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**THE ESSENCE AND FUNCTION OF BENEFITS
SATISFYING BASIC SOCIAL NEEDS
OF CITIZENS - SELECTED ISSUES IN THE CONTEXT
OF THE IMPLEMENTATION
OF THE NATIONAL SOCIAL POLICY¹**

Keywords: social policy, social safety, social assistance, benefits, Human Capital Development Strategy.

ABSTRACT: State social policy should take into account the subsidiary nature of assistance from public authorities in relation to the activity of the interested parties in their efforts to find and pursue work.

Social assistance supports individuals and families in their efforts to meet the necessary needs and enables them to live in conditions which conform to human dignity. This aim is achieved by preventing insurmountable, difficult life situations when an individual in a crisis situation ceases to be self-sufficient. A classified form of this difficult situation is the case of individuals (families) who are on the verge of social exclusion. For it is the category of “social safety” that accommodates those allowances that are directed at individuals (families) being in a particularly difficult situation, and their function is to prevent the deprivation of needs.

The group of social safety benefits singled out in this study constitutes a sub-category of social assistance benefits. Providing social safety is implemented with the use of a directory of services of different specifics, roles and functions.

¹ Translated by Daniel Wacinkiewicz, Agnieszka Kotula.

PLACE AND ROLE OF SOCIAL SAFETY BENEFITS IN THE SOCIAL SECURITY SYSTEM²

The area of state social policy is the subject of many scientific disciplines, particularly of legal, economic and social sciences³. Of structural relevance to this policy are the regulations of several laws that make up the category of 'social safety'. Key role in this regard falls to the consti-

² Analyses contained in point 1 constitute an abridged and modified version of analyses contained in the study: „Zaspokajanie podstawowych potrzeb socjalnych obywateli – koncepcyjne założenia wstępne wyodrębnienia kategorii bezpieczeństwa socjalnego na gruncie normatywnym” in: *Sposoby pojmowania bezpieczeństwa w wybranych obszarach życia publicznego*. Zbiór studiów, Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej w Gorzowie Wielkopolskim of 2013, No. 2.

³ The issues of social assistance, perceiving it now only from a legal perspective, are the subject of numerous studies in the doctrine. Taking into account only selected new publications, attention should be paid to the commentaries on the Law on Social Assistance: W. Maciejko, P. Zaborniak, *Ustawa o pomocy społecznej. Komentarz*, 4th edition, Warsaw 2013 and S. Nitecki, *Komentarz do ustawy o pomocy społecznej*, Wrocław 2013. Among monographs, worthy of attention are the following: Z. Góral (Ed.), *Bezrobocie i polityka zatrudnienia*, Warsaw 2013; I. Sierpowska, *Pomoc społeczna. Prawo do świadczeń. Zasady przyznawania świadczeń. Pracownicy pomocy społecznej. Decyzje w sprawach pomocy społecznej*, Warsaw 2013; J. Auleytner, *Polityka społeczna w Polsce i w świecie*, 2nd edition, Warsaw 2012; I. Sierpowska, *Pomoc społeczna jako administracja świadcząca. Studium administracyjnoprawne*, Warsaw 2012; J. Auleytner, *Polityka społeczna w Polsce i na świecie*, Warsaw 2011; I. Sierpowska, *Prawo pomocy społecznej*, 4th edition, Warsaw 2011; S. Nitecki, *Pomoc społeczna. Procedury i tryb przyznawania świadczeń*, 3rd edition, Wrocław 2012. What is also worth pointing out is articles in collective works and periodicals, in particular: P. Broda Wysocki, P. Kurowski, *Próg interwencji socjalnej czy minimalny dochód socjalny? Refleksja nad propozycjami zmian w pomocy społecznej*, *Polityka Społeczna* of 2013 No 4, pp. 1–6; A. Miruć, *Współdziałanie podmiotów zajmujących się pomocą społeczną* in: B. Dolnicki (Ed.), *Formy współdziałania jednostek samorządu terytorialnego. Materiały konferencyjne* Warsaw 2012, p. 52 et seq.; E. Bojanowski, *Refleksje nad charakterem prawa jednostki do pomocy społecznej* in: M. Seweryński, J. Stelina (Eds.), *Wolność i sprawiedliwość w zatrudnieniu. Księga pamiątkowa poświęcona Prezydentowi Rzeczypospolitej Polskiej Profesorowi Lechowi Kaczyńskiemu*, Gdańsk-Sopot 2012, pp. 37–41; A. Miruć, *Prawo stanowione przez administrację publiczną w obszarze pomocy społecznej – wybrane zagadnienia* in: M. Stahl, Z. Duniewska (Eds.), *Legislacja administracyjna. Teoria, orzecznictwo, praktyka*, Warsaw 2012, pp. 486–503; M.P. Gapski, *Prawo do pomocy społecznej w orzecznictwie sądów administracyjnych (wybrane zagadnienia)* in: R. Szychmiller, J. Krzywkowska (Eds.), *Problemy z sądowną*

tutional regulation. Art. 67 of the Constitution of the Republic of Poland provides for the right of a citizen to social safety in the event of incapacity for work due to illness or disability, and after reaching retirement age. This right is also held by a citizen remaining without a job, not of his own will and having no other means of support. The Constitution does not prejudge forms of implementation of the right to social safety, nor does it define clearly the criteria and directions for determining boundaries. In both cases, determining the scope and form of social safety has been left to the ordinary legislator. This means that the entire system of forms should be established (with varying scope, completing the content of the term), enabling a citizen remaining without a job not of his own will and having no other means of support to implement his right to social safety.⁴

“Social security” is not synonymous with “social assistance”⁵. Beyond this, it covers “social insurance” and “public procurement”, while social assistance alone is, in reference to the remaining forms of social security,

ochroną praw człowieka, Vol. 1, Olsztyn 2012, pp. 589–601; A. Miruć, *Decyzja administracyjna jako prawna forma działania administracji pomocy społecznej* in: J. Łukasiewicz (Ed.), *Władztwo administracyjne. Administracja publiczna w sferze imperium i w sferze dominium*, Rzeszów 2012, pp. 423–441; D. Lebowa, K. Sikora, *Zadania organów administracji publicznej w zakresie realizacji świadczeń pomocy społecznej rodzinie i prawne formy ich realizacji* in: S. Bębas, E. Jasiuk (Eds.), *Prawne, administracyjne i etyczne aspekty wychowania w rodzinie*, Vol. 1, *Materiały konferencyjne*, Radom 2011, pp. 271–293; R. Babińska-Górecka, *O funkcjach prawa pomocy społecznej* in: Z. Kubot, T. Kuczyński (Eds.), *Z zagadnień prawa pracy i prawa socjalnego. Księga jubileuszowa Profesora Herberta Szurgacza*, Warsaw 2011, pp. 372–384; A. Jachowicz, *Zarządzanie systemem pomocy społecznej*, „Samorząd Terytorialny” 2011, No. 9, pp. 33–39.

⁴ Constitutional Court judgement of 20 November 2001, SK 15/01. This position is consistent with previous decisions of the Constitutional Court. See in particular the judgement of the Constitutional Court of 19 November 1996, ref. K. 7/95. The issue of social safety (in the context of Art. 67 par. 1 of the Constitution) is the subject of an array of decisions of the Constitutional Court.

⁵ The “right to social assistance” itself is not explicitly guaranteed by the constitution, and the basic law refers to it indirectly, through the principle of subsidiarity and the institution of social safety. For this, see: I. Sierpowska, *Komentarz do art. 1* in: I. Sierpowska, *Ustawa o pomocy społecznej. Komentarz*, 2nd edition, ABC 2009, Lex No 7978.

of a complementary nature⁶. One can even conclude that social assistance is the last link in the system of social security and is of a complementary nature. Besides, there is a set of characteristics that distinguish social assistance from other forms of social security (that is, from other benefit systems) – in particular, on the side of citizens there is no legal claim to provide assistance⁷.

Key to the organisation and functioning of the social assistance system is the definition contained in the Law of 12 March 2004⁸. It characterises social assistance as an institution of state social policy, aiming at enabling individuals and families to overcome difficult life circumstances that they cannot transcend by means of their own rights, resources and capabilities⁹.

Social assistance supports individuals and families in their efforts to meet the necessary needs and enables them to live in conditions which conform to human dignity. This aim is achieved by preventing insurmountable (using their own rights, resources and capabilities), difficult life situations when an individual in a crisis situation ceases to be self-sufficient. Taking the perspective of structural assumptions of social assistance, what also needs to be emphasised is the fact that the support for an individual (family) serving to overcome a difficult life situation is of a temporary nature only, and the essence of the difficulty faced by the beneficiary points to the (objective) inability to overcome it without the help of the state¹⁰.

⁶ See Constitutional Court judgement of 20 November 2001, SK 15/01 and the subject literature referred to within, in particular T. Zieliński, *Ubezpieczenia społeczne pracowników. Zarys systemu prawnego – część ogólna*, Warsaw-Cracow 1994, K. Kolasinski, *Prawo pracy i zabezpieczenia społecznego*, Toruń 2001; J. Jończyk, *Prawo zabezpieczenia społecznego*, Cracow 2001.

⁷ See Constitutional Court judgement of 20 November 2001, SK 15/01 referring in this regard to the doctrinal position – K. Kolasinski, *Pojęcie i kryteria rozróżniania form zabezpieczenia społecznego*, PiZS 1969, p. 5.

⁸ The Law of 12 March 2004 on social assistance, consolidated text. Journal of Laws 2013.182 as amended. – hereinafter referred to as LSA.

⁹ Art. 2 par. 1 of the LSA.

¹⁰ For this see, e.g. the judgement of Provincial Administrative Court in Gdańsk of 28 May 2008, II SA/Gd 146/08.

Undoubtedly, a classified form of this difficult, crisis situation is the case of individuals (families) who are on the verge of social exclusion. It is in relation to them that the allowances that shall be classified to the category of “social safety” will apply. For it is the category of “social safety” that accommodates those allowances that are directed at individuals (families) being in a particularly difficult situation, and their function is to prevent the deprivation of needs.

The term “social safety” does not hold a legal definition. Using it on the grounds of law (though extremely rare¹¹) allows to notice its peculiar connection with social assistance. Also on the grounds of jurisprudence the term “social safety” appears incidentally – usually in the context of “subsistence level”, that is a defined pecuniary value that allows for the reproduction of man’s life forces, bringing up children and maintenance of social relationships during work, studying and leisure, at the same time defining the threshold below which there is the area of privation or poverty¹².

It seems that combining the concepts of “social safety” and “subsistence level” is fully justified. The functioning of individuals (families) below the subsistence level denoting privation or poverty corresponds to the widespread conception of “a life difficulty”, which is usually insurmountable through the use of own rights, resources and capabilities. Such a state may lead to social exclusion, poverty remaining in a kind of “mutual coupling”.

Such an approach to the social safety category determines the adequacy of only including some of the benefits of social assistance in it. For instance, taking into account the fact that one of the main problems of individuals in this difficult situation is the lack of cash funds resulting in

¹¹ The terms “social safety” cannot be found either in the legislation on social assistance, or – more broadly – on social security. Isolated cases of the use of the term “social safety” can be found for instance in government documents adopted in the form of resolutions concerning, among others the National Development Strategy 2020 (Resolution No. 157 of the Council of Ministers of 25 September 2012 on the adoption of the National Development Strategy 2020 (M.P.2012.882) or the update of the State Multi-Year Financial Plan for the years 2012–2015 (Resolution No. 71 of the Council of Ministers of 8 May 2012 on the updated State Multi-Year Financial Plan for the years 2012–2015 (M.P.2012.292).

¹² Constitutional Court judgement of 13 November 2012, Ref. No. K 2/12.

the loss of the ability to cover the necessary and elementary expenditure serving to satisfy basic needs, some services within the scope of “social safety” take the form of benefits (permanent, periodic or purpose-specific). An example of benefits of a different nature which also conform to the characteristics of “social safety” are non-cash benefits, ensuring the absolute minimum of satisfying needs in biological and social dimensions (housing, food, essential clothing).

ANALYSIS OF SELECTED BENEFITS FALLING WITHIN THE CATEGORY OF SOCIAL SAFETY¹³

As previously indicated, the allowances classified as belonging to the category of social safety constitute a subcategory of the social assistance system. While the common goal of all benefits of the social assistance system is to aid individuals and families in difficult life situations which they are not able to overcome with the use of own rights, resources and capabilities, what distinguishes the benefits belonging to the category of “social safety” is their function to prevent needs deprivation of those on the verge of social exclusion. This approach to the category of “social safety” determines the adequacy of classifying under it only some social assistance benefits¹⁴.

¹³ Analyses contained in point 2 constitute an abridged and modified version of analyses contained in the study: „Świadczenia należące do kategorii bezpieczeństwa socjalnego realizowane przez samorządy gminne – analiza na gruncie orzecznictwa sądowo administracyjnego” in: *Sposoby pojmowania bezpieczeństwa w wybranych obszarach życia publicznego. Zbiór studiów, Zeszyty Naukowe Państwowej Wyższej Szkoły Zawodowej w Gorzowie Wielkopolskim* of 2013, No. 2.

¹⁴ Social assistance benefits are classified into two groups – cash benefits and non-cash benefits. The LSA includes in the first group: 1. permanent benefit, 2. temporary benefit, 3. purpose benefit and special purpose benefit, 4. grant and loan for becoming economically independent, 5. assistance in becoming independent and continuing education, 6. cash benefits for the maintenance and coverage of expenses connected with the learning of the Polish language for foreigners who have been granted the refugee status or subsidiary protection on the territory of Poland, 7. remuneration payable to the carer for the care provided, awarded by the court. The second group – non-cash benefits –

Undoubtedly, one can include in the category of “social safety” one of the basic forms of social assistance – “**permanent benefit**” (Art. 37 of the LSA) which is granted to a person of full legal age unfit to work because of age or totally unfit to work – who (running a household alone or in a family) derives an income lower than the per capita income criterion. Its essence is to guarantee day-to-day existence to the beneficiary¹⁵, and a key prerequisite for the permanent benefit is the inability to work (because of age or total inability to work). The case law notes that “retaining even a limited ability to perform intellectual or physical work in regular circumstances excludes the possibility of considering a person as totally unfit to work, and therefore prevents the granting of the permanent benefit”¹⁶. Pursuant to the provisions of Art. 37 of the LSA the permanent benefit is of an obligatory benefit nature¹⁷ and the authority competent to grant the permanent benefit will be required to make a positive decision in favour of the applicant (unless there occurs one of the impediments referred to in Art. 11 of the LSA, or the granting of such entitlement would be in conflict with the objectives and principles of social assistance)¹⁸.

Another allowance which needs to be included in the category of “social safety” is the “**temporary benefit**” which is granted in particular on grounds of a prolonged illness, disability, unemployment, ability to

includes: 1. social work, 2. credit ticket, 3. health care insurance contributions, 4. social insurance contributions, 5. in-kind assistance, including economic independence, 6. giving a funeral, 7 specialised counselling, 8. crisis intervention, 9. shelter, 10 a meal, 11. necessary clothing, 12. care services at the place of residence, support centres and family care homes, 13. specialist care services at the place of residence and in support centres, 14. sheltered housing, 15. stay and services in a social assistance home, 16. assistance in obtaining adequate housing conditions, including in sheltered housing, assistance in obtaining employment, assistance in business start-up – in kind for independent persons.

¹⁵ Judgement of the Provincial Administrative Court in Szczecin of 2 June 2011, II SA/Sz 417/11.

¹⁶ Judgement of the Provincial Administrative Court in Warsaw of 5 May 2011, VIII SA/Wa 1/11.

¹⁷ Judgement of the Provincial Administrative Court in Cracow of 30 January 2013, III SA/Kr 352/12.

¹⁸ Judgement of the Supreme Administrative Court in Gliwice of 20 January 2012, IV SA/Gl 130/11.

maintain or acquire rights to benefits under other social security systems. What is important, a necessary condition for granting the temporary benefit is obtaining an income lower than the statutory income criterion¹⁹ (Art. 38 par. 1 of the LSA). Where a person's income exceeds the statutory income criterion, the authority does not even proceed to consider whether an evaluative premise in the form of a necessity to meet the necessary life need occurred in a given case²⁰.

It is arguable whether the temporary benefit is a provision of a mandatory or discretionary nature. On the one hand, it should be noted that "the fulfilment of statutory premises provides a basis for granting the entitlement, and does not leave this right to evaluation based on the recognition interpreted out of the principles generally adopted in the LSA"²¹, and thus has no legal grounds to refuse the granting of this benefit to the party²². On the other hand, though, one cannot overlook the fact that its amount is left to administrative discretion²³, as is the collection period, by a statutorily defined possibility to moderate (naturally, within the limits defined by the LSA)²⁴. Furthermore, an additional factor acting in favour of a discretionary nature of the temporary benefit is an exemplary only listing of

¹⁹ The income criterion results from Art. 8 par. 1 of the LSA.

²⁰ Art. 39 of the LSA in relation to Art. 8 par. 1 of the LSA. See Judgement of the Provincial Administrative Court in Gdańsk of 10 October 2012, III SA/Gd 351/12, in which it is indicated that it is about such basic needs as covering part or all of the costs of the purchase of food, medicines and medical treatment, fuel, clothing, necessary household items, as well as minor renovations and repairs in the apartment.

²¹ Judgement of the Supreme Administrative Court of 16 November 2011, I OSK 1088/11.

²² Judgement of the Provincial Administrative Court in Łódź of 12 June 2012, II SA/Łd 333/12.

²³ See in particular judgement of the Provincial Administrative Court in Olsztyn of 17 January 2008, II SA/Ol 1034/07; Judgement of the Supreme Administrative Court of 16 October 2007, I OSK 58/07; Judgement of the Provincial Administrative Court in Gdańsk of 11 May 2011, II SA/Gd 280/11.

²⁴ See in particular Judgement of the Provincial Administrative Court in Łódź of 6 September 2011, II SA/Łd 531/11. See also Judgement of the Supreme Administrative Court of 16 November 2012, I OSK 1222/12.

circumstances whose occurrence entitles to the temporary benefit (Art. 38 of the LSA) ²⁵.

These above positions of jurisprudence induce to acknowledge that the decision on the subject of granting the temporary benefit is marked by relative discretion – limited by the statutory amount of the highest and lowest benefit²⁶. Therefore, whether that benefit is granted in a higher or lower scope is decided by the authority, taking into account the family and health situation of the entitlement holder and members of his family, the attitude of the beneficiary, his objective opportunities to come out of the crisis, and subjective elements – willingness and activeness in solving his difficult life situation²⁷.

Another cash benefit belonging to the category of “social safety” is the “**purpose benefit**”, awarded in order to meet the essential livelihood needs (Art. 39 par. 1 of the LSA) – for example, to cover, fully or partially, costs of purchase of food, medicines and medical treatment, fuel, clothing, necessary household accessories, as well as minor renovations and repairs in the flat, or funeral expenses.

Purpose benefit falls under discretionary forms of social assistance²⁸ (Art. 39 of the LSA is not resultant in an individual claim for granting social assistance²⁹), therefore this benefit may, but does not need to be granted, even where the conditions are met by the applicant. This does not

²⁵ This benefit is granted, inter alia, to the chronically ill, the disabled, the unemployed, those whose income does not exceed the established criterion – but it can also be granted in circumstances other than those listed. It is pointed out in the Judgement of the Provincial Administrative Court in Warsaw of 2 August 2006, I SA / Wa 1018/06. This position is supported by, among others, the Judgement of the Provincial Administrative Court in Gdansk of 3 February 2011, II SA / Gd 800/10.

²⁶ In this way, the legal nature of the allowance in the form of a temporary benefit is determined by the Provincial Administrative Court in Warsaw in its judgement of 14 July 2006, I SA / Wa 603/06.

²⁷ Ibidem.

²⁸ Judgement of the Supreme Administrative Court of 14 March 2012, I OSK 1795/11. See also Judgement of the Provincial Administrative Court in Gdańsk of 14 January 2009, II SA/Gd 797/08.

²⁹ Judgement of the Provincial Administrative Court in Gdańsk of 14 January 2009, II SA/Gd 797/08.

mean, however, that the decision on granting the benefit is arbitrary, since the LSA gives specific guidance on the principles of providing assistance to those in need (under Art. 3 paragraphs 3 and 4 of the LSA)³⁰.

The essence of the purpose benefit is to satisfy a specific livelihood need allowing for living in conditions which conform to human dignity. The authority granting the allowance should therefore assess the overall family and financial situation of the person applying for the benefit, and then, after concluding that the reported need cannot indeed be met within own capabilities and resources at hand – may grant a purpose benefit, taking into account the circumstances in favour of granting the assistance, as well as those against the provision of it³¹. Following the general principle of adapting the type, form and amount of benefits to the circumstances of a given case and having regard to beneficiaries' needs corresponding to the objectives of social assistance, it should also take into account the capacity of social assistance³².

Among the non-cash benefits that shall be classified as “social safety” special attention is prescribed to the regulation of Art. 48 of the LSA, providing that an individual or a family has the “**right to shelter, a meal and necessary clothing**” if he is deprived of it. Providing shelter is performed by awarding temporary accommodation in hostels, shelters, homes for the homeless and other designated places. On the other hand, the granting of necessary clothing is done by providing the person in need with undergarments, clothing and footwear appropriate to the individual characteristics and time of the year. Moreover, a person who by his own efforts cannot provide the necessary meal, temporary or periodic aid is granted in the form of one hot meal a day.

³⁰ According to it, the type, form and amount of the assistance benefit should be adequate to the circumstances justifying providing assistance, where the needs of beneficiaries should be included if they meet objectives and are within the capabilities of social assistance. See Judgement of the Provincial Administrative Court in Warsaw of 19 April 2006, I SA / Wa 439/05.

³¹ Judgement of the Provincial Administrative Court in Olsztyn of 20 January 2009, II SA/OI 964/08.

³² Judgement of the Supreme Administrative Court of 19 June 2007, I OSK 1464/06.

Given the issue of social safety, one should also pay attention to the regulation concerning the particularly difficult situation of the homeless. Polish legal regulation on social assistance (Art. 49 of the LSA) provides for the possibility of a homeless person to be covered under – the “**individual program for recovery from homelessness**”, consisting in the support of a homeless person in dealing with his life problems, especially family and housing ones, and assistance in obtaining employment. This individual program is developed by a social worker of a social assistance centre together with the homeless person. The shelter or home for the homeless is the executor. The individual program for recovery from homelessness should take into account the situation of the homeless person and provide specific support for a person actively involved in recovery from homelessness. In addition, according to the needs of the homeless person, this program can accommodate any aid available to the social assistance centre implementing the program

From the perspective of social safety, among non-cash benefits assistance in the form of “**care services or specialist care services**” is also noteworthy. It serves single persons who because of age, illness or other reasons require the assistance of others, and are deprived of it. Care services or specialist care services may also be granted to the person requiring assistance from others when their relations (family, non-cohabiting spouse, ascendants, descendants) cannot provide such assistance. Care services include assistance in meeting everyday life needs, hygienic care, nursing recommended by a doctor, and, if possible, providing contact with the environment. However, specialist care services are services tailored to the specific needs resulting from the type of illness or disability, provided by persons with specialised professional training (Art. 50 of the LSA).

Lastly, attention should be paid to the “**right to be placed in a social assistance home.**” The entitlement to it lies with the person requiring full-time care because of age, illness or disability, who cannot function independently in a daily life, for whom necessary assistance in the form of care services cannot be provided. Such a person, shall be referred to a social assistance home of an appropriate type, located as close to the person’s place of residence as possible (Art. 54 of the LSA).

SATISFYING BASIC SOCIAL NEEDS OF CITIZENS IN THE NATIONAL SOCIAL POLICY

The issues of deficits in meeting basic needs of citizens is a problem not only apparent in the national perspective, but also a broader European one. Suffice to note that in 2011, approximately 120 million inhabitants of the European Union (representing nearly 25% of its population) experienced various (and of varying degrees) deficits concerning among other things: the lack of financial resources, access to tangible property or access to work. Knowing that such marginalisation of nearly a quarter of the population of the European Union prompted Member States to efforts aiming at reducing poverty and social exclusion. Their effect is allocating adequate resources for this objective in the new financial perspective (2014–2020), as well as the commitment to develop national policies for reducing poverty³³.

At this point it is worth recalling that the objective of the “Europe 2020” European strategy is to reduce by 2020 the number of people at risk of poverty or social exclusion by 20 million people. The corresponding national target adopted by Poland was defined as “a reduction in the number of people at risk of poverty and/or economic deprivation and/or living in households with no people employed or of low labour intensity by 1.5 million”³⁴.

Locating the issues of allowances satisfying basic social needs of citizens (social safety benefits) in the context of the national social policy, particular attention should be paid to the Programme for the Prevention of Poverty and Social Exclusion 2020³⁵.

Justifications for the creation of such a program can be traced to many areas of public life, showing various dysfunctions of satisfying basic needs of citizens that lead to deprivation. Undoubtedly, one must see as particu-

³³ National Programme for the Prevention of Poverty and Social Exclusion 2020. New dimension of active integration, Ministry of Labour and Social Policy, Warsaw 2013, p. 4 – hereinafter as National Programme for the Prevention of Poverty and Social Exclusion 2020.

³⁴ National Reform Programme, November 2011, p. 46.

³⁵ National Programme for the Prevention of Poverty and Social Exclusion 2020, p. 3.

larly difficult the situation of persons at risk of poverty. Given that Poland, through entering into the implementation of the “Europe 2020” strategy, committed to a reduction in the number of people at risk of poverty by about 1.5 million, it became legitimate to place measures aimed at its reduction in a separate development program – the Programme for the Prevention of Poverty and Social Exclusion 2020.

With regard to its legal status, it should be noted that this is a development program within the meaning of Art. 15 Paragraph 4 Section 2 of the Act of 6 December 2006 on the Principles of the Development Policy³⁶, and hence, it constitutes a document of an operational and implementation nature, set up to institute the medium-term development strategy for the state³⁷.

This program is the implementation of a national social policy, and in particular the third specific objective of the Human Capital Development Strategy 2020³⁸, entitled “Improving the situation of individuals and groups at risk of social exclusion”. This goal, points to the need of redefining basic objectives of social policy which should support the pursuit of employment, while ensuring an adequate level of social security of persons who for various reasons cannot obtain income from work. In particular, it is about ensuring that each citizen has access to public services which will allow for the reduction or elimination of deficits or dysfunctions, even out of disparities and make it possible to pursue employment³⁹.

³⁶ Journal of Laws of 2009 No. 157, item. 1240, as amended. – hereinafter referred to as the Law on principles of the development policy.

³⁷ National Programme for the Prevention of Poverty and Social Exclusion 2020, p. 3.

³⁸ The Human Capital Development Strategy 2020 was adopted by the Council of Ministers (Resolution No. 104 of the Council of Ministers of 18 June 2013 on the adoption of the Human Capital Development Strategy 2020) and is one of nine sectoral strategies constituting the so-called ‘other development strategies’ within the meaning of the Act on principles of the development policy, implementing medium and long-term national development strategy. The main objective of the Human Capital Development Strategy 2020 is the development of human capital through extracting potentials of people in such a way that they can participate fully in the social, political and economical life at all stages of life.

³⁹ Human Capital Development Strategy 2020, p. 39. This objective will be achieved, inter alia, through the intervention directions such as: development of tools ensuring to

In addition to the Human Capital Development Strategy 2020 playing the leading role in the fight against poverty in the Polish development policy, this matter was contained in a number of documents relating to the Europe 2020 strategy. Strategic documents, directly or indirectly determining the shape of the policy for combating poverty, are Long-term National Development Strategy “Poland 2030”, National Spatial Development Concept and National Spatial Development Plan, and in the perspective of 2020 – Medium-term National Development Strategy along with 9 Integrated Strategies. It should be emphasised that the problem of combating poverty is also the subject of other strategies, including National Strategy of Regional Development 2010–2020. Regions, cities, rural areas, Social Capital Development Strategy, Strategy for Sustainable Development of Rural Areas, Agriculture and Fisheries, Strategy for Innovation and Efficiency of the Economy and Efficient State⁴⁰.

In National Development Strategy 2020, one of the three strategic areas relating to social and territorial cohesion identified priority directions of public intervention, which included: ‘Increasing the activity of people socially excluded or at risk of social exclusion’ embracing, inter alia,: changes in the system of social benefits (a better adjustment of support), social integration programs aimed at eliminating deficits of individuals and promoting their potentials. Another priority direction of public intervention was defined as “Reducing poverty among the highest risk groups” including, but not limited to: changes in the system of social benefits (a better adjustment of support), increasing the availability of various

those who are excluded access to public services allowing for the return to the labour market; reducing the scope of poverty and risk of poverty, especially among children, the elderly and the disabled; strengthening preventive measures aimed at children and families at risk of dysfunction or experiencing difficulties; the development of active, including innovative, forms of assistance to those at risk of exclusion or socially excluded (including social innovation in the field of integration and social economy and social entrepreneurship); prevention of new types of social exclusion, including digital exclusion and fuel poverty; increasing the availability of housing, including the expansion of the rental system and the development of social housing, assuming that it will be a form of temporary and time-limited support to persons in a difficult financial situation. For the subject see: Human Capital Development Strategy 2020, pp. 39–40.

⁴⁰ National Programme for the Prevention of Poverty and Social Exclusion 2020, p. 36.

forms of assistance to students, the creation of an effective housing rental system, social housing development, rationalization of the principles of the management of public housing resources and the resources of communal building societies⁴¹.

FINAL CONCLUSIONS

State social policy should take into account the subsidiary nature of assistance from public authorities in relation to the activity of the interested parties in their efforts to find and pursue work. In accordance with the principle of subsidiarity, overcoming difficult life situations by individuals and families should be carried out with the use of their own resources, capabilities and rights – and only the inability to overcome them independently will constitute a reevaluation prerequisite for the joining in of public institutions offering, among others, social insurance benefits, family benefits and assistance for the unemployed and, finally, social assistance benefits (as the last, supplementary link in the social safety system). This way of understanding of the state social policy determines ways of implementation of its objectives, and hence, its functions and tasks specified in the form of granting of certain benefits. Thus, the instruments of social assistance, which include benefits contained in the category of social safety, should be treated as final, last support from the state.

One of the more sensitive elements of the state social policy, especially social assistance system, is the (commonly known) fact of having limited financial resources at disposal to achieve its objectives. There is no doubt that the condition for the real and effective implementation of elements of state social policy is having adequate financial resources for their implementation. It is also evident that it is impossible to protect all needs of persons pursuing assistance, much less provide benefits to the amount expected by such persons (especially considering the growing number of people awaiting and in need of support). In situations where the law

⁴¹ *Ibidem*.

provides a basis for doing so, it results in the authority's right to assess the hierarchy of reported needs that must be determined in the context of the overall number of persons applying for assistance and requests submitted by them, and also the amount of financial resources allocated for the benefits.

The public authority has a duty to ensure a basis of appropriate existence to citizens – both individuals and families. To said obligation corresponds the right of these persons to receive adequate benefits from the state, which are a component of the pursued social policy. The group of social safety benefits singled out in this study constitutes a sub-category of social assistance benefits. Their characteristic feature is, in the objective sense, meeting the needs expressing the minimum social safety, and in the subjective sense – focusing on the direct meeting of needs of those individuals (families) who are on the verge of social exclusion. Providing social safety is implemented with the use of a directory of services of different specifics, roles and functions. The proper selection and application thereof allow – at least in the model approach – for the proper directing of a stream of benefits corresponding to specific, real needs – because every case of social assistance benefits should take into account the specifics of beneficiary's situation (position), resulting in individualisation of the assistance provided. It will not be possible without a proper diagnosis of a life situation in which persons applying for the benefits are and evaluation of their merits (whether, in particular, their difficult life situation has been caused by factors over which the individual (family) had no influence). When granting a benefit falling under the category of social safety, the state authority should take into account the legitimate interest of the party, as long as it does not interfere with the legitimate public interest (i.e. the interests of all beneficiaries). Deciding on a concrete and individual case should be preceded by an adequate analysis – with the object being the relation of available financial resources (capabilities) allocated to the payment of social assistance benefits, in relation to the number of persons entitled to such benefits.

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