



This work has been submitted to **NECTAR**, the **Northampton Electronic Collection of Theses and Research**.

**Conference or Workshop Item**

**Title:** USOs, citizenship & modernisation of the public services landscape

**Creator:** Davies, J.

**Example citation:** Davies, J. (2014) USOs, citizenship & modernisation of the public services landscape. Invited Keynote presented to: *Round Table Discussion on Universal Services and Citizenship, University of Sussex, Brighton, 19 November 2014.*

**Version:** Presented version

<http://nectar.northampton.ac.uk/7156/>



# USOs, Citizenship & modernisation of the public services landscape

Dr. Jim Davies, Associate Professor of EU Internal Market Law

# Discussion

- ▶ USOs and the network industries
- ▶ Development of the policy notion of the consumer
- ▶ Triangular relationships and USOs
- ▶ Marketisation of social services
- ▶ Back to triangular relationships
- ▶ Areas of concern

# Reasons for use/pso – SGEIs – The Network Industries

- ▶ Price extracted by the EU Member States for liberalisation of networked industries
- ▶ Public/consumer dissatisfaction with traditional State-provided public services
- ▶ Costs of modernisation
- ▶ Encourage research and innovation
- ▶ Used in external relations treaties of the EU
- ▶ Important idea associated with market liberalisation and privatisation
  - ❖ Information; Transparency; Affordability; Accessibility; Quality; Continuity; Essentialness (?)
- ▶ Universal access through geographic coverage and social welfare tariffs
- ▶ But changing concepts of the consumer

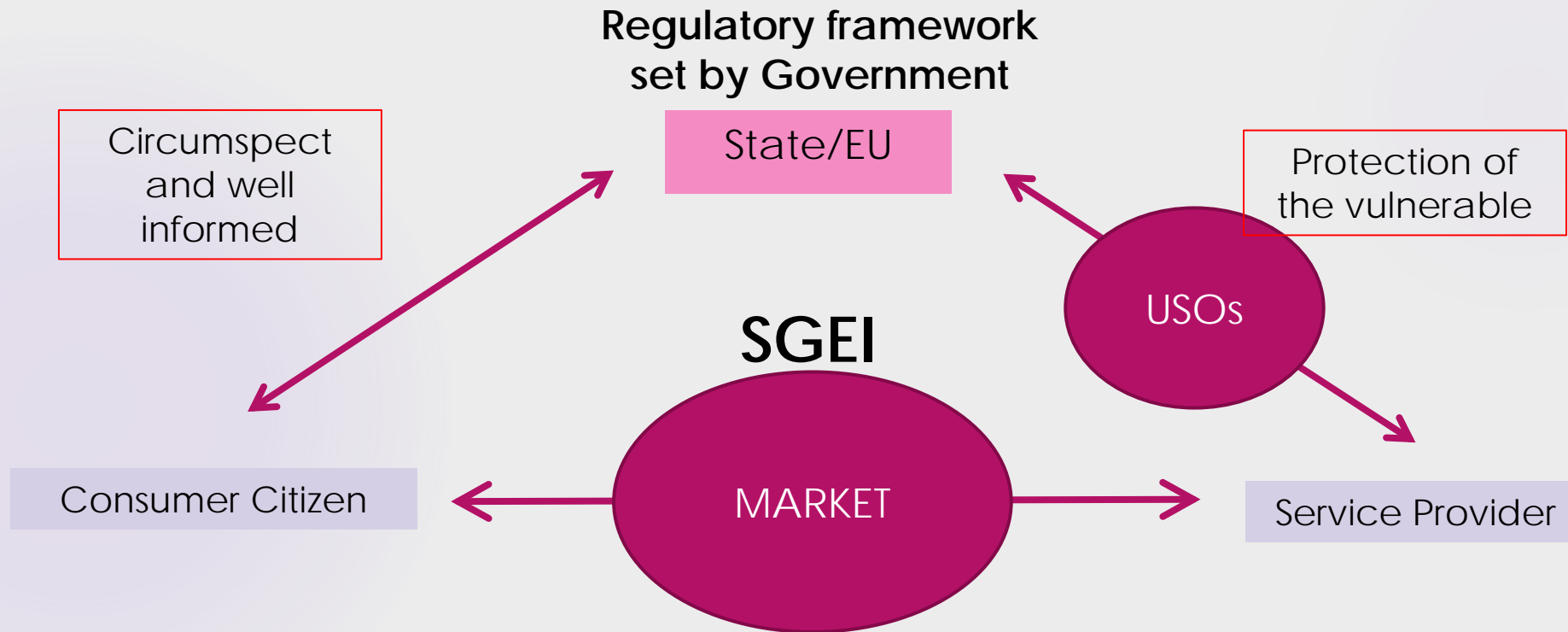
# The consumer in law and policy

- ▶ Davies describes the twin characterisations of the consumer in the late 1990s:
  - a) the active, confident, responsible and involved consumer and
  - b) the passive and vulnerable consumer
- ▶ Commission White Paper COM (2007) 725 final, "A single market for 21st century Europe"  
Services of general interest, including social services of general interest: a new European commitment:

The capacity of consumers and users, including vulnerable or disabled persons; to take up their rights, especially their right of access, often requires the existence of independent regulators ...[with] powers of sanction, in particular the ability to monitor the transposition and enforcement of universal service provisions. ... These also require provisions for the representation and active participation of consumers and users in the definition and evaluation of services, pp10-11
- ▶ Prof. Hanz W Micklitz (2011) – 'I have elaborated elsewhere the rapidly changing paradigm of consumer law – from protection of the weaker party to the circumspect and well informed consumer'

# Triangular relationships 1

- ▶ Free markets as a device to decentralise the allocation of resources
- ▶ Most efficient use of resources
- ▶ Highest level of collective welfare



# Marketisation of Social Services - Opening up Public Services



[GOV.UK](https://www.gov.uk)



14 March 2014 — Press release  
More power, more choice and better  
quality of public services

'The 2014 progress report on Open Public  
Services shows how our reforms are giving  
people choice and control over the  
services they use'

Minister for Government Policy - Oliver Letwin

'We have **given choice and control** back to local areas...and **back to the people** who make the best decisions about the public services they receive...increasing the number of people receiving personal budgets for their social care and support'



# Marketisation of Social Services - Opening up Public Services



- ▶ Increasing choice and control – personalised tailored services
- ▶ Local decision making, decentralising power and empowering communities
- ▶ Opening up public services, improved commissioning and social investment innovation
- ▶ Fair access to public services
- ▶ Public service provider accountability

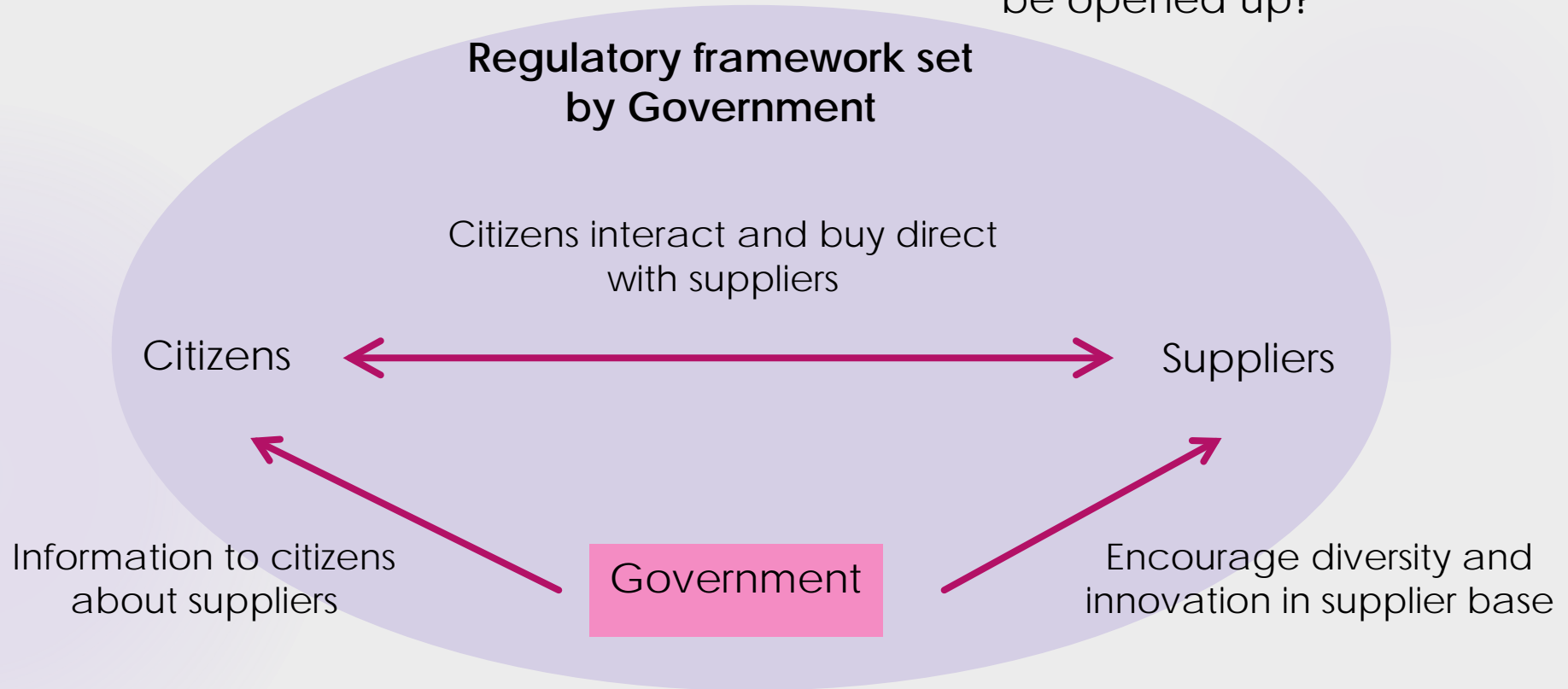


# Triangular relationships 2



*Out in the open*  
Delivering public service reform  
(2011)

*Any willing provider?*  
How should public  
services  
be opened up?



# Areas for concern 1



*Out in the open*  
Delivering public service reform  
(2011)

*Any willing provider?*  
How should public services  
be opened up?

## ***Empowering citizens***

...citizens must have relevant information about the services on offer in order to take decisions... 'we will ensure that the datasets government collects are open and accessible in order to support individuals to make informed choices about the services they use'. 'Open Public Services', White Paper, HM Government, July 2011: paragraph 3.17.

## ***Creating effective supply markets***

...which public services should be opened up to external providers...core commissioned services including the military, core policing, judges and the intelligence services will not be opened up to competition... Encouraging providers to collaborate and form new partnerships that can tackle complex needs is also a critical activity for government.

## ***Regulation***

...regulation is needed to ensure there is sufficient focus on outcomes and providers operate within determined boundaries

# Areas for concern 2

