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**COMPETENCES OF MUNICIPAL SELF-GOVERNMENT
IN THE SYSTEM OF PROVIDING SOCIAL SERVICES IN THE SLOVAK
REPUBLIC**

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ABSTRACT: *In a modern democratic society, there is an environment in which a person realizes their social choice, in the sense of community development, and thus the development of their own personality. A developed society offers opportunities for a citizen to participate in the development and express their own needs, which are intended to satisfy the vast majority of citizens throughout society. Needs are based on individual perception and cognition.*

KEY WORDS: *competences, municipal self – government, social services, citizens, community*

INTRODUCTION

The area of social services is more or less, if we take into account their types, concentrated in facilities of social services. These may be within the founding competence, as defined by law, of municipalities - municipal self-government. The issue of the establishment and provision of social services, as well as another of the forms defined by law, thus remains the establishment itself with regard to the quality of provision and financing in the municipal self-government.

We therefore present an analysis of legal provisions and look for intersections that define the competence and scope of municipalities in the provision of social services.

SOCIAL SERVICES IN MUNICIPAL SELF - GOVERNMENT

One of the often discussed areas of development of municipal self-government is also the social area, in the concretization of social services. It is an area that has undeniable importance on the quality of life of citizens of municipal self-government. However, the auctioning of the specificity of social services must be based on its capabilities, demographic factors and the needs of the population, which cannot be generalized. (Lachytová, 2018; Mazur, 2016; Aftyka, 2019).

Here, however, we get to the analysis of social services, their impact on the individual, group, community with a common parameter, which is life within the community. Therefore, it is essential to define territorial self-government.

Territorial self-government, with the name of the basic unit, which is a municipality, and is also enshrined in the Constitution of the Slovak Republic. Its definition is based on the nature of the association of persons with permanent residence in its territory. Its starting point from the point of view of law is the share in public power, in terms of granting municipalities the right to pursue certain matters in their own autonomous space, while from the point of view of the state there are means of control and supervision. They bring to the forefront the maintenance of constitutionality and legal regulations in decision-making matters. In addition, the municipal self-government is also responsible for managing its own property and realization its own financial

affairs. Their aim is, in a sense, to meet the needs of the population living on its territory. This aspect corresponds to the principle of decentralization and subsidiarity, in addition to other constitutional priorities, which clearly define the meaning and purpose of local government. (Jesenko, Gyuri, 2018).

The team of authors in the publication *Performance and Financing of Delegated Competencies* (2019) explains how it is necessary to understand Act no. 416/2001 on the delegation of certain powers from state administration bodies to municipalities and self-governing regions. It is an explanation of the terms: competence in a general sense as authority, scope and range of competence. In terms of the concept of competence in public administration, it is a definition of tasks, powers and responsibilities for the fulfillment of tasks, while in the competence of municipalities it is a certain range of tasks that it implements in a defined area, thus within the territory of municipality and also the means entrusted through which it achieves the performance of tasks. In the concept of jurisdiction, on a procedural scale, it is a certain body that acts in a given matter, when we talk about material or local jurisdiction. As far as the concept of competence is concerned, it is a matter of defined tasks and entrusted means, from a legal point of view. Competence in the substantive sense, it is a material and territorial scope (ie "what"). In summary, therefore, municipalities on the basis of the above must have the conditions met in order to be able to conceptually acquire the goal of development, and in the field of many areas.

As for Act no. 448/2008 on social services, which introduces the term municipality, in its full meaning in §3, where it appoints the participants in legal relations in the provision of social services. These are the recipient of the social service, the provider of the social service, the Ministry of Labor, Social Affairs and Family of the Slovak Republic, the municipality, the higher territorial unit (VÚC) and the partnership.

It follows from the above that the municipality provides social services. This is enshrined in §3 of Act no. 448/2008, where further paragraph. 3, analyzes social service providers in the sense of: - *"legal entity (PO), which is established by the municipality or founded by the municipality, PO established by the higher territorial unit or founded by the higher territorial unit (hereinafter" public social*

service provider"), another person (hereinafter "non-public provider of social services"). (Oláh, Roháč, 2010, p. 20).

The law also defines the partnership, which can be created mainly by the municipality, the higher territorial unit, The Office of labour, Social Affairs and Family, community representatives and another person. Its purpose is to implement projects or programs that respond to the prevention or mitigation of adverse social situations of individuals and to solve these situations or community work programs. (Oláh, Roháč, 2010).

This clearly determines, in a sense, an individual approach to situations that arise naturally in human life, but gives municipalities the space to create systems that would ensure individuality in given situations, but it is clear that through the entities involved in the partnership are programs and projects generalized to target groups, in terms of naming specific options, needs and solutions. (Lachytová, 2020).

With such an activity of the municipality in the field of social services, there is also a community, which the law defines as a group of persons living in a certain group, namely the group is determined mainly by: - street, city, municipality, - city and which share common interests, values and goals. (Oláh, Roháč, 2010).

In this we see the all-round development of the municipality and the provision of the needs of the population as an intersection of the two mentioned laws in the field of social services and specified aspects through the definition of the law on social services, which we mentioned above.

Barroso (2009, p. 24) comments on the need to address the quality of social services in local government in the Policy Guidelines for the Future Commission, when, in the context of Europe's aging population, he states: "*... we must support the overall development of the social and health services sector, for example by establishing a quality framework for public and social services, thus recognizing their importance in the European model of society.*"

The promotion of quality is declared by the European Commission (2011, p. 3) in the document Quality Framework for Services of General Interest in Europe: "*... will support its commitment to promote quality in social services and use its achievements in this area as a model for other services of general interest.*"

The European Parliament (2011) also comments on the quality of social services in the document *Social Services in the Public Interest*. It urges the Member States to maintain accessible, affordable and high-quality social services as in times of rapid economic growth and to guarantee non-discriminatory access to these services regardless of gender, income, racial or ethnic origin, religion or belief, disability, age, sexual orientation or employment conditions; it considers that social services are essential in guaranteeing gender equality, as they, together with health services and childcare facilities, are one of the main pillars on which efforts to increase women's employment and equality in general are based on. It further emphasizes that the quality of the service must be based on regular and comprehensive consultation with users, as the services must first and foremost meet the needs of the recipients.

Oláh, Roháč (2010) in presenting the law on social services draw attention to the obligations of the provider of social services, in this context we can perceive the municipality or its entities that provide real social services. The provider is obliged - a) to take into account the individual needs of the recipient of the social service - in this context, if the social service is provided by the municipality or its entities, there is a question of mapping the needs of residents living in the municipality and cooperation of the residents so that the social service would corresponds to their interests. Furthermore, it is the duty - b) to activate the recipient of social services according to their abilities and possibilities - in relation to the population the municipality tries, as a provider of social services, to socially rehabilitate the dependent so that after rehabilitation approaches the development of the community, although it is important to point out that in social services facilities which we will get to later, not only the inhabitants of the municipality are primarily included according to local affiliation, because the citizen chooses the facility, according to his own judgment and needs, also outside the municipality. However, if we perceive the provision of social services in terms of municipal self-government, then it is the needs of its inhabitants. *Furthermore, according to the law, the provider is obliged c) to provide social services at a professional level, d) to cooperate with family, municipality and community in creating conditions for the return of the recipient of social services provided in a lifelong residence*

facility to the natural family environment and preferential provision of social services by field form, outpatient form, weekly form of residence, with the consent of the recipient of social services and respecting his/her personal goals, needs, abilities and health status.

Based on the above mentioned, the municipality is a central element in the system of providing social services, as its provider, but also as a territorial administrative unit, which responds to the development and satisfaction of the needs of the population and creates suitable conditions for the lives of its inhabitants.

Act no. 448/2008 on social services defines the competence of the municipality, according to §80, from which we select: *“The municipality a) develops, approves a community plan of social services in its territorial district, b) creates conditions to support community development, c) is an administrative body in matters of 1. reliance on social service 2. cessation of dependency d) prepares an opinion on dependency- within the assessment of dependency, these are certain social services, or facilities that provide them. According to sec. e) provides or arranges for the provision of 1. social services in a low-threshold day center, a dormitory, a facility for the elderly, a nursing home and a day hospital. 2. low-threshold social services for children and families, 3. babysitting services, 4. transport services, 5. relief services, 6. assistance in personal child care according to §31, 7. field social services of crisis intervention, f) provides basic social counseling , g) may provide or ensure the provision of other types of social services according to §12. ”*

The diversity of social services and their goals, which are aimed at meeting individual needs and are defined in the Social Services Act, give room for the development of municipal self-government with coordination of several entities, because if we take into account the territory of individual municipalities, its population and other areas which self-government administers, it is not possible to fulfill the provision of every single social service as its provider. (Lachytová, 2020).

Therefore, it must first map the needs of the population, summarize and at the same time analyze and, in their concretization of the uniqueness of a particular municipality to implement or create conditions.

This is also stated in the Act on Social Services. The municipality should create conditions to support community development in the field of social services, where the main goal is community work and community rehabilitation, which ensures the purpose of preventing or preventing the aggravation of adverse social situations and solving some social problems. Community work is focused on supporting the activities of members who can solve problems within the locality on their own, or especially by social services and community rehabilitation, in terms of the municipality, by coordination of particular entities that are able to operate in the field of social services. We mean especially family, municipality, educational institutions, employment service providers and social and health service providers. (Oláh, Roháč, 2010).

In the Analysis of Possibilities to Increase the Potential of Local Territorial Self-Government in the Implementation of Economic Policies of Towns and Municipalities (2017), the team of authors also name and determine the importance of social services. They consider intentions as important activities of several entities, including the state, self-government and non-state entities, whose goal is to solve social problems, support and development of individuality so that it is self-sufficient, essentially the social life in the natural environment is important as well as preservation and restoration of the original lifestyle and reducing the risk arising from social or health insufficiency. The authors present social services as an integral part of municipal policy and with an appeal to a broad context, as well as a part of the development of the municipality in the economic and social field. They also define services of general interest in a narrow context with the provision of health care, social assistance, social services, humanitarian care and so on, where these services are not sufficiently covered by the state and therefore requires the participation of non-profit organizations, i.e. the non-governmental sector which can with a partnership with the municipality implement these services.

In 2017, the team of authors prepared the publication Analysis and Trends in the Process of Deinstitutionalization and the Possibilities of Local Territorial Self-Government from the Perspective of Providing Social Services, Employment and Remuneration, from which we select attributes evaluating the current state of social services. When summarizing the facilities of social services within the territorial self-government, they were based on parameters that directly or indirectly specify the current situation. This is the average age

of the population, taking into account self-governing regions, the aging index, the number of social services facilities and the available capacity options. Taking into account the number and capacity of social services facilities, it is directly proportional to the demand for services, which reflects the average age and aging index, and it is the average age, its growth, that is an indicator by which we can distinguish the type of social service and dependence of any target social group. The number of social services facilities of public and non-public providers was processed in the period 2011 - 2015 and the analysis showed that the number increased, but on a national scale, i.e. a summary of municipal and municipal self-government by 18.68%, where in eastern Slovakia (Košice and Prešov Region) the increase was the highest by 26.85%. Western Slovakia (Bratislava Region, Trenčín Region, Trnava Region and Nitra Region) recorded an increase of 23.80% and in Central Slovakia (Žilina and Banská Bystrica Region) there was an increase of 4.80% of social service providers, including all types of services except nursing service. In the given period, there was an increase in the capacity of social services facilities registered by the VÚC, within the whole of Slovakia, in 2011 with the number 45328 and from 2015 to 53632. As an example from the analysis, we select data on the Košice self-governing region, where the number of social services facilities increased since 2011 from 5678 to the number of capacities 6530 in 2015. Altogether on a nationwide scale in the given period increased by about 8304 places, which means an 18% increase and no decrease was recorded in the capacity of social services facilities in any region. Although the analysis is focused on Banská Bystrica Region, we have selected indicators that approach the topic presented by us. The authors of the analysis also pointed to the growing interest in the institutional provision of social services, which means supporting the expansion of networks of providers as public - here we see development in the area and municipal and non-public, where we also point to the cooperation between municipalities in providing social services for citizens. The comparison revealed the need for gradual deinstitutionalisation of social services, which is currently a trend of social services, and it brought the knowledge to focus on the gradual transition to community services and care in the home environment. From the principle point of view, we have discussed community development above, where we point to the intersection of the development of municipal self-government in cooperation with social services. A specific type of social service, which is analyzed in detail in the analysis, is the crisis

intervention service, which provides assistance and support to those citizens who have found themselves in a crisis social and economic situation. These are facilities such as a low-threshold day center, integration center, community center, dormitory, shelter, halfway house, emergency housing facility. The authors of the analysis point out the ambiguity of activities and activities in the provision of this kind of service, because there is no sufficient professional and legislative attention. However, social services should also be the subject of discussions at the level of municipalities, regarding their purpose. Unlike long-term care services, the client is expected to return from crisis intervention facilities to the home's natural environment, but in the situation in which he/she finds himself, there may be a problem that the client does not have a home environment. This category also includes marginalized groups of the population, which, however, have their place in municipalities and there is a constant need for social services. If we select from the analysis the state of crisis intervention facilities, their number, where the founder, i.e. the provider is a municipality, then within Slovakia the number of emergency housing facilities is 44 (with a capacity of 1032), of which the municipality is the founder of 10 facilities. There are 30 dormitories (with a capacity of 837), of which municipalities set up 19 facilities. There are 76 shelters (with a capacity of 1651), of which the municipality sets up 20 facilities. There are 20 homes halfway (capacity 222), of which municipalities set up - it appears in the analysis as a confidential data. There are 85 children's homes, currently the Center for Children and Families, (capacity 4839), of which the municipality does not set up any facilities, which we explained above. In the analysis, other founders such as ÚPSVaR, the church, other legal entities (PO) and VÚC are named.

The above analysis, from which we selected some explained data and results, shows how municipalities respond to the needs of the population in terms of quantity, but it should be noted that the entire system of providing social services is set to the possibilities and limits of municipalities. First of all, it must be based, as we have already sketched on demographic data, taking into account the different numbers of inhabitants of individual rural municipalities as well as the definition of the competencies of municipal self-government in providing and administer social services.

Thus, the person remains at the forefront - the client himself, in real life and with natural needs and in situations, through which on the one hand

he ennobles, on the other hand he remains in the background of unsolvable situations and problems for him. Due to various causes arising in different environments, his adaptation to society and the implementation of his own value system, the client may find himself in an unfavorable social situation. Especially when there is a disruption of harmony between him and the environment. (Lachytová, 2016).

We can also point to the forecast of the analysis, where the authors assume the number of 75623.2 places in social services facilities in the whole of Slovakia in 2026 and the forecast of demand is 75700.

CONCLUSION

Social services form a system of providing such conditions for the citizen, on the basis of which he is able to accept unfavorable social situations in optimal functioning, and which direct individuality to return to normal social life. The municipal self-government has an irreplaceable place here, which is basically the implementer of social service providers, or rather it is supposed to provide them for its inhabitants in the first place.

Social services, the basis of which arises from many sciences, the subject of which is man and his life, are an important area of development of the citizens themselves, and thus of the development of the localities in which they live, in our case municipalities. Social services are provided in various forms, with the aim of ensuring that the citizen can stay at home for as long as possible.

Otherwise, when this is not possible, the individual as well as the family turn to the organizations, institutions and systems of the state in subsidiarity. Within social services, these are social service facilities that implement and provide the service itself. We have therefore selected analyzes that specify the provision of these services, in various forms, at the level of municipalities, which will ensure development in the social field, not only its own inhabitants, but mainly the development of the entire municipality.

The current state and forecasts in this area show the constant need to deal with this topic and create a quality system of social services, but this is not possible without knowing the demographic structures of local government, whereas these indicators are unique and can not be completely generalized.

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