THE IMPLICATION OF MOTIVATION AND ROLE OF USER EXPECTATIONS IN THE CO-PRODUCTION OF PUBLIC SERVICES

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Abstract

Purpose – The purpose of this paper is to reveal the implication of motivation and role of users of public services' expectations and legitimate expectations choosing the co-production of public services. The author intends to distinguish the relation between the expectations, legitimate expectations and motivation that drives the users of public goods to contribute to co-production of public services. The legal principle of legitimate expectations creates legal certainty and reinforces the motivation of users to be more active and become involved in cooperation with public bodies.

Methodology – The paper is based on conceptual analysis and the analysis of scientific literature. It provides the definition and the main features of co-production, and analyses the implication of motivational factors of users of public services on the choice to participate co-producing public services. The role of expectations and legitimate expectations is analysed as well.

Findings – The cooperation and contribution creating, designing public services should be followed the trust between the co-producers. Parties need not only to trust each other, but also to have enough information about the motivation and expectations of other parties. Knowing that the co-production process does not always bring the initially expected results, parties should distinguish between general expectations and legitimate expectations, which are crucial should one party decide not to follow the rules, to forget promises or otherwise act unfairly. In this case the other party can pretend to protect the rights on the basis of legitimate expectations.

Research limitations/implications – This paper is based on theoretical conceptual analysis, and analysis of scientific literature; no empirical data was analysed. The paper covers the motivation, expectations and legitimate expectations of users of public services.

Practical implications – The research reveals the practical problem when there is no enough attention is payed to the motivation and expectations of users of public services.

Originality/Value – Despite the fact that the amount of research on co-production and the motivation of co-producers to cooperate is growing steadily, there is a lack of research on interconnection between the motivation, expectations of users of public services and the possibility of protecting some rights through the defence of legitimate expectations. There is a gap in the application of legal principles in co-production research.

Keywords: co-production, involvement, motivation, expectations, legitimate expectation, motivation.

Research type: general review.

JEL classification: A13, D46, H4, I31, I38, K40.

Introduction

According to researchers in the field of intersectoral collaboration, it is important to investigate how legal, institutional and organizational means can lead to better joint action results (Raišienė et al., 2019). Co-production of public services as form of collaboration between the parties at different levels becomes more demandable, especially in situations where the public

administration institutions are limited by their financial, intellectual, human resources, etc. Deficient resources, time limits, constant pressure from users of public services and the need to improve the current public services and provide new ones, creates favourable conditions for co-production. All the mentioned conditions are sufficient to distinguish at least some part of the motivation of public sector representatives to enter such collaboration. However, in entering cooperation all the parties are have their own motivation and expectations.

Despite the fact of the potential value and benefits of co-production, all parties should be motivated and committed to enter into such forms of cooperation where the notion of compromise finds its true content. In some exceptional cases potential public value can be the reason to act altruistically (this option is doubtful because the usual entrance of co-production of public services where the entering party is the user of such services), however, in the vast majority of cases the parties have their own expectations and reasons to participate or not. The motivational factors are different, and the expectations are not the same. In the case of a promise from a public administration institution, involving unfair practice and a higher probability that the rights of co-producer were violated etc., the legal principle of legitimate expectations (or in some cases the principle of protection of legitimate expectations) applies.

Legitimate expectations and the principle of protection of legitimate expectations are closely connected with the reasonable expectations of co-producers and the motivation for engaging in cooperation. Knowing from the beginning that cooperation will be conducted in a fair manner, and that there are legal mechanisms to protect the rights, is crucial.

1. Theoretical background

Co-production in public sector is known as the voluntary or involuntary involvement of public service users in planning, design, delivery, and assessment of public services (Osborne et al., 2016). That definition is more precise and accurate than definitions based on the purely technical side of co-production, where it is understood as labour that the user must supply in order to achieve the end result sought jointly by producer and user (Cahn, 1997).

The co-production of public services as a process and the research on different forms of coproduction have existed for decades; however, the revitalization of this form of cooperation started after the economic crisis of 2008–09. The wish to recover from the crisis faster, gain public confidence and bring better services to users, brought the need for co-production, which 'has been "advertised" as a strategy capable to improve the quality of public services, better target public services, make them more user-responsive, cut costs, create synergies between government and civil society, address the problem of the democratic deficit, and contribute to citizens' empowerment, as well as active citizenship' (Jukič et al., 2019). This 'advertisement' increased the motivation to cooperate and gave rise to expectations. Co-production is one example of civil society and engagement in processes which are important at least for separate groups of users who sometimes can belong to the majority. 'Co-production has received attention and has increased in relevance because of its potential to deal with a range of factors inhibiting effective public service provision' (Sicilia et al., 2016). Other possible benefits of co-production are:

- the attempt the fill the gap in insufficiency (the lack of resources, know-how, etc.);
- the attempt to improve the quality of public services through involving the expertise of users and their networks;
 - the opportunity to create synergies between different actors;
- the possibility to work better with partners who know the market better because they are the service users;
 - the possibility to cut costs.

This list is not finite. It is obvious that in cases of successful cooperation the trust in public administration institutions and the services they provide should grow. This can be determined by the fact that the voice from the users of public services was heard. 'Properly managed co-production might generate not only better services for the service users, but also values for the community as a whole improving for example democratization, transparency and responsiveness' (Fugini et al., 2016).

The benefits of successful co-production can be remarkable and the range of possible goods or services huge, for example renovation works, public safety and order, revitalization, education and culture or wildlife conservation (Gawlowski, 2018).

The co-production process is open to a wide range of actors, including public authorities, service providers, recipients of services and other current or potential stakeholders whatever their legal form. The participation of users of public services brings an expectation regarding a new quality of public services. Usually, the engagement of users of public services as co-producers is expected to achieve more efficient services and better outcomes (Fledderus et al., 2015).

The co-production concept is complex, involving stakeholders' cooperation at various stages. One possible stage-based classification of co-production is co-planning, co-design, co-prioritisation, co-financing, co-managing, co-delivery, and co-assessment (Bovaird and Loeffler, 2012). In all of those stages it is possible for partners to cooperate; however the involvement from co-planning or another earlier stage can bring some added value and determine the cooperation during further stages. Before the start of cooperation it is important to remove formal and informal barriers for citizens to participate in co-production. It is also important to assess all possible positive and negative factors of such cooperation and to refine expectations. Taking into account that

cooperation provides not only rights but duties, another 'co-', known as co-responsibility, should also be mentioned.

The political system and the attitude of public administration institutions are important to ensuring the success of involving citizens in co-production of public services. Usually it is more successful 'in policy systems where public governance aims at simultaneously preserving and innovating the inclusive and universal principles of welfare can co-production serve as emancipatory tools in the hands of empowered citizens' (Pestoff, 2019). For co-production, as for any form of cooperation, the openness of all partners to collaborate is crucial.

Every partner joins the co-production having precise expectations, of which some could be protected by the law if another party forgets the promises it gave or starts to act unfairly. In our precise case such a party is a public sector representative. The principle of legitimate expectations is among the fundamental legal principles. In general, legitimate expectations reflect the belief of a person that he/she has a right, which was violated. A few important factors should to be taken into consideration:

- the person has a right to expect some results, actions, etc.;
- the person can prove that he/she has a reasonable right to have such expectations;
- in an identical or very similar situation the result or actions would be as expected;
- the person can prove that that legitimate expectations were violated because of someone's fault.

Those factors distinguish legitimate expectations and expectations in general. Some expectations, because of their nature or conditions, cannot pretend to be legitimate and be protected. For instance, in the case of co-financing there is a higher probability to expect legal protection. In the case of financial support, transparency and accountability are among the priorities.

Despite the fact that the legitimate expectation principle takes its roots from the legal sphere, it is applicable to all processes where the person is participating, as cooperation requires fair actions from all parties. Usually, during the cooperation it is expected that, despite the possible different roles and responsibilities of collaborators, parties should be treated as being equal. Taking into account that one of the parties is from the public sector, another party should have additional guarantees and assurances that all processes from the decision to cooperate up to the provision of public services and other related processes are to be conducted fairly, in accordance with agreements and rules (Laing, 2013). The involvement usually brings rights and obligations together. This issue of protection of legitimate expectation becomes actual in a case of conflict between the co-producers.

The substantive work by analysing the court practice and literature review on legitimate expectations was conducted by Rebecca Williams. 'If we understand why we are upholding a

particular expectation, this has obvious implications for when it should be upheld and how' (Williams, 2016).

2. The role of expectations and legitimate expectations

It is obvious that a person will prefer to choose the option to collaborate knowing that his/her contribution will create some sort of value or benefit. There is no reason to start any process which from the beginning is doomed to fail, or the risk of failure is too high or high enough.

Prior to the start the co-production, or at any stage of it (co-creation, co-design, etc.), it is important to weigh all potential pluses and minuses, rank priorities in order, and assess possible consequences. Analysis and evaluation of existing situations and potential scenarios should be conducted. Also, it is important to assess the potential value co-production creates, and the possible reaction of final users. Further analysis is aimed at forming or refining the expectations of parties. Without knowing the current situation, it is difficult and meaningless to make plans for future improvements and to predict the possible result of possible collaboration.

Pre-assessment is easier knowing how the expectations 'work' in co-production as the process of improving or creating new public services (see Figure 1).

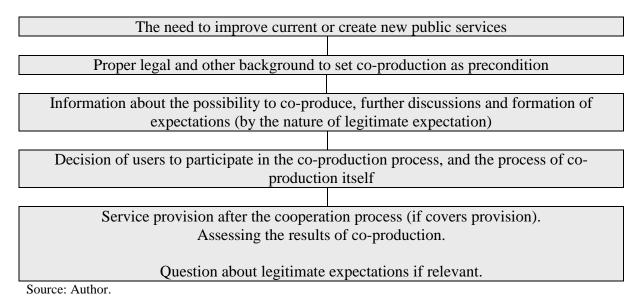


Figure 1. Expectations in co-production

Every system works precisely where the actors know their own and partners roles, rights and obligations (responsibilities) and other relevant details. It is important to:

- be familiar with the data about the co-production process and other participants;
- have a clear share of responsibilities and results;
- to know the benefits and risks in case of failure or success.

As a rule, legitimate expectations are usually analysed in the context of protection of legal expectations instead of expectations in general. However, actions related to the responsibilities and some stages (for instance, co-financing) automatically give rise to legitimate expectations. A co-financer has a right to check how his/her investments are treated.

Cooperation requires some acts of sacrifice from the actors – instead of solo decisions actors are expected to search for compromise. The search for a common or more or less acceptable solution also affects the expectations of collaborators. The number of conducted research studies proves that expectation management is usually understood as vital for sustainable co-production (Innes et al., 2019).

Even though contributors sometimes are working without demanding any obvious benefits or rewards, they have a right to expect that they are treated as an equal partner. In general expectations through contribution could include a moral right. 'It takes each act of contribution, confers on it the moral power of reciprocity, and then harnesses that power to create an earned and justified expectation to which the social, political, and legal order must fashion responses' (Cahn, 1997).

The principle of legal expectations appeared in order to maintain the status quo where parties have a reason to expect some results, outcomes, etc., and the expectations are ruined not because of the fault of mentioned parties. Interaction with a public administration institution is not always easy for the users of public services because of formalized procedures and rules. However, the rules bring advantages, as all parties are obliged follow them. 'It is unfair for the public body to act as if it alone is entitled to ignore the rules governing your interaction. It is unfair in the same way that it is unfair to break the rules of a game while letting others abide by them. In each case there is a double standard, and a lack of reciprocity.' (Perry and Ahmed, 2014). From one side, rules scare citizens from participation in co-production; from another side they bring legal certainty to the situation. In general, co-production is among the less formalized processes. 'Legal framework is not the most important issue. When it comes to co-production grass roots movements and social engagement are everything' (Gawlowski, 2018).

In a case of co-production, legitimate expectation can appear as from official promises as from ordinary practice (Brown, 2017). Usually the first expectation of potential co-producers relates to the change and the results of following change. The co-production is always directed towards the creation of something new – this could be a new product, a new service or a new quality of existing products or services. Depending on the stage and involvement level co-producers share their ideas, work and other resources. They also share responsibilities. Legitimate expectations should serve as a guarantee that nothing more than usually expected will happen during the cooperation or other related stage. In other words, fair rules will follow the process.

In a case where there are doubts concerning the rights of a co-producer, it is important to answer the question how fair during the collaboration was the public administration institution in its decision-making and keeping its promise. 'Fairness favours keeping a promise and, at least sometimes, following through on a policy or practice. But it also favours other things – impartial decision-making, say – which play no part in the doctrine' (Perry and Ahmed, 2014).

In a case where everything is going in accordance with the agreement between the parties there is no reason to analyse if the expectations were violated and if there is reason to protect a persons' rights. There are no guarantees that the end result will meet the expectation – coproduction is more a process aimed to reach better quality for the users of public services. Some stages of co-production stages are tightly related to the risk. Despite that fact, the parties are obliged to work responsibly in order not to ruin expectations of end users and each other. It is important not to ignore the fact that if the co-production process was launched, it was launched because of an initial expectation to make beneficial changes (Hattke and Kalucza, 2019) for users of public services or separate groups of them.

Undoubtedly, previous experience brings some added value into the decision-making process. It allows public administration institutions, citizens and other actors decide to co-operate or not. In the case of previous failures (for instance, because of differences between the actors) it is necessary to put more effort into organizing the co-production process. A number of conducted research studies have proved that cooperation of different actors usually does not go smoothly. 'Differences in preferences, expectations and interests and the absence of a clear leader ensure that sometimes a lot of time is being lost by discussing the priorities and direction of the co-creation project' (Voorberg et al., 2015). The differences usually lead to the failure of process if parties do not agree to make some compromises on their preferences, attitude, etc. The perception that there will be some modifications in expectations (the result or the usage of result will be different, etc.) can lead to lower motivation to collaborate, or even to the absence of such motivation. Co-production is the social process aimed at deciding the issue through collaboration.

3. Connection with benefits and motivational factors

Good and wise practice requires weighing and discussing all practical issues of potential collaboration before the parties start to work together. Clear rules and share of responsibilities can lead to fruitful cooperation without possible disputes (even legal disputes) in future. There is no reason to protect the legitimate expectations if nothing unusual happened and the parties were fair from the beginning (Laing, 2013). If the expectations answer the question 'What?', the motivational factors answer the question 'Why?'. Co-producers should have their own answers: why they decided to contribute and what do they expect following their contribution.

Without clear motivation collaboration cannot be started, while there is no reason to continue an already started process if the party cannot justify its participation by answering the question 'why?'. The motivational factors to co-produce could cover the following (including but not limited to): earning some advantage to society; earning some individual advantage; having the possibility of self-realization; being an active member of society. The scientific literature distinguishes the following 'sets of factors to impact on citizens' decision to engage in the co-production of public services: (1) perceptions of the co-production task and competency to contribute to the public service delivery process, (2) individual characteristics in terms of socioeconomic profile and social connectedness, and (3) self-interested and community focused motivations' (Van Eijk and Steen, 2015).

The motivation should be strong and expectation clear because the co-production is a responsible process where the parties will invest their know-how, time and other agreed resources: 'co-production is not a zero-sum process though: it requires education, skills, proper tools, awareness and responsibility from both governments and citizens. Thus, the expected benefits are not guaranteed, but when properly managed co-production might generate not only better services for the service users, but also values for the community improving for example democratization, transparency and responsiveness' (Fugini et al., 2016). If in the case of success in co-production the customers involved can have some legitimate expectations, in the case of general process usually is possible to distinguish only expectations.

'Our examination of the co-production literature suggested several lines of investigation in our analysis – namely, that satisfaction or dissatisfaction with services might prompt co-production, or that inclusion in service decision-making or being provided with adequate information about services might do so' (Alford and Yates, 2015).

The level of citizen involvement and willingness to participate in the design and delivery of public services can be influenced by a variety of factors, including:

- the relevance of the specific services and the need to join forces for the improvement of these services;
 - the willingness and explicit political will of the authorities to facilitate co-production;
 - a legal framework favourable to involvement;
 - the generosity of service providers and their openness to co-production.

Citizens' will to be involved in the design and delivery of public services could be influenced by a number of factors ranging from the attractiveness of public services themselves, the benevolence of public authorities to formal constraints (for instance, the imperfect or unfavourable legal frameworks, lack of political will, etc.). Influential factors driving citizens (users) to collaborate as co-producers at different levels (co-creators, co-designers, etc.) could be different and

it is impossible to provide a finite list. However, some research distinguishes such influential factors as (Voorberg et al., 2015):

- a willingness of citizens (citizens must want to cooperate or to be enough flexible to decide to cooperate);
- a feeling of ownership (in a case of co-production it is important to know that the process could possibly touch the area co-producers from society want to be touched – the co-production covers specific area or sector the citizens are interested in);
 - the presence of social capital (trustworthy relationships among the actors).

All those influential factors closely relate to the motivation or expectations of users. The willingness of citizens to collaborate (co-produce, co-create, co-design, etc.) itself reflects that they are motivated to work together with other co-producers in order to achieve some goals and results. The feeling of ownership reflects the expectation that the benefit of collaboration will cover the area which is more common to the user (his/her area, town, etc.). If there are no trustworthy relationships within actors' co-operation is possible only at the lowest level with additional check or recheck the operations conducted by the other actor.

In a case where the public administration institution decides to forget the rules or promises, the expectations of other co-producers, known as legitimate expectations, could be protected legally. For instance, in the case of co-financing it is important to follow the rules and agreement on spending funds, received from the users. Where the party decides to support some other actions, or similar actions but not related to the actions it was agreed initially to support, there is a high probability of legal conflict.

It is important to search for a balance between values, especially in cases where the values may conflict (Verschuere et al., 2012). The fact that motivation or expectations from the beginning were selfish (personally oriented) does not mean that the process of concrete co-production should be assessed negatively. It is important not to forget that the users of public services agree to cooperate in order to create value, and in the case of public services not only the co-producer will benefit from the final result. 'Purely selfish motivation on the part of users may explain their willingness to co-produce to ensure high levels of user value' (Bovaird and Loeffler, 2012).

Motivation of users should be not only realised by themselves but clearly expressed. The other party should also know the reasons why the partner decided to cooperate. 'Not knowing the actual motivations of users could have detrimental consequences' (Fledderus et al., 2015). The situation when different actors are collaborating without knowing the intentions of each other can lead to disputes (including legal disputes), or to termination of collaboration or some other unwanted result for all actors.

The co-production is dependent on the users, their will and the consumption of services. 'Service quality and performance exist where these expectations and experiences collide during the process of service co-production' (Osborne and Strokosch, 2013).

To refine all motives is a great challenge because the motivations of users to co-produce are complex and variable (Alford and Yates, 2015). What works and is easily explained in one situation would not work in other. Also, it is almost impossible to distinguish all motivational factors in one situation because of their complexity.

The motives of public involvement in the co-production of public services have been extensively studied. Alford (2002) examined why individuals choose to engage in various co-production activities. He distinguished material (money, goods and services) and intangible motivational factors.

Despite the potential barriers and possible obstacles the main drive for users to contribute (with ideas, providing services, financially, etc.) would be knowing that the process can lead to possible benefits (material or non-material). In other words, users have to be motivated to engage (Alford, 2009). However, motivation is not everything – the parties should have the ability to coproduce (Alford and Yates, 2015). The difference and motivation of customers to co-produce as well depends on the sector and other important issues.

4. Possible further research

Despite the fact that the amount of co-production research is constantly growing, — 'it is expected that, in the next few years, the number of EU (co-funded) papers in the field of co-creation/co-production in the PA domain will increase due to the several projects funded under the Horizon 2020 programme, which are expected to deliver more scientific outputs in this field' (Jukič et al., 2019) — there remains a substantial gap in research related to motivation to co-produce and in relation to other factors influencing the choice of potential co-production actors. There is a lack of research on co-production in relation to other legal principles, psychological factors, etc. The effectiveness and importance of some factors could be examined in different areas and field of co-production.

5. Conclusions

Despite the obvious possible benefits of co-production (co-creation, co-design, etc.), there are enough challenges to overcome. Co-production should be fair, and co-producers treated as equal partners. Before the start of any co-production-based action, parties should agree on every detail regarding meeting their interests and expectations; in other words, find a balance.

Co-production usually starts where is a need to improve current services or design new ones, and the users of public services are invited to contribute their know-how, work or some other contribution. Motives and expectations in entering co-production could be different; however, in the case of ignorance or violation only reasonable expectations can be protected as legitimate expectations in law.

The willingness of citizens to be involved in co-production process can be influenced by different factors, including the attractiveness of public services, actual legislation etc. It is important to assess all current and potential barriers and obstacles to co-operate.

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