

1.3. Providing public services

Local government is the best place to provide and manage key public services. Local government is able to tailor the scope and delivery of services to the needs of local communities and try out a wider range of solutions. Also, in the case of local government units, the chain of accountability and responsibility for possible shortcomings or irregularities is shortened.

The 1997 Constitution of Poland states in its Article 166 that public tasks serving the needs of the local government community are performed by the local government unit as its **own tasks**. At the same time, local government units can be obliged – if it results from the justified needs of the state – to perform other public tasks (**commissioned tasks**). In fact, local government units have gained an important role in providing important public services in Poland.

The self-government's own task is a public task assigned to a given level of local government and for the realisation of which this unit is independently responsible. The own tasks are to meet the common, collective needs of a given local government community. Their realisation is financed from the local government's own income. Local government units perform these tasks on their own behalf and on their own responsibility. This means that the residents, organised into a local government community, satisfy their basic needs on their own, choosing the authorities whose task is to conduct their affairs in such a way that it is consistent with the needs of the local community.

The Polish political model, however, does not allow for full freedom in meeting local needs, hence the Parliament – by passing relevant laws – defines the local government system, the rules of organisation of local administration, and the division of tasks between the various levels of local government. This is done in accordance with **the principle of subsidiarity**, so that tasks are carried out as closely as possible to the citizen.

The self-government own tasks are further divided into:

- **compulsory tasks** – a self-government unit may not give up on these tasks, but must set out in the budget the means to carry them out in order to provide residents with elementary public services;
- **optional tasks** – a self-government unit shall implement them as far as possible in view of its budgetary resources and local needs.



Commissioned tasks are obligatory, which means that the local government cannot refuse to carry them out. The state confirms their correctness and makes this activity credible. Commissioned tasks are not about meeting the collective needs of the local government community – they are nationwide tasks performed on the ground.

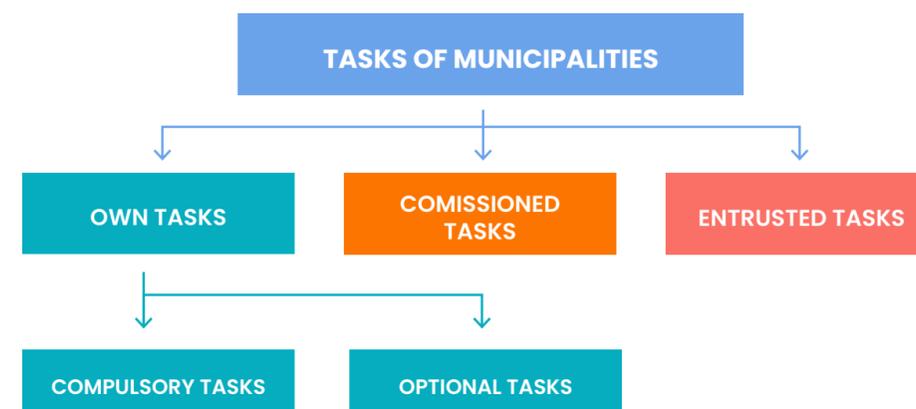
The tasks entrusted to the local government are those assigned by law to a public administration body, which, by agreement, delegated them to a local government unit. The tasks entrusted are taken over by the local government voluntarily, on the organisational and financial principles included in the agreement.

In the case of municipalities, there is a ‘presumption of competence’. This principle says that all public matters of local importance that are not reserved by law for other entities belong to the scope of the municipality. The Act on Poviats Self-Government and the Act on Voivodeship Self-Government enumerate the tasks delegated to be performed by these units, which makes it possible to exclude these tasks from the competence of the municipality.

The table on the next page includes the list of the most important own and commissioned tasks of municipalities, counties (*poviats*), and regions (*voivodeships*).

As we can see, the scope of tasks to be carried out by the municipality is extensive. Municipalities can create units which

FIGURE 1. **Tasks of municipalities in Poland**



Source: authors' own elaboration.

may be helpful in performing some of their own and commissioned tasks. The municipality may also perform public tasks by means of **cooperation between local government units**. Inter-municipal associations and associations of local government units can be involved in the implementation of tasks. If the implementation of public tasks exceeds the capacity of one commune, inter-municipal associations are established.

A form of performing municipal tasks and a way to finance infrastructure investments is cooperation between the public and private sectors. This cooperation has been called **public-private partnership**. An important form of cooperation in the implementation of certain public tasks of local government units is also the participation of the civil sector.

Digitisation of public services in Poland

More and more public services in Poland are provided electronically. In 2005, the Electronic Platform of Public Administration Services (ePUAP) was established, i.e. a nationwide ICT platform for communication between citizens and public administration units in a uniform, standardised manner. More and more offices make their services available on the ePUAP platform. These include local governments, including municipal offices. Through the ePUAP platform, it is possible to apply for a birth certificate for oneself or a child, to report the loss or destruction of a proof or a driving licence, to notify the sale of a car, or to join the electoral register.

GRAPH 4. Own and commissioned tasks of municipalities, counties (poviats) and regions (voivodeships)



REGION'S TASKS



COUNTY'S TASKS



MUNICIPALITIES' TASKS

OWN TASKS

- establishing and running **PUBLIC EDUCATION ESTABLISHMENTS** and teacher training centres, libraries and schools of regional and supra-regional importance;
- directing regional **EDUCATIONAL POLICY**, creating profiled secondary schools, responsibility for higher education;
- taking care of historical monuments, registering regional products, running the largest **CULTURAL INSTITUTIONS**, such as operas and philharmonics;
- responsibility for **SPECIALIST HOSPITALS** and for implementing national programmes;
- developing projects to equalise **OPPORTUNITIES FOR DISABLED PEOPLE**, providing training of social assistance staff, diagnosing social problems, drawing up reports and submitting them to the voivodeship;
- other tasks as designated.

- establishing and running **PUBLIC SPECIAL PRIMARY SCHOOLS, SECONDARY SCHOOLS**, sports schools, preparing of projects of educational strategy of the county, establishing a network of secondary schools (the role of counties is complementary and auxiliary to municipalities);
- developing and evaluating **HEALTH PROGRAMMES**, implementing vaccination programmes, running hospitals;
- assessing the state of fire and flood safety, **CRISIS MANAGEMENT** in the county;
- organising and supervising **PUBLIC TRANSPORT** that goes beyond the borders of one municipality, supervising county roads, organising repairs and examining the condition of roads;
- developing and implementing counties' strategies for **SOLVING SOCIAL PROBLEMS**, providing specialist counselling and offering assistance to foreigners with refugee status, developing the infrastructure of Social Welfare Houses and support centres;
- **VEHICLE REGISTRATION**;
- other tasks as designated.

- drawing up the local **SPATIAL DEVELOPMENT PLAN**; issuing building permits or decisions on the location of public roads;
- managing **ROADS, STREETS, BRIDGES**, and traffic organisation (carrying out repairs, road inspections, and expanding the municipal road infrastructure);
- providing the inhabitants with **HEAT, ELECTRICITY**, and gas fuel;
- planning of **PUBLIC TRANSPORT** networks, management of public transport;
- providing residents with **BASIC HEALTHCARE**, including night and holiday care;
- creating **CARE CENTRES** and facilities, and e.g. enabling access to free legal assistance;
- creating and closure of kindergartens, **PRIMARY AND LOWER SECONDARY SCHOOLS** and managing these entities;
- other tasks as designated.

COMMISSIONED TASKS

- nurturing the sense of being a Pole and developing and shaping the **NATIONAL, CIVIC, AND CULTURAL AWARENESS** of the inhabitants, as well as nurturing and developing local identity;
- stimulating **ECONOMIC** activity;
- increasing the level of **COMPETITIVENESS AND INNOVATION** of the region's economy;
- preserving the value of the **CULTURAL AND NATURAL ENVIRONMENT**, taking into account the needs of future generations;
- shaping and maintaining **SPATIAL ORDER**.

- supervising **PRIVATE FORESTS**;
- conducting a county veterinary and **SANITARY INSPECTION**;
- running county **LABOUR OFFICES**;
- issuing and retaining a **DRIVING LICENCE**.

- paying social **WELFARE BENEFITS**;
- providing care services to people with **MENTAL DISORDERS**;
- operating **CIVIL REGISTRY** offices;
- issuing **IDENTITY CARDS**;
- taking care of **LIGHTING OF NATIONAL ROADS** in cities;
- conducting training in **CIVIL PROTECTION**;
- keeping **RECORDS OF REAL ESTATE**;
- keeping the **ELECTORAL REGISTER**;
- preparing the selection of **JURORS**.

Ensuring the proper quality of public services provided for local communities by the self-government units is a big challenge. Residents, community organisations, and businesses evaluate the activities of local government based on the level of satisfaction of public needs. For this purpose, attempts have been made to test and even implement **innovative monitoring tools** in Poland. Some of them are presented briefly below:



Local Government Analysis System (System Analiz Samorządowych, SAS)

In 1996, the Association of Polish Cities initiated work on the construction of the Local Government Analysis System. The aim was to build a unique, universally accessible system, thanks to which cities could collect and, as a result, analyse data previously unavailable in any other systems and public statistics via the Internet. As a result of the work of the Association of Polish Cities, as well as the active participation of member cities in this research, a tool was created that systematically supported local government units in managing and developing public services from 1999.

More information is available on the website:

<https://www.systemanaliz.pl/>.

Model regional system of public service quality monitoring and quality of life

The monitoring system was developed as part of the project carried out by the Gdańsk Institute for Market Economics. Its aim was to create an integrated system for measuring the quality of public services and quality of life, supplemented by a platform for debate on the interpretation of the results and the way of their use. The aim of the project was to provide both 'hard' and 'soft' monitoring tools. The system was based on measures that enable a synthetic description of a wide range of the most important aspects of quality of life and quality of public services – from education and health care to municipal management and road infrastructure. An important component of the system was the involvement of local communities in its functioning. The system was tested in the Pomorskie Voivodeship and four pilot communes: Gdańsk, Słupsk, Stegna, and Czarna Woda.

More information is available on the website:

<http://monitoring.ibngr.pl/?all=1>

In addition to this, self-government units carry out ad-hoc evaluations of specific public services and systematic client satisfaction assessments.

Generally, the areas in which local government units have thus far proven their value in Poland are basic municipal services (water supply, sewerage, maintenance of roads, and public infrastructure), public transport (although with growing

transport exclusion outside agglomerations), and above all, the education system, built by local governments after 1998. The weakest points are those where local government units to a greater extent share power with central government, such as the health care system and education. The actual scope for decentralisation in both areas is significantly limited, particularly in the area of health care. Furthermore, the complexity of the current institutional set-up in education or health care makes

it difficult to precisely delineate the spheres of responsibility of government and self-government units²².

As providing some public services frequently exceeds the territory of one self-government unit, cooperation between them is already taking place in Poland. Some new forms of cooperation more adjusted to current development needs and the better integration of public services provision should be promoted (e.g. territorial partnerships or pro-development forms of municipal union).

Some attempts have been made to develop analytical tools for monitoring and evaluation of the provision of public services by self-government units. Such analytical tools should be developed on a national scale and should allow for comparisons between specific self-government units.

The institutional set-up for division of tasks and responsibilities between the central government and local government should be more precise, especially in the most problematic spheres such as health care and education.



22. Sześcińo, D., (2016) 'O powikłanej decentralizacji. Instytucjonalny krajobraz systemu usług publicznych w Polsce', *Zarządzanie Publiczne*, Nr 4(38), pp. 32-44.