

The Open Method of Coordination

Legitimacy, Efficiency, and Sharing Best Practice

Dr. Stephen Rainey
Research Fellow, Philosophy
St. Mary's University College, Twickenham

European Governance and the NHS

A CHALLENGE IN COMMON?

NHS Organisation

- No mechanisms to force or encourage sharing processes or practices
- Competition encouraged
 - Foundation Trust status
 - Outsourcing
 - PCT commissioning
- No lateral links between trusts

Challenge

- Promote sharing of best practice
 - Across a huge organisation
 - Amid great diversity
 - Centred on patients
- Ethically, responsibly, effectively
 - For patients
 - Clinicians
 - Everyone else!

European Organisation

- 'A novel polity without a state'
 - 'Community method' of policymaking
 - Commission/Parliament/ECJ law-making triangle
- Treaties at a super-national level
 - Broad goals
- Treaty interpretation at the national
 - Subsidiarity
- A diverse and sometimes turbulent landscape

The European Challenge

- European policymakers and others must often act
 - Where the Treaty base for Community action is weak
 - where inaction is politically unacceptable
 - where diversity among Member States precludes harmonisation
- No mechanisms to share best practice, competition encouraged, lateral links limited

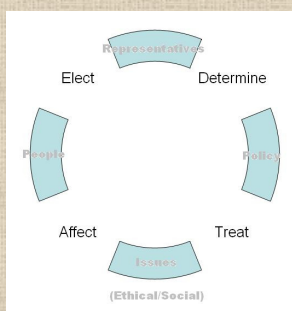
In other words...

- Promote sharing of best practice
 - Across a huge conglomerate
 - Amid great diversity
 - Centred on citizens
- Ethically, responsibly, effectively
- A similar problematic to the NHS scenario

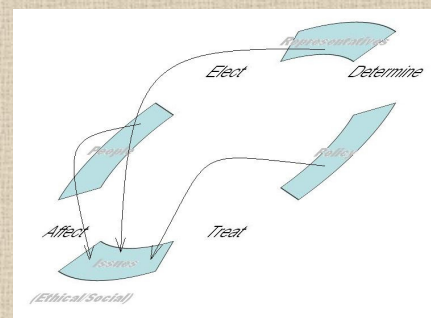
The Open Method of Coordination

WHAT IS OMC?

A simple view of governance



Some complexity

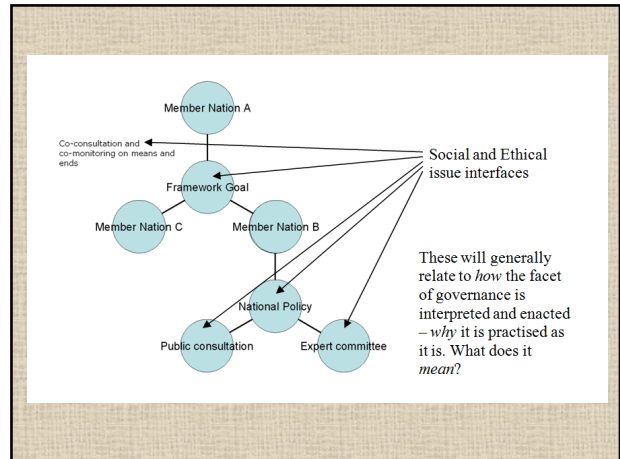
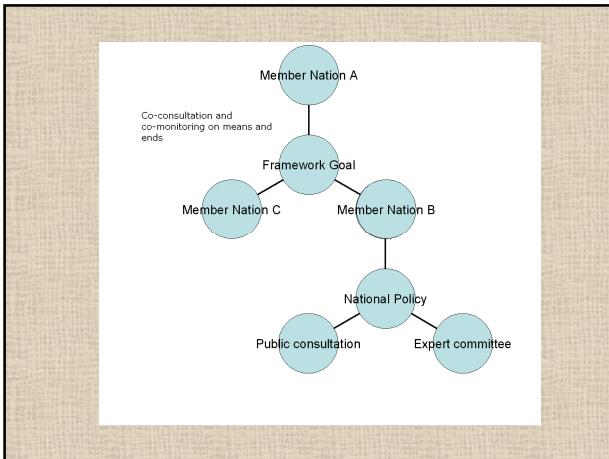


Direct Deliberative Polyarchy

- **Deliberative**: uses argument to disentrench settled practices and redefine interests/preferences
- **Directly-deliberative**: uses the concrete experience of actors' differing reactions to current problems to generate novel possibilities for consideration
- **Polyarchic**: a system in which local units learn from, discipline, and set goals for each other

OMC – Europe

- A promising instrument for identifying and pursuing broad common concerns while respecting diversity
- Encourages convergence of
 - Objectives
 - Processes
- But not of specifics



- ### Normative and Cognitive Method
- Experimental governance approach
 - Testing, peer-reviewing of practices in light of common goals
 - Learning approach
 - ‘Best practice’ acquired by reviewing and assent regarding practices and goals
 - Using diversity as an asset
 - Legitimacy of the method comes in wider participation

- ### An OMC NHS?
- Positive for
 - Identifying common challenges
 - Building consensus around common objectives
 - Developing agreements on how to mutually assess
 - Identifying promising approaches
 - Promoting mutual learning about what works and what doesn’t work in specific policy areas
 - Achieving measurable performance improvements
 - But
 - Difficulties of establishing clear causal connections between policy and performance

How translatable is “Member Nation” to “Trust”?

What about to “Hospital”?

How far could the analogical “National Policy” diverge from “Framework Goal”, given the role of law, the ethics of healthcare provision (e.g. like care for like conditions?)

- ### An analogy at best
- The parallels are there but
 - Not isomorphic scenarios
 - Complexity
 - Worth pursuing the analogy
 - High stakes
 - High payoffs

Sources

- In order of use:
- Steenstra, D, "Innovating the NHS – Now or Never", [<http://www.innovationsfactory.co.uk/resources/innovation+in+the+NHS+IF+04+10+2010.pdf>]
- Sabel, C. F., Zeitlin, J, "New Architecture of Experimental Governance", *Eurogov*, No. C-07-02
- Rainey, S, Governance Theory and Practice: The Case of Europe, in *Ethical Governance of Emerging Technologies Development*
- Rainey, S, *et al.*, EGAIS project deliverable 4.1
- Zeitlin, J, "Opening the OMC: Employment and Social Inclusion"