

Role And Influence Of Local Governments In Poland On Creating The Social Policy Of The State, In Scope Of Social Assistance

Wojciech Glac, MA

Pedagogical University of Kraków, Poland

Abstract

The social policy constitutes fundamental instrument of the state in realization of the tasks concerning protection of the citizens from the social risks, supporting social development, along with the simultaneous respecting the rules of social justice. Local governments in Poland, which originally are supposed to function close to a citizen, according to the decentralization's rules in their scope of competence they realize broad catalogue of the tasks in the field of the social policy. At the same time, the bodies of the local governments seem to be proper when influencing on and creating principles of the social policy in the state, in the range of their competence, taking into consideration the needs and local determinants.

Keywords: Social policy, local government, social assistance, decentralization of public finance

The social policy system in Poland, which has its legal location in the part of the Constitution named the freedom and economic, social and cultural rights, is based on three pillars: (1) the social assistance system, (2) the prevention of unemployment system and (3) the broadest - the national insurance system. The role of the public authorities, meant here as the government administration and the local governments (local) - is still the social policy that is supposed to be conducted in the way when respecting the rights of the citizens who are entitled to be the beneficiaries of the system, the public finance discipline isn't breached. What, on the other hand, could lead to risk that the economic stability of the state may be threatened.

The effectiveness of realization of the tasks by the local governments, especially in the aspect of expenditure of the public finances, is based on assumption, according to which the authorities being the nearest to a citizen in the administrative system, have competence and human resources to verify and implement actions with the supportive nature as e.g. social assistance. It's worth emphasizing that in the doctrine there is view that

dominate that decentralization is a significant factor of improving the effectiveness in managing the public sources [Guziejewska, 2008]

In the range of realization of the tasks which the legislator puts on the local government's bodies in Poland, the role of a district dominates - this is basic unit of the local governments, which was given a broad catalogue of responsibilities, qualified in the acts {the Local Governments Act, art. 7} as the obligatory, own and commissioned task.

From this article point of view, the basic question is still not only performing the tasks commissioned to the local governments in the field of social policy, but first of all entitlements and possibilities of influence of the local governments' bodies on creating the performed and future actions in these aspects which have direct reference in the prescriptive acts, being universally in effect, e.g. acts and orders.

Particular catalogue of the tasks which have been commissioned to the local governments in the aspect of social policy, are those in the field of social assistance, because of sensitiveness of issue, but also due to the amount of financial resources given to their disposal, according to the Polish law.

Social policy is a social action of the state, local government and non-governmental organizations, which are aimed at improvement of material status, a safeguard against life risks and give equal opportunities in social groups which are economically and socially the weakest [Auleytner, Głębicka 2000]. It's worth noticing that even the states that are highly economically developed implement and perform social policies that are adjusted to the legal and economic conditions, while considering social risk of the occurrences that are supposed to be counteracted by the public authorities according to their duties. Since it's not possible to provide the appropriate level of well-being for all the citizens, even when there is an assumption that everyone should be given that in equal parts, dependent only on work load.

It's necessary to take into consideration the situations that prevent somebody from support themselves and their families because of the state which they're in (prolonged disease or disability). The vital part of social needs is going to have here non-economic character. [Szarfenberg, 2009]

In the scope of performing individual tasks of social policy by the local governments, the social assistance attracts special attention, which realization according to the Social Assistance Act of 2004 was constructed in a way that the proper bodies to perform the tasks are the local governments' bodies.

According to the Act: Social assistance is the social policy institution of the state, that is aimed at enabling persons and their families to

overcome difficult life situations which cannot be overcome by them, with the use of own entitlements, resources and opportunities.

It should be marked here that according to the doctrine - social assistance has always a subsidiary character towards individually undertaken actions by a client. Common opinion in the judicature concerning legitimacy and forms of the assistance benefits granted by the local governments is approaching maximization of autonomous actions of a beneficiary. Social assistance is aimed at supporting persons and families in their effort heading to satisfy basic needs, life independence and social integration and the granted benefits should be appropriate to the situation of the beneficiaries. Its granting is dependent on the entire situation of a person or a family applying for a benefit as well as the amount of resources allotted for this aim. However, it doesn't mean that the right to grant the benefit from social assistance to a person meeting the requirements is an unconditional right and is connected with offloading the costs of living onto the bodies of social assistance which have the public resources destined for accomplishment of the assistance actions. [WSA in Opole, II SA/Op 414/10]

In this aspect it's worth mentioning that the local governments' bodies realize the social assistance policy and are given rights on the basis of the Act both in a form of money benefits and the non-money ones.

The money benefits constitute the fundamental form of realization of social assistance in Poland, which is 67% [GUS, 2014] of the whole budget expenditures in the scope of assistance actions. Compared to the result, a thesis seems to be legitimated that they're the most desired form of support by the beneficiaries. In 2014 the share of districts in the whole expenditures for social assistance was 50,5%, whilst cities on the right of district came to 29,4 %, districts 16,8%, and voivodeships only 3,3% [GUS, 2014]. Simultaneously, the bodies of local governments conducting municipal social welfares constitute fundamental organizational structure for the assistance system. The number of persons employed in the municipal social welfares in 2014 was 51 738. The largest group of people employed in MSW was made of so called the other employees, which was about 41% of all employees. The second largest group of employees in the municipal social welfares was made of social workers whose share was around 38% and came to over 19 thousand people. From the introduced data it may be assumed that the position of gmina is definitely the strongest one as the unit which has the widest range of assistance in the government social policy system. [Information about MSW, 2014]

On the basis of the introduced data, there is a justified thesis that the bodies of the local governments, especially the gmina, constitutes the most

important and fundamental element of the social assistance system. On the one hand it performs a number of tasks arising due to the statutory catalogue with the simultaneous limited opportunities of influence on the state frames of social policy.

According to the art. 16a of the Act Art. 16A the bodies of the local governments have duty to conduct the annual evaluation of resources of social assistance. 1. Gmina, district and local government of the voivodeship prepare an evaluation of resources of social assistance based on an analysis of the local social and demographic situation. These resources include particularly the infrastructure, human resources, non-governmental organizations and financial expenditures for the tasks in social assistance, regardless of the subject which realizes and funds it.

On the basis of the conducted evaluation of the resources, the executive body of the local government (a voivode, a mayor or a president of the city, in the district and voivodeship - the board), introduces the evaluation of the resources annually till 30th April to the council of the gmina or the council of the district appropriately, and till 30th June to Sejmik of the Voivodeship of the suitable unit of the local government. The evaluation along with the recommendation are the basis of planning the budget for the following year.

The evaluation submitted by the suitable bodies is the basis of evaluation of the annual reports on the resources of social assistance at state level, however it has only statistical dimension. It seems that the information potential of gmina is not used properly, especially information possessed by the employees in particular units, whose information based on experience and practice have significant meaning, without deprecating the purely statistical data. However they could be at least supplementary.

The legislator puts on the units of the local governments duty to work out the strategy as well: The gmina and the district work out the strategy of solving the social problems and local government of the voivodeship the strategy in the field of social policy. In the article 16b of the Act, there is included especially: diagnosis of the social situation; forecast of changes in the field covered by the strategy; as well as determination of: the strategic project goals of changes, directions that are crucial for the action, ways of realization of strategies as well as its financial frames, indicators of realization of the actions.

The worked out documents have a local character, directly connected with the jurisdiction of the local government's unit. The legislator hasn't legislated a rule according to which it would be obliged to get the information. In practice, it is accepted to take into consideration the data, especially concerning the budget needs of the units in the field of social

assistance, along with the budget works. However, this will be only a non-obligatory actions, not arising strictly due to the rule.

It's worth noticing that the strategy will always be the act of local law with the binding character for the given unit. Supreme Administrative Court of Poland (NSA) noted that when stated that: in case of periodic benefits gmina cannot (..) refuse the benefit because of running out of the financial resources. On the strength of art. 16 section 2 of this Act gmina has a duty to provide realization of the tasks in the field of social assistance. Moreover, it should be emphasized that the Social Assistance Act in the article 16b obligates gminas to work out the strategies solving social problems which realization is coordinated by municipal social welfares. [NSA, I OSK 2061/11]

A peculiar form of the act with the universally application and which may be influenced by the local government is the National Counteract Poverty and Social Exclusion Program 2020 - new dimension of active integration ,passed in 2014. It's an operational and implementation document, constituted due to realization of medium-term strategy of development of the state - "the National Development Strategy 2020" as well as the Social Capital Development Strategy, the National Regional Development Strategy and other development strategies. So it has strictly program dimension and doesn't bring real, individual effects of its binding, including the legislator the financial ones. According to the authors of the study: The National Program Project was turned to the inter-ministry consultations and to broad public debates, among others to around 50 non-governmental organizations. It's been discussed in the Centres of Social Integration Forum, as well as presented and discussed during many meetings in Poland. Due to the character of the document, which contains actions of social policy in the field of counteracting poverty and social exclusion, the public consultation took place between July and December 2013. During the consultation, there were opinions, comments and recommendation given by both the resorts and **the units of the local government** as well as non-governmental organizations [KPPUiWS, 2014].

The Polish social policy system in the range of social assistance is performed through activity of the units of the local governments, especially the gminas.

The role of the bodies of the local government in the field of assistance activities is undoubtedly broad, including the aspect of providing the public funds for this aim, but also the administrative process itself.

It seems that influence of the units of the local government on the process of establishing law in this issue as well as proceeding the executive acts are limited. In any case, there is lack of sufficient data to state that this influence might be accepted as adequate.

It should be noticed that the social assistance system apart from the obvious legal norms, is created by persons with various competence and experience, whose opinion should be obligatory considered while establishing universal laws.

Therefore, it seems that the bodies of the governmental authorities as well as the bodies of the legislative authorities should broaden the scope taking into consideration the effectiveness of the social assistance, not only the statistical data provided by the gminas but also information and comments that are practical and legal.

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