Public administration reforms in Poland

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Structure of the article

The primary theme of the article revolves around the selected areas of governmental public administration: (1) briefly explained historical trends, (2) recent development starting from the beginning of 90’s in reforming the public administration concerning recruitment rules, especially for senior positions. Then the author analyzes the structural problems he identified: (3) political neutrality (in other words politicization), (4) etatist model of public governance, (5) human resources management, (6) deficit of analytical skills, (7) inadequate organizational culture.

These aspects seem to be crucial to be able to adequately characterize main problems as well as challenges in the public administration in Poland faced within last two decades. The author’s final view is that the political class failed to create an effective administrative system which would be helpful for the country undergoing very deep systemic transition from communist period of the time. As a result, government performance failed in many sectors which are fundamental to citizens’ well-being and to economic and social development. Public administration in Poland has been strongly fragmentized and it seems to be a major problem, apart from a far reaching politicization and lack of merit system. The public administration in Poland seems to be underdeveloped in many areas of administrative activity, mainly in terms of the ability to use modern management tools, as well as in terms of programming and implementation of public policies (and employing instruments of evaluation, auditing, as well as organizing public consultation and deliberation).

In the current analysis, the author does not include that part of the public administration, whose job is to deal with providing different types of services relating to issuing identity documents, different types of permits etc. It would be fair to say that the quality of its operations has improved significantly across two decades and a large number of Poles are satisfied with the manner of its operation.

The article does not analyze also the self-government administration. The basic fact is that the Polish state has a very decentralized structures in public administration. There are three levels of self-government with extremely fragmented competences. It has been established finally in 1999 and later on no government initiated to rationalize a system of competences. The government which introduced the next level of decentralization has decided to transfer a production of majority of public services from a central level to local level, without funding them in a proportional way.
Introduction

Over the last centuries, public administration in Poland shared the plight of the Polish state. Starting from around the mid-seventeenth century, Poland as a country has been losing the ability to sustain independence. At the end of the XVIII century, it lost sovereignty to Russia, Prussia and Austria (the so-called third partition of the country occurred in 1795). It regained its independence only after the First World War.

The reason for the collapse of the state in 1795 is, among others, the fact that the ruling classes have failed to forge a modern model of public administration. There were many reasons for that. At the time the dominance of the nobility was a factor of great importance, especially when it comes to powerful magnates (active mainly in agriculture), who subordinated the state and its institutions as well as blocked the formation of professional civil service. Ruling circles of the day lacked the ability to produce modern state structures, including the ability to create the conditions for a professional clerical personnel. Not even the clear structures of the state were created (Bystroń 1976).

After the partitions, the conditions for shaping modern administration were very difficult. Different administration systems existed under different annexations, subordinated to the interests of the occupying powers. Officials’ professional skills were quite low, they were poorly paid, especially under the Russian rule. In turn, in the Prussian annexation the process of the germanization of administration took place, meaning the removal of Polish officials and the introduction of German ones. After World War I a legal basis for the appointment of civil servants was quickly created. In 1922, the parliament passed the law on the state civil service. It alluded to the Prussian-Austrian model of the state service (Gadowska 2015, p. 80). It was, however, amended several times. A sense of instability emerged. There have been attempts to modernize and strengthen the administration, but they did not bring lasting results, since the main barrier, that is the politicization of the administration and its subordination to the interest groups (mainly the ruling class), remained.

In the times of Polish People's Republic (1952-1989) a public administration long functioned on the basis of the pre-war legislation, but the level of officials’ dependence on the political leadership has significantly increased. In contrast, after 1990 public administration has not been recognized immediately as a top priority to be reformed (apart from the question of decommunization in public administration). It was only in 1997 that some important reforms were introduced, which, however, have not solved key problems, such as politicization, politically biased recruitment process, inadequate qualifications of the clerical staff, etc. The administration still remained an organism incapable of effective programming and implementing strategic policies. What is more, the public administration seems to be very fragmented institutionally as it comprises various legal systems which has been created for different kind of public offices and institutions. Many types of problems derive from the fact that
there is no consistent administrative tradition in Poland (Meyer-Sahling, Yesilkagit, 2011) as a result of various cultural and ideological trends visible in a social and political life.

1. Public administration before 1989

Throughout the ages, public administration in Poland was being underdeveloped in many domains in relation to the western countries’ administration. The problem with shaping of the public administration derived from the fact that the rulers faced great difficulty while forming the structures of the state as such. For a long time Poland could not manage to create strong structures of governance, and public authority was highly fragmented. As Jan S. Bystron, a prominent historian and sociologist, writes - until the end of the eighteenth century there was no administration in the modern sense of the word in Poland. Authorities of that time did not form a coherent structure. Their formal hierarchy did not emerge, and their powers have not been clearly defined. "... the whole great state was actually a group of vast quantities of tiny political organisms, connected rather externally with one another, living mostly their own enclosed lives" (Bystron, 1976, p. 310).

Power remained divided between the king, who did not have a support of a strong executive body and the Parliament "which - according to Hubert Izdebski - formally decided on everything, but practically was paralyzed from the second half of the seventeenth century onwards." Marshals, chancellors, treasurers and commanders were appointed, but they acted alone, and coordination mechanisms on the state level were poor. “…various branches of the administration became sinecures for life in the hands of their actual holders, to the exclusive personal advantage of those highly-favoured dignitaries. The King could not call them to account for peculation or maladministration, and whenever the Diet ordered an inquiry to be made it was instantly "exploded" by some hireling of the incriminated dignitaries themselves” (Nisbet Bain, 1909, p.22).

On the territorial level, local councils ruled as well as county clerks were nominated by the king for life (provincial governors, castellans, district heads). There was no rational division of work between them, while certain customary forms and areas of operation emerged. Lack of consistency in the structure of the state and its administration also resulted from the existence of strong regional divisions. A King had a limited power over public administration as the Parliament decided in 1538 that he is not entitled to create new administrative structures on its own. That was the case until the state collapsed. In general, the noble class effectively prevented the king from strengthening the administrative institutions (Bardach, Leśnodorski, Pietrzak, 2001, p. 228). It strongly perceived the king’s institutions as a direct threat to its liberty. As a result, Poland began to emerge as a state of chaos.

H. Izdebski writes about stagnation in the development of offices - a source of the state’s weakness. The practice of vending the offices often took place. It existed also in other countries, but in the case of Poland, it had much worse consequences. In France, the aristocracy took over offices, and yet did not
block the development of a professional bureaucracy, whose members came from the middle class, and were usually better educated than the clerks in the Polish offices derived from a noble class (Izdebski, 1997, p. 49).

The most visible attempts to modernize government and state structures have been undertaken during the Enlightenment. In 1775 an institution called the Permanent Council (Konopczyński, 1986, p. 208.) was established as a system of government as well as administrative authority. W. Konopczyński, historian, called it the first in the modern Poland, "supreme administration set up in an European way" (Konopczyński, 1917). In a political sense, it remained under the considerable control of the countries which later conducted the partitions.

During the partitions the administration was divided between Russia, Prussia and Austria that conducted the partition of Poland. They had different administrative systems. Relative autonomy was visible under the Austrian ruling. The situation was much worse on the Russian terrain of annexation because its administrative system was based on the arbitrary use of power, especially after the subsequent armed uprisings. Under the Prussian ruling there was a process of removing the Poles from the public administration in order to replace them by German officials. At the same time the Prussian system was based on the concept of Rechtsstaat (expressed in German language), which meant a concept of "legal state" or "state of law". So the public decisions had to be based on legal regulations taking into account constitutional rights of citizens. Formally it was conducive to Polish interests but in reality it was very difficult for the Poles to achieve its national goals as a result of lack of economic capital.

After World War I, when Poland regained its independence, the administration of an independent state was gradually reconstructed. In 1922, the parliament passed a law on the state civil service, which defined the structure of officials’ employment. It alluded to the Prussian-Austrian model of the national service as a separate body of employees (Gadowska, 2015, p. 80). However, the Act has been amended several times. The officials had a feeling of high instability. The rulers made attempts to modernize and strengthen the administration, but they did not bring lasting results, since the main barrier, that is the politicization of the administration and the subordination to group interests, remained.

In any case, the legal status of civil servants was being regulated, two categories of state service clerks were separated – officials and lower functionaries of the state, 12 official degrees were established. The category of appointed officials was introduced – they enjoyed a certain stability of employment. With time, however, more and more reasons were introduced for them to be expelled from the office. However, according to some scholars’ assessment, the model of Weberian bureaucracy was established. Clerical staff, who treats their work as a mission to the state, was formed.

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76 Permanent Council acted in the years 1775-1788 and 1793-1795, that is, until the partitions of the country.
Now, let’s take a look at the times of Polish People’s Republic (1952-1989). The political authority subdued administrative staff and it represents a specific feature of the communist period of time in the state affairs. Already in the 50’s some regulations were introduced, which did not require from those willing to work in the administration to possess any specific set of qualifications. What was being counted was the loyalty towards the ruling party, but that was nothing new in Poland. It was a case in the previous periods, although on a smaller scale. At the same time during the communism mostly pre-war regulations remained in force, such as the state Civil Service Act from 1922, which was repealed only on 1 January 1975. Since then, employment in the administration has been carried out on the basis of the Labour Code. Changes in this respect occurred in 1982, when a law was passed on employees of government offices, a law, which aimed to raise the profile of administration officials. The principle of preparing to the job of an official was introduced. So was the periodic assessment of qualifications. Attempts to build the civil service with distinct characteristics compared to other professions were visible. According to K. Gadowska, the new legal regulations did not change, however, the way the administration was functioning. The fact that the clerical profession did not enjoy social recognition, and officials were underpaid, was also very characteristic. Generally, during the communist times the public administration was affected by:

- politicization of the civil service (nomenclature system) including system of recruitment (not based on merit),
- inadequate and rather low skills on the side of clerical staff,
- unclear rules of management,
- low level of policy capacity, lack of capacity to play strategic role,
- intense centralization in decision-making, domination of “silo” ministries,
- lack of social control,
- clientelism and cronyism.

2. Public Administration after 1989

After 1989, the first non-Communist government promised to implement administrative reforms, but in fact, their top priority was limited to decommunization of the administrative staff and to ensure that civil servants would serve the new regime and be loyal to new ministers (Zybała, 2006). This was achieved, however not through introducing politically unbiased recruitment system and merit system, but through voluntary decisions to hire people who enjoyed the confidence of ministers.

Scholars agree that for quite a long time there were no significant reform projects aiming to structurally modernize public administration. Some scholars suggest that this was a result of specific drift, or even chaos in the public sphere (Orłowski, 2010, p. 15). K. Gadowska writes openly about negligence concerning the administration as a subject of the reforms (Gadowska, 2015, p. 5). According to the experts "then-elite ignored the issue of public administration” (Gadowska, 2015, p. 93). It also resulted
from the fact that for quite a long time political community has not treated the public sector as a strategic national resource that defines its ability to govern and implement strategic public policies. A popular media and journalistic discussions reflected the public administration as the minor concern. International scientists and experts tend to share the above-mentioned remarks and they were referred to the general situation in Eastern Europe. Eric M. Rice wrote: „The governments of Eastern Europe have paid almost no attention to civil service reform, even though it is their civil servants who must implement planned reforms. They are relatively uninformed about the systems' operating methods and capacities, as well as the current skills, knowledge, and attitudes of civil servants” (Rice, 1992, p. 120).

Public administration was mainly regarded as bureaucracy and the general public expected to reduce it in order to limit an impact of bureaucratic bodies on citizens and the economy. At the same time in 1991 The National School of Public Administration (KSAP) was created, based on the model of the French Ecole National d’Administration (ENA), where non-political officials were educated to higher positions in the civil service in the dozen-or-so monthly mode. The school did not have, however, a wider impact on the functioning of the administration. It educated every year about 50 people in the 90’s, but about half of them left the public administration after at least 5 years of obligatory employment. Very few graduates achieved higher positions in administrative structures.

After 1989 all ruling parties, as well as largely the whole public, saw the restoration of stability in the economy as the most pressing problem. The economy was affected by high inflation, and was fraught with a number of structural weaknesses, such as high monopolization, low productivity, and the like. Hope to improve the standard of living, which was still low after 1990, was associated with economic reforms.

The first systemic changes in the administration were introduced on the occasion of the reforms that have taken place in other spheres of functioning of the state, for example, when reforms aimed at decentralization of the state were carried out. Local administration was established when local municipalities were created in 1990. In 1999, the second and third levels of local government were established, which also meant an increase in the size of local government administration. In addition, there were changes in the structure of the administration as a result of the formation of regulatory agencies responsible for regulating selected branches of economy. The process of deconcentrating some of administrative institutions began. At the same time a large part of it remained significantly fragmented into various small institutions characterized by a little potential to cooperate and create a synergy effect within a larger network of public bodies.

77 The Energy Regulatory Office, the Commission for Banking Supervision, the Office of Competition and Consumer Protection, the Public Procurement Office, the National Council of Radio and Television would serve as examples.
First major reforms of the internal structures of governmental administration have been implemented in January 1997 on the basis of legislation from 1996. Since then on each ruling party has been changing regulations, although the changes related mainly to the way of filling senior positions in the civil service. Those in power wanted to make sure their trusted people will be recruited for the senior posts.

The government which took office at the end of 1993 introduced a package of regulations as above mentioned in 1997 (Civil Service Act) and that created new framework for the public administration in Poland. Formal separation of politically neutral civil service corps and the political class occurred. So the civil service was meant to be politically neutral by nature. Positions of the minister and deputy ministers were considered political, whereas in the apolitical civil service departments the general manager of the office held the highest position. He was responsible for the functioning of the office, regardless of political shifts. The apolitical body also included directors of departments and their subordinates. The principle of appointing a policy officer – on the basis of nomination – for an indefinite period of time was introduced. The legal act ensured the stability of the officials’ employment. Dismissal could occur in exceptional circumstances, such as breaking the law. Political offices of ministers were also introduced. The minister could employ his political advisors (these offices still operate, but they usually employ political assistants, not policy experts).

According to at least some experts, adopted solutions meant to be based on the French model of public administration. This model assumes that the civil service is a separate career path (career-based system vs. position-based system). Officials are to be hired on the basis of a separate law (i.e. not only on the basis of the Labour Code), they have high guarantees for the maintenance of employment for an indefinite period, some are employed on the basis of the nomination. At the same time special conditions for people who have applied for employment in the administration were imposed (e.g. lack of criminal record, a ban on running a business, etc.).

In addition, a post of the Head of Civil Service was introduced who is appointed by the Prime Minister to whom he is subordinate. His tasks included implementation of the state policy towards the civil service, coordination of activities, planning of trainings, creation of the system of remuneration, collection of data on the civil service, classification of positions and so on.

Recruitment procedures were defined, as well as the concept of the civil service corps, made of civil service employees and civil service officials (the latter were appointed and are still being treated as a circle of officials intended to take over senior positions). Four categories of the clerical employment

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78 This government was set up by the Democratic Left Alliance (SLD), left-wing political party and the Polish People's Party, an agrarian and Christian democratic political party.
were established, including category “A”, which consisted of people capable to occupy senior positions. The “S” category included people with specialized professional qualifications.

The Civil Service Council was established as an advisory body. The Prime Minister was responsible for appointing the members for a time for 6 years, including civil servants who were given one third of posts within the Council.

II

The Act, however, did not last long in the shape described above. The new government\(^7\) which took office in 1997 decided to put across "their law", which entered into force on 1 July 1999. It did not introduce significant structural changes (Gadowska, 2015, p. 121.), but allowed to halt hiring decisions taken by the previous government. It was meant to make sure those they trust will be employed in the public administration.

As part of the reform the position of the Head of Civil Service remained and – as a new ingredient – the Civil Service Office was created for this official. It was to prepare a yearly report on the status of Civil Service. The office was also responsible for recruitment process, and it had to announce vacancies in the Bulletin of Civil Service. As K. Gadowska writes, for the first time in Poland and in Central and Eastern Europe an "open and competitive system of recruitment to clerical posts" (Gadowska, 137) was introduced. But at the same time there have been many cases of employment omitting competition procedures, or violating their spirit. Formally, only civil servants (those who gained the status of civil servant by nomination) could enter the competition for higher positions. However, the regulations were implemented to allow participation of the employees without the nomination within the first five years after the entry into force of the regulation. Politicians of the ruling coalition claimed that there were not enough candidates who met the criteria. But the intention was clear, it was about the possibility to employ people having political connexions. However – according to the Head of Civil Service – the quality of the clerical staff has improved significantly as a result of competition (Gadowska, 2015, p. 144).

Governmental administration employees were divided into two categories: employees of civil service corp and civil servants of civil service corp. The employee meant a person employed on the basis of employment relationship in accordance with the law, while civil servant’s employment was based on the nomination. The post of the Director-General was introduced in the offices and it was the highest position held by the member of the civil service. His role was to administer the office as a whole, ensuring continuity of the work, providing good work organization. In fact, he/she played the role of employers to their employees. The Director-General reported directly to the minister.

\(^7\)The government was set up by the Solidarity Electoral Action, a political party coalition, political arm of the Solidarity trade union and the Freedom Union, a liberal political party.
In addition, a 6-month preparatory service for new employees was introduced. Civil servants were subjected to periodic assessments every two years. Their supervisors were asked to formulate proposals for a development program for each employee.

The system of nominations for the official’s position was significant. Nominated officials consisted of a reservoir of people who could seek top positions in the civil service. They achieved the highest level of employment stability. A person who has been working for at least two years, knew a foreign language, and had a master's degree could apply for the nomination. It was assumed that about 15 percent of civil servants could get it (associated with higher wage and the right to a longer holiday). Special rules for the examinations of those who wanted to obtain the nomination were created.

In addition, the Civil Service Council, now numbering 16 people and elected for six years, was retained. Half of its composition was to come from the parliamentary clubs.

III

The next government\(^8\) (2001-2005) also amended the Civil Service Act of 1998, structurally general framework remained unchanged but transitional provisions were introduced which allowed to employ candidates from outside the civil service corps for senior positions in the civil service, without organizing a competitive procedure, based on fixed-term contracts (Gadowska 2015, p. 150). The process of politicization of the administration grew stronger. However, the Constitutional Court challenged part of the regulations (Rule 144a), which concerned the possibility of employing people from outside the civil service corps to a managerial position. However, in this period, many people from outside the body of the clerical leadership positions were employed as acting directors. Many officials without a political connexions were not accepted by the new government and lost their positions or were transferred to other offices. Sometimes the decision of reorganization of the offices was made in order to get rid of certain officials. Quite often organization of the competitions was delayed in order to extend the period of employment for people who served as directors and who enjoyed political support. In addition, in many cases competitions were organized to ensure people that were employed as acting officials, turned out to be winners. For example, in 2004, 557 out of 1590 senior positions were given to the people previously employed as acting officials. In the entire period of the rule of the Prime Minister Leszek Miller only 20 percent of senior positions were filled by competition (Gadowska, 2015, p. 165). There were cases of delaying granting positions to those who have won competitions, but were not supported by the political leadership.

In addition, there were also many irregularities in filling lower positions (lack of information about competitions in the Bulletin of Public Service, or requirements of the competition formulated in a way

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\(^8\) This government was set up by the Democratic Left Alliance (SLD), left-wing political party and the Polish People's Party, an agrarian and Christian democratic political party.
that only selected people met them). People supported by politicians were employed in the state budgetary units, where there were no employment obligations under the Civil Service Act. At the same time there was reluctance towards hiring of graduates of the National School of Public Administration.

New regulations regarding the competition procedures were introduced at the end of the government of the Democratic Left Alliance. They improved the situation of people who did not have political support. New rules meant that access to information about competitions became easier. The regulations required disclosure of information about candidates and the results of the competition. They hindered capacity to serve as directors in the form of acting officials.

IV

The right wing government (2005-2007) that took office at the end of 2005 decided to completely change the general framework for the public administration. Its main intention was to be able to employ as many people with “proper connections” as possible. Politicians from this party showed a particular distrust of the existing staff employed in public administration. They considered them to be politically engaged, dependent on various lobbies etc. Earlier they preached the need for far-reaching decommunization within the administration.

The Parliament adopted three new laws on 10 March 2006 and on 24 August 2006, which set up the National Reserve of Human Resources (PZK) consisted of people the government could employ in the public administration on higher positions. It allowed to employ employees from other types of public offices, without competition, which are not included in the government administration (e.g. from self-government offices, from the Supreme Audit Office).

Thanks to the new legislation they could be given the status of civil servants and could be appointed to top positions, which until now have been reserved for civil servants - those employed in the civil service by nomination. They didn’t have to, therefore, participate in contests (they were delegated to high state positions from institutions, which previously employed them). The new rules abolished competitions (Gadowska, 2015, p. 192) for senior positions in the civil service.

The government of the time wanted to employ trusted people in the central administration, those, who worked in other state offices (as previously mentioned, in Poland there are several types of public offices, which are governed on different legal systems). And it was a case to a certain extent. During the period of the new regulations, 2018 people were nominated to higher positions and 882 were called off their positions (Gadowska 2015, p. 208).

81 It was a right-wing government set up by the Law and Justice party, the League of Polish Families, a nationalist conservative political party and the Self-Defence of the Republic of Poland, an agrarian party (it combines rather left-wing populist economic policies with religious conservative social policies).
In addition, the post of the Head of the Civil Service was abolished and The Civil Service Office was closed down (its tasks were taken over by Prime Minister's Office). So was the Civil Service Council (in its place a similar body was set up under the name of the Council of Public Service). Some of the provisions were left, such as the formulation of an interim evaluation by a supervisor. The distinction between civil servants and civil service employees was retained. The post of Director General of the offices reporting to the Chief of the offices was also kept.

The new regulations have generated significant criticism presented in many media, also delivered by well-known experts, who argued that the new legislation would cause even bigger loss of autonomy by the administration, and that politicians would decide about the employment. They believed that this would contribute to intensification of the political clientelism and servility. At the same time, according to one of the respondents in the research study, the ruling did explicitly what others were doing quietly (Gadowska, 2015, p. 203). Some publications pointed out, that as a result of these changes the increase in corruption was visible (Ernst&Young 2008, p. 8). Certainly there has been a significant rotation in positions. In the first half of the year 2007 there was a 12.8 percent rotation, and in some offices even more than 30 percent (Gadowska 2015, p. 208). But it could have been caused not only by political factors, but arise because of low wages in the administration.

V

The subsequent government (2007-2015) restored previous regulations. But the model of subordination of administration to the political class remained preserved in various forms.

First, the new government took advantage of the previous government’s regulation on the National Reserve of Human Resources (PZK) to remove some of those in higher positions with political connection to previous government. 655 people with senior positions were exchanged (Gadowska 2015, p. 2016). Also people from outside the PZK were hired on managerial positions without a competitive procedure. This time they were given a title of “department managers” in order to bypass existing legal regulations.

The Government then restored in 2008 regulations known from the law passed in 1998. Again the law was implemented that required a contest to higher positions, as well as to other positions. Competitions are not organized, however, by the restored Head of Civil Service, but are held in the offices interested in employing new staff. Experts point out that no regulations were adopted specifying the mode of their organization. A representative of the Head of Civil Service doesn’t have to sit in the jury, although he can control the course of the contests. Experts note that competitions are conducted according to very different procedures. There are no standards that would ensure optimal choices of candidates. The

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82 This government was set by the Civic Platform, an urban and liberal party and the Polish’ People Party.
introduced solution, according to which two top candidates are selected during the competition, and the head of an institution chooses who he wants to work with, met a strong criticism as well.

It was also provided that higher positions may be filled by a transfer from another position or secondment from a managerial position in another office. It became the subject of experts’ criticism. In practice, 61 percent of senior positions were filled in 2009 based on these regulations (Gadowska 2015, p. 252).

The Head of Civil Service reports directly to the Prime Minister, but the Civil Service Office was not restored. The law restored the 15-member Civil Service Council. This body consisted of representatives of all the parliamentary groups and representatives of the Prime Minister. It remained an advisory body to the Prime Minister. Its job is to express opinions, among others, in matters concerning the civil service, presented by the Prime Minister, the Head of Civil Service or the Council’s own initiative. It can comment on the draft strategy for human resources management in the civil service, the funding of civil service, salaries in the government budgetary sector in the field of civil service, draft laws in the civil service, central training in the civil service, ethics of the civil service corps, the appointment and dismissal of the Head of Civil Service.

Civil Service Council also evaluates, among others, the conduct of qualification proceedings in the civil service, and may refer a representative to observe the course of the selection process carried out for a higher position in the civil service. ³⁸³.

The government, and especially the ruling party, showed reluctance to the public administration. It criticized its bureaucratic way of functioning, even a reducing of the developmental chances of Poland. During a time of the economic crisis, which began in 2008, the government threatened to reduce bureaucracy by which they meant reducing the number of officials. In 2012, the parliament passed a special law which assumed a mechanical reduction of civil servants by 10 percent in almost all offices. The Constitutional Court, however, questioned the law. But, the number of graduates of the National School of Public Administration was reduced, as well as the number of nominations. In addition, the government introduced a long-term freeze of wages in the administration. It was explained by the fact that there was an economic downturn, but officials perceived this as an aversion to their work.

After 2010 some attempt to carry out "soft" reforms was visible, aimed at increasing the efficiency of the administration. Some strategic documents of the state began to formulate the idea that the public administration is a strategic resource essential for the country’s comprehensive development. In 2012 the government introduced regulations that were to define the framework of human resource management in the civil service. It was an attempt to achieve a higher level of professionalism, superior

performance. The Head of Civil Service set up an action plan where the main priority was to create a better environment to apply good management practices and improvements (Report 2013, p.8).\(^{84}\)

The intention was to introduce some elements of human resources management in the civil service, better matching of skills with tasks. Activities in organizing human resource management, hiring and introduction to work, motivation, development and training, and termination of employment relationship were announced. Guidelines for office managers were created. But there were no tangible results of these activities. The impact of the implementation of several projects that were intended to improve the professionalism of the administration, and which were financed from EU funds, could be assessed similarly. According to the officials themselves there were no results of actions that were taken in order to improve training for officials and their professional development (Chancellery of the Prime Minister, 2010, p.11).

The government also tried to modernize the administration under the strategy named "Effective State 2011-2020" (Ministry of Administration and digitalization, 2013). But this is not a document focused on improving the functioning of public administration, but rather the general management mechanisms in the country. However, the processes of computerization of the administration were announced, as there is a low use of IT instruments (Chancellery of the Prime Minister, 2013, p. 15)\(^{85}\), as well as greater institutional efficiency of the state including optimization of governmental organizational structures. There was a talk about managerial model of public management (focus on citizen and the dialogue, periodic measuring of results, the task-based approach), building of the so-called soft skills, as well as interpersonal ones, etc.

The strategy assumes that "Digital technologies enable the increase in government activities’ transparency, the accessibility of public sector resources, the involvement of citizens in the governance and effectiveness of public administration" (Chancellery of the Prime Minister, 2013, p. 27). At the time of writing of this paper, no evaluation of the actions undertaken was available. Many experts have criticized it for excess of goals and unclear rules of its implementation.

VI

In 2015 parliamentary and presidential elections were once again won by the Law and Justice party, this time they can govern on their own. Within a few weeks of its reign the party introduced amendments to the law on civil service (at the very end of 2015). The highest positions have been filled by nomination, including the director-general’s office. Senior positions in the civil service are, therefore, excluded from the procedure of the open and competitive recruitment.

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\(^{84}\) It has been based on the Ordinance No. 3 of the Head of Civil Service of 30th May 2012 on standards of human resources management in the civil service. It has entered into force on the day of its signature.

\(^{85}\) The level of development of e-Government in Poland is among the lowest in the European Union. According to UN e-Government Survey, the index of development of e-Government in 2012 placed Poland at the 47\(^{th}\) place out of 190 countries surveyed, and on the 24\(^{th}\) place within the EU.
The post of the Head of Civil Service has been remained, but its influence over civil service is quite limited. The post can be filled by candidates with having five years of experience on a managerial position in government administration or seven years of management experience in the public finance sector units. The candidate doesn’t have to meet the requirement of not being a member of any political party within the last 5 years. The Civil Service Council was abolished but a similar body, the Public Service Council, was set up in its place.

Much criticism was generated by new regulations regarding contracts for civil servants occupying higher positions. They were meant to be automatically terminated after 30 days from the date of the enforcement of the amended law, if these personnel were not presented with new work and remuneration conditions for a further period or if they do not accept conditions they were offered. The exception covered only nominated civil servants.

The opposition accused the government of liquidating a civil service in Poland. In their opinion Article 153 of the Constitution has been breached, which states that "In order to ensure a professional, diligent, impartial and politically neutral execution of the State activities, the civil servant corps acts in the government administration offices.”

The ruling party argues that former regulations were fictional, while what is important is that the government needs loyal officials to implement significant policy reforms.

2.1 Structural efforts and unsatisfactory results

The above described reforms and changes aimed at characterizing the civil service system and especially showing the recruitment system designed for senior positions. Of course a public administration is much more complex and possess additional components. It would be necessary to describe a bigger set of issues around which some reforms were initiated like pay system, performance management, promotion rules, performance-based budgeting, informatization in public administration institutions, structural solutions on selected levels of state organization.

In truth, the reforms in these areas have not achieved its goals and even attempts to achieve have seemed to be quite modest taking into account the material resources engaged. They have never been on the top of the agenda. A good example seems to be a pay system. No government was able to deal with significant discrepancies in pay which still take place between similar jobs in various ministries (OECD 2013. p. 104). It made an effective administrative work impossible. “Poland is one of just six OECD member countries with no performance-related pay for central government employees (OECD 2013. p. 299). No government was able to implement a centralized salary policy for the civil service.

As was mentioned before, structurally Polish public administration has been strongly fragmentized and it seems to be a major problem, apart from a politicization and poorly developed merit system. There still exist few legal systems for separated public institutions, apart from governmental administration.
One can mention, among others, an autonomous legal system designed for the Supreme Audit Office, the Polish Social Insurance Institution (ZUS), the Parliament, the self-government administration, executive agencies. It means that all of them have separate systems of recruitment, promotion, etc. and very few experts can claim a full knowledge of their internal affairs. So there exists a fragmented network of state-funded institutions and most of them are tasked with very fragmented policy mission to be fulfilled. From the point of view of average citizens there are simply “messy” organizational structures.

The separate story represents the self government administration. The basic fact is that the Polish state has a very decentralized structures. There are three levels of self-government with extremely fragmented competences. It was established finally in 1999 and later on no government has initiated to rationalize a system of competences. The government which introduced the next level of decentralization has decided to transfer a production of majority of public services from a central level to a local one, without funding them in a proportional way. This problem has been raised very early after the reform but with no result. Another set of problems concerns a high degree of politicization of local administration, inadequate skills, structural inconsistencies.

Most scholars claim that intense fragmentation seems to be a main feature of the public administration and as a result of that a coordination issue has emerged as a leading problem. It was meant as a coordination question on the level of policy formulation as well as on the level of policy implementation.

All of governmental cabinets wanted to alleviate this problem. The last cabinets aimed to strengthen a structure of Chancellery of the Prime Minister as a strategic center of government and as a place of strategy setting. This was attempt to improve the capacity to horizontal co-ordination to ensure consistency across various administrative structures. It has failed as a result of various deeply rooted structural inconsistencies being identified like “silos” ministries, spoils system (ministries usually belonged to political factions within ruling party).

The next attempt to modernize the public administration relates to the initiative aimed at streamlining a horizontal coordination and improving the strategic state capacity. The government of Civic Platform and Polish Peasant Party came up with another, this time very ambitious, program which in fact rather failed to achieve its goals. The different opinion was expressed by OECD experts but without providing with the evidence (OECD 2013, p. 63).

The goal was to strengthen the central government’s capacity to articulate a strategic vision for the country through reshaping the process of strategy setting and create a clearer framework for the whole coordination on a state level as well as on regional level.

The governmental officials noted that there are too many strategic documents and some of them did not play a proper role as a real strategic guidance in action. There were over 400 single-sector strategies at the beginning of the 2000s (OECD 2013, p. 12). The governmental experts have consolidated them in a
specific way. Finally they came up with a concept of nine nationally integrated strategies addressing cross-cutting issues plus a National Development Strategy ("Poland 2030") as a long-term strategy and medium-term strategy (National Development Strategy, 2007-2015). This program included a performance monitoring and assessment protocol that was to measure results against strategic outcomes on many levels. There is a widespread opinion among experts that civil servants find the new strategic system challenging and very hard to put into practice.

Another attempt to modernize the public administration refers to the concept of a better quality of law making. To achieve the goal many governmental cabinets after a year of 2000 were coming up with various initiatives aimed at improving law making capacity of ministries. The action plans were to make sure civil servants are better at employing instruments of law making like a regulatory assessment process. The coalition government of Civic Platform and Polish Peasant Party (2007-2015) has introduced new instrument in order to improve a legislative process - a regulatory test as a new stage of law making before a bill will be submitted to the Parliament. It aimed at imposing a pressure on civil servants to produce a better quality bills. The result has been rather mediocre for many reasons, especially as a result that the civil servants had have hard time generating and employing policy knowledge, including producing evidence referring to policy proposals.

Quite similar attempt to modernize a public administration relates to the programme on administrative simplification and reduction of administrative burdens. Every government wanted to improve an environment that is enabling economic competition and make things easier for entrepreneurs starting up new businesses (OECD 2011). The cabinets have introduced legal regulations directed at civil servants to make them more attentive to the needs of private businesses. If their business interest is damaged as a result of administrative action, they can be financially punished.

It is worth noticing also that attempts to reform have been undertaken, among others, under the banner of Europeanization of public administration. In general, scientific literature on this issue was extensive (Kudrycka 2008, p. 210). Many authors have pointed out that Europeanization played a role of a motivation, a kind of drive to reform the administration, through the process of adapting to the presence in the structures of the European Union, including the use of the EU funds. Some showed excessive optimism that joining the EU will significantly contribute to the modernization of public administration. This proved to be naive. However, some changes took place, new institutions emerged, e.g. the new Committee for European Integration was formed in Poland, more strategic departments were founded, separate departments responsible for expenditure of funds were created. There are also new regulations concerning the development policy.

Kudrycka wrote in 2008 that Poland, and in her opinion, other countries (Czech Republic, Slovenia, Slovakia, Lithuania, Latvia, Estonia, Hungary) were in 2008 in the stage of the transformation of the public administration. At this stage, the governments of these countries not only tried to adapt their laws
to the Community law, but also tried to undertake "organizational reforms, transforming almost every institution operating in the public sector "(Kudrycka 2008, p. 211).

The expectations of many scholars often proved to be exaggerated. As Attila Ágh rightly noticed "history matters" when we want to understand in a deeper way a dynamics of processes in public administration. He claims that a neutralization of the pressure of Europeanization was taking place in Central Europe as a result of historical legacies relating to traditional approaches to doing things in the public sphere (2013, p. 748). At the same time many social scientists did not take into account cultural factors that created barriers to modernization of the administration. On the other hand, they felt that some institutional changes will create a dynamic of profound changes in the functioning of the administration. Often, new institutions were only the expression of superficial changes. K. Jasiecki drew attention to the fact that researchers comparing the Polish public administration with the administration in the EU countries use the term "functional duality ". It means that the Polish government creates new institutions based on a model of Western institutions, but it is just a so called “ceremonial activity”. Furthermore, the activity of such an institution does not bring the expected results (Jasiecki 2010). The ruling class creates a lot of informal mechanisms, where clientelism, not meritocratism, are of essence.

In general, the reforms aimed to improve a coordination and effectiveness encountered many serious obstacles, among others:

- lack of partnership between politicians which come up with reform proposals and civil servants,
- difficulties with managing conflicts of interests,
- poor implementation of ill-considered reform ideas,
- poor leadership and poor communication,
- inconsistent administrative traditions influencing a way of thinking about the administrative matters.

2.2 Critical assessment of Implemented Reforms

Most scholars, experts and politicians have claimed a low capacity of the public administration within recent years (Kamiński, 2008). Even many government strategic documents of the state formulate critical comments on the ability of the administration to play strategic functions in the state. Mainly with regard to its capacity to implement public policies, i.e. the programming and implementation of public programs.

The strategic policy report "Poland 2030", which was issued by the government in mid-2009, points out that over the past several years, number of changes has been implemented in administration, but still "an organization was established, with complex and non-functional procedures that lead to operational inefficiency and blurring of responsibility" (Chancellery of the Prime Minister, 2009, p. 303). The authors argue that the administration lacks "knowledge and experience in the field of modern
management techniques”, has difficulty in keeping up with the civilizational and economic progress, as well as with changes in the geopolitical sphere. Administration lacks the ability “to properly determine and set the trend in 'public management', which becomes an obstacle to effective 'governance' of the country.”

The “National Reference Framework 2007-2013” – the state’s strategic report - says that the Polish administration rarely uses modern management methods in daily activities, and that its main drawback is the narrow scope of application of the process organization concept in carrying out its tasks. Such an organization is characterised by the fact that it is designed "from bottom - up", i.e. from design of procedures that allow understanding of the specific needs of customers whom it supports (Ministry of Regional Development, 2007).

In turn, the “National Development Strategy for 2007-2015” indicates that public administration failed - despite their efforts - to fully introduce modern management techniques. "Polish public administration is still characterized by systemic weaknesses resulting from historical events, as well as the lack of consistent reforms of its functioning. As a result, public administration shows a high rate of staff turnover and lack of appropriate incentive schemes” (Ministry of Regional Development, 2007). It is also negatively affected by low confidence in public authorities and institutions (Ministry of Regional Development, 2006, p 16).

The public administration, especially central one, and its problems, illustrate well the failures occurring in the planning and implementation of projects important to the functioning of the state and its citizens. It failed to properly execute major IT projects, which were to improve various functions of the state, and which were given funds from the European Union. Implementation of IT projects in the health system institutions were repeatedly delayed (e.g. e-Prescription, e-Health, computerization of medical records, etc.). Still not even the foundations of the system exist. In many cases, the attempts of implementation of IT systems ended in corruption scandals, or waste of public money. As a consequence, the development of e-Government is one of the lowest in the European Union.

Central and local administration did not obtain the proper skills to support processes of public consultation on draft legislation. As the government's strategy “Efficient Government 2020” says, the administration does not fully employ the tools of social and civil dialogue in public debates, and ignores others, non-traditional, non-governmental partners (e.g. unions). Moreover, communication with the public is not always complete and consistent at the programming stage (Ministry of Administration and Digitalization, 2013, p. 14).

Officials often struggle to effectively employ key instruments being designed to produce a high quality legislation, which is drafted in ministerial departments and which later is to be submitted to the parliament. What is meant are tools such as a regulatory impact assessment as well as a regulatory test
used to control a quality of legislative drafts. Civil servants reluctantly order and use evaluation reports which are supposed to collect objective data to make sure the goals have been achieved.

Officials have difficulty with understanding the strategic challenges as well as rules of policy programming. Although they contribute to strategic programmes, they are not able to use them as a basis for daily, operational activities. For instance, important reform ended in failure referring to efforts undertaken since 2006 to introduce a new system of public expenditure programming on the basis of the so-called performance budget (performance-based budgeting). In this framework, public funds’ expenditure was to be based on an assessment of the results of previously taken actions. As a consequence of it the Polish administration remains inefficient and is not result-oriented (Hardt, de Jong, 2011).

Far-reaching fragmentation of administration represents an additional structural problem. In fact, there are many different systems of administration, which have different legal bases. Local government acts on the basis of separate regulation, and so do institutions such as the Social Insurance Institution (ZUS), the Supreme Chamber of Control, the Chancellery of the Sejm and the Senate. This fragmentation causes the lack of uniform standards of officials’ work, for example management rules etc.

Witold Mikulowski concluded in 2011 that Poland, like most post-communist countries is "still looking for a suitable model for the civil service and the correct status of its members" (Mikulowski 2011, p. 27). S. Bienias and P. Żuber, analysts from the administration sector, show that kind of stigma is linked to the search for an appropriate administrative model - the lack of the vision for the modern state model, which is associated with the "underestimation of the issues related to the organization of the management system in the public sphere" (Bienias, Żuber, 2008, p. 86.).

The above mentioned critical remarks about the state administration, however, have to be relativized. They relate mainly to the ability to perform strategic functions linked to the programming and implementation of the state – relevant projects. On the other hand, it must be emphasized that the part of the administration that deals with direct support of the population in the area, e.g. issuing various types of documents, such as identity cards, passports etc., has significantly improved.

2.3 The problem of the politicization

Despite some efforts, the basic problem remained in place which is a far-reaching politicization of the civil service as an appropriation of public agencies by a specific political coalitions and sometimes even by interest groups (Nicole de Montricher, p. 296). In general, politicization – as Luc Rouban writes - represents a serious threat to professional status of civil servants and the strategic balance that has gradually been achieved between public administration and politics in mature democracies (Rouban, 2002).
The paradigm of politicization has a very complex characteristics and rich historical background. As a result, politicization in Poland is visible in many areas including in the recruitment process. This contribute to an employment of people with inadequate qualifications which are not tailored to real needs in administration. In fact, it does not open the possibility of building a strategic potential in the central administration. This makes the professionalization of the civil service impossible. The politicization has been based on patronage. Political leaders who take office, employ its political allies not only as political advisers in political cabinets. They employ them on civil service position breaking rules in recruitment procedures. The politicization is a widespread phenomenon in many countries including western democracies but in Poland it prevents a country from creating a professional civil service.

The excessive politicization seems to be the the result of the characteristics of political culture in Poland (Kaminski 2008, p. 62-63). Kaja Gadowska and Tatiana Majcherkiewicz claim a vulnerability of administration to political patronage (Gadowska K, Majcherkiewicz, 2005) as a result of spoils system which has been established in Poland.

A politicization can be recognized as a main reason why several attempts of professionalization of corporation of civil servants being undertaken failed to achieve its goals. In fact, every political cabinet produced usually a significant turnover in governmental (as well as in local government) administration. This had many devastating effects on the state and the quality of the administration, for example weakened an institutional memory within public agencies. During his first months in office, Waldemar Pawlak (1993) dismissed every fourth senior civil servant (Gadowska K, Majcherkiewicz, 2005). Later on the situation did not improve much. In the Ministry of Health - as Table 1 shows - in some years we saw exchanges of a large number of the directors and deputy directors. In 2002, 11 out of 18 directors of the departments were dismissed, as well as 10 deputy directors. In 2003, 8 directors were dismissed and appointed. In subsequent years, the scale of appeals and nominations was significant, especially in 2007 and 2008.

As a consequence, the directors now hold their positions for a short time. The term of office averaged less than 2.5 years on the director's position and the average period of employment at the Ministry of Health before the appointment to the Director’s post - 1.7 years. A significant rotation is also visible in the executive agencies of this ministry. In the National Health Fund in some years the president was appointed and dismissed twice during the year (2003, 2004). The chairman working since 2009 was the seventh person in this position since 2003. Medical, Financial and Uniform Vice Presidents’ posts were also marked by a high turnover.
Table No. 1: Turnover on the post of director and vice-director in the Ministry of Health (2000 - 31.05.2009).

<table>
<thead>
<tr>
<th></th>
<th>Appointed Directors</th>
<th>Vice-Directors</th>
<th>Dismissed Directors</th>
<th>Vice-Directors</th>
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<tbody>
<tr>
<td>2000</td>
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<td>7</td>
<td>3</td>
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<td>2002</td>
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<td>7</td>
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<td>2003</td>
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<td>2004</td>
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<td>2005</td>
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<td>9</td>
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<td>2006</td>
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<td>2007</td>
<td>2</td>
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<tr>
<td>2008</td>
<td>10</td>
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<tr>
<td>2009 (until 31 May 2009)</td>
<td>-</td>
<td>2</td>
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Source: Ministry of Health [published in The challenges in the health system - human resources and organizational resources in central institutions (ed. A. Zybała) report commissioned by the World Health Organization, National School of Public Administration, 2009].

2.4 Etatist model of public governance

Full understanding of the characteristics of public administration in Poland and the issues that affect it requires a broader context to be explained. It is necessary to appeal to the notion of public governance. It shows the area of the entire constellation of relationships between the main actors that participate in the public games in order to influence decisions making process (Kooiman, 2009).

In Poland the etatist model of public governance has been formed in the long process. This means that politicians as a ruling class tend to subordinate the others stakeholders in the public sphere. They have formed a one-tier government system, and therefore have tended to use various methods to make others dependent on them. This refers to public administration, but also to other entities such as local governments, academic institutions, business etc.

This is due to cultural factors. Poland has long been firmly rooted in the authoritarian model of social relations and relations between social groups. Stronger social groups do not seek consensus, but make full use of their advantage over other social groups.
The ruling allowed for the implementation of certain reforms within the administration, but always did it in a way which prevented the emancipation of groups working in the administration. It was evident even in the case of creating a formula for the introduction of the executive agencies or regulators in administrative structures. Such an operational model was established, which allows the ruling to exercise direct control over them.

Politicians did not allow the creation of the civil servants’ corporation, which would set up standards of operations on its own and which could serve as a partner for politicians in the process of creating administration’s strategic potential. Western European model, in which the administration is accountable not only to political superiors, but also to the parliament and the society, was rejected. Politicians block the introduction of mechanisms of transparency, as well as the rules of evaluation of the actions undertaken by the administration (because they identify themselves with the results of their actions). In other words, political parties do not reform government in the Western European spirit, because they assume that after the electoral victory they will want to control the administration, and especially the staffing process.

2.5 The role of human capital

As mentioned before, administrative reforms conducted during the past 25 years were not translated into better functioning of public bodies. The greatest failures are noticeable in the following areas:

- matching of officials’ qualifications with the specificity of tasks conducted by ministries and other public institutions,
- organizational culture.

Problems with managing the qualifications are difficult to be described based on research, because it was not conducted on a scale that would allow full assessment of the situation. Authorities do not design in a formalized way the qualification resources, which they consider essential to carry out their public duties. Relevance of existing qualifications and the qualifications that would be deemed necessary is not assessed.86

The state’s strategic report “National Strategic Reference Framework 2007-2013” states that human resources management in administration is often limited to the process of "administering" the staff. A number of studies, which were created in this environment, admitted that there are a lot of problems in matching the training system to the needs of the administration, and even more to ensure that they support the modernization of administration.87

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86 The study showed the need for qualifications in the whole administration. It was based on officials’ statements. They adjudicated which qualifications they needed.

87 Carried out in the framework of the EU project "Analysis of training needs in the public service 2008".
Research included in the report "Analysis of the public service training needs 2008" indicates that the staff policy of different offices, including training policy, was neither clear to the employees themselves, nor to executives. This study also contains the statement that human resource management system remains in a vacuum, since there is no promotion policy, professional development system, or financial resources for their implementation. Such a statement was also included in a document created by a group of top officials who worked on the training system for the administration (Chancellery of Prime Minister, 2010). In addition, it indicates the analyses, which show that the central actions concerning training seem random and inconsistent (Chancellery of Prime Minister, 2010, p.14).

In 2008, important steps were taken to strengthen the human resources management mechanisms. The first evaluation principle was introduced for people taking up employment in the civil service. Interim evaluation of people employed for an indefinite period was also formulated, as well as an individual professional development program (established for each member of the civil service corps). This program provides a basis for directing each officer to the suitable training. These initiatives were aimed at developing the system of job evaluation, assessment of professional development and effective matching of the wage system. For now, however, the system has been criticized by officials themselves, since they feel even more dependent on their superiors’ voluntarism.

2.6 The role of analytical skills

One of the biggest problems is that administrative staff suffers from a deficit of analytical skills. As a result, the public administration lacks the policy capacity, which would allow it to generate the expertise needed to act effectively (including planning and contracting). Michał Kulesza, one of the most prominent experts in public administration, once accurately said, that the problem of the Polish administration lies in the fact that it has not been absorbed by experts into its ranks. It remained in the era of traditional civil servants in the proverbial sleeve-covers. At the same time, we live in times of experts, so there has been an incredible growth of policy knowledge in almost every aspect of individual and collective life. More and more public decisions rely on policy knowledge. In other words, if state institutions are to be effective they must be able to generate increasing resources of policy knowledge.

At presence, the administration does not use internal mechanisms of experts’ inclusion. These structures that are in use, were introduced mainly to facilitate a wage policy. On the other hand, it is not clear which of the positions in the existing structure are associated with expert functions and which relate to organizational matters. As a result, the system of administrative positions in the civil service is not transparent enough as well as consistent. The employment of a given person at a given workplace is
largely discretionary.\textsuperscript{88} Level of education (usually higher), and a number of years of employment are the assumed qualifications necessary to obtain the post.\textsuperscript{89}

Experts, often academics, are mostly included in various bodies organised by ministers, heads of offices. These are advisory in nature, although it is often difficult to assess their contribution to the decisions taken by authorities (Ministry of Labour and Social Policy, 2011).

The next problem relates to the knowledge management in administration. The research study indicates, among other things, that in the ministries the system of circulation of information and knowledge fails. Less than half of the respondents admitted that their department created a system of knowledge management. Officials do not sufficiently employ solutions in order to guarantee the institutional memory of their offices. Teamwork, as well as cooperation with external experts who support learning of employees and enhance their potential, are rare. In contrast, officials learn from their own mistakes and practice self-education ... (Chancellery of the Prime Minister, Appendix 2 2011, p. 25-26). Offices tend to rely on their own accumulated knowledge, whereas knowledge from outside is only supplementary ". In addition, many offices lose previously accumulated knowledge as a result of significant staff turnover. The research conducted in the Ministry of Health indicated that this problem presented itself there in an acute form. For some actions taken by the department, it was difficult to recreate the decision-making process, because in 2-3 years almost entire organizational units have changed and many people participating in the process have left work (National School of Public Administration, 2009).

Studies involving four ministries also point to weak analytical capacity and low knowledge management skills. It turns out that they do not undertake "(...) regular analysis of their own actions; external interactions also practically do not exist in an institutionalized form, and ad hoc expert solutions are used instead". Researchers suggest that self-reflection takes place, but only on individual and small teams’ levels. In addition, ministerial officials tend not to define operational goals in a clear way, which creates a situation, where officials take corrective actions only, and not the action in a form of a comprehensive reform. Researchers do not discern any efficient structures designed for the storage and distribution of policy knowledge in the offices, which causes - as has already been stated above – the frequent loss of knowledge and the necessity for its repeated production.

Researchers point out that there is no tendency to carry out critical analysis of new solutions introduced by the officials. They hardly come under public scrutiny. "Ministries therefore operate in a state of

\textsuperscript{88} Assessment of the Civil Service Act of 24 August 2006. (Dz. U. No 170, item. 1218, as amended. d.) and the Act of 24 August 2006 on the state human resources and high state positions (Dz. U. No 170, item. 1217 as amended. d.). Information for the Administration and Home Affairs Committee of the Polish Sejm, Prime Minister's Office, Civil Service and State Staffing Department, Warsaw 2008.

\textsuperscript{89} Regulation of the Prime Minister dated 16 January 2007 on the definition of official posts, required qualifications, degrees of official civil servants, multipliers to determine the remuneration and the detailed rules for determining and paying other benefits to members of the civil service corps.
permanent change, without realizing any direction and possible effects of further reforms. This makes the generating of meaningful and rational improvements impossible as well as limits all learning activity to be reactive in style of 'firefighting') (Euroreg, 2010, p. 51).

Ministerial departments show no inclination to use an external experts’ support. This is due to several reasons. Officials’ lack awareness of the usefulness (and in some cases the need) to conduct research and analysis using external support. The researchers found also that the officials feel reluctant to share problems occurring in the office or in the area of their interests with external experts (so-called “Not bringing filth outside the office”).

2.7 Organizational culture

Many experts emphasize that the Polish system of public administration remains quite archaic when it comes to the characteristics of administrative structures. The main objection is that it is still too hierarchical. The authors of the government's strategic report "Poland 2030" state that the Polish administration is still dominated by "highly hierarchical Weberian model of administration and rare delegation of responsibilities take place. The results are: poor efficacy, lengthy procedures and difficulties in introducing modern tools of human resource management, as well as bonus systems” (Prime Minister's Office, 2009, p. 308).

The above-mentioned observations have been based, among other things, on the analysis of organizational structures adopted in ministries (National School of Public Administration, 2009). Polish public institutions are usually organized vertically with very few horizontal structures (levels) which in turn dominate in western administrations. The deficit of horizontal structures contributes to the fact that officials from various "sectoral" departments rarely cooperate in implementing projects that require diverse and complementary competencies. Vertical integration in central administrative units matters a lot. It influences the way the information and knowledge circulate as well as how decisions are made. It involves many serious risks including institutional bottlenecks as a result of fragmentation and lack of cooperation.

This organizational model causes the following:

1. strengthening sectoral approach to problem analysis (silos). Thus, the administration finds it easier to establish relationships with industry stakeholders that participate in collective bargaining rather than with citizens,

2. weakening the strategic programming abilities (limits the potential to analyse the problems which cross inter-sectoral borders).

The issue of organizational culture in Polish administration’s institutions has been poorly studied so far. However, broader research involving organizational culture in various institutions was conducted. J. Hryniewicz’s studies show that Polish organizations have the characteristics that make it difficult for
them to adapt to today’s realities that increasingly grow more complex and pose increasing demands in various fields (e.g. in terms of having specialized knowledge). They have a strong tendency to introduce the informal rules. There is also a tendency to limit the objective problems’ analyses, to limit the diversity of expressed opinions. Moreover, according to J. Hryniewicz, institutions are not able to maintain partnerships with other entities.

Some of the symptoms of public administration malfunction can derive from the lack of coherent administrative tradition and it seems to be the case of Poland. J. H. Meyer-Sahling and K. Yesilkagit claim: “The administrative traditions of CEECs [Central Eastern European Countries - AZ] look far less consistent compared to Western Europe. For CEECs, research on the institutionalization of core executives points to ‘institutional weaknesses’ and thus frequent changes of formal institutions as a characteristic feature of post-communist executive governance. At the same time, public administration debates emphasize that informal patterns of behaviour value and norms have persisted after the change of regime from communism to democracy. As a result, a general discrepancy between legislative intent and administrative practices remains a hallmark of post-communist administrations” (Meyer-Sahling, Yesilkagit, 2011, p. 318).

Generally, it was not until after 2000 when the important reflection and conclusions emerged among decision-makers. Later on many of them deeply realized the importance of links between the strategic reform failure and a low capacity of public administration. But it was quite late and there were not any real instruments available to modernize the machinery of public administration. The negative critical junctures have been rooted, among others a politicization of civil service as well as a lack of merit-based system when it comes to recruitment and promotion system. What is more, to some extent, the path dependency theory explains many processes visible within the public administration (Pierson 2000) which relates to a burden of communist times as well as much deeper historical periods when Poland had very serious difficulties with establishing effective public institutions. The fact is that “the boundaries between pre-communist and communist legacies are not clear” to distinguish (Ekiert, Hanson 2003).

3. Best practices and recommendations for implementation in other V4 countries

Many quite similar problems affect Poland as well as other countries of the Visegrad Group. They also face the same challenges. In my opinion a vital one pertains to the question of capacity to reform, or the ability of governments to form an administration with a strategic potential.

The ruling class in these countries struggle to understand what public administration reforms are in today’s world. They often do not take into account the complexity of it. A concept of reform should not be limited to new packages of legislation. J. J. Hesse claims the task of modernizing public administration goes much beyond basic legal norms (1993, p.III-IV). A.J.G. Verheijen pointed: “The adoption of laws was considered the panacea for addressing problems such as politicization,
fragmentation and instability [concerning public administration in post-communist states - AZ]. The adoption of civil service laws in a large number of states in the region, however, has not resolved the problems of instability and politicization and has rarely led to the development of a well-working system of long-term career development” (Verheijen, 2003, p. 491).

The point is that an approach to reforms limited to legislation may be easily ignored or considered to be too weak to cause any reaction or engagement from key stakeholders (civil servants, politicians, local authorities etc.). Reforms in public administration take place in a complex environment, there are many stakeholders, various interest groups involved and their preferences etc. Reformers should have known how to generate synergies among them.

Public administration should be regarded as an organic system with a high level of complexity and multiplicity of feedback mechanisms among its components. Reforming it requires therefore a special sensitivity to the dynamics of the relationship between its components. The reformers should deeply understand the true nature of public governance or mode of governance which take place through networks which consist of various interest groups which are entitled to achieve its goals.

In Poland, many politicians, but also scholars, tend not to recognize the complexity and specificity of public administration. They believe that, when a common problem of appointments is solved, or when a better wage system is introduced, the administration as a whole will cease to be the state’s "sick organ". The problem is that the public administration includes a plurality of components or dimensions. It is a question of what are the critical junctures that need to be reformulated as a precondition of achieving the planned outcomes (it means more efficient administration).

There are listed below some of the key objectives that should be included in the reform projects:

- improving the skills to recruit candidates with qualifications appropriate for the posts,
- matching officials’ skills with their tasks (management skills), the ability to use the performance management tools,
- ensuring a sustainable career (including its stabilization),
- better incentive systems (payroll systems and material incentives, but also others),
- improving organizational culture by building trust and openness, as well as the development of knowledge,
- increasing absorption of knowledge – in other words, the ability to accumulate expertise (policy knowledge) and use it in planned activities,
- political neutrality, including the subjectivity (relative autonomy) of the administrative corporation in relation to the political class,
- streamlining institutional coherence as well as system of competences on all the level in public administration,
- adequate funding of public services on a local level.
In my opinion, the success of reforms relies on the provision of greater partnership between a corporation of civil servants and a political class. The point is that the first ones need more autonomy to be able to be a real partner to the second group. Until now politicization, clientelism sustained by politicians has been the main obstacle to it. It strips civil servants off professional autonomy (subjectivity). In the Visegrad Group it can be regarded as a key objective for the future, hopefully not too distant one. It would be a vision or concept for the future to be achieved. At the moment civil servants are not motivated enough to play a role of active stakeholder in a reform process. What is more they are unable to carry out bottom-up efforts aimed at improving their professional standards.

In the West, especially in Great Britain, the administrative staff has relative autonomy as a corporation from the political class and is accounted for not only to politicians but also to the parliament and the wider public.

“The Polish public administration employs approximately 643 000 staff, not including teachers, doctors, soldiers or officers. Of this number, about 122 000 (about 19 %) are members of the civil service corps.

Employment in general government as a percentage of the total labour force in Poland was 9.7 % (2008), well below the OECD average of 15.0 %; compensation of government employees accounted for 10.2 % of GDP (2009), 1 point below the OECD average of 11.2 %”.

There are two categories of employees:
civil servants (urzędnik służby cywilnej),
civil service employees (pracownik służby cywilnej).

Civil servants comprise 5.9 % of the civil service corps. They are nominated through a career-based system. Most of them have passed an examination of the knowledge and skills. A minority have graduated from the National School of Public Administration, which is part of the civil service system.

References

- Chancellery of the Prime Minister (2011), Diagnosis of human resource management in the civil service as Appendix 2 to The human resource management in the civil service strategy, Warsaw 2011.
- Chancellery of the Prime Minister (2010) The report of the Working Group on Civil servants’ education system and the National School of Public Administration, Warsaw.
- Chancellery of the Prime Minister (2009), Poland 2030. Report Development Challenges, Warsaw.
- Ernst&Young (2008), Corruption zones in a system of management in Poland’s public administration, Warsaw.
- Gadowska, Kaja (2015), Dysfunctions of the administration. Civil Service in neo-institutional perspective, Jagiellonian University, Cracow.
- Gadowska K, Majcherkiewicz T (2005), Political clientelism in Public Administration. A case study of institutional changes in the post-communist state of Poland, the conference paper presented at the 13th NISPAcee Annual Conference, "Democratic Governance for the XXI Century: Challenges and Responses in CEE Countries", Moscow.
- Hardt Ł., de Jong M. (2011), Improving the Quality of Governance in Poland through Performance Based Budgeting, Ernst & Young Poland, Warsaw
- Izdebski, Hubert (1997), History of administration, Liber, Warszawa.
- Konopczyński, Władysław (1917), Genesis and the establishment of the Permanent Council, Cracow Academy of Learning
- National School of Public Administration (2010), The report of the Working Group on Civil servants’ education system, Warsaw.
- National School of Public Administration (2009), The challenges in the health system - human resources and organizational resources in central institutions (ed. A Zybała) report commissioned by the World Health Organization.
- Nisbet Bain R. (1909), The last King of Poland and his Contemporaries, Methuen&Co., London.