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IMPLEMENTATION OF PUBLIC POLICY ON THE DI@VGEIA (CLARITY) PROGRAM IN GREECE: A PURE BOTTOM UP ORGANIZATIONAL AND PROCEDURAL MODEL

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Abstract

Greek Public Policy on the di@vgeia (Clarity) program is based on Law 3861/2010 which was issued in June 2010. Although the agenda setting and formulation stages of this specific public policy were not affected by the economic crisis policy discourse, through its implementation stage it is perceived as a core initiative for fighting corruption and enhancing transparency on public spending and public administration activity in general. Di@vgeia initiative is conceived as a unique case of implementation success in Greece.

This paper attempts to analyze the core characteristics of the program that form the bottom-up approach in the implementation stage. Especially, it investigates the implementation of the program which was based on a project management model consisting of a network of action and result - oriented management teams, one in each public agency (Project Task Forces). At the same time, the legislation provides that the core responsibility for uploading every act on the internet relies on the person or administrative body who is responsible for issuing it. This means that any administrative official on whatever level of administrative structure (e.g. ministry, local authority, legal entity etc) that has

the authority to issue an act, is also responsible for assessing, based on a series of criteria, whether the document should be uploaded or not. Once the document is uploaded on the internet, every citizen can have a clear picture and opinion on the administrative action of the specific body or person. The main finding is that the bottom-up approach on implementing this specific public policy results in a maximum accountability of administrative officials on the quality of the documents, their formal characteristics and the administrative processes followed. The paper suggests that this model is also performed in other similar public policy initiatives relating to great horizontal public administration involvement.

Keywords:

Public policy cycle; Public policy implementation; Policy change; Bottom up approach; Di@vgeia (clarity) project; Street level bureaucrats

JEL Classification: H11, KO, L880

Introduction

The di@vgeia (Clarity) program is the greater horizontal intervention for reinforcing transparency in the Greek public sector. The program features a series of innovative characteristics concerning the choice of legal tools, its operative processes and technological strategies. These innovative characteristics lie both on the stage of the formation of the relevant public policy and the stage of implementation and policy change.

This article attempts to analyze the public policy on the di@vgeia program, focusing on its implementation model. The unique characteristics of policy formation and policy change processes are also highlighted. In the first part of the article the theoretical background is presented, based on the public policy cycle model, as an analytical tool for studying public policy. The bottom-up approach of the public policy implementation stage is then presented, as the basic tool for analyzing the specific public policy.

In the second part we analyze the public policy on the di@vgeia program, beginning by presenting the unique characteristics of its formation stage and the policy change process. Subsequently we analyze two elements of the specific public policy that typically represent the bottom-up implementation model: a) the implementation relies on the efforts of approximately twenty nine thousand public servants, who issue the acts that are uploaded on the internet, most of which are “street-level” bureaucrats according to Lipsky’s (1980) definition, b) the technical, procedural and organizational support of the program relies on a decentralized network of approximately four thousand and five hundred Project Task Forces, one in each public agency or institution and a sum of approximately sixty eight thousand users, who upload the acts on the internet. The article concludes that a core element of the success of the specific policy is the use of a bottom-up implementation model.

Theoretical Background

The stages approach perceives public policy as a cycle (e.g. Anderson, 2006, Howlett and Ramesh, 1995) which consists of the following processes or stages: a) Agenda Setting, b) Policy Formulation c) Decision – Making, d) Policy Implementation and e) Policy Evaluation. Some scholars enrich this scheme with more stages (e.g. Hogwood & Gunn 1984). The basic critique of the stages approach is that it perceives public policy as a linear process, while political phenomena are much more complex and complicated (Sabatier and Jekins-Smith, 1993). Nevertheless, the stages approach remains an important tool for analyzing public policy with a great contribution in organizing relevant research and bibliography.

In this article we focus on the stage of public policy implementation. In this stage research focuses on what actually happens in public policy after it enters into force and highlights the basic problems that lead to policy change. In the decade of 1990 the discussion on public policy implementation was polarized in two theoretical approaches: the top-down and the bottom-up approach. According to the bottom-up approach, which was affected by the rational model, successful policy implementation presupposes clear objectives, a good command and control chain, plenty of support and resources and coordination of the public bodies involved in this stage. The critique to this approach argues that public actors involved in the implementation stage are actually formulating policy, creating sometimes “implementation monsters” (Pressman & Wildavsky, 1973, Wetherley and Lipsky, 1977). The bottom-up approach is based on the assumption that public policy success depends on human behavior which is not always rational. Bottom-up models emphasize the fact that both public administration leaders and «street-level» bureaucrats have a range of discretion on implementing public policy (Lipsky, 1980).

Analyzing Public Policy on the Di@vgeia Program on the Basis of the Bottom-up Implementation Model

a. The unique Characteristics of Public Policy Di@vgeia Program in the Policy Formation Stage and on the Policy Change Process

Di@vgeia program is a national Greek public policy without any element of policy transfer process from another country or supranational organization. Its basic output was law 3861/2010 «Reinforcement of transparency with the compulsory uploading of laws and acts of government, administrative and local government bodies on the internet (di@vgeia program) and other provisions».

Law 3861/2010, provides the obligation to upload on the internet all laws, presidential decrees, decisions and acts issued by the Prime Minister, the Cabinet of Ministers and the collective government bodies, the Ministers, Deputy Ministers, State Secretaries, Secretaries-General of Ministries and Regions, Special Secretaries of Ministries, the administration bodies of legal persons of public law, the independent and regulatory administrative authorities, the Legal Council of the State, the administration bodies of entities belonging to the wider public sector, as well as the bodies of local government agencies of first and second level. The provisions of the law also apply to acts and decisions issued by bodies to which, those mentioned above, have delegated power of signature or responsibility. Apart from the introduction of the obligation of uploading the documents on the internet, the law establishes the conditions and procedures necessary for safeguarding their wide publicity.

Law 3861 was published on the 13th of July 2010, approximately one month after the first Memorandum of Understanding for the Support Mechanism of Greek economy was agreed and signed between the Greek government, the European Central Bank, European Commission and the International Monetary Fund. Nevertheless policy discourse on digital public policy is independent from the Memorandum terminology and relevant reform obligations. Parliamentary dialogue during the first discussion of the law and its subsequent amendments and explanatory reports accompanying it, focus on transparency of state activity and the exercise of basic constitutional rights such as the right of development of one's personality, of participation in the social, economic and political life and in the information society and the right to petition public authorities. Also the law is a means for implementing the basic principles which should govern administrative action such as the principle of legality, accountability, good governance and citizen-centered public administration.

Di@vgeia program is the greater horizontal action throughout the whole range of the Greek public sector and the legal entities of public and private law which belong to the State or are funded at least at the percentage of 50% of their budget from the national budget, enforcing them to upload their acts on the internet. By April 2016 approximately four thousand and five hundred administrative bodies had entered the program, forming the best registry of Greek Public Sector organizations and agencies. By the same time almost twenty million documents had been uploaded on the internet. The technical job of uploading the documents is conducted either by the twenty nine thousand persons that issue the documents or by one of the approximately sixty eight thousand users of the information system after their command.

This great intervention entered into force shortly after the law was issued, with zero cost on the Greek national budget. The first information system, based on open technologies was developed by own resources of the Greek State. In the 1st of October 2010, just three months after the law was published, the first agencies of central public administration entered the program and just one month later followed a great number of supervised institutions of the wider public sector. The Local Authorities entered the program on the 15th of March 2011 a few months after the great local authority reform of the “Kallikratis program”.

Soon after it was first implemented, public policy on the di@vgeia project was subject to change aiming at first at reinforcing and expanding the project. Subsequent law amendments provide for further institutional empowerment of the project, its interoperability with other public sector information systems, a greater formal power of the uploaded documents and further disciplinary

penalties for those not obeying the law. Finally, an important technological upgrade, which took place on June 2014, created a more user-friendly environment, gave access to people with disabilities and improved search mechanisms, offering better quality of the information given by the system.

B. Implementation from Street-Level Bureaucracy

The most important actors in the implementation process of the di@vgeia program are the approximately twenty nine thousand persons that issue and sign the documents uploaded on the internet in each public authority. For example we can find six thousand and fifty issuers in the School Comities of the Municipality of Athens, four hundred and forty in the Social Security Foundation, three thousand and fifty in the Region of Crete, two thousand and thirty in the Ministry of Labor etc. These persons have the legal responsibility to decide if the document they have just signed should be uploaded on the internet according to the law. Twenty million documents have been uploaded on the internet after their decision and command. The majority of these persons are “street-level” bureaucrats according to Lipsky’s terminology, namely ‘public service workers who interact with citizens in the course of their jobs, and who have substantial discretion in the execution of their work’ (Lipsky, 1980: 3). Lipsky suggests that decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressure, effectively become the public policies they carry out.

The unique decision of each person to upload the issued and signed document on the internet is based on a series of criteria arising either by the general legal provisions concerning the di@vgeia program or by the specific legal provisions concerning each administrative act and the relevant administrative process.

This judgment is not always easy and involves a series of interpretation problems (Ntalakou 2011). The first criterion is if the administrative body per se falls within the scope of the Law, especially in the case of legal entities of the wider public sector. There is a “grey zone” of private law legal entities that can hardly fall in the sphere of the wider public sector.

Since the administrative body falls within the scope of the law on the di@vgeia program, the person that issues each administrative act should decide if there is an obligation to upload it on the internet according to the following criteria:

If it falls within the operational criterion, according to par. 4 of article 2 of Law 3861/2010, which lists a number of types of administrative acts which should be uploaded

If the specific act has a regulatory of individual character. In case of an act with individual character the issuer should examine if there are specific legal provisions for its publication (article 4 par. 2 ind. 22 L. 3861/2010)

If it contains personal data and if these data are sensitive (article 5 L. 3861/2010),

If it contains state secrets (article 5 L. 3861/2010),

If it contains data protected by intellectual or industrial property or company secrecy legislation (article 5 L. 3861/2010),

Which administrative body should first upload the act in case of joint responsibility (article 3 par. 2 L. 3861/2010),

If the whole act or a summary should be uploaded according to legal provisions (article 3 par. 4 L. 3861/2010),

In cases of erroneous uploading, if the process of the correct repetition or the revocation process should be followed. (article 6 par. 6 and article 7 Ministerial Decision ΕΞ 604/2012 (Γ.Υφ.) ΔΙΣΚΠΟ/Φ.1/οικ. 10885- OG 1476 Β' 2012).

It should be noted that the decision according to the criteria mentioned above is taken under great pressure since the law provides that: a) every act should be uploaded right after it is issued, without any delay (article 3 par. 1 L. 3861/2010) b) in case the act is not published to the Official Gazette, it enters into force, by the time it is uploaded (article 4 par. 2 L. 3861/2010), c) the uploaded document prevails over any other versions of the act (article 4 par. 4 L. 3861/2010) d) defective uploading is a disciplinary breach for the person that issues the act and for the person that is responsible for uploading it (article 3 par. 5 L. 3861/2010).

According to Lipsky “street-level” bureaucrats are the actual policy makers. Public policy is discussed and formulated in higher governmental structures, but it is implemented through everyday work of street-level bureaucrats and through the way they translate public policy into action in a bottom-up implementation model. Although the person that issues the uploaded document does not have any discretionary power for the specific action by law, the interpretation issues that he or she resolves every day define the quality of the program’s implementation for certain types of acts. Each one of the twenty nine thousand bureaucrats that issue acts which are uploaded to the di@vgeia program is a substantial factor for the success or failure of the specific policy and the implementation of the relevant legislation.

After each act is uploaded, every citizen can see and judge the content and the quality of the specific administrative action. Di@vgeia program operates as a great mechanism of accountability in public administration, while it is a great tool for open governance and for preventing corruption and maladministration in all the sectors of administrative action (see Karamagioli et al, 2014).

C. The Decentralized Model for Technical, Procedural and Organizational Support

Implementation of public policy on the di@vgeia program is based on a quite innovative and decentralized organizational and co-ordination model. According to relevant legal provisions (article 6 par. 1 L. 3861/2010), in each administrative structure (Ministry, Municipality, Legal Entity, etc) that participates in the program, a Project Task Force is established for its technical, procedural and organizational support. By April 2016 approximately four thousand and five hundred Project Task Forces had been established, as many as the administrative agencies. Each Project Task force is staffed with public servants through an open call selection process. They come from different backgrounds and have the expertise and authority to coordinate and educate their associates, as well as to communicate the merits of the program and they contribute to the rapid spread of the new values of transparency, responsibility, accountability, participation and collaboration. The Leaders of the individual Project Task Forces of the Ministries form a Joint Task Force which supports this network, with focus on providing strong cooperation between the task forces, solving common problems, sharing best practices and collecting feedback.

This decentralized cooperation model works as follows: Joint Task Force holds the organizational, procedural and technical support of the Task Forces of Ministries, Governmental Bodies and Independent Authorities. Each Ministry's Task Force supports the Task Forces of its supervised authorities (Legal Entities under Public or Private Law). Local Authorities' Task Forces are supported by the Ministry of the Interior Task Force. Each Local Authority's Task Force supports the Task Forces of its supervised entities. This model results to highly motivated, powerful, effective management teams with strong project focus and fast internal communication, which supports bottom-up implementation of the relevant public policy.

Conclusions

The implementation network of public policy on the di@vgeia program, as described above in this study is the biggest human and institutional network of the Greek public sector. This network is based mainly on the "bottom" of Greek public administration and it is mostly consisting of "street-level bureaucrats", as defined by Lipsky

Every day approximately 15.000 acts are uploaded on the internet. Each act is a result of a number of decisions taken on the basis of multiple criteria concerning the interpretation of relevant legislation. In this way the pattern of public policy implementation is built every day with the uploading of every single act. This pattern reflects in a quite innovative and precise way everyday activity and outputs of administrative action in each public authority.

The great success of the bottom-up implementation of the di@vgeia program is proved by the consistent operation of the Program, its great support from the

citizens and the Mass Media and also its international exposure through the Open Government Partnership Initiative and other initiatives enhancing best practices in public administrations. Data extracted from the uploaded acts are used by academics and information experts for developing open data applications or processing economic and other administrative data (see for example Karamagioli et al 2014, Vafopoulos et al 2012).

In the open data public policy which was recently formulated by the Greek Ministry of the Interior by Law N. 4305/2014, the Project Task Forces of the di@vgeia program are foreseen as the basic structures for gathering, evaluating and reporting of the documents, information and data of each public authority. This provision is probably the best institutional confirmation of the success of the decentralized model for procedural, organizational and technical support, which is a core substance of “bottom-up” public policy implementation model of the di@vgeia program.

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