily a new phenomenon. In the past very similar criticism was levelled at training and professional integration apparatus

for the youth (key policy in the eighties in response to the "suburban crisis")³². The first article that explicitly referred to the phenomenon of NTU expressed concern as to the performance of the welfare state³³. We note that more and more sociological research on public administration today takes into account the dissuasive effects of a causal chain, from legislative voids and selective choices of public policies, to cumbersome administrative processes and segregative practices by certain public agents. This appears clearly in the revival of topics relative to ethics and conscientiousness. It is significant that these concerns are cultivated essentially at central level by the *Comité des études et de la prospective* (research and long-range planning committee) of the *Direction Générale de l'Administration et de la Fonction Publique*³⁴ which acts as a forum for political debate on administrative modernisation policy. The idea is to take into account all the behaviours of public service agents and all user problems, with a view to making the regulation of means more attentive to the difficulties and priorities of administrations in the field.

D. Quality of the public service

The question of NTU also appeared through debate on the quality of the public service. The quality theme has been the subject of an abundant literature in recent years. It is an inexhaustible subject when it comes to proposed methods and guidelines for action, but has also become a mechanism of control. Quality defects are regularly pointed out in reports on the administrative activities produced by the *Médiateur de la République* (state mediator), the *Cour des Comptes* (national accounting office) or the *Corps généraux d'inspection* (institutions responsible for inspecting all State administrations). These reports highlight the absence of clear definitions of quality and the lack of well-established criteria. They note the fact that public agents are sometimes unable to answer users, due to the pressure of requests, to the absence of clear rules (or rules known to them), or even in certain cases to the fact that a lack of public goods (housing, hospital beds, etc.) is denounced and that this has changed the ways things are perceived. From the point of view of reform, quality versus "zero defects", so dear to advocates of corporate management applied to public administration, is no longer the main issue. The primary concern is now the administration's real capacity to meet users' expectations and needs. From the point of view of research, face-to-face contact with users is more than a play of relations and communication, it is also a content (goods, services, rights) that it is or is not possible to deliver. By emphasising phenomena of abuse (or over-take-up) but also of NTU, several recent studies, often requested by the administrations themselves, have more or less explicitly questioned of the meaning of

³² The reference document is the Hastoy report: HASTOY B. 1989. Les Mission locales pour l'insertion professionnelle des jeunes en difficulté. Rapport au ministre du Travail, de l'Emploi et de la Formation Professionnelle, Paris, la Documentation française, Octobre.

³³ An article by CATRICE LOREY A. 1976. Inégalités d'accès aux systèmes de protection sociales et pauvreté culturelle. *Revue française des affaires sociales*, 30: 127-137. Along with the "Inégalités sociales" (social inequalities) Commission of the VIIth Plan, it tried to establish "*whether the efforts made really reach those who most need them*". This text is one of the chapters of the French report delivered at the 17th international conference on social action in Porto Rico, 18-24 July 1976, on the topic "Struggle for equality of opportunities; strategies for social action".

³⁴ This committee is currently presided by a general inspector of finances, the former *Commissaire général au Plan*.

quality policy if the public service fails to keep its users. The more explicit studies have even managed to introduce NTU issue as a subject of a research programme³⁵.

The issue of NTU of public services has thus been developing gradually within the central administration. Owing to publicity on exploratory research on NTU of State services, by the *Comité des Etudes et de la Prospective* of the *Direction Générale de l'Administration et de la Fonction Publique*, the issue has been examined by a large national network of institutions (*France Qualité Publique*) that has amplified it, primarily through active communication. This national network, currently charged by the Civil Service Ministry with the task of setting up quality observatories throughout the country, has concretely contributed to recognition of NTU. It awarded the 2002 prize to the project to create an observatory for NTU of public services, spawned by this exploratory research. This local observatory³⁶, the first of its kind in France in so far as it is entirely devoted to the issue of NTU, is currently financed by several different institutions: the *Délégation Interministérielle à la Réforme de l'Etat* (inter-ministerial bureau for State reform), the *Caisse Nationale d'Allocations Familiales* (national family allowance fund), the *Conseil general de l'Isère* (the Isère general council), and the city of Grenoble. The very idea of this observatory, for monitoring and evaluating NTU, is of particular interest to these institutions concerned about focusing their policies on the right targets and obtaining the best impact from their actions. All are worried about difficulties of access to services and rights, and about the possibility of missing a part of their public. This experimental instrumentation of the NTU theme through research is currently the main evidence in France of NTU as an issue attending administrative modernisation policy. The observatory in question is examined in detail in the following stage of this report (Part 2.3.). By describing the interest in this tool, we also account for the diversity of actors and institutions that at local or national and governmental level are presently directly interested in NTU, without necessarily making it clear what they are doing about it.

1.5.4. Annex: Central government modernisation in France

For over a hundred years, it is the republican State which, in France, has guaranteed the social cohesion of the nation: it is responsible for ensuring equal access for all to the major public services (education, health, justice, etc.) and respect for the law, as well as defending the country's interests in the world. Why modernise its machinery? Because the world is changing. And in a changing world, this must move with the times if the State is to continue influencing the course of events, and to help take society in the direction democratically desired by the citizens. It is the ministries (1) which implement the public policies (Acts of Parliament, regulations, government measures, etc.) and see to it that they are complied with - hence the necessity to adapt their organization and functioning to political, social and economic changes in the country. This adaptation is all the more urgent because the decentralisation legislation, which has transferred some central government powers to the regions, has overturned the "Jacobin" tradition in France whereby "everything came from Paris", i.e. from central government (1). This process of administrative modernization has gathered pace in the past ten years or so with the institution of a specific policy accompanied by technical and financial resources.

Main areas of work

³⁵ The programme "Réformer l'Etat, nouveaux enjeux, nouveaux défis", was launched in 2000 by the *Comité des études et de la prospective* (research and long-term planning committee) of the *Direction Générale de l'Administration et de la Fonction Publique*. In particular, this was the research that we conducted at the CERAT on NTU of State services (*op. cit.*).

³⁶ <http://ODENORE.msh-alpes.prd.fr>

Modernisation of France's administration has two major dimensions: bringing central government closer to the citizens, and increasing the effectiveness of national government.

Government serving the needs of the citizens.

There are too many forms, procedures are too complicated, you have to wait too long for a reply, there is no explanation of decisions, everything is too anonymous and so on - these are all criticisms traditionally levelled by the governed at an administration seen as omnipotent, remote and obsessed with petty details. A series of legislative and regulatory measures have therefore been taken in the past few years to make the administration more user-friendly and help the public in their dealings with what should no longer be an administrative jungle.

- *Citizens' rights strengthened.* The Act of 12 April 2000 places certain duties on all ministries in their dealings with the public. Ministries are now required to acknowledge receipt of all communications. The time within which a reply must be sent is counted from the date of dispatch as attested by the postmark or any other recognized procedure, e.g. computer records. Officials must indicate their name and job title when dealing with the public - and the latter, if they so request, must be given an opportunity to comment before an adverse decision is taken concerning them. This recent legislation also facilitates public access to government documents.

- *Administrative procedures simplified for individuals and companies.* A long-term undertaking, the simplification of administrative formalities is being actively pursued. One example is the "prior administrative authorizations" which individuals, local authorities and businesses had to apply for (e.g. in order to engage in certain occupations). The ministry responsible for administrative reform, together with the ministries concerned, has scrutinized the some 4,000 existing regimes, and every year abolishes several hundred prior authorizations or turns them into simple permits issued directly by the préfet (2).

Much has also been done to simplify procedures by doing away with forms. Recent decisions include: abolition from 1 December 2000 of the "civil status form" (essentially, birth certificate together, in some instances, with marriage certificate) required for many everyday operations (application for family allowances, enrolment at educational establishments, etc.). Assuming a rate of one form per inhabitant per year, this is a saving of almost 60 million forms and many hours spent travelling to government offices and waiting at counters.

The drive to simplify the formalities required of companies has since 1997 been led by the office of the Minister of State for Small and Medium-Sized Enterprises. Measures already applied include: reduction of the time taken to register companies, simplification of VAT declarations and the single declarations for social contributions and for new employees.

Furthermore, a decree of 2 December 1998 called upon every ministry to draw up an annual plan for the simplification of its formalities. This plan goes to the Interministerial Delegation for the Reform of the State (DIRE) and to the Commission for Administrative Simplification (COSA), a body created in 1998.

- *New payment methods.* Since the end of 1996, ministries, government agencies and public services have been gradually acquiring terminals for payments by bank card. This programme concerns the payment of duties and taxes to prefectures and sub-prefectures for vehicle registration documents, driving licences, excise stamps etc., to the public revenue department for fines, taxes, customs and indirect duties (tax revenues, excise stamps, road tax disks), to consulates (excise stamps in connection with the issue of civil status forms, visas, etc.). By the end of 1999, almost 9,000 sites were equipped with electronic payment terminals.

- *Use of new technologies.* Not only can users get direct information from public sites, they will also be able to perform an increasing number of operations without having to go out. Of 2,000 forms surveyed, about 600 were on line in 2000. And in 2001, there will be some twenty online procedures whereby individuals and companies can fill in standard forms on the Internet and e-mail them to the relevant office. Users without a computer will have access to fully-equipped neighbourhood offices and the assistance of trained staff.

- *Improvement of the quality of services to users.* Ministries have set up "quality procedures" within directorates which are in contact with users. These may include technical support (publication of guides, study days open to the managers and officials concerned), the display of quality targets in reception areas, and incentivization (publicity for commendable initiatives in ministerial house organs and on the Internet at www.innovations-services-publics.gouv.fr).

- *Local services for users.* Extending the "one-stop shopping" experiments of the past few years, new "public service centres" will offer, in one place, services which come under different ministries (central government and local authority services, social agencies, operators fulfilling a public service mission). In these multi-purpose facilities, specially trained volunteers welcome members of the public and dispense information and advice. They initiate certain administrative procedures and help users formulate and communicate the particulars of their case. They may even issue certain documents and take simple decisions. Starting in autumn 1996, a number of such centres were opened, on an experimental basis, in some twenty departments, and by 2000 there were 260 of them. The Act of 12 April 2000 gave them official status, specified procedures for setting them up, and spelled out their functions. Other local facilities, the "justice and law centres", established mainly in problem housing estates, deal with complaints concerning petty crime and provide advice and information (free interviews with solicitors, round-the-clock access to victim support groups, etc.).

- *Resources geared to local needs.* The decentralization policy is bringing the government closer to the citizens. Indeed, since 1 January 1998, all individual decisions concerning third parties and falling within the purview of the State have been taken at local level, most frequently by *préfets* (2).

So far as financial resources are concerned, decentralization aims to adapt public policies to the local context according to the following principle: ministries must put together all the funds they allocate to *préfets* (2) for each policy (e.g. agriculture, industry, roads). Only funds intended for operations of a national character will continue to be managed centrally.

As concerns the internal management of decentralized services placed under their authority, the *préfets* (2) now have more of a free hand to reorganize and assign staff: they are thus able to tailor staff resources to meet local needs.

Renovation of public management

The government has also set about modernizing the tools of State management. It has some assets with which to make a success of this reform: skilled staff and offices in every part of France. But this human capital and the material and financial resources still need to be used effectively.

- *Human resources* (3). Between now and 2012, 45% of Civil Service personnel will have retired. To cope with this mass exodus of experienced staff, the government has decided on a root and branch reform of its personnel management. It has set up a Public Employment Observatory (decree of 13 July 2000). This body is responsible for carrying out statistical studies, harmonizing information-gathering systems, instituting a prospective management of employment, and disseminating this information. By the start of 2002, every ministry will be equipped with a "prospective management plan for personnel, jobs and skills" (GPEEC). Concurrently, it is intended to do away with the statutory obstacles which prevent civil servants from transferring from one ministry to another in response to requirements and to their own wishes. Moreover, there will be new evaluation procedures so that better account can be taken in their career development of the skills they have acquired and results of their work.

Finally, the Civil Service is recruiting more qualified staff and providing them with in-service training. For example, online training is being organized in partnership with the National Distance Learning Centre (CNED). Government officials will be able to access interministerial training sessions via an Internet site, and an "extranet" will be set up to link the training services together. From 1 January 2002, future civil servants will even be able to sign up online to all competitive government examinations.

- *New working methods made possible by information technologies.* Electronic messaging and intranets are today accelerating the transmission of information and sharing of documents within ministries. Already in service in 25 departments and expected to be operational everywhere by the end of 2000, these information systems (SIT) are networking the State's decentralized services.

- *Functioning of the restructured ministries.* In conformity with the Prime Minister's administrative circulaires of 8 July 1996 and 3 June 1998 [circulaires have the status of regulations if they contain instructions to civil servants], ministers are reorganizing their central administrations. The idea is to refocus them on their strategic functions (forward planning, policy making, regulation, piloting projects, supervision and evaluation) taking into account the decentralization of responsibilities and funding to the regions and departments. This reorganization has impelled the government to try out a system of contractualization between central administrations and local services. A ministerial circulaire of 12 July 1996 spelled out the contents and terms and conditions of this agreement between central government and local services. Concluded for a period of three years, this contract describes the services to be offered to users, the objectives and means required to attain them, and indicators to be used in monitoring the fulfilment of these commitments. The contract confers greater autonomy on the local services, which will henceforth be responsible for their internal management: negotiated to cover a period of several years, the budget they are allocated includes both staff resources and operating funds.

- *Instituting a real estate policy.* The government has about 150 million square metres of land and buildings at its disposal, but finds it difficult to keep tabs on them. To remedy the situation, the Ministry for the Economy and Finance has set up a delegation to look after real estate policy. For their part, in 2001 the ministries are to draw up an action programme designed to modernize the management of their real estate and bring it under tighter control.

- *Control of budgetary procedures and management of public finances.* In response to repeated criticism of "budgetary opacity" levelled at the ministries responsible for drafting finance bills, the presentation of these documents has recently been modified. Now easier to read, the nomenclature permits a clear identification of the various items of the national budget. The number of items has declined, falling from 1,092 in 1997 to 845 for the 2000 finance bill.

Better still, in 2000 the government announced a revision of the institutional ordinance of 2 January 1959, the reference text for the management of public finances. This reform will give managers greater flexibility in using

the funds made available to them. Their work will no longer be expenditure-driven; instead, they will manage their funds in the light of objectives to be reached and will be accountable for their results.

- *Preparation of and access to draft legislation.* The Prime Minister's administrative circulaire of 26 January 1998 extended the practice of preparing the impact studies that must be attached to any bill or draft decree in the Conseil d'Etat [highest administrative court and government adviser on questions arising in connection with legislation]. The studies analyse the pros and cons of proposed legislation as well as its practical implications. The public may consult these documents at the Parliament.

Another dysfunctional factor, the proliferation of rules and regulations, also needs to be brought under control. There are 8,000 Acts and 90,000 decrees today, plus the international legislation and European Directives. Too many texts, all over the place, couched in obscure language: the citizens, and sometimes the civil servants responsible for applying them, can no longer cope. This is why since 1999 the government has been engaged in a codification procedure which consists in simplifying and grouping together, area by area, all the existing official texts (Acts, decrees, orders, etc.). The codes already published in 2000 include: the monetary and financial codes, rural code and those relating to trade, the environment, roads, education and public health.

- *Follow-up and evaluation of public policies.* The decree of 18 November 1998 set up an interministerial mechanism for evaluating public policies. In place since February 1999, the National Evaluation Council (CNE), composed of public figures with appropriate expertise, prepares an annual work programme, submits it to the Prime Minister and makes it public. Subjects for 1999 and 2000: prevention and treatment of AIDS, youth employment schemes, policy on drinking water quality, job promotion in the commercial sector, housing in the overseas departments and territories, road safety, rural development policy and in-service training for civil servants.

Practicalities of reform

The Ministry for the Civil Service and Administrative Reform is responsible, in concert with the other ministries, for the general guidance of this modernization enterprise. Following a decree of 13 September 1995, amended on 8 July 1998, it is assisted by:

- *The Interministerial Committee for Administrative Reform (CIRE)* brings all ministers together at least once a year. Its role is to launch and pilot the reforms in the various ministries;
- *The Interministerial Delegation for Administrative Reform* coordinates the preparation of decisions to be taken and sees to it that they are carried out.

Tools and resources

- *Multi-annual modernization programmes (PPM).* A Prime Minister's administrative circulaire dated 3 June 1998 called on ministries to prepare, in concert with staff representatives, modernization programmes tailored to their respective missions and to the expectations they are required to meet. These documents spell out each ministry's commitments and programme the actions necessary to fulfil them.

- *Internet and intranet.* This has been a government priority since 1997, and the "government action programme for France's entry into the information society" (PAGSI) is being applied widely in the reform of the administration. Using these technologies, ministries will henceforth be able to send data rapidly and exchange interministerial information (intranet). They can also, through each ministry's website, circulate much practical information and offer interactive services to users, whether individuals or enterprises (information on benefits, timetables, contacts, supply of forms, etc.). In addition to websites for individual ministries, the government has set up interministerial sites. This means that the texts published in the Journal officiel (Acts, decrees, orders, circulaires) are directly accessible at www.legifrance.gouv.fr). Administrative innovations are presented by each ministry for the attention of other government services and the general public at a site created by the Interministerial Delegation for Administrative Reform: www.innovations-services-publics.gouv.fr. Finally, the French government now has its own portal at www.service-public.fr, opened on 23 October 2000. This gives access to 2,600 national and local French sites, 2,000 European and national public sites, 11,000 agencies and 13,000 direct government contacts. Equipped with a search engine, it offers a great quantity of information and administrative services, including 2,500 documents concerning rights and procedures, 600 online forms, a list of Civil Service vacancies and competitive examinations, specific pages for businesses, etc. To provide a contracting authority for interministerial projects and assist ministries, the government issued a decree on 27 August 1998 setting up an Interministerial Technical Support Mission for the development of information and communication technologies (MTIC).

- *A fund for administrative reform.* With 109 million francs (EUR 16.62 million) for the year 2000, this fund finances reforms worthy of emulation issuing either from the ministries in Paris or from their offices in the regions and departments.

- *Decentralization policy.* Continuing the implementation of the 1982 Acts on decentralization, the government has since 1998 accelerated the "decentralization" process, i.e. the delegation of responsibility from central administrations to their local ("decentralized") services. The advantages of such a process? Bringing

government geographically closer to the citizens, strengthening and developing the skills and capacity for initiative of officials who, in the field, are in direct contact with the public.

- *Dialogue between government and users.* The government has also emphasized the need for consultation and coordination with the individuals and bodies concerned (officials, trades unions, professional organizations, local authorities, users' associations), particularly where it is planned to reorganize or transfer a public service. Accordingly, there is now a standing commission on the modernization of public services bringing together representatives of central government, trade unions and users. This dialogue is being further enhanced with the development of mediation. The powers and resources of the Médiateur de la République (national ombudsman) were strengthened in 2000.

Notes

(1) The three tiers of the central government structure are: the ministries' central regional and departmental offices.

(2) The regional *préfet*, a high-ranking civil servant, represents the State and coordinates the central government in his/her region (there are 22 regions in metropolitan France and 4 overseas). He/she also supervises the departmental *préfet* who is responsible for coordinating central government services at the level of his/her department (there are 100 departments, 96 in metropolitan France and 4 overseas).

(3) - The personnel of central government administrations are governed by the Civil Service Statute. At the end of 1998, the State Civil Service employed 2,247,400 civilian and military personnel (source: directorate-general for the administration and civil service). There is a separate branch of the Civil Service which employs people who work for the local authorities (region, department and commune) and not central government.

Source : Images de la France (SIG)/Embassy of France in the United States - May 18, 2001

1.6. Proximity and NTU

1.6.1. Proximity: a new category of public action corresponding to the State reform dynamic

The fact of promoting proximity, i.e. of bringing public services closer to users, in various ways – spatial, social, cultural and even symbolic – corresponds to the same rationale of public service reform as the simplification of administrative language and procedures, and particular attention paid by the State to certain territories defined in terms of their inhabitants' difficulties in accessing all their rights. In this respect, proximity may seem to be a solution to NTU, without any presumption as to the efficiency of that remedy. If NTU is defined as a situation in which users do not receive all the benefits to which they are entitled, the fact of bringing them closer to services through which they can enjoy those rights should, theoretically, encourage them to take up those benefits – that ignorance, discouragement, and physical and cultural distance currently prevent them from claiming.

Yet the promoters of proximity seem to have made only a secondary, parallel, connection between proximity and combating NTU. A brief and partial examination of the main studies on the notion of proximity tends to show that NTU is hardly present in the arguments for bringing services closer to users. The effects of proximity on NTU are seldom analysed by these authors who have focused rather on the various impacts of proximity on user behaviours.

First, whereas NTU has become an issue in France only recently and is, on the whole, confined to the representatives of certain institutions such as the CAF (*Caisse d'Allocations Familiales* – family allowance fund) who are more sensitive than others to this type of problem because of their contact with disadvantaged users, proximity has been recognised for much longer and has been a subject of debate among political decision-makers and administrative officials alike – and of course sociologists.

The issue of proximity can be set in the vast movement of decentralisation of decision-making responsibilities and devolution of State services initiated in 1982. It first started at a political level. Initially, the idea was to bring citizens closer to decision-makers in order to promote their participation and so improve the functioning of local democracy. During this period the local was over-valued. The neighbourhood appeared as the ideal place for demanding participation. Equivalent to a mythified urban village, it was considered the place par excellence for bringing citizens closer to their elected representatives. Logically this proximity benefited local councillors above all, which prompted the State to reconsider its role vis-à-vis local authorities. The theme of a fracture between leaders and citizens accompanied all the initiatives taken to move closer to what was not yet called "the bottom of French society" but which had all the characteristics. It was via public action that this was to be achieved. A process of "territorialisation" of public action was launched under the State's impulse. This movement was concretised primarily in the "*politique de la ville*" (urban policy) that for over twenty years was to accumulate measures in areas characterised by social difficulties likely to lead to exclusion. Some authors criticised this excessive territorialisation of public policies which, as Jacques Donzelot put it, can be summed up as "*urban treatment of social problems*"³⁷.

The State hoped that by reducing physical distances it could, symbolically, strengthen the social link with its citizens. It wanted to show them that their needs were taken into account with a view to promoting equality in concrete terms between all citizens, irrespective of their social difficulties and their physical and cultural distance from public services. Initially the functional proximity theme functioned in parallel with the theme of participation by inhabitants who were enjoined to behave as good citizens. In reality, this injunction was directed primarily at the neighbourhoods targeted by the *politique de la ville*. Having gradually become an increasingly hollow incantation, the theme of inhabitants' participation eventually disappeared from the rhetoric of public action, leaving only the demand for proximity of public services.

1.6.2. Implementation of proximity services

As regards the implementation of public policies, proximity was intended to facilitate all users' access to public services by taking into account those situations that could impede such access and cause relations with agents to be more difficult. Distance was considered not only in its physical dimension but also in its social and cultural dimensions. "Mediators" from disadvantaged neighbourhoods were called on to facilitate the actions

³⁷ DONZELOT J. ESTEBE J. 1994. *L'Etat animateur : essai sur la politique de la ville*. Paris, Esprit.

taken by agents of the State public services or local authorities for the inhabitants of those areas. The introduction of proximity services was presented as the first step to "co-production of services", based on the model applied in the US and the UK. Initially their presence in certain neighbourhoods was limited to what is usually considered as indispensable: management of housing, schools, welfare services, police, etc. Subsequently an offer appeared that tended to take into account the entire range of needs: health, civil status, welfare benefits, economic integration, training and even justice.

The beginning of this process of moving public services closer to users can be pinpointed to 1991 when the Picart Mission recommended both a presence of "proximity" public services in areas far away from the central services, and a change in the functioning of those services with, in particular, more synergy. Owing to the personality of the author of those recommendations – a former mayor of Mantes-la-Jolie well-known for his part in the improvement of Val Fourré, France's biggest ZUP (*Zone Urbaine Prioritaire* – priority development area) and one of its most difficult neighbourhoods –, this initiative was incorporated into the framework of the *politique de la ville*. Taking administrative services that work into a difficult neighbourhood is equivalent to intervening in architectural procedures to improve housing conditions, or to improving the functioning of schools by means of the ZEP (*Zone d'Education Prioritaire* – priority education area) procedure, or to improving security by means of neighbourhood police, or to creating economic activity by setting up free trade areas. The idea is to remedy a whole range of deficiencies in terms of which these neighbourhoods are usually defined, on an egalitarian basis, and to restore the presence of state authorities and thus of the law in areas defined a bit too readily as lawless.

Like the other procedures undertaken as part of the *politique de la ville*, the installation of public service agencies in peripheral neighbourhoods conformed to the ritual exhortation to the inhabitants to participate. The idea was to move progressively towards a "co-production" of services. The names chosen for these agencies evoked intimacy and familiarity, to encourage inhabitants' involvement, e.g. "public service houses", "neighbourhood houses". They were open spaces, designed to nurture a feeling of conviviality. Local associations were often allowed to meet there and were invited into certain forms of partnership with public service agents.

Other names evoked an idea of functionality, e.g. "public service platforms" or "service spaces". Such terms were a reminder that proximity was not only a matter of producing service in places where they had not been provided before; it also meant delivering them differently. This change of approach aimed above all at simplifying procedures, promoting synergy between different services, and urging certain associations to act as mediators between public service agents and users. In this respect, proximity also corresponds to a logic of modernisation of State services and thus modernisation of the State itself. Note that most studies on proximity highlight the pre-eminence of the role of State representatives in initiatives to create proximity services. Paradoxically, it is primarily local authorities that express reluctance. Due to largely insufficient municipal support, the "*maison de services publics*" in Amiens, one of those that currently caters for the

largest number of users, would probably not have lasted long without a stroke of good fortune: a visit by the State President³⁸.

1.6.3. Predominance of a managerial rationale

Torn between a participative rationale and a managerial rationale, proximity services soon had to sacrifice the former for the latter. The participative rationale was never really inscribed in practices and remained present for a while in the discourse before disappearing, worn out and meaningless. The managerial rationale seems to have inspired the entire mode of functioning of proximity services which recognise only individuals and take into account no collective that claims to represent the inhabitants. They anticipate any uncontrolled expression of needs. When occasionally they do call on mediators from the neighbourhoods, these are treated not as representatives mandated by the inhabitants, but as auxiliaries reduced to instruments controlled by the institution. Their goal is to produce services adapted to individual demands treated in isolation, and not to construct services by negotiating with the entire population concerned.

The exemplary case of proximity justice:

The case of proximity justice clearly attests to this trend from a call for the participation of inhabitants invested with a "conciliatory" function, to the decline of that function until it was nothing more than penal mediation³⁹. In towns where this type of experience took place, conciliators were inhabitants appointed by the State prosecutor on the basis of their personal aura, to receive complaints concerning neighbourhood disputes and to find acceptable solutions that were then endorsed by the courts. These conciliatory sessions took place in the neighbourhoods themselves in which plaintiffs and conciliators functioned along the lines of village justice as described by historians and ethnologists. Faced with the complexity of procedures to accomplish in order to institute legal proceedings, and the overload on the courts, many plaintiffs gave up the idea of justice being done. The existence of this conciliatory system therefore had positive impacts on NTU. At the same time it granted considerable power to inhabitants who had no representative mandate but had been chosen by the legal institution on the sole basis of their assumed charisma. Subsequent developments consisted in transforming these conciliators into penal mediators, auxiliaries paid by the Department of Justice, whose role was to receive complaints in the neighbourhoods in which they lived and then to direct them to the competent courts where they were processed. Here we see local co-production of a public service making way to a form of rationalisation of the functioning of the same service through the presence on site of legal auxiliaries responsible for transmitting users' claims to the relevant institution. The rationale is still one of proximity but is no longer one of participation.

³⁸ On this subject see the description of the beginnings of these facilities, in BROCCQ C., VAUDE J.-J. 2001. In ISM Corum, *La proximité, quels enjeux pour les services publics?*, Lyon, Mario Mella éditions: 89-100.

³⁹ On this subject see: MAGUER A. (ed.), BAROU J., ROTHBERG A. 2001. *Services publics et usagers dans les quartiers en difficulté : entre enjeux de régulation et jeux de partenaires, la question du citoyen*. Paris, La Documentation Française.

Consequently, the link between proximity and participation, having become meaningless, was replaced by reference to the notion of quality. It is this objective of quality in the service delivered that can be linked to the equality ethic of the public service in France. Proximity public services deny being secondary services catering for a population whose needs are taken into account only marginally. Their aim is to concretise the fact that they take into account the groups they target, in the form of constant improvements in the quality of the services proposed and efficiency in the delivery of those services. To be sure, this does echo the quality theme that for several years has recurrently accompanied projects to modernise public action. But quality has another dimension in the proximity context. It is proof of a set intention to treat the needs of the inhabitants of neighbourhoods benefiting from these new structures, on an equal basis.

Consequently, proximity appears not only to be motivated by managerial goals but also to be inscribed in a concern for equality that traditionally is the main *raison d'être* of public services in France.

For the State it is also a way of securing a presence again in certain social areas and of legitimising that presence by taking into consideration local populations through its efforts to put them on an equal footing in real terms, not only theoretically, as regards access to their rights. Yet the inhabitants of these neighbourhoods are above all taken into consideration as users. Taking them into account as citizens likely to express themselves on their own needs and to dispose of participatory powers is no longer the order of the day. Efficiency and quality in the treatment of users' demands are supposed to erase the memory of any participatory project.

1.6.4. NTU taken into account at a late stage

The DGAFP (*Direction générale de l'administration et de la fonction publique* – the government department in charge of the administration and civil service) showed an interest in proximity at a very early stage and monitored several experiments in *maisons de quartier* ("neighbourhood houses") through COSIFORM (*Commission pour la simplification des formalités administratives* – commission for the simplification of administrative formalities). This interest by central administrations in proximity, for their own purposes of modernising and optimising their functioning, explains why proximity is considered more from the point of view of the institution and its agents than from that of the user. It may also explain why, in the experiments with proximity that were studied, questions of NTU were hardly ever taken into account. It is perfectly legitimate to posit that proximity may seem to be an efficient way of treating NTU. But in that case the actors responsible for implementing it must not be content to consider that NTU is limited to problems of access. Until now those agents who invested in experiences in proximity have maintained reflection on their practices through the APEMSP (*Association nationale du réseau d'acteurs des espaces, plateformes et maisons de services publics* – national association of the network of actors of public service spaces, platforms and houses). National conferences have been organised around the topic of proximity since 1999. The most recent was held in Marseilles in December 2002. The NTU issue was addressed at a

late stage but in a perspective of long-term reflection. Until then the main subjects of reflection among actors in this network were related to ethics in the public service: maintaining the universal nature of the public service, avoiding proximity resulting in the production of second rate public services, promoting proximity services outside difficult neighbourhoods to which the majority of experiments had until then been confined. Other subjects included technical problems such as agents' versatility and the training they require, or territorial networks. User participation is a theme that regularly comes up but always to deplore its inadequacy and the obstacles to its promotion. Yet if users do not express themselves it is difficult to have a clear idea of NTU and its different causes.

We remain in an institutional logic: how can the production of services be optimised through proximity? Although user satisfaction is an important criterion, it is measured above all through statistics on the use of proximity services. No questions are asked on those who do not use this type of services or who no longer use it, or on the causes of NTU within a single proximity service.

Based on recent research on several experiments in proximity services⁴⁰, it is possible to identify certain factors which, because of the way in which these services function, can prompt certain users not to use them or to stop using them. The versatile roles of agents of proximity services enables them to know a lot about the users who frequent their services. They have an overall view of their profile, unlike the agents of traditional services who have only a fragmented view. The strengthened partnership between agents of the different services leads to a form of solidarity between institutions. If conflict exists between a user and a public service, that user may fear that the information on him/her held by the agents with whom he/she deals on a daily basis, could be passed on to the adverse party and act against him/her. In Vienne, proximity between the town's Office HLM (agency for low-income housing) and versatile agents who, among other things, provided postal services, caused users to fear that information on their income would be passed on, enabling the Office to settle the dispute in its favour⁴¹.

As several participants at the Vienne conference in 2001 noted, with proximity one has to find the right distance⁴². Everyone seemed to agree that the right distance allowed an agent to do his/her job while remaining neutral. Users may also have an idea of what the "right" distance is, i.e. one that enables them to enjoy the benefits and services to which they are entitled without exposing themselves to a position of transparency that puts them back under the power of the public services. This brings to mind Erving Goffman's observation of mistrustfulness triggered by the reduction of distance⁴³. If there is ambiguity in proximity, it probably lies in the fact that it is not only a way of providing services to the public but also of restoring the presence of the public authorities. Through that presence, the institution regains power over users that is legitimised by the consideration shown to them in loudly proclaimed concern for equal treatment, but that

⁴⁰ MAGUER A. (ed.), BAROU J., ROTHBERG A, 2001, op.cit.

⁴¹ MAGUER A. (ed.), 2001, idem.

⁴² ISM-Corum. 2001. *La proximité, quels enjeux pour les services publics?*, Lyon, Mario Mella éditions.

⁴³ E. Goffman, *Les relations en public*, Editions de minuit, 1973.

is not counter-balanced by any recognised power for those same users in the form of an autonomous organisation. Consequently, evaluation of NTU can be based on no collective expression by inhabitants likely to reveal discontent/uneasiness as regards locally established institutions, or simply a lack of legibility in the services proposed. In spite of the physical proximity of the institution, users who do not benefit from their rights can remain in an anonymous position that hardly allows them to be taken into account.

Evaluation of NTU phenomena in neighbourhoods equipped with proximity public services can only be achieved if careful attention is paid not only to statistics on use of those services but also to the analysis of any fluctuations, and to an investigation of the profile and motives of the inhabitants who do not use them. At this stage this type of investigation is not the order of the day, but it may soon become so if the importance of issues of proximity are taken into account in the public service modernisation rationale.

To point out the importance of this administrative reform in progress, in the explanation of the NTU's theme in France, we can conclude with elements concerning the French *National Action Plan against poverty and social exclusion 2003-2005*. In this official document, the necessity to improve equal access to and high quality services with the intention of reducing the risk of poverty and social exclusion as well as strengthening social cohesion appears strongly. A link is clearly established between poverty, problem into the access to public services and improving of services' delivery. That proves the recognition of NTU phenomenon and more explicitly of non access to benefits or services as overarching challenge for public policies and their implementation.

Among the major policy measures adopted, we can note above all an effort concerning the access to housing and the improvement of the system of access to health care. The NAPincl also proposes – albeit on a lesser scale – programmes to assist access to education, justice and culture.

The long-term strategic perspective shows a special attention face to the problems arising in sensitive social housing districts or certain geographical areas. Note that the new URBAN programme concerning different French urban areas replies to this preoccupation and objective.

1.7. Conclusion: towards institutional recognition

This presentation was intended to explain the emergence of an interest in NTU as an important problem in the functioning of the French administrative system. We posit that the development of a new logic of "solidarity" in the field of social welfare, linked to the increase of poverty, is largely responsible for the emergence of the issues of access to benefits and NTU.

With the economic crisis that affected the country in the second half of the 1970s, many new problems arose. The most important were certainly the rise of long-term unemployment and the "casualisation" of work. Faced with the growing number of beneficiaries, access to benefits has often been restricted in part to past contributions. A lot of people found themselves excluded from welfare, for example from unemployment benefits. With those new problems, some "new poverty" situations appeared.

In that context where the social protection system was not able to answer to the needs of everyone with "insurance", solidarity policies were developed. Those policies were not linked to past contributions as with the insurance logic, and were financed by taxes. They were also targeted at the poorest people. New policies to fight against exclusion, developed especially in the 1990s, can be pointed to as largely responsible for the emergence of NTU. They introduced a new logic of access to benefits based on citizenship and not on professional rights as in the case of insurance policies.

Linked to this new logic, in a number of reports addressed to political decision-makers, the charitable organisations suggested facilitating access to social benefits, to allowances and services to fight against poverty. The first studies on NTU were made by the CNAF, especially after the creation of the RMI. Causes of NTU and solutions have been advanced. Some have suggested simplifying the administrative language, to improve the "reception" of citizens and to give better information about programmes.

With the intensification of the war against poverty after 1995, the question of exclusion, problems of access to rights and data about it have been linked more closely. The main point of the 1998 law concerned the reassertion and "guarantee" of the efficiency of access to their benefits by excluded people. The studies, reviews and evaluations that have followed that law have insisted on the importance of the simplification of administrative language, on the proximity that the administration should have with the citizens, on better information and also on a necessary prospecting for potential beneficiaries. The administrative reforms in place since the 1970s have become more important and relevant with this "war against poverty and exclusion".

Today, NTU appears to be considered by the man in the street as a technical or technocratic term. It still seems to be confined to scientific or to administrative analytical reports, especially those of the *Observatoire de la pauvreté et de l'exclusion sociale*.

Yet the concept is increasingly recognised and used by the social security funds (CNAF, CNAMTS, etc.), the administration and the government, through various instruments (management contract between the government and the social security funds, ministerial working groups, social cohesion plans, laws):

In the contract that it signed with the government for the 2001-2004 period (*Convention d'Objectifs et de Gestion - COG*), the CNAF clearly listed among its objectives the need to identify and experiment with areas of potential rights. One of the sections of the contract (Project 7) explicitly defines NTU as "a concept for evaluating public policies and their implementation". Internal CNAF studies detail

possible forms of NTU, list known explanations (drawing on the results of earlier research), and launch debate on usual modes of dealing with beneficiaries as regards possible measures to fight against NTU (CNAF, 2004). This engagement seems flimsy, however, since the new COG does not appear to have retained the issue of seeking potential benefits as a priority. The new watchword is productivity. It is only in relation to the recurrent topic of receiving the public that overall treatment of potential rights reappears as one of the institution's preoccupations.

- In a comparable way, the *Caisse Nationale d'Assurance Maladie des Travailleurs Salariés* (CNAMTS), the institution that manages the national health insurance system, has embarked on the systematic identification of situations of NTU. In its "Draft plan for a policy to fight exclusion", the CNAMTS urges the *Caisses* in its network to "study situations of non-take-up" and suggests testing possible ways of measuring the phenomenon on two types of offer per year. For 2004, the subjects relate to: non-response to the offer of a social service following a description in case of exit from *Couverture Maladie Universelle Complémentaire* (CMUC – free complementary health insurance for low-income groups); and failure to apply for CMUC. This new objective is carried by the *Direction de l'Animation du Réseau des Caisses primaires d'assurance maladie* and, within it, by the heads of the "Précarité" project. Apart from this new orientation, note the existence of the *Centre technique d'appui et de formation des centres d'examens de santé* (CETAF) of the CPAM, created in 1994, whose mission includes the creation of a health operating report based on data received annually from the 90 health examination centres (CES – *centres d'examen de santé*)⁴⁴. The CETAF compiles information relative to the health and health benefits of wage-earners examined at the CES. A total of over 250 variables are informed for over 650,000 people received annually. With a permanent team that includes statisticians, the CETAF has the capacity to measure and regularly characterise "NTU of health", especially on the basis of entitled benefits to basic and complementary health insurance of the groups received by the CES, as well as rates of delay or non-take-up of healthcare per population group, geographic area and type of pathology.

- The theme and the term NTU are now starting to be recognised at governmental level, particularly with the new Working Group on the "Fight against exclusions, quality of reception and participation of persons in difficulty". This group was created in December 2003 by the *Direction générale de l'action sociale* (DGAS), at the request of the Minister responsible for the struggle against exclusion, as part of the National Plan to fight against precariousness and exclusion (PNLE – *Plan national de lutte contre la précarité et l'exclusion*). The Group is moderated by the DGAS sub-division for policies on social insertion and the fight against exclusion, also responsible for preparing the next PNAI for France. It consists of representatives of the CNAF, the CNAMTS, the UNCCAS (*Union nationale des centres communaux d'action sociale*) and the DGS (*Direction générale de la*

⁴⁴ See the site : <http://www.cetaf.asso.fr>

santé), and works in close partnership with ODENORE, the institute for research on NTU⁴⁵ (see below: point 2.3.).

In response to the request for priority actions in the new Social Cohesion Plan (*Plan de cohésion sociale*) drawn up on 6 July 2004 by the Inter-ministerial Committee for the fight against exclusion (CILE – *Comité Interministériel de Lutte contre l'Exclusion*), the Working Group has just proposed "the promotion of ODENORE" (Action 5) and, more broadly, "the development of indicators on NTU of benefits" (Action 8). The latter proposal corresponds to that of another Working Group, "Basic rights. Access, exercise, take-up" set up by the CNLE (*Conseil National des politiques de Lutte contre la pauvreté et l'exclusion sociale*) in preparation for the first national conference on the fight against exclusion⁴⁶.

These proposals are likely to be applied since the framework law relative to finance laws (LOLF) of 1 August 2001, considered as "a new financial constitution" of the State⁴⁷, provides for Objective 1 "Reinforcing access by underprivileged persons to social benefits" of the budgetary programme "Politics in favour of inclusion", to be measured in terms of a results indicator known as "rate of non-take-up of social benefits".

It has also been decided that the Working Group on the "Fight against exclusions, quality of reception and participation of persons in difficulty" of the DSGAS will participate in steering the actions of the CILE. It is already considering the possibilities of constructing NTU as an indicator for actions in the fight against exclusion, based on the first methodological results of ODENORE. The reflection under way also involves the services of the DGAS responsible for preparing the next PNAI project (for early 2005), and the representatives of the DREES (*Direction de la recherche, des études, de l'évaluation et des statistiques*) responsible for research, evaluation and statistics, and common to the Ministry of Social Affairs, Labour and Solidarity and the Ministry of Health, Family affairs and Disabled persons. In particular, the possibility of *jointly constructing criteria to measure NTU* for specific fields of data is under investigation. It would be necessary to have regular and coherent sets of estimations or statistical measurements and analyses. This project takes into account the wide diversity and fragmentation of existing administrative data and data provided by associations (NGOs), and the lack of ad hoc data on NTU. Irrespective of their size, these sets will be composed of various measurement tools; NTU will therefore appear as a *compound indicator*. The selected criteria will be *characterised criteria*, in the sense that, for the identified groups in situations of NTU, we have several characteristic types of information (in other words, these criteria will make it possible to say *how much* and *who* is concerned).

⁴⁵ ODENORE (*Observatoire du non recours*), an Unit for research on NTU, was created in March 2003 by the coordinator of the EXNOTA programme. It is currently funded by the *Fonds à la Réforme de l'Etat*, the CNAF, the Isère General Council, and the City of Grenoble, and works in partnership with other organizations, including the DGAS, the CNAMTS and *Médecins du Monde*. ODENORE is the author of several works on NTU, including presentations of data, specific studies and general articles. See: <http://ODENORE.msh-alpes.prd.fr>. See also the presentation of ODENORE for EXNOTA, Final report, December 2004.

⁴⁶ See this Group's report on p. 36. The report was presented at the national conference on the fight against exclusion and for insertion, held on 6 July 2004 under the presidency of the Prime Minister.

⁴⁷ The implementation of the LOLF of 1 August 2001 profoundly reformed the State budget. Apart from the new budgetary structure, public management is set to change from a culture of means to one of results. This new performance-based management is expected to be a powerful lever of State reform and to enhance Parliament's powers.

It seems that the NTU concept has now been soundly established owing to the different administrative actors' and leaders' appropriation of the term, the theme, and related measures.