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## 12. The governance of public services during COVID-19: a review of challenges and opportunities

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### INTRODUCTION

The global pandemic prompted rapid adaptation across public services, including to systems of decision-making, accountability and public governance. As Lynn et al. (2000, p. 235) note, governance is a loose and often ambiguous term that is frequently used without clear definition. In response, they offer the following:

Governance can be defined as regimes of laws, administrative rules, judicial rulings and practices that constrain, prescribe and enable government activity, where each activity is broadly defined as the production and delivery of publicly supported goods and services. In its broadest sense, the study of governance concerns the relationship between governance so defined and government performance.

In addition, Bovaird (2005) highlights a series of key principles that governance systems should embody, including democratic decision-making, accountability, transparency, fair and honest treatment of citizens and coherence in policymaking, while ‘good governance’ is argued to be built upon values which ‘contribute to the good of society’ (Perry et al., 2014, p. 27).

Given the nature of governance as outlined above, it is somewhat inevitable that COVID-19 prompted adaptations to our governance systems. The debate is whether these changes brought positive or negative benefits for citizens. In this chapter, we seek to identify the impact of COVID-19 on key aspects of governance that draw on the principles identified by Bovaird, including transparency and democratic decision-making, and review various adjustments that have taken place in governance systems in a number of international contexts.

We report evidence that suggests that there has been greater transparency in policymaking during COVID-19, certainly regarding the interface between scientists, politicians and the public (Cairney and Wellstead, 2021). Health data are now provided to the public on a routine basis in some countries, while scientific discussions and debates regarding testing, vaccines and levels of immunity have been brought into the public domain. Meanwhile, there is also evidence of some wider engagement with, and accessibility to, governance processes as our parliaments, local governments and scrutiny committees moved their meetings and operations online, although shifting to virtual forms of public governance could potentially reduce the ‘socialising aspects of accountability’ (Petraiki, 2018) and present problems for those without access to good technology (Lai and Widmar, 2021). Finally, research suggests that online participation has helped to enhance accessibility and inclusion, with some disabled people reporting a greater involvement in employment, particularly those undertaking

desk-based roles (Holland, 2021) and women observing a greater fairness and ability to contribute to online meetings compared with those held face to face (Hibbs, 2022).

While it can be argued that some aspects of governance improved, it is also clear that the need to make rapid decisions during a ‘state of exception’ when ‘the conventional order is suspended’ (Andreas et al., 2021, p. 449), resulted in the adaptation of regular governance processes. Greer et al. (2020, p. 1413) suggest that during the pandemic period an extension of state capacity occurred unaccompanied by appropriate levels of control. For example, contracts for PPE and medical equipment were often awarded at pace and sometimes with scant regard to due process, while governmental appointments to oversee regimes of testing, tracing and vaccinating citizens seem to have fallen outside of usual procedures (BMJ, 2020; Public Accounts Committee, House of Commons, 2021). COVID-19 presents us with a paradox it seems. On the one hand, the pandemic has produced some advances in public governance but it has also further exposed pre-existing governance problems. Whilst there are some variations, these governance effects can be identified right across the world, including in New Zealand where the approach to COVID-19 was particularly cautious (Cumming, 2021).

This chapter identifies the main governance challenges associated with COVID-19 and evaluates the impact of the pandemic on accountability and governance mechanisms. The next section of the chapter discusses the broader implications that the pandemic has had for public governance and from this it is clear that a holistic evaluation of the impact on governance per se is beyond the scope of this chapter. Given the principles outlined by Bovaird (2005) and the emphasis on laws, rules, rulings and practices from Lynn et al. (2000), we opt to prioritise the implications for two elements of governance – transparency and accountability in decision-making, and practice and participation in governance processes. We conclude the chapter by reflecting on whether these changes represent short-term adaptations or longer-term shifts in modes of public governance, and in doing so we highlight the opportunities and the challenges of public service governance systems of the future.

## PUBLIC SERVICE GOVERNANCE AND COVID-19

It is clear that the pandemic generated a significant level of turbulence across public service organisations. Describing COVID-19 as a ‘game changer for public administration and leadership’, Ansell et al. (2021, p. 949) suggest that the pandemic has impacted already pronounced ‘wicked’ public service challenges with ‘surprising, inconsistent, unpredictable and uncertain’ elements and effects, highlighting the need for strong governance systems in order to respond appropriately to the problems, challenges and turbulence prompted by COVID-19. O’Flynn (2021, p. 965) argues that crises bring the role of government into sharp relief and this was certainly evident during the pandemic, whereby ‘people from every corner of the world expect government to be ‘out front’ battling the virus and providing services and support for citizens’. For Zheng et al. (2023), the pandemic contained the three classic hallmarks of a crisis situation – threat, urgency and uncertainty, referencing Rosenthal et al. (2001) who defined a crisis as a ‘serious *threat* to the basic structures or the fundamental values and norms of a social system, which – under *time pressures* and highly *uncertain* circumstances – necessitates making critical decisions’ (emphases added).

It seems clear that COVID-19 presented a ‘classic’ crisis that encouraged individuals to innovate and change what they do (Phillips et al., 2023). In terms of governance, and

specifically the definition provided by Lynn et al. (2000) above that highlights its role in constraining, prescribing and enabling government activity, it is clear that such a crisis will prompt changes and adaptations to laws, rules, rulings and practices that could enable effective decision-making but also undermine good governance principles. In order to explore these effects further, the chapter now moves on to focus on the impact of the pandemic on two key aspects of governance: (a) transparency and accountability in decision-making, and (b) practice and participation in public service governance.

## TRANSPARENCY AND ACCOUNTABILITY IN DECISION-MAKING

For Moser (2001, p. 3), transparency means shedding light on ‘working procedures not immediately visible to those not directly involved in order to demonstrate the good working of an institution’. Transparency is considered to be a vital partner to accountability and plays a key role, as Liston-Heyes and Julliet (2019, p. 659) emphasise, in reducing ‘corruption, waste and mismanagement while also encouraging greater citizen participation’. Transparency is usually promoted through the regular publication of key information relating to government policy and decision-making in anticipation of, and response to, public demands (Worthy, 2010) or so-called ‘information exchange’ (Meijer, 2013, p. 430). Two further elements of transparency identified by Meijer (2013) are ‘inward transparency’ whereby government is monitored by citizens and other stakeholders and also ‘transparency of working and performance’, which enables government decisions to be questioned.

COVID-19 has prompted some of the most radical government policymaking of our time, which has often involved rapid and bold decisions that inevitably restricted civil liberties. Moves were taken across the globe to lock down societies and economies, which meant governments intervening to close business organisations, pausing forms of travel, restricting movements, and enforcing new citizenship-based codes of behaviour, such as ‘self isolation’ and the wearing of face coverings, via legislation. Given the radical nature of these decisions, they required considerable explanation and discussion, which, it is argued, promoted transparency and enabled citizens to access their decision makers and understand the rationale behind particular decisions. This transparency in policymaking seems to have increased public trust in experts, such as Chief Scientific Advisers and Chief Medical Officers who made regular appearances in ministerial press conferences right across the world (Cairney and Wellstead, 2021).

So it could be that the information exchange required for transparency identified by Meijer (2013) was evident during the pandemic on the basis of the volume and frequency of scientific and medical information transmitted to citizens. In South Korea, for example, Moon (2020, p. 652) suggests that it was ‘thanks to agile, adaptive and transparent actions by the South Korean government, along with citizens’ active participation in social distancing, the rate of infection began to drop dramatically’. The South Korean approach was informed by the country’s prior experience of SARS outbreaks where the ‘position of non-transparency caused public outcry as well as tensions with local governments that wanted to disclose related information’. It also resulted in fewer cases of transmission and lower fatalities from the virus. However, this has come at something of a cost in terms of the wider consequences of the government’s transparent approach.

For example, Ahn and Wickramasinghe (2021, p. 1327) argue that the extension of transparency in this case ‘pushed the limits of accountability’, resulting in the reinforcement of a ‘society of control’. This is because of the use of big data analytics which allegedly shifted accountability from government to citizens. The government used a ‘Smart Management System’, which combined large-scale urban data with individual-level information drawn from those testing positive for COVID-19, with a self-isolation app which mandated twice daily reporting from all those in self-isolation and involved fines for anyone breaching self-quarantine rules. In contrast to other test and trace systems, data from the Smart Management System were shared, not just with those directly impacted, but with entire local populations in order to avoid further transmission. This involved the government directing citizens to a website where they could track the movements of positive cases. Ahn and Wickramasinghe’s (2021) study reports the changes in public’s perception of transparency during the pandemic, highlighting that, in the early days, fearful citizens were happy to prioritise safety and transparency over privacy but as COVID-19 progressed, concerns grew about the need to ensure that personal information was not released. While it was a particular data management system that caused concern in South Korea, these issues have been raised elsewhere regarding the provision of too much information to the public. For example, public service professionals such as paramedics reported concerns that ‘information overload’ was creating fear and uncertainty amongst citizens, which meant they were not presenting for medical treatment and other public services when they were badly needed (Rees et al., 2021).

In other nations, the allegation is that governments retained too much information, as Ojiagu et al. (2021) highlight in their research on decision-making in Nigeria, where it is argued that the failure to disclose information on COVID-19 reduced citizen compliance with safety measures. In a fascinating study which involved tracking decision-making throughout the pandemic, Andreus et al.’s (2021) analysis of 94 Italian government press conferences and online public databases shows how the Italian government’s style of accountability altered during the pandemic. Five different accountability phases were identified with associated varying levels of transparency ranging from *rebuttal*, where the government failed to identify a societal need for sharing information, through to *dismissal*, *reactive*, *proactive* and finally *coactive*, where account-giving led to a widened disclosure of information to combat the challenging economic situation and take actions to mitigate any future risk. Research reveals that the pandemic afforded governments an opportunity to engage in transparency and accountability differently, as Demirag et al. (2020) demonstrate in their analysis of the way that the Turkish government somewhat opportunistically re-presented the case for public–private financed hospitals during the pandemic. Here, the authors conclude that the emotions and anxiety of the pandemic enabled the government to underplay prior financial and budgetary concerns and legitimate a public interest case for proceeding with the hospitals based on a form of ‘emotional accountability’.

While populations across the globe became used to receiving regular updates from politicians and senior medics that explained the scientific rationale for decision-making, the need for urgent government decision-making and particularly the procurement of medical equipment meant some bypassing of traditional accountability mechanisms as decisions were often considered exceptions to the usual legal frameworks (Andreus et al., 2021). For example, Boughey’s (2020) analysis of the Australian government’s decision-making demonstrates a reduction in accountability during the pandemic. This takes three forms including: the avoidance of Parliamentary oversight, with many decisions proceeding through the National

Cabinet or via delegated legislation; a lack of clarity regarding administrative orders and whether they have a legislative requirement that is legally enforceable; and the degree of police discretion when enforcing extraordinary powers which lack a right of appeal. Boughey (2020) also highlights claims that the police service potentially exceeded its authority in the disproportionate enforcement of COVID-19 measures. Similar findings were observed in a study of the UK where Stott et al. (2021) identified considerable ambiguity around the enforcement of emergency COVID-19 powers regarding the policing of a vigil to remember a female who had been murdered.

There are multiple examples of opaque decision-making worldwide. In the US, whilst proper processes for the awarding of contracts in a pandemic situation had already been reviewed and agreed, once the crisis hit, traditional mechanisms were compromised during the allocation of \$60 billion worth of contracts, with over 50 companies selected to manufacture supplies that did not meet standards (Taylor, 2021). In the UK, Sian and Smyth (2022) also report that public accountability mechanisms were put to one side as the UK Government used the Coronavirus Act (2020) and a Procurement Policy Note (PPN01) to award contracts against four emergency tests, rather than the usual processes of tender. Sian and Smyth's (2022) analysis focused on three key elements of public accountability in relation to the procurement of Personal Protective Equipment (PPE) – non-publication of legally required contract details; conflicts of interest in the award of fast-track contracts; and inadequate risk assessment and management of contracts – and reveals fundamental deficiencies regarding legal accountability and audit mechanisms. Emphasising the importance of transparency when a national emergency involves the suspension of usual accountability arrangements, Sian and Smyth conclude that 'public accountability mechanisms were compromised during the pandemic' and that there was 'gross mismanagement of PPE (and other) contracts' in a context where open tendering and Parliamentary scrutiny were both absent (Sian and Smyth, 2022, p. 152). A National Audit Office report highlighted that £17.3 billion of contracts was allocated to suppliers without the usual award notices, £10.5 billion of which was awarded without competition (NAO, 2020) (see Allen, this volume for further discussion of PPE procurement in the UK).

The frequent suspension of traditional public accountability mechanisms prompted citizens and civil society organisations to 'hold their governments to account' in different ways. For example, Sian and Smyth's (2022) study shows how Freedom of Information legislation was used by organisations such as Transparency International, Open Democracy, and the UK Anti-Corruption Coalition, which published a COVID-19 statement, to open up decision-making. Clearly, it is evident that whilst many governments provided information to the public during the pandemic, it is also the case that the opportunities for public questioning of key data were limited, thereby failing to meet two of Meijer's (2013) criteria for transparency in governance.

Having reviewed some of the emerging research on the impact of the pandemic on accountability and transparency in decision-making, we next turn to practice and participation in public governance during COVID-19.

## PRACTICE AND PARTICIPATION IN PUBLIC GOVERNANCE

The practices of governance were hugely impacted by COVID-19, with the vast majority of governance meetings moving from in-person formats to virtual settings overnight. Following the ‘work from home’ and ‘social distancing’ announcements made by many governments, Parliaments were required to pass new emergency laws and the need to meet virtually was *de facto* imposed. In response, across the world, many countries introduced video conferencing in place of in-person parliamentary and committee meetings, for example in Germany, Lithuania, Norway and Canada. In France, the Assemblée Nationale only permitted remote debating and voting for COVID-19 related matters. Other countries changed their rules around the proportion of elected members required to be in the chamber for voting (Ireland and Germany) or shifted meetings to a larger premises as was the case in Switzerland (Curtis and Kelly, 2020). White (2020, p. 2) identified the need for this speedy transition in relation to the UK Parliament:

the questions around constructing a virtual parliament also go to the heart of our democratic process. At a time of national crisis, it is essential that government can continue to function and that the public maintains its trust in it. Parliament is central to both of these . . . . The need for parliamentary proceedings to be broadcast live wherever possible and recorded accurately for posterity is more important than ever.

However, the transition to conducting meetings virtually was a challenge for many parliaments and local governments as this practice was largely unfamiliar, as White (2020, p. 1) emphasises in relation to the UK: ‘Parliament does not exactly have a reputation for innovation where digital technology is concerned’. This issue reflects the situation in other countries too where technology had not previously been used to enable virtual meetings. Within the Swedish context, Blom et al. (2022, p. 2563) highlight the ‘rapid transformation from on-site to on-line meetings that has neither previously been seen as a format nor a means of digital government’.

The shift to the virtual world for governance meetings has had an impact on aspects of accessibility and therefore the inclusion and participation for a range of individuals. Research findings from Hibbs (2022, p. 18) indicate that remote meetings have enabled those who may not have been able to attend ‘in person’ meetings to take part virtually, thereby improving the access of women and others to participate in democratic forums such as council meetings. This led her to observe that:

...remote meetings, therefore, were considered an organisational shift which had improved the experiences of councillors who were negatively affected by previous physical presenteeism of in-person meetings, and councillors interviewed during the pandemic were hopeful that the lifting of lockdowns would mean ‘a different way of working’ and did not want a return to ‘the old norm’.

As indicated in the title of Hibbs’s paper, ‘I was able to take part in the chamber as if I was there’, the accessibility for some women taking up democratic roles was enhanced. In addition, there is evidence that women were both given greater opportunities to contribute in virtual meetings and also more likely to be listened to, particularly where the Chair invited questions and used the ‘mute’ button for any members attempting to talk over others (Farrell et al., 2022). More widely, and facilitated by technology, virtual meetings have also enhanced access for some individuals with disabilities, in particular those with physical needs who may pre-

viously have been unable to attend in-person meetings. As argued by McNamara and Stanch (2021, p. 152) ‘as more work is being performed remotely and more meetings are conducted virtually, new opportunities for disabled workers have emerged. Inclusive practices that may have previously been viewed as special requests are now suddenly routine’.

Whilst COVID-19 improved the accessibility of some individuals to governance roles and prompted a more fundamental shift to flexible and remote working, which has delivered equality benefits, it is important to note that the wider context of the pandemic presented a series of challenges for women, including additional caring responsibilities as Casey et al. (2022, p. 1) emphasise:

job losses in sectors predominated by women, and a re-inscription if not an exacerbation of the domestic division of labour, alongside increases in rates of violence against women. Early research findings have moreover shown that women, and especially poorer, already marginalized black and minority ethnic women, were disproportionately affected by the pandemic.

This situation may have, in turn, impacted the extent to which women come forward and get involved in governance roles in the first place as networks and contacts may be hard to maintain in the virtual world (Milliken et al., 2020).

The shift from the ‘in person’ governance forum to the virtual world also presented challenges to those with limited digital access. Lai and Widmar (2021, p. 458) highlight that the digital divide restricted opportunities for those without access to good IT equipment and the internet, observing ‘a negative correlation between rurality and internet speed at the county level, highlighting the struggle for rural areas [in the US]’. The digital divide was evident in many countries, including India where digital access had implications for those participating in governance roles, as without appropriate technology many individuals were further isolated and unable to access employment (Tandon et al., 2022). Similarly in China, Song et al. (2021) report on the limited digital access of older people, which reduced their participation in public forums providing key information relating to government advice and policy at different stages of the crisis.

There is limited evidence to date on whether shifting from ‘in person’ to ‘remote’ virtual meetings impacted on the quality of governance in terms of facilitating greater transparency and widening the participation of the public, given that meetings were often live-streamed and recorded. Findings from Blom et al (2022) indicate that the switch to virtual meetings had an impact on the length of meetings and the Chair’s speech time with both taking longer. Primarily, this was due to the need for the Chair to ensure members understood procedures relating to making a contribution to the meeting. In contrast, early findings from Farrell et al. (2022) indicate that remote meetings have promoted aspects of governance, particularly transparency and the participation of the public, whilst also enhancing accountability. Farrell et al. (2022) offer a comparison of local government meetings before and during the COVID-19 pandemic, with evidence that virtual meetings also facilitated a wider attendance at meetings, including councillors, officers and invited expert guests due to the convenience of being able to meet online.

Given the interesting effects of the shift to online governance, there has been some consternation at the move in England in April 2021 to withdraw the legislation enabling virtual meetings. Local authorities attempted to reverse this High Court decision (Ministry of Housing, Communities and Local Government, 2021) but failed when the Court argued that meetings which are ‘open to the public’ or ‘held in public’ under the Local Government Act

1972 require physical public access and ‘remote access does not do this’. This is in contrast to Wales where the Local Government and Elections Act 2021 allows local councillors to continue to attend meetings remotely. This is part of a wider strategy in Wales to enhance democracy, particularly the participation of a wider range of individuals in politics dating back to the Local Government (Wales) Measure 2011 which permitted remote attendance at local authority meetings. It also reflects a broader encouragement from the Welsh Government in relation to working remotely.

## REFLECTING ON COVID-19 AND GOVERNANCE

As the United Nations has emphasised in its 2020 COVID report, the pandemic ‘struck at a time of dwindling trust in representative governance’ with confidence in governments already at a low level. Governments were already trying to respond to a series of long-standing accountability and governance challenges, including questions around the calibre, capacity and diversity of governors, underwhelming levels of interest and engagement in decision-making processes by the public, and the lack of meaningful data to hold decision-makers to account. Evidence on whether these have been exacerbated or alleviated by COVID-19 is mixed. In relation to transparency, there is some evidence this has been enhanced and that there is a greater appetite for public engagement due to the regular government briefings outlining and explaining government decisions and providing an evidence base. However, the need for rapid decision making meant governments moving outside of established accountability processes, especially when it came to the awarding of contracts (see Allen, this volume). Meanwhile, the practices of governance also changed with a radical shift to virtual meetings, which in some ways has further democratised the processes of government, potentially widening the potential pool of governors and enabling more equal participation in meetings, with some evidence of improved accessibility, inclusion and participation, in particular for some women and for those with particular disabilities. In contrast, the accessibility of others who may not have access to IT may have been more limited.

It is clear from the OECD’s (2022) review of governance practices during COVID-19 that when government departments and agencies worked together, the outcomes were more positive. Here, the OECD draws on evidence from Denmark and France where governments quickly established decision-making arrangements to enable inter-agency collaborations comprising a range of different professional interests to respond to the pandemic. Further, the review highlights that ‘many countries created ad hoc structures that played a co-ordination role on specific topics. The multiplicity of structures meant that there could be an overlap in staff attending each meeting, which improved communication across the different groups/committees’ (OECD, 2022, p. 12). However, these multiple arrangements also present a danger that responsibilities for policy and the practice of accountability could become blurred and opaque.

There is no doubt that the pandemic opened up certain processes of decision making and shed some light on the nature of evidence-based policymaking. Moving forward, a key question is whether the new governance processes and practices we observed during COVID-19 will be retained or lost. Maintaining an emphasis on transparency in terms of evidence-based decision-making with politicians and experts presenting to the public was a unique feature of the pandemic which clearly enhanced information exchange (Meijer, 2013). Interestingly,



the UK government is considering adopting a similar approach in relation to the ‘cost of living crisis’ with a series of public briefings with ministers and economists. It is imperative that governments share their learning from the pandemic and begin to develop robust plans that will enable them to make decisions in a future crisis quickly but through processes that are consistent with standard accountability principles and mechanisms. In particular, there is an urgent need for ministers worldwide to develop protocols that enable them to engage in real-time and appropriate procurement procedures.

Finally, the pandemic has accelerated the use of technology in democratic forums and other governance settings. Virtual meetings enabled governance processes to continue to operate through the crisis and seem to have widened participation in decision-making for some individuals while narrowing it for others. The shift to the virtual world does not appear to have impacted negatively on governance itself with greater opportunities for the public to view meetings electronically, therefore enhancing aspects of public participation, accountability and transparency. Adopting technology to enable governance where appropriate to broaden the diversity of governors and inclusion within meetings should now be a priority, although it is evident that this aspect is under threat in some areas, such as England. Moving forward, it is likely that forms of ‘hybrid’ meetings which permit both remote and ‘in person’ attendance will be adopted in many countries, thereby retaining some of the opportunities presented by the pandemic.

## CONCLUSION

COVID-19 is a crisis that threatened all aspects of societal, economic, civic and public life, including the governance of public services. It challenged governments across the world to make instant decisions around the delivery of services and provision of equipment in challenging and uncertain situations and under time constraints. The United Nations has emphasised the importance of post-crisis review, encouraging parliaments across the world to exercise their duty to ‘to hold governments to account for the quality of pandemic response and recovery efforts’ (United Nations Development Programme, 2020, p. 1). Any analysis of pandemic response during the pandemic must incorporate an emphasis on governance given the centrality of the relationship between governance and government performance (Lynn et al., 2000). Our preliminary analysis demonstrates that COVID-19 prompted some governance improvements when aspects of transparency were enhanced through the presentation and questioning of information, which in turn may enable wider citizen participation and engagement in governance (Liston-Heyes and Julliet, 2019). There is now an urgent need for behavioural public management researchers to continue to assess the impact of the provision of this additional scientific and medical information. Detailed evaluation of accountability impacts should also continue as further information on the processes and procedures of awarding of contracts is revealed. Finally, it will be important for governance scholars to continue to track and assess the value of doing governance differently to inform future mechanisms that widen access and inclusion. Research on public governance will be imperative in facilitating a greater understanding of whether pandemic-prompted changes to our governance systems can, and should, sustain into the future.

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## PART III

# SUCCESS, FAILURE, AND IN-BETWEEN: WHAT THE PANDEMIC TAUGHT US