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HOW CO-PRODUCTION REGULATES

ABSTRACT

This article examines how and why regulatory influences tend to embed within practices of co-production. Informed by empirical data derived from semi-structured interviews conducted with a sample of experts in co-production, the analysis seeks to illuminate some of the ‘soft’ and ‘interactive’ forms of regulatory work that are performed. Framed by this work a distinction is drawn between the regulation of co-production, and regulation by co-production. The analysis contributes to a growing literature on some of the subtle and sophisticated ways in which regulation is being conducted in contemporary societies and how these contribute to the governance of social order more generally,

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3 Designers of regulatory architectures are typically seeking to avoid two pathologies. ‘Over-
4 regulation’ occurs when there is too much regulatory activity. It is to be avoided on the
5 grounds that the ‘costs’ of regulating outweigh the benefits of any risk or harm mitigated.
6 Overly intrusive regulation can also impede and intrude upon the area of social life that is its
7 object. Conversely, ‘under-regulation’ arises when a regulatory regime is imprecisely
8 configured or calibrated, lacking sufficient ‘grip’ upon any presenting risk or threat. The
9 quest to navigate between these two potentials has played an important part in the conception
10 of new regulatory models such as ‘smart’ and ‘responsive’ regulation (Ayres and Braithwaite,
11 1992; Baldwin et al., 2010). These have been promoted as more dynamic and adaptive than
12 the ‘top down’ orthodox models of ‘command and control regulation’, where particular
13 liabilities of over-regulation and under-regulation have been repeatedly diagnosed.

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16 This accent upon regulatory responsiveness is itself an inflection of a recognition that key
17 processes of governance are increasingly complex in their constitution. For instance, in recent
18 years, a number of new policy frames have been brought forward with the intent that they
19 should alter how the delivery of public services is conceived and performed (Jones et al.,
20 2013; Le Grand, 2003). One example being the currently vogue-ish notion of ‘evidence-
21 based policy-making’ and using systematic review and randomised control trial
22 methodologies to directly inform the design and delivery of key public services (Breckon,
23 2015). This ‘experimental governance’ effectively seeks to integrate a regulatory influence
24 on the grounds that robust and rigorous research is assigned a role in steering activity towards
25 ‘what works’.

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28 Allied to, but distinct from experimental governance, has been the rising influence of
29 ‘behavioural science’, colloquially dubbed ‘nudging’ (Thaler and Sunstein, 2009). This seeks
30 to limit explicit and intrusive regulation, by manipulating the ‘choice architectures’ people
31 are exposed to (Berndt, 2015). The idea being that by so doing, people will elect to act in pro-
32 social or beneficial ways, absent any external direction or instruction (Dolan et al., 2012).
33 Deploying social-psychological techniques to persuade and influence public behaviour has
34 become an increasingly prominent feature across a range of policy domains, including public
35 administration, health and crime (Halpern, 2015).

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38 A third set of innovations in the broader re-figuring of public service delivery and
39 governance has pivoted around the concept of co-production. The think-tank NEF defining it
40 as:

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43 “Co-production means delivering public services in an equal and reciprocal
44 relationship between professionals, people using services, their families and their
45 neighbours. Where activities are co-produced in this way, both services and
46 neighbourhoods become far more effective agents of change” (Boyle and Harris,
47 2009).

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50 As well as featuring in debates around public service reform, similar processes have been
51 advocated for knowledge generation. There is a shared commitment to the notion that by
52 reducing the ‘distance’ between ‘authors’ and ‘users’, a higher quality, more resilient and
53 more effective product should result (Sharp, 1980; Whitaker, 1980). Although possessing a
54 considerable legacy, a distinct revival of interest in co-production has been evident in the
55 context of public sector austerity, with a number of governmental actors advocating or
56 expressing interest in its precepts (Durose and Richardson, 2016; Welsh Government, 2014).

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3 Positioned in this way, co-production is of particular interest because it implicitly contends
4 that by promoting a working closeness between authors and users of an idea or service, the
5 need for regulation is at least minimised, or potentially obviated. Indeed, 'strong' advocates
6 of co-production – of whom there are a number – assert that co-production is largely
7 antithetical to regulation, particularly in its more orthodox and traditional forms.
8

9 This article argues that we need a more sophisticated and subtle rendering of the relationship
10 between co-production and regulation. Informed by empirical data exploring the nature and
11 processes associated with co-productive working, three principal claims are made. First, the
12 empirical analysis illuminates how a range of regulatory mechanisms and influences tend to
13 embed within co-production arrangements. It is argued that these function as forms of 'soft
14 regulation' whereby participants in co-production mutually steer and accommodate the
15 conduct of those they are interacting with. So rather than seeing regulation as an anathema to
16 co-production, it is an account that maintains that the regulation of conduct actually occurs
17 through some subtle and intricately interactive forms woven into the fabric of co-productive
18 arrangements..
19

20
21 The analysis accents two principal ways in which co-production and regulation intertwine.
22 These are conceptualised as the 'regulation *of* co-production' and 'regulation *by* co-
23 production'. The former focuses upon external mechanisms brought to bare upon co-
24 productive arrangements to steer and influence them. Contrastingly, regulation via co-
25 production is concerned with how the mechanics and dynamics of regulatory influence are
26 woven into the fabric of the process of co-production itself.. This conceptual distinction
27 constitutes the second key claim.
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29
30 The final claim is that at a more theoretical level, new insights into the conduct of regulation
31 within the contemporary social order can be generated by drawing in ideas from the work of
32 Goffman and Foucault. In particular, it is evidenced that a far more direct and compelling
33 connection between Goffman's ideas and the conduct of regulation, can be made than has
34 been done hitherto.
35

36
37 The next section describes the empirical data collected and analysed, whilst also bringing
38 forward some theoretical resources to help interpret these. This is followed by a more
39 detailed account of the interactions between regulation and co-production. In the penultimate
40 section, the preceding points are used to address some wider implications about the condition
41 of concepts as they make the journey from a 'pure' intellectual form, into something applied
42 in practice with 'real world' impact. Specifically we contend, that ideas (and their authors)
43 are subject to 'tarnishing' and 'muddying' in order to get them implemented and working
44 within the situational contingencies of social, political and economic life. In this sense, they
45 become 'dirty concepts'. Thinking in such terms helps us to understand how and why
46 mechanisms of co-production have increasingly integrated regulatory influences. The paper
47 concludes by engaging with the wider implications of these findings for understanding the
48 conduct of regulation and co-production in the contemporary social order.
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52 53 DESIGN AND METHOD

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55 The empirical data reported herein derive from a five year research programme using a multi-
56 method research design to explore and understand some key innovations in how regulation is
57 conceived and conducted. This wider programme has framed the specific empirical and
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3 conceptual themes pursued, where a series of fourteen extended semi-structured interviews
4 concerned with the role of regulation in co-production are analyzed.
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6 Interview participants were sampled from three groups: representatives of think-tanks and
7 charities who had performed 'moral entrepreneur' roles in promoting co-production; workers
8 in local and national government operationalizing co-production in some way; and
9 representatives from community organizations engaging in co-production schemes, across a
10 range of situations and settings. Four representatives from think tanks and charities were
11 interviewed, all of whom had extensive expertise in co-production from a theoretical, [top-
12 down/big-picture] perspective. Four local and national government workers with particular
13 responsibilities for co-production, at strategic and implementation levels, were also
14 interviewed. The largest group of interviewees were representatives of community
15 organisations, and these six shared insights into what co-production looks like and how it
16 works 'on-the-ground' and with communities. Sampling around these categories was
17 designed to capture a diverse range of perspectives, with access to interviewees negotiated
18 via contacts involved in the wider research programme, although it proved difficult. There
19 were a number of refusals to participate, in part generated by the fact that the research was
20 conducted at the height of the UK government's austerity drive and cuts to public service
21 budgets were being felt acutely. Negotiating access with the think-tank and government
22 representatives was especially time-consuming and complex, and was facilitated via a
23 specific gatekeeper. This accords with Mikecz (2012) who argues that elites are often
24 surrounded by multiple gatekeepers, and that access must be carefully negotiated.
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29 Following the extensive access negotiations, interviews were conducted between January and
30 March 2016. Most were conducted in the participants' workplaces in quiet meeting rooms.
31 Utilising a semi-structured interview schedule to steer the flow of conversation and make the
32 most of the allocated time, the majority lasted around one hour. All of the interview
33 interactions were recorded and fully transcribed. They were then inputted to NVivo and
34 subject to thematic analysis.
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37 Reflecting their status as part of a much larger data corpus, and more wide-ranging
38 theoretical endeavour, in terms of how they are treated herein, they are understood as the
39 kinds of 'exemplary evidence' that Manning (2016) highlights as part of his 'pattern
40 elaborative theory' (PET). The intent of PET is to deploy especially luminous data to
41 foreground exploratory and tentative ideas that might subsequently be subject to more
42 rigorous and robust empirical testing. Accenting a creative and inference based approach, it is
43 certainly coherent with the logics underpinning this article as it interrogates some of the
44 subtle and intricate ways in which regulatory influences embed within the practices of co-
45 production.
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49 THEORISING REGULATION DIFFERENTLY WITH FOUCAULT AND GOFFMAN

50 As was intimated above and elaborated below, one of the principal concerns of this article is
51 to articulate how regulatory influences are folded into processes of co-production, as opposed
52 to being super-ordinate to or imposed upon them. Theoretical supports for framing such an
53 approach can be derived from the work of Erving Goffman and Michel Foucault.
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56 In an intriguing, albeit slightly underdeveloped essay, the philosopher Ian Hacking (2011)
57 suggested that scholars could profitably explore the ideas of Goffman and Foucault for points
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3 of correspondence between them. This is on the grounds that Foucault's interests start with
4 institutionalised structures and how they shape conduct and behaviour, where Goffman's
5 starting point is with detailed inquiries into these actions and interactions, and how they
6 come to constitute social institutions. One area where there is precisely the kind of
7 conceptual intersection that Hacking is alluding to is regulation. For although neither is
8 conventionally understood as a student of regulation, nor as possessing compatible
9 epistemological positions, their very different approaches ultimately suggest similar
10 implications in terms of how regulation is routinely accomplished. For both of them, albeit in
11 very different registers, conceive regulatory work and activity as something infused into
12 broader institutional structures and processes. In this sense their positions are counter-pointed
13 with the more orthodox literature on regulation emanating from the disciplines of Law and
14 Economics.
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18 Foucault's interest in regulation is clearly better known, especially through his work on the
19 technologies of the self (Foucault, 1988). Those who have demonstrated affinity for the
20 approaches he pioneered have appropriated his ideas to articulate how forms of normative
21 regulation routinely shape the constitution of 'the self' (Hunt, 1999; Donzelot, 1997).
22

23
24 Goffman's position on regulation has always been more implicit and presumed. It is
25 undoubtedly there, given his sustained interest in how co-present interactions and encounters
26 are navigated and negotiated, and especially how people actively work to make these viable
27 and 'repair' them when things go wrong. However, the relatively voluminous secondary
28 literature interpreting and elaborating his work has not explicated this connection (Manning,
29 1992; Ditton, 1988; Smith, 1999). That said however, his ideas have influenced a number of
30 those with more formal research interests in regulation. This is especially evident in the work
31 of several members of what we might label 'The Oxford School' of socio-legal studies, who
32 have collectively demonstrated an interest in capturing the detail and nuances of the
33 enactment of administrative procedures of law and how they depart from the rhetoric of 'law
34 in books'.¹ Rock's (1973) study of debt collection by the English Courts utilizes several of
35 Goffman's studies in working out a suitable theoretical frame. This book was a direct
36 influence on Hutter's (1988) ethnography of environmental health officers, where she
37 foregrounds how the regulatory outcomes are frequently the product of a process of
38 negotiation between regulators and regulatees. In terms of its dominant conceptual themes,
39 Hutter's work shares much with Hawkins' (2002) magisterial summary of the Oxford
40 tradition, where he argues that regulating agencies typically utilize multiple negotiated and
41 compliance seeking strategies before they resort to invoking law formally. In this sense,
42 returning to themes articulated initially by Goffman, the public appearances of regulatory
43 action may belie a more complex set of arrangements that have been conducted behind the
44 scenes, such that norms of conduct and behavior become an important influence upon what
45 actually happens.
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51 There is, however, an as yet apparently unremarked upon, more direct interest in regulation
52 that can be identified in Goffman's work. For in his book *Behaviour in Public Places*, he
53 makes repeated references to 'regulation' in ways resonant with (but not directly echoing) the
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56 ¹ This label does not to suggest that all of the work exhibiting these conceptual traits has been
57 conducted at Oxford, but rather that a number of key scholars have had some connection with
58 the Centre for Socio-Legal Studies there.
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3 Foucauldian notion sketched in outline above. He ties regulation to the functioning of social
4 order as follows:

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6 ...a social order may be defined as the consequence of any set of moral norms that
7 regulates the way in which persons pursue objectives. The set of norms does not
8 specify the objectives the participants are to seek, nor the pattern formed by and
9 through the coordination or integration of these ends, but merely the modes of seeking
10 them. (Goffman, 1963: 8)

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13 Elements of this definition are clearly consistent with a core feature of how regulation is
14 commonly understood across academic disciplines; namely that it involves a steering of the
15 process rather than outcome

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17
18 Later in the same essay, Goffman elaborates how norms of social conduct occasion defined
19 and shared 'situational proprieties' that regulate social interaction, and that:

20
21 The code derived therefrom is to be distinguished from other moral codes regulating
22 other aspects of life...: for example, codes of honour regulating relationships; codes
23 of law regulating economic and political matters; and codes of ethics, regulating
24 professional life. (Goffman, 1963: 24)

25
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27 In his posthumously published Presidential Address to the American Sociological
28 Association some thirty years after the above, Goffman (1983) would refer to this domain of
29 enquiry as the 'interaction order'. In so doing, he was clearly conveying a sense in which
30 regulatory work is an intrinsic and necessary condition for how different modalities of social
31 order are developed and sustained. Although he did not consistently invoke the concept of
32 regulation, Goffman's work represents a sustained attempt to foreground how rules of
33 interpersonal conduct are navigated and negotiated across a range of settings and situations.

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36 What emerges from these readings of Foucault and Goffman, both in terms of their own work
37 and those they influenced, is that although starting from very different places, they arrive at
38 broadly similar conclusions. That is, the regulation of conduct and behaviour needs to be
39 studied at the intersections between the institutional and interactional orders of social,
40 political and economic life.

41
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43 There are potential affinities here between the normative and contingent bases of much
44 regulatory activity detectable in the accounts of both Goffman and Foucault, and the
45 emergent perspective on regulatory intermediary theory (RIT). The latter has been proposed
46 as a way of more accurately rendering the range of relationships engaged in the conduct of
47 regulation (Abbott et al., 2017). However, as currently configured, RIT accounts tend to be
48 limited by: (a) their concern with the network effects deriving from relationships between
49 regulatory actors ; and, (b) their implicit notion that power flows down and regulation is
50 devolved downwards through 'chains of intermediation' (Abbot et al., 2017). Albeit it is
51 acknowledged by RIT's proponents that practical regulation typically blends hard and soft
52 rules, especially the more incipient Goffmanesque position affords a much greater role for the
53 agency of 'regulatees'. They are not just cast as subjects of the regulatory process, but
54 actively engaged in how it unfurls. Figuring regulation in this way, helps to illuminate how it
55 arises within co-production processes.

ON NORMATIVE AND INSTRUMENTAL CO-PRODUCING

Innes (2014) summarizes the key practices as co-production as involving: co-definition; co-design; and co-delivery. That is, those constructing an issue, service, or knowledge, should work collaboratively with others directly, in terms of understanding what precisely the matter at hand is, how it should be responded to and then delivering the response. It is this 'end-to-end' quality that distinguishes co-production from other less intensive forms of partnership working and collaboration.

The term 'co-production' was first coined by Elinor Ostrom when researching US police work in the 1970s. Echoing concerns articulated by several other studies of policing from this period, Ostrom and her team found something missing when police spent more time in patrol cars and were not so closely involved with the public, as occurred when on foot patrol. They inferred that it was actually the contributions made by the public when interacting directly with police that effectively determined the efficacy of policing services (Boyle and Harris, 2009). Ostrom used the term co-production to refer to this relationship, defining it as:

“The process through which inputs used to produce a good or service are contributed by individuals who are not “in” the same organisation.” (Ostrom, 1996)

This was not confined to policing. Similar concerns were expressed about the quality and quantity of: citizen participation in public policy (Cupps, 1977; Sharp, 1980); low productivity creating deficits in the public sector (Lovelock and Young, 1979); and public service reliance on the actions of policy makers, rendering them ineffective and inefficient during a time of fiscal constraints (Brudney and England, 1983). Accordingly, the idea of co-production acquired increasing traction and currency. Whitaker (1980) advocated that co-production champions the service-user's individual ability to accomplish desired changes with the help of the delivery agent. Importantly, he identified multiple 'types' of co-production (Whitaker, 1980), assigning particular importance to where citizens and agents work together to adjust the other's expectations and actions. Positioned in this way, modifying behaviour entailed joint considerations and decisions about a problem, with reciprocal, active participation facilitating desired changes.

A critical point made by a number of those interviewed for this study concerned how co-production in practice necessitates a healthy dose of pragmatism and compromise. This was because, almost inevitably, none of those engaging in co-production are going to secure precisely the outcome anticipated at the start. For example, one policy maker reflected on their experiences as follows:

“... I know that as a result of that co-design piece it doesn't look exactly as I thought it would when I was going in which is great. Learnt loads from people shaping it in a different way” (G1)

Whilst not everyone spoken to was so enthused by the lack of control induced by such arrangements, this notion that interaction between participants clearly shapes the outcome accomplished clearly resonates with some of the concepts accented by Goffman. Moreover, there was a shared acknowledgement that it was important that those with power, do not impose their wishes and expectations upon the process.

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3 This requirement to equalize relations and accommodate the interests and needs of all
4 partners was something mentioned by the majority of respondents. The following sentiment
5 was fairly widely shared:
6

7 “... So with the VCS stuff I’m trying to treat it as equal as it can possibly be. That I’m
8 not going to turn round after six months of work and go, ‘Oh by the way I’ve decided
9 it’s my money so I’m going to do something different with this. Never mind what
10 everyone’s told us or what we’ve talked about.’ So I’m trying to get that much more
11 equal.” (G1)
12

13 A key feature of such accounts, was that moving towards co-production was ‘effortful’ and
14 not to be undertaken lightly.
15

16 Given that this is so, it is perhaps unsurprising that in terms of co-production’s policy transfer
17 and importation into the UK, the timeline is rather hazy. Needham and Carr (2009) suggest
18 that despite less evidence of co-production’s rhetorical visibility in the 1980s, it influenced
19 many reform movements and did not entirely disappear. Realpe and Wallace (2010) argue
20 that Anna Coote introduced the co-production concept to UK health services around this
21 time, as a device to understand relationships between patients and clinicians. Also in the
22 1980s, in the housing sector, professional-driven ideals (Birchall and Simmons, 2004; Boyle
23 and Harris, 2009) began to break down when professionals were forced to start consulting
24 with policy-resistant homeowners negatively affected by relocations to council estates
25 (Birchall and Simmons, 2004).
26
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28 After a period where increases in public participation had been slow, small scale and met
29 with resistance (Birchall and Simmons, 2004), the New Labour administration proactively
30 championed active citizenship, participation and collaboration (Newman et al., 2004). Boyle
31 and Harris (2009) later identified problems with the New Labour/’third way’ methodology,
32 arguing it failed to tackle the structural inequalities driving service demand. This was
33 attributed to ‘narrow’, cost-focussed models that did not afford sufficient local responsibility
34 to allow social networks to develop and take strain off public services, and so did not see the
35 rhetoric of ‘consumer choice’ transpire into real mutual solutions.
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39 A more recent government White Paper reflects this critical view of previous approaches,
40 highlighting the need for consultation and engagement with public service users, as well as
41 needing to be driven by public priorities (HM Government, 2011). Many argue that the social
42 welfare system’s aim to tackle class inequality has been ineffective: “it has not managed to
43 narrow inequalities of income or health or to strengthen social solidarity” (Coote and
44 Franklin, 2009). As such, co-production is offered as the alternative to the problems and
45 challenges previously experienced. This is premised upon the idea that service users, their
46 families and neighbours can all help professionals make permanent change happen (Stephens
47 et al., 2008).
48
49

50 Infused by such narratives, looking across the interview accounts gathered as part of this
51 study, two principal vocabularies of motive were offered as explanations and justifications
52 for moving towards co-productive arrangements. First, there were ‘normative’ accounts
53 premised upon the notion that it is the right thing to do. This is exemplified in the following
54 quotation:
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56 “It doesn’t make sense for people not to... have some sort of real role and to shape
57 services.” (T3)
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3 Framing co-production in this way didn't really invoke any extraneous incentives or benefits.
4 In this sense, it differed slightly from a more 'instrumentalist' conception of co-production,
5 advocated on the grounds that it delivered its products more effectively and/or efficiently.
6 This was evident in a number of discussions, but was especially neatly articulated by the
7 following two quotations:
8

9
10 "… if you had someone with diabetes … If they're mis-managing their condition,
11 they're not taking their drugs properly … that can lead to very, very high health costs
12 if that goes wrong. Whereas if they can get peer support, it will eventually lower cost,
13 once a week for example, they can help to manage their condition better, won't go to
14 see the GP, won't go to A&E." (T1)
15

16 "… you're involving homeless people to help design services for the homeless …
17 having people actually involved in designing the services that they know most about,
18 they know a lot more about than somebody sitting in a darkened room writing a
19 policy or designing a service from a local government perspective." (G4)
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21
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23 An especially intriguing aspect of the empirical data pivoted around the relationship between
24 the normative and instrumental accounts. Nearly all of the interviewees went out of their way
25 to acknowledge that coproductive encounters were frequently intricate and delicate, imbued
26 with considerable complexity. Significantly, several proponents of the normative position
27 used precisely these issues to argue why co-production should not be appraised on
28 instrumental grounds:
29

30 "Well this is the trust thing … to all of the people we worked with we were like, 'how
31 would you like to co-exist with us?' And it's like, we built trust by listening to them
32 and then by working towards the things that we shared as aims … And the thing is,
33 between bigger organisations trust is very hard." (C4)
34
35

36 Because co-production is not an easy process, for partners to work together willingly and
37 effectively, trust is key. As the above quotation highlights, there is a need to invest time to
38 build and sustain relationships between partners, but this can present a challenge. Time-based
39 issues can also clash with co-production in other ways. Discussing emergency admissions to
40 hospital, one interviewee reflected on the way short-term measures of success might not do
41 justice to co-production:
42

43 "They might feel disappointed in the short-term about… the outcomes that can be
44 measured from some of these changes" (T3)
45

46 The following metaphor also emphasised the weight of time considerations on co-production:
47

48 "Think of a clock or a watch with all the watch face, all the hands are moving, it all
49 looks synchronised, only two or three key players on the face … but actually behind
50 the scenes all of these layers are working … these processes of co-production
51 sometimes are time limited, time intensive, time limited, circumstantial, appropriate"
52 (C6)
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56 Expectation management was understood as vital for establishing sustainable co-production
57 by the majority of interviewees. There was a temptation, it was suggested, for those engaged
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3 to get swept along by the rhetoric and consequently aspire for too much. Especially those
4 experienced in co-producing, accented how it required all parties to moderate their
5 expectations and to be willing to compromise to some degree. That said, this pragmatic
6 disposition was itself counter-balanced by a clear belief that co-producing knowledge and/or
7 services does possess the potential to unlock new capacities and capabilities that cannot be
8 reached by more orthodox arrangements.
9

10 11 12 CO-PRODUCTION AND REGULATION 13

14 Traditionally conceived as 'top-down' and 'command and control' oriented, regulation seems
15 to contrast co-production's core values of engaging 'outside' parties and facilitating equality
16 and reciprocity. The more recent shifts to responsive and smart models of regulation, soften
17 and blur this antipathy somewhat. But what was striking about the interview accounts is how,
18 although they did not necessarily talk about 'regulation' per se, the majority of interviewees
19 acknowledged the presence of multiple regulatory influences in the co-production work they
20 were engaged in. Especially for those describing the co-production of public services, one
21 explicit mode of regulation emanated from economic issues:
22
23

24 "… it's like a community centre in a way, they shouldn't be all designed to the nth
25 degree, they should have some empty rooms that haven't been purposed yet when
26 they build them ... because then the community will decide what they need to be ...
27 But that doesn't fit council because they want to have it funded, 'what are you getting
28 the money for?'" (C4)
29

30 Funders' desires to know what outcomes to expect as a return on investment clash with 'pure'
31 co-production. A number of interviewees described multiple compromises and 'trade-offs' as
32 part of their efforts to secure and sustain funding. This included a recognition that their
33 ability to co-produce was constrained by the regulations and accounting requirements
34 emanating from their funding sources. Equally however, and perhaps more subtly, they also
35 voiced an expectation that funders looking to enable regulation must themselves engage in
36 some 'trading off' to avoid over-regulating the process. They must modify their usual
37 behaviour to accommodate co-production, instead allowing the process to partially self-
38 regulate and deliver unprogrammed outcomes.
39
40

41 An important permutation of the influence of economic considerations upon how regulation
42 happens in relation to co-production was that it may flux temporally. Especially for
43 Government officials, there was a recognition that planning future co-production and making
44 commitments becomes difficult in the months leading up to elections. Trading-off in this
45 situation and context, perhaps doing less long-term planning for example, would not
46 necessarily benefit co-production, but would be a necessary compromise to proceed.
47
48

49 The accounts rehearsed above have a shared tendency to view the co-production-regulation
50 relationship in terms of the regulation of co-production. For example, budgetary
51 considerations shape and mould what it is that can be co-produced and how. In this sense, the
52 regulatory work is implicitly conceived as lying outside of the co-productive arrangements.
53 In the rest of this article we focus upon regulation by co-production. That is how, in an often
54 'seen but un-noticed way', co-productive relationships absorb or integrate regulatory
55 influences into their standard operating processes.
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'Soft' and Interactive Regulation

During an interview with a community worker engaged in safeguarding young people deemed at risk of violent extremist radicalisation, they discussed how several local schemes had been designed collaboratively with parents and young people from the communities believed to be affected. This was presented as an alternative to the inclinations of the government's formally constituted 'Prevent' programme, widely perceived as a 'tainted brand' (Innes et al., 2017; O'Toole et al., 2016). Talking about one specific scheme, the community worker described how they had started working with local parents to help 'skill them up' in terms of their 'digital literacy'. This was on the basis that:

“What's actually going on is that, you know, mothers don't necessarily know how to track their children's internet usage, things like that.” (C2)

Here co-production was being harnessed to enable more effective parental regulation of young peoples' potentially risky behaviour. The interviewee went on to explain how co-producing these activities affords constant dialogue and insight for community workers. This was not formal regulation in the traditional sense, but rather flowed out of the interactions between participants.

A common feature of such accounts was how, although the primary purpose of entering into these relationships was not to deliver regulation, this is nevertheless what happened. Through their interactions, mutual influence upon the behaviour and aims of the others they were involved with occurred. Especially where such relationships were successful, those involved also came to understand the constraints and requirements of their partners and factored these into their own conduct. Thus the style of regulation engaged was largely tacit or implicit, operating interactively.

Where regulation is embedded within ongoing relationships it often assumes a 'softer' more negotiated tone, than where it is the primary objective.² For instance, one interviewee recalled how a lady in the Cardiff area opened her house as a space for local young people over a period of around 18 months. The young people came in and took part in a range of activities such as learning to use her husband's DJ equipment while he was at work, becoming part of dance crews, or just 'chilled out'. Decisions on donations and activities for this 'project' were made through co-production that took place between the lady and the community. This developed a sense of self-regulation amongst the participating young people, but also interactive regulation through being involved in these negotiations with the community. Particularly interesting is how this approach in turn shaped relationships with other, more formal regulatory institutions, including youth services, schools, and police. As the interviewee recounted, the project: "regulated with regulators". For example, if the police chased someone into the house, they would respect the lady's boundary and negotiate the safe release of the person. It exemplifies how co-production can serve to regulate community activity, in some subtle and unexpected ways.

Blending this line of thinking with a theme picked up earlier in terms of the workings of co-production, there is an interesting angle in terms of how effective co-producing was seen to involve constraining the potential to express power. As one respondent described it:

² A quality it shares with other modalities of social control (Black, 1976).

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3 “If the power isn’t shared then sometimes it’s quite hard to actually really co-
4 produce” (G1)
5

6 And as another reflected:

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8 “... there's no point having something called co-production or co-creation or
9 collaboration if there are inequitable power dynamics at play, and unfortunately there
10 are lots of those around in this field.” (C5)
11

12 It would be tempting to see such comments as suggesting co-production necessitates power
13 being ‘given away’ by its ‘owners’ to their new partners. However, reading across the
14 interview transcripts suggests a more subtle interpretation, involving a shift in the forms of
15 power. This can be conceptualised as being less reliant upon ‘hard’ power and instead
16 seeking to achieve similar aims through invocation of ‘soft power’ based upon influence and
17 persuasion.
18

19 Indeed, this seems fundamental to how regulatory mechanisms get picked up and woven into
20 the conduct of co-production. ‘Harder’ and more direct regulations would be inimical to the
21 delicate configurations via which decisions get made under co-productive frameworks. But in
22 a ‘softer’ form they actually help to foster such arrangements giving a sense of the constraints
23 that are being worked to and within. In this sense, the integration of regulatory mechanisms
24 into the processes of co-production had an influence in sustaining the relationships in the face
25 of the challenges that are often encountered:
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28 “I think in a way if there was one or two obvious brick walls, it would be relatively
29 straightforward to tackle then. But what we’re finding more is a series of trip wires...
30 it’s almost like they stumble along the way, and get a bit knocked off course” (T4)
31

32 As this respondent who worked for a think-tank that had invested in developing co-
33 productive approaches identified, there is a susceptibility for co-productions to be diverted
34 and distracted. In light of which, regulatory instruments embedded within the partnering
35 arrangements afforded a potential for self-correction. Here then we can see how co-
36 production has to navigate issues of over-regulation. For as is indicated in this account, over-
37 regulation occurs not just through the obvious blockers and impediments, but manifests also
38 in low-visibility issues that can de-rail intensive collaborations.
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41 Drawing back from the specifics of discussing co-producing, this insight has wider
42 significance for understanding some of the complexities involved in how regulatory work
43 gets done in contemporary societies. It is not something that is confined to institutions or
44 agencies with a formal remit. It is more widespread than this and increasingly infused into
45 key social relations. One especially intriguing aspect of which concerns the ways regulatory
46 mechanisms were increasingly nested in layers of relationships, with the consequence that at
47 some moments individuals and groups could find themselves positioned as regulators,
48 whereas at others they would be the regulatees. For instance, the senior manager of a
49 community centre, who had sought to foster more of a co-production ethos with parents in his
50 decision-making regarding nursery provision, outlined how:
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53 “We’re kind of constrained by Ofsted requirements and other things, but the parents
54 do have a say in how things can be run.” (C1)
55

56 He described a complex of regulator-regulatee relationships that are being switched between.
57 In the latter part of this quotation, he implied how the needs and desires expressed by parents
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3 do influence provision. But at the same time, in foregrounding the role of Ofsted, he
4 recognised that he has to act as a regulator upon the parental influence, on the grounds that he
5 is himself subject to some super-ordinate regulatory considerations.
6

7 This also serves as an important reminder that the argument being constructed herein is not
8 that 'harder' more formal kinds of regulation are disappearing or foregone, but rather that co-
9 production tends to take on a very particular style of 'soft and interactive' regulation. Indeed,
10 because co-production intrinsically operationalises a fluid and negotiated form of working,
11 this soft and interactive quality of regulation seems quite important. This is evidenced by the
12 frustrations expressed by an individual recalling their engagement with a research project
13 employing a co-production methodology:
14

15
16 "When I first engaged with [project] I hadn't got a clue and so the language being
17 used was alien to me, I didn't really understand where they were going and they
18 hadn't defined it. They hadn't bounded what we were doing. It was very loose and I
19 found that incredibly hard to engage with. So one, I didn't understand what was going
20 on and two, there were no guidelines and nothing ... there were no reference points or
21 anything." (C1)
22

23
24 In the language of this paper, this exemplifies the problems of 'under-regulation'. There is a
25 sense of 'anomie' in terms of the dislocation and disenchantment felt by the interviewee. As
26 they went on, they described how all those involved in the work, including the academic
27 'authors' of the project as well as the 'users', came to an agreement that a more explicit
28 regulatory frame was required, if anything of significance was to be accomplished. Indeed, in
29 this case, a modest degree of albeit subtly rendered regulation was understood to be a
30 sufficient, if not necessary condition, for ongoing successful co-production.
31

32 Echoing an earlier point about the complexities and difficulties involved in co-production and
33 the role of power, for a number of professionals it was hard not to assume responsibility for
34 some form of regulatory oversight. As one interviewee involved in healthcare put it:
35

36 "A lot of these professions we're talking about, they have been trained for years... you
37 don't want to sit there and think... 'now my job is to coach someone or work this out
38 together, like I'm the one who is the doctor, let me tell you what to do'" (T3)
39

40
41 Accounts like this, provide some insight into how and why over-regulation occurs. It was
42 faster and easier for the healthcare professionals to assume responsibility and control of the
43 process, than to engage in a more convoluted and intricate process of co-production. But in so
44 doing, the possibility of enabling more innovative and creative possibilities was forestalled.
45

46 Looking across the empirical accounts of co-production in action, as opposed to its
47 description in books, there are certain compatibilities and points of resonance with concepts
48 of regulation. The first of these concerns how, when compared with other modes of social
49 control, regulation attends more to issues of process than outcome (Innes, 2014). A defining
50 quality of regulation is its focus upon standardising aspects of how something is
51 accomplished (via technical modifications of procedure), rather than closely specifying the
52 defined outcomes to be achieved. This is analogous with the ways co-production privileges
53 the process of interaction and collaborative working over defining precisely in advance what
54 the product is. Typically, partners enter into co-producing arrangements with a broad goal in
55 mind, but the agreed outcomes and ways of working are themselves to be shaped by the
56 process.
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3 A second defining quality of regulation is that it is codified, due to there being widely
4 understood and shared understandings of the rules of participation and processes that are in
5 play. Co-production's focus on new ways of working often induces pressures for
6 codification: methodologies and practices associated with working co-productively have been
7 developed to cope with its challenges. These methodologies and practices are detailed in
8 various catalogues; one such being a product of the People Powered Health programme
9 (Penny et al., 2012). It was designed to provide:

11 "… a series of learning products explaining why the People Powered Health approach
12 works, what it looks like and the key features needed to replicate success elsewhere"
13 (Nesta, 2013).
14
15

16 This distillation of procedures and practices that 'work' in this way, implicitly attends to and
17 recognizes that working in this way is not straight forward.
18

19 In different ways, both co-production methodologies and regulatory instruments are in the
20 business of behaviour modification, performed through a blend of incentives and sanctions.
21 Particularly relevant to co-production are the range of normative and instrumental incentives,
22 outlined in previous sections, often invoked to encourage certain forms of desired
23 collaborative action. Cast in this way, behaviour modification is clearly a fundamental
24 consideration for all collaborative working, including co-production, as organisational
25 behaviour change is required to meet the respective goals of all partners. The process of
26 working collaboratively between participants is, we would argue, *always* intended to induce
27 behaviour modifications in all concerned.
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31 32 CO-PRODUCTION AS A 'DIRTY CONCEPT'

33 In their 'pure' theoretical formulations, representations of co-producing are typically cast in
34 relatively unproblematic ways. Theoretical discussions inevitably strip away layers of
35 contextual detail and subtlety, to delineate principal components. But particularly for
36 something as intricately fabricated as co-production, which involves multiple actors,
37 organisations and interests, interpretations and practices of co-production differ and vary.
38 Even more significantly, the reality of co-producing often departs in some significant respects
39 from the core precepts. However, rather than being a problem this should be understood as a
40 necessary requirement for co-production as a practical accomplishment. In this sense, it can
41 be understood as a 'dirty concept'.
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45 A 'dirty concept' is one that, as it travels from being 'in books' to a form of practical action,
46 becomes tarnished and distanced from its 'pure' conceptual origin. These compromises and
47 amendments are necessary and inevitable if the 'pure' theoretical construct is to have
48 practical utility and traction. For complex undertakings such as co-production, this means
49 that what gets done in practice typically 'resembles' the theoretical model, as opposed to
50 reproducing all its elements in detail.
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52 This 'dirtying' of a concept, can sometimes lead people to question, or deny, that what is
53 actually being practised constitutes the theoretical intent. For example, when discussing co-
54 production one respondent said:
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3 “I think both at a service shaping and strategic level, there is an interest and people
4 are happy to use the language of it. But actually it’s being limited quite seriously
5 when it comes to practice.” (T4)
6

7 For this interviewee, the degradation in fidelity between concept and practice, caused them to
8 conclude that although the co-production label was frequently invoked, its actual
9 implementation was relatively rare.
10

11 Potentially however, this is to expect too much of research based theories and models. As
12 another respondent pointed out, this time in respect of the practicalities of committing to co-
13 production from a government perspective:
14

15 “At the moment we are very strictly in a position where we cannot make decisions
16 that tie our hands to the next government ... you don’t want to come in and be told
17 ‘sorry Minister you will just have to do these things because the last government
18 decided them all’, doesn’t go down very well at all.” (G3)
19

20 If this analysis is correct, authors of such ideas and frameworks need to accept that they will
21 become, at least a little bit ‘dirty’. There is a ‘price to be paid’ if ideas are to ‘travel’ and
22 influence policy and practice. In the following extract from an interview with a respected and
23 experienced community worker, some of these issues were surfaced:
24

25 “So this is an example for me of where we started off with co-production in mind ...
26 The reality is there is only so much things [sic] you can actually co-produce... Now,
27 if we were to open that up to the hundred or fifty plus young people that we
28 interviewed and engaged with in terms of framing the priorities and what the service
29 should look like, I think it’s going to be a bit challenging because there’s a finite
30 resource. So there were certain things we were able to be honest about what we were
31 co-producing with stakeholders at times, because it’s not with everybody all the
32 time.” (C6)
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36 A pragmatic willingness to accept that these kinds of edits will occur, does seem important.
37 For if the intellectual progenitor of a framework or model seeks to distance themselves when
38 inevitable practical difficulties are encountered, then it is harder for others to justify why they
39 should expend effort to work through any such tribulations.
40

41 An alternative strategy identified by some respondents was to forego creating any explicit
42 linkages. For example, one interviewee told how a large organisation she was familiar with
43 had made a “conscious decision” to avoid the language of co-production. This was both
44 confusing and concerning for her. Another interviewee noted that one minister has a
45 particularly strong dislike for the term ‘co-production’, because he feels it’s something
46 they’ve been doing for a long time anyway. Both of these accounts suggest how language
47 matters in ‘selling’ ideas into new groups of potential users, and also in sustaining their
48 interest over time. For some, the language of co-production was decidedly alienating and to
49 be avoided.
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52 More concerning however, were several accounts contending a more cynical intent
53 underpinning the policy adoption of the idea of co-production. Adherents of this perspective,
54 speculated that the language of co-production could be used as a cover for service cuts:
55

56 “... if that becomes sort of abandonment of issues by the public sector in the hope the
57 communities will pick up the pieces, I think sustainability becomes an issue very very
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3 quickly and unless there is some sort of ongoing commitment from the public sector
4 to support the work and to use the facilities and put money into them bluntly you
5 know they won't survive" (G3)
6

7 "I think it's really difficult to talk about genuine co-production in the landscape of
8 where public services are right now ... I think it can feel disingenuous when people
9 ... are genuinely cutting back on essential services" (T3)
10

11 These interviewees were clearly concerned about co-production rhetoric being used to
12 disguise service cuts. Returning to some of the themes rehearsed towards the start of this
13 article, this extends our understanding of the normative and instrumental justifications for co-
14 production in a new and intriguing direction. Decreased government provision and increased
15 public participation in service delivery obviously rings true with some of co-production's
16 guiding predicates. However, where co-production practices are only being used to replace
17 and substitute for pre-existing costly services, interviewees see this as deceptive. In this
18 respect, co-production is 'dirty' in a rather different way.
19

20
21 Other ways in which co-production was understood to have been tarnished and denuded in
22 terms of its conceptual promise was as a result of it being mis-appropriated. For example, the
23 following interviewees note how co-production can sometimes take place without being
24 formally dubbed 'co-production':
25

26 " ... they work in a co-productive way but perhaps they don't call it co-production but
27 they work in that way so there is freedom." (G2)
28

29 "... it's the DNA of what [we do] as a project. So we don't call it co-production, we
30 just work with people in a certain way." (C4)
31

32 Such comments, supported by those of other interviewees, clearly echo points rehearsed
33 previously about the role of language. Where they are distinctive though is in recognising the
34 difficulties of sustaining the idea that co-production nowadays is a 'clean' and theoretically
35 'pure' construct.
36

37 Looking across the interviews, the examples cited as evidence of co-production clearly
38 intimate that some service areas are seen to be doing more co-production than others.
39 Notably, health, social care and education. As one interviewee put it, co-production seems to
40 have "*gained reasonable stickiness within health services*" (T2). The reasons for this are not
41 entirely clear, but it seems that these are services the public can take some responsibility for
42 and contribute to. For example, someone who lives with a long-term illness might be able to
43 carry out aspects of their care at home (e.g. medication administration, diet, exercises),
44 independently of a health care professional, and therefore contribute to the management of
45 their condition. This sort of self-management and shared responsibility would not apply as
46 easily to all public services, where there might be specific skills or authority needed.
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48
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50 Summarising several of the themes brought forward in this section, one interviewee told how:
51

52 "We found a whole load of people who were doing it completely below the radar,
53 because they knew if they told people this was actually how they were doing their
54 work, they'd probably get into trouble, because this wasn't what they were given
55 permission to do" (T4)
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3 That some practitioners might have gone 'rogue' in terms of their procedures and practices,
4 to utilise co-productive methodologies, implicitly conveys how from the perspective of the
5 organisations to which they belonged, this was a tainted and undesirable approach. Co-
6 producing 'under the radar' in this way because management may not like it, has much in
7 common with Goffman's accounts of how organisational life typically involves 'front-stage'
8 and 'back stage' registers, where public presentation and what actually gets done can be
9 differentiated from each other.
10

11 12 13 CONCLUSION

14
15 The principal claim of this article is that co-production frequently absorbs or integrates
16 regulatory influences into its working processes. This is reflected in the conceptual
17 distinction made between the regulation *of* co-production and regulation *by* co-production.
18 For some advocates of co-production, the latter notion in particular would be anathema, as
19 they conceive it as distinctly contrary to much regulation, but this is simply not the case.
20 Indeed, informed by the empirical evidence marshalled by this study, there is an argument to
21 be made that some form of regulation may be a necessary condition for co-productive
22 arrangements to be sustained.
23
24

25 Developing these insights has been framed by a theoretical perspective on regulation derived
26 from an analysis of the work of Foucault, and especially Goffman. For what can be discerned
27 from their differently framed scholarship is how regulatory activities are not restricted to
28 institutions and actors positioned in super-ordinate roles, but rather, can be threaded through
29 the interactions and encounters between people, and through the discourses and rationalities
30 they draw upon in negotiating these encounters. Accordingly, the analysis captures how there
31 is frequent switching between the regulator / regulatee roles. At some moments in time, under
32 co-productive frameworks, particular actors are responsible for overseeing the conduct of
33 others, whilst their own performance is simultaneously being monitored and assessed.
34
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36 Adopting such a perspective possesses clear affinities with a more general trajectory in
37 regulation scholarship, to develop more nuanced and textured accounts of what it is and how
38 it is accomplished. But what drawing in the work of Foucault and especially Goffman
39 provides, is a deeper understanding of some of the subtle and interactive ways regulation is
40 conducted. Coherent with which, rather than talking of regulation in terms of its structures,
41 systems, institutions, processes or mechanisms, the preference throughout has been to invoke
42 the term 'regulatory influences'. This seeks to capture how, framed by logics and practices of
43 co-production, regulatory work is frequently achieved through framing and persuasion.
44
45

46 Seeing regulation as an intrinsic part of co-production is a significant departure from
47 conventional definitions of both concepts. Although some of the co-production literature
48 yields examples of 'guides' and 'self-management', *regulation* is rarely referenced. The
49 empirical data also challenged the existing idea of an 'equal', 'reciprocal' and 'mutual' co-
50 production environment – this is in fact something that rarely transpires so smoothly in
51 practice. Here, we have a 'dirty concept'.
52
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54 In part, the emergence of co-production as a conceptual methodology and the groundswell of
55 support that it has attracted, reflects the sense in which it was offering a potential to
56 overcome problems of over-regulation. It is certainly the case that where regulation is
57 constructed at a distance from the actual authors and users of services it can fail to
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3 acknowledge and be responsive to the kinds of situated contingencies that arise. However, it
4 seems that, at least in terms of how it is rendered theoretically, co-production methodologies
5 are susceptible to under-regulation. As a consequence and as catalogued herein, those
6 engaged in implementing and operationalising co-producing arrangements, have displayed a
7 tendency to integrate forms of 'soft' and interactive regulation into their practice.
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