Transformations in the social assistance system in Poland in the years 1990–2015

One of the most important achievements of the political transformation that began in 1989 in Poland was a resurgence of local government. As a basic form of decentralized public administration, it is responsible for carrying out public services of significant local importance. Local government units are responsible for the competent delivery of the most difficult tasks of social assistance. Their crucial mission in this aspect is referred to in art. 2 par. 1 of the Act dated 12 March 2004 on social assistance, according to which social assistance is defined as “an institution of state social policy, aimed at enabling individuals and families to overcome difficult situations which they are not able to overcome using their own powers, resources and capabilities”.

Art. 3 par. 1 of the Act notes that; “social assistance supports individuals and families in an effort to meet their essential needs, and enables them to live in conditions corresponding to human dignity”. Stanisława Golinowska emphasizes that “social assistance is a branch of social security which complements the network of social security in a situation of poverty and accompanying life problems, which could not (or cannot be) solved either individually or socially, or in the main institutions or programs of social policy of the state”. Similarly, according to Piotr Błędowski, “social assistance as a part of a social security

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1 Journal of Laws of 2004, no. 64, item 593 as amended.
2 Ibidem, art. 2, par. 1.
3 Ibidem, art. 3, par. 1.
system complies with the essential functions related to providing families and individuals of social security and income in case of unexpected drastic deterioration of their financial condition.\textsuperscript{5} It also has to “provide the assistance in the form of services for lack of self-satisfaction of certain needs or inability to carry out an independent household”\textsuperscript{6}. The specificity of the social assistance action is connected with providing support to families and persons who are the most vulnerable to the risk of social exclusion.

The prevalence of a wide range of social problems which need to be addressed poses a challenge for the whole system of social policy of the state, and in particular local governments. According to art. 7 of the Act, the basis for applying for the provision of the social assistance system include problems such as: poverty; orphanhood; homelessness; unemployment; disability; long-term or serious illness; domestic violence; the need to protect motherhood and large families; helplessness in matters of care, education and in running a household; inability to adapt to outside life by young people who leave care and education centers; difficulties in the integration of persons who were granted refugee status; difficulties in adjusting to life after release from prison, alcoholism or drug addiction; and random events and emergencies including natural or ecological disasters\textsuperscript{7}. The importance of social assistance as a core component of the competencies required of local government units is also reflected in the level of funding that these units require to fulfill these tasks.

The aim of this paper is to analyze the most important trends in the social assistance system in Poland after the transition period. The jubilee of 25 years of experience in the welfare of the Third Polish Republic is conducive to reflection on its experience, including analysis of the extent to which the system of social assistance was effective, and what should be changed. This analysis is crucial as social problems still constitute a significant threat to many individuals and families and remain a continuing challenge for state social policy.

The political transformation initiated in 1989 presaged the need for deep reforms in social policy. To a large extent, these reforms were a response to the enormous social costs of transformation (unemployment, poverty, etc.). In place of a centralized system that operated under communism, in which social assistance played a marginal role, a decentralized model was commenced under

\textsuperscript{6} Ibidem.
\textsuperscript{7} Art. 7 of the act of 12 March 2004 on social assistance.
which social assistance was to assume much greater significance. Local self-government communities were not only assigned the function of key provider of social benefits, but also given the tasks of coordinating and organizing action required to solve social problems existing at a local level.

The Act dated 29 November 1990 on social assistance defined the principles of the social assistance system in Poland, including: tasks of social assistance; types of social assistance benefits and the manner of their award; organization of social assistance; and principles and mode of control procedures in the field. The availability of social benefits is contingent on meeting, by the person or family, income criterion and fulfillment of at least one of the conditions listed in art. 7 of the Act. As pointed out by Małgorzata Kutyła, an important advantage of the Act was primarily to codify in a single document all the regulations relevant to social assistance, distributed so far in various acts, and giving them statutory rank. Piotr Błędowski notes that the social assistance Act of 1990 was the first in the whole system of social policy which introduced new solutions adapted to completely new living and working conditions that have occurred since the beginning of the transformation in 1989.

Other areas within the social security system (e.g. social insurance) were reformed later, which in the face of many new, previously unknown phenomena (huge unemployment, employment restructuring in many workplaces and high inflation resulting in a real income decline) also imposed on social assistance the necessity to support large groups of people and families who found themselves in financial difficulties. The Act defined the social rights of citizens as well as the duties of entities responsible for the accomplishment of tasks in the field of social assistance. The fundamental burden of fulfilling the tasks of social assistance was assigned in 1990 to the municipal or commune self-government. The basic organizational units of municipalities and communes responsible for carrying out social assistance were Social Welfare Centers. The supervisory functions over their activities were assigned to government administration. These administrative reforms, which came into force on 1 January 1999, meant the

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9 *Journal of Laws of 1990*, no. 87, item 506 as amended.
creation of two additional levels of local government: counties and provinces. This resulted in founding new organizational units tasked with social assistance; District Family Assistance Centers and Regional Social Assistance Centers.

The guarantee of fundamental rights and freedoms of the human, including economic and social rights, are provided in the Constitution of the Republic of Poland of 2 April 1997\textsuperscript{12}. According to this Act, “[f]amilies, finding themselves in difficult material and social circumstances – particularly those with many children or a single parent – shall have the right to special assistance from public authorities”\textsuperscript{13}. The concretization of the provisions of the Constitution is facilitated by a number of acts and executive regulations. Between the years 1990–2015, social assistance in Poland was subject to numerous changes. One of the most important reasons for the transformation in the social assistance system was the accession of the Republic of Poland to the European Union on 1 May 2004. This resulted in the need to adjust Polish law and institutional solutions to the EU standards in many areas of public administration, including social assistance. It also meant the beginning of so-called standardization of social services, which was associated with the need to meet certain standards for social assistance institutions in order to provide services at an appropriate level. The new Act on social assistance of 12 March 2004, based on changed assumptions, identified: jobs in social assistance; types of social assistance; benefits and the manner of their award; the organization of social assistance; and the principles and mode of control procedures in the field of social assistance. The Act also expanded the list of persons entitled to social benefits, including foreigners (UE citizens, among others). According to art. 1 par. 2 of the Act, social assistance is organized by “government and local government administration agencies, working in this area with community organizations, the Catholic Church, other churches, religious organizations, foundations, associations, employers, and natural and legal persons”\textsuperscript{14}.

The changes in the social assistance system included verification of the criteria for granting aid, expanding the catalog of benefits, the ability to delegate tasks to non-public entities, the introduction of rules concerning standardization of social assistance units (of nursing homes, care and education centers, environmental self-help homes, etc.) or professionalization of the staff, among others.

\textsuperscript{12} Journal of Laws of 1997, no. 78, item 483 as amended.
\textsuperscript{13} Ibidem, art. 71.
\textsuperscript{14} The act of 29 November 1990 on social assistance (Journal of Laws of 1990, no. 87, item 506 as amended).
The most important laws in this area are found in the Act dated 28 November 2003 on family benefits\textsuperscript{15}, which regulated the system of non-insurance social benefits financed from the government budget. The implementation of the tasks arising from this Act is the responsibility of municipalities or communes. In place of hitherto independent social benefits provided for in the Act on social assistance of 1990, introduced before Polish accession to the European Union, this legislation provided for a family allowance (contingent on meeting the income criterion), with benefits including the so-called baby bonus, allowance for child care during parental leave, education and rehabilitation of a disabled child, etc.).

An important role in building partnerships between local governments and social assistance units in the non-governmental sector has been facilitated by the Act dated 24 April 2003 on public benefit and volunteer work\textsuperscript{16}. The Act introduced a comprehensive solution for the core fields of activities of non-governmental organizations in Poland, including the possibility of obtaining public benefit status. It also introduced new regulations concerning the cooperation of local government with NGOs, including the possibility to assign public tasks to these organizations or the obligation to develop annual programs of cooperation between local government and NGOs. The experience of several years of the Act clearly shows that one of the main grounds of the cross-sector cooperation is undoubtedly social assistance. There are many examples of outsourcing public tasks by local NGOs which run childcare centers or therapy centers, among others.

An important step towards building the Polish social economy sector was the Act dated 13 June 2003 on social employment\textsuperscript{17}. The essence of the social economy is to prevent marginalization and social exclusion by creating opportunities to return to social and vocational activities for people who, for various reasons, find themselves on the margins of social life. Under art. 1 par. 1 of the Act this group includes the homeless, those addicted to alcohol, drugs and other intoxicants, the mentally ill, long-term unemployed, individuals leaving prisons, refugees, and people with disabilities. For this reason, strong emphasis is placed on education and activation of clients from marginalized social and economic environments, including promoting employment opportunities for members of these groups. Among the most important new developments introduced by

\textsuperscript{15} Journal of Laws of 2003, no. 228, item 2255 as amended.
\textsuperscript{16} Journal of Laws of 2003, no. 96, item 873 as amended.
\textsuperscript{17} Journal of Laws of 2011, no. 43, item 225 as amended.
this act are social employment (participation in the centers of social integration), including social employment supported by entrepreneurs, either within their own business or in the form of cooperatives.

Another important aspect of the social assistance system is providing care to children who for various reasons cannot be raised by their own parents. On 9 June 2011, the Parliament adopted the Act on family support and the foster care system\textsuperscript{18}. The Act introduced the institution of “family assistants”, whose tasks include working with a family in need of support. They fulfill the functions of: psychological/emotional support, diagnostic and monitoring, caring, consulting, mediation, education, motivation and activating clients, as well as coordinating actions directed towards the family. The duties of family assistant include four areas: direct work with parents, direct work with children, indirect actions carried out for the child and the family, and developing their own skills and tools. The Act also regulates the issues concerning operation of the foster care system, both family (foster families) and institutional (care and education centers). Foster care is granted in case of inability to provide child care and upbringing by biological parents.

Important is also placed in the structure of the tasks of social assistance in supporting people with disabilities. The act of 27 August 1997 on occupational and social rehabilitation and employment of disabled persons\textsuperscript{19} regulates the system of assistance to disabled persons. In particular it covers such issues as: disability adjudication; rehabilitation of disabled persons; the rights and duties and powers of employers of disabled persons; functioning of sheltered workshops and vocational development centers; tasks and organization of services providing assistance to people with disabilities; training of disabled persons; activities of the National Consultative Council for Disabled Persons; and functioning of the National Fund for Rehabilitation of Disabled Persons.

Another important role in the social assistance system is fulfilled by the Act dated 29 July 2005 on the prevention of domestic violence\textsuperscript{20}. The Act imposed on local governments a number of duties aimed at counteracting domestic violence, including creating interdisciplinary teams, development and implementation of domestic violence prevention programs, providing counseling and intervention,

\textsuperscript{18} Journal of Laws of 2011, no. 149, item 887 as amended.
\textsuperscript{20} Journal of Laws of 2005, no. 180, item 1493 as amended.
and creating and maintaining support centers for victims of domestic violence, as well as crisis intervention centers\(^{21}\).

Regardless of the legal changes in the social assistance system that took place over the years 1990–2015, we could also observe the evolution of the approach to the core methods of social welfare and social work. Objectives and principles of social work have been reevaluated. In place of the foregoing clientelism, the tendency to increase people’s active participation developed. Małgorzata Rabczewska draws attention to deficiencies of the decentralization of the social assistance system, as well as the staff shortages, which resulted in clients’ addiction to social benefits\(^{22}\). Therefore, with the passage of time, more attention was paid to the necessity to activate the beneficiaries of social assistance by identifying and promoting what would facilitate their independence. In art. 2 par. 1 of the Act dated 12 March 2004, the target of social assistance is defined as “enabling individuals and families to overcome difficult situations, which they are not able to master using their own powers, resources and capabilities”\(^{23}\), indicating clearly the necessity for clients to take control over their own lives. Iwona Sierpowska emphasizes in this context the

\(^{21}\) Moreover, in the years 1990–2015, there appeared many other legal acts regulating various areas of social assistance system in Poland or having a close relationship with social assistance. The majority of them were repeatedly amended. These were, among others, the Act of 20 April 2004 on the promotion of employment and labor market institutions (Journal of Laws of 2004, no. 99, item 1001 as amended); the Act of 26 October 1982 about upbringing in sobriety and counteracting alcoholism (Journal of Laws of 1982, no. 35, item 230 as amended); the Act of 29 July 2005 about counteracting drug addiction (Journal of Laws of 2005, no. 179, item 1485 as amended); the Act of 25 February 1964 on family and caring code (Journal of Laws of 1964, no. 9, item 59 as amended); the Act of 26 October 1982 on the proceedings in juvenile cases (Journal of Laws of 1982, no. 35, item 228 as amended); the regulation of 23 August 2012 on social welfare homes (Journal of Laws of 2012, item 964 as amended); the regulation of 30 September 2005 on adoptive and caring centers (Journal of Laws of 2005, no. 205, item 1701 as amended); the regulation of 14 February 2005 on care and educational institutions (Journal of Laws of 2005, no. 37, item 331 as amended); the regulation of 3 August 2012 on providing help with self-reliance, continuing education and development (Journal of Laws of 2012, item 954 as amended); the regulation of 9 December 2009 on environmental self-help homes (Journal of Laws of 2010, no. 238, item 1586 as amended); the regulation of 22 September 2005 on specialized care services (Journal of Laws of 2005, no. 189, item 1598 as amended), the regulation of 15 July 2003 on disability adjudication and degree of disability (Journal of Laws of 2003, no. 139, item 1328 as amended); the regulation of 15 November 2007 on rehabilitation holidays (Journal of Laws of 2007, no. 230, item 1694 as amended); the regulation of 25 March 2004 on occupational therapy workshops (Journal of Laws of 2004, no. 63, item 587 as amended).

\(^{22}\) M. Rabczewska, op. cit., p. 553.

\(^{23}\) Journal of Laws of 2004, no. 64, item 593 as amended.
importance of art. 4 of the Act dated 12 March 2004 on social assistance, according to which “individuals and families benefiting from social assistance are obliged to cooperate in order to solve their difficult life situation.”24 Sierpowska notes that social assistance is meant to be temporary and is focused primarily on training the appropriate attitudes of its customers to overcome the difficult situations they face. Therefore, this approach to social assistance presupposes, above all, the education of beneficiaries, strengthening their responsibility for their own life and making them aware of their right to self-determination. In this context, counteracting dependency on social assistance remains crucial as well.25

One of the most important innovations was the introduction of regulations concerning provision of social benefits on the basis of a social contract concluded with the client. The essence of the contract scheme was to take joint action to overcome the difficult situation of the person or family applying for assistance. The failure to comply with the provisions contained in the agreement can result in refusal to grant the cash benefit. As Małgorzata Kutyła rightly observes, social assistance, in this way, “ceased to be the only institution that provides social benefits but became the organizer of joint projects aimed at solving local problems.”26 The desired course of social assistance activities towards counteracting social exclusion is social and vocational activation of the beneficiaries, where the most common instruments are: social contract, individual program of social employment, or supported employment.27

The experience of over 25 years of social assistance in the Third Polish Republic clearly shows that it became one of the key elements of social policy and social security in Poland. Social problems and challenges, which are a side effect of the process of political transformation, resulted in high demand for social assistance services. Nowadays, apart from constantly occurring social problems (unemployment, poverty, domestic violence, addictions, etc.), new threats and challenges appear, which are related to demographic processes (aging of the Polish population) or migration (the problem of refugees, euro-orphanhood phenomenon), among others. This necessitates the search for new, effective solutions, environmental and institutional, aimed at solving social problems and supporting people and families in difficult situations. It poses a major challenge

24 I. Sierpowska, Prawo pomocy społecznej, Warszawa 2007, p. 43; see also art. 4 of the Act of 12 March 2004 on social assistance.
25 I. Sierpowska, op. cit., p. 43.
26 M. Kutyła, op. cit., p. 238.
both for the state and local governments as well as other entities involved in implementation of tasks in the field of social assistance. Many social problems have a tendency to accumulate and fester in particular families, co-existing with other threats, which further deepen marginalization and social exclusion. Solutions require a multidisciplinary approach which enables the cooperation of various actors and institutions. Such co-operation allows a comprehensive look at the essence of the problems and the search for adequate methods towards providing effective support to people and families in difficult circumstances. For this reason, it is also desirable to maintain effective cooperation between public bodies (local governments and social assistance units at all levels of their operation, police, courts, District Employment Agency and other institutions) and non-governmental organizations or other entities. Last but not least, early prevention through social work with individuals and families at risk of social exclusion remains crucial, as does the professionalism of social workers and the public confidence earned through acknowledgement of the central role played by dedicated social workers in this vital area of community support.

References

Normative acts

The Act of 13 June 2003 on social employment (Journal of Laws of 2011, no. 43, item 225 as amended).
The Act of 9 June 2011 on family support and foster care system (Journal of Laws of 2011, no. 149, item 887 as amended).

Literature


Abstrakt

Artykuł omawia w ogólnym zarysie ewolucję rozwiązań w zakresie systemu pomocy społecznej w Polsce w latach 1990–2015. Wprowadzane stopniowo nowe regulacje obejmowały zarówno rozwój zakresu świadczeń, weryfikację zasad i kryteriów udzielanej pomocy, standaryzację jednostek pomocy społecznej i inne zmiany prawne, jak i zmianę podejścia do istoty pracy socjalnej z podopiecznymi. W miejsce klientyzmu, prowadzącego do uzależnienia podopiecznych od świadczeń pomocy społecznej, zaczęto kłaść większy nacisk na działania w kierunku ich aktywizacji i usamodzielnienia. Pomoc społeczna zajmowała w omawianym okresie istotne miejsce w strukturze zadań administracji publicznej na szczeblu rządowym i samorządowym, a także w działalności wielu organizacji pozarządowych.

Słowa kluczowe: pomoc społeczna, świadczenia socjalne, wsparcie społeczne, praca socjalna, problemy społeczne, wykluczenie społeczne

Abstract

This article is an overview of the evolution of solutions for the social assistance system in Poland in the years 1990–2015. New regulations, gradually introduced, covered the expansion of the range of services, the verification of the principles and criteria of support, the standardization of social assistance, and other legal changes. In addition, the article examines an essential change in approach to the provision of social assistance to clients. Instead of fostering an addictive attitude (clientelism), emphasis was placed on policies conducive to self-empowerment. In the period examined, the social assistance system remained a principal focus of tasks performed by public administration at central and local government levels, as well as in the activities of various NGOs.

Key words: social assistance, social services, social support, social work, social problems, social exclusion

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