

Contents

<i>Preface</i>	v
<i>List of Figures and Tables</i>	ix
<i>Abbreviations</i>	xi
1. Setting the Scene	1
A. Aims, Scope and Structure	1
B. ‘Market Triumphalism’ in Prisons and Beyond	3
C. Social Impact and Sustainability	8
D. Social ‘Players’ in Prisons	10
E. Public Procurement and TUPE	14
F. Empirical Context: HMP Birmingham	25
2. Methodology	31
A. Empirical Research Aims and Philosophy	31
B. Research Process: An Exploratory Case Study	35
1. Case Study Selection	35
2. Formal Research Access and Ethics	37
3. Approach to Data Collection	38
4. Entry into the Field and Data Collection	40
5. HMP Birmingham as a Single Case Study	46
C. The Research Experience	47
1. Identity Management	48
2. Trust and Cooperation	50
3. Prison Key, and ‘Going Native’	52
D. Data Analysis	56
3. The Promises and Fictions of Competition in Public Services	59
A. The Promises of Competition in Public Services	59
B. The Fictitious Divide Between Market and Society	61
1. A Case Study of Competition in British Prisons	62
2. The ‘Free’ Market Misnomer: Reclaiming the Debate	74
4. Social Values, Identities and Sustainability of Competition in Public Service Markets	78
A. The Antisocial Impacts of Competition in Public Services	78
1. Reshaping Governance and Public Values in Public Service Delivery	80
2. Reshaping Individual and Collective Employment Rights and Obligations	83
3. The Organisational, Cultural and Performance Impacts of Competition	88

B. Competition and the Macro-Social Condition.....	96
C. Social Sustainability: A Counter-Narrative	99
5. The Public Procurement Rules: Creating a Socially Sustainable Regulatory Framework for Public Service Competition?	106
A. Development of Public Procurement Regulation	107
B. Public Procurement Regulation in England and Wales	115
1. Scope.....	116
2. Substance	118
C. What is the Position of Non-Economic Interests and Values Within the Public Procurement Rules?	119
1. Pursuing Non-Economic Interests Within the Public Procurement Regulations	121
2. Pursuing Non-Economic Interests Within the TFEU	135
D. How is this Balance Reflected in Domestic Policy?	136
6. Competition in Action: Social Sustainability and Public Procurement.....	142
A. Two Overarching Empirical Themes	143
B. Social Protection in Birmingham's Procurement Process and Documentation.....	145
1. Competition Design	145
2. Competition Delivery	155
C. Staff Experiences of Competition	166
7. Competition in Action: Social Sustainability and TUPE.....	177
A. TUPE During the Procurement Process	177
B. TUPE After the Award Decision.....	182
C. TUPE and the Public Procurement Rules: Uneasy Bedfellows?	190
8. Reintegrating the Market in Society: Conclusions and Principles for More Socially Sustainable Public Procurement Exercises	194
A. A Socio-Legal Critique of Public Procurement	194
1. The Mismatch Between Competition in Theory and Practice.....	194
2. Regulatory Impediments to Social Sustainability.....	204
3. Institutional Impediments to Social Sustainability	208
B. Reintegrating Market and Society: Principles for Reform.....	210
1. Competition is not a Panacea Solution.....	212
2. Labour as a Social Institution.....	214
3. Integrate TUPE and the Public Procurement Rules.....	220
C. Conclusions.....	225
<i>Figures and Tables</i>	<i>227</i>
<i>Index.....</i>	<i>237</i>