

Annex 2

A detailed description of the particular governance quality indexes

I Participation sub-index

1 The number of non-governmental organizations in the commune per 10,000 inhabitants

The institutional power of associations is a measure used frequently in research on social participation. This index caused the fewest doubts. According to Robert Putnam “civic associations contribute to the effectiveness and stability of a democratic government (...) because of their both «external» impact on particular members and «external» impact on wider social groups. (...) A dense network of secondary associations both embodies effective social cooperation and contributes to it” (Putnam 1995: 137–138). Nevertheless, gathering reliable data turned out to be rather problematic. The National Court Register is the basic register of foundations and associations. But it is a “register of birth” of such organizations rather than a reliable tool that can be used to verify the number of factually functioning entities. Collecting data, we compared the data obtained from the National Court Register with data coming from other sources such as communal or district registers of non-governmental organizations, internet databases, and information provided by the representatives of the particular communes. District registers are maintained within the scope of administrative supervision of the heads of district offices over organizations. Communal registers are not maintained obligatorily, however, they are sometimes placed on commune offices’ websites within the scope of the duties of a communal representative for non-governmental organizations. Furthermore, a database of non-governmental organizations functioning in the Opolskie province has been established recently. It is available at the following address: ngo.opolskie.pl. The last source of data was requests for the provision of public information, i.e. the number of factually functioning entities, sent to the communal representatives for non-governmental organizations. None of the aforementioned sources provided us with information that was 100 % reliable. Therefore, we conducted a verification consisting in removing from the broad register of non-governmental organizations those entities that were not recorded

in other sources. In doubtful cases we conducted an additional search for the traces of the activities of a particular organization such as a website or a Facebook profile. Eventually, we managed to establish the number of non-governmental organizations functioning in the Opolskie province at 2258 as compared to 3058 entities registered in the National Court Register. In our opinion, such a considerable difference justifies the necessity of verification.

The necessity of verification resulted also from a narrower definition of a non-governmental organization adopted for our purposes. First of all, it should be emphasized that the register of associations includes also entities that are usually not identified with the so-called third sector, i.e. health care centers, trade unions, or agricultural machinery sharing cooperatives. Many doubts arise over the classification of voluntary fire service units and sports clubs as non-governmental organizations. The former are accused of having their roots in the People's Republic of Poland and excessively close relations with local authorities, while the latter are perceived as having nothing to do with active citizenship and no interest in local matters, being in fact businesses operating under the aegis of non-profit organizations (Opioła 2017). On the other hand, there are strong organizations which function on the basis of active field structures and large numbers of members and volunteers, which are entered in the register as a single entity. Consequently, we decided to exclude organizations that are not usually associated with non-governmental organizations (health care centers, trade unions, political parties, agricultural machinery sharing cooperatives) and sports clubs as they do not fulfil our definition of civil society. At the same time we included the regional units of The Social and Cultural Association of Germans in Opole Silesia, which is an organization with the largest number of members in the province (over 30,000 members the majority of whom pay membership fees). We also included voluntary fire service units in the register of non-governmental organizations. We regard the argument concerning their communist origin as illogical and indicating a political character of the debate rather than attention to analytical precision. Despite their obvious connections with local authorities as well as politicizing (or even dependence on a particular political party), we consider fire service units as neighborhood watch organizations which, in many villages, are the only institutions – besides the Church – of communal life.

2 The number of library members per 1000 inhabitants

The functioning of communal public libraries entails a number of positive consequences from the point of view of local participation. Libraries provide citizens with free access to information and culture, thus multiplying the intellectual

capital and social capital of local communities. They also fulfil other social and cultural functions: they are meeting places, venues for cultural events or various activities for children and adults (Głowacka 2011: 2017–230). We were interested not so much in the very fact of the functioning of libraries as in their usage by commune inhabitants. Many studies conducted in the recent years prove that the level of general readership, and particularly press readership, correlates positively with so-called *civic literacy*¹³⁹ understood as skills of participating in public life. For example, people reading newspapers participate in elections more often than those who do not and have a better knowledge of political issues (Gentzkow et al. 2011; Milner 2002; Ipsos MORI 2010)¹⁴⁰. Since we have no results concerning readership at the local level, we decided to use another index, i.e. the number of library readers per 1000 commune inhabitants, which is published by the Local Data Bank of the Central Statistical Office. For us, the number of persons who use a library during the course of a year is a measure of interest in public affairs as well as skill of using public services. Indirectly, this index provides also some information on political participation (correlated with press readership) and the strength of local social ties (the tendency to use public space).

3 The average mark in the junior secondary school examination in the knowledge of society and history

This index is to reflect the level of young people's knowledge and skills important from the point of view of civic participation, e.g. identification with the rules and requirements of a democratic state. We selected the junior secondary school examination, and not the senior secondary school examination, for two reasons. Firstly, young people attending senior secondary schools have a greater choice of schools outside the place of their permanent residence, which results in the outflow of the most ambitious pupils to better schools in larger towns and cities. Junior secondary schools are covered by the zoning system. Secondly, the most important comparative research on pupils' competencies and skills conducted, among others, by OECD (the PISA research; OECD 2012), focuses on young

139 We use the notion of social proficiency, which was coined by Maciej Dobras. But it seems that it would be more adequate to speak about civic proficiency (Dobras 2016: 681–689).

140 Slightly different conclusions can be drawn from the research conducted by C.J. Pattie and R.J. Johnston: press readership does influence a voter turnout and knowledge of politics, but increases in the level of readership does not translate into a further rise in a voter turnout (Pattie, Johnston 2003).

people aged 14–15. From the available data, we selected the result in history and the knowledge of society, which have the greatest influence on young people's attitudes and skills important from the point of view of participation.

4. Funds from the 1 % mechanism acquired by the commune's public benefit organizations per 1 inhabitant

We want to use this index to measure charity (with the reservations below) and the factual strength of civic organizations. The one-percent mechanism allows taxpayers to donate 1 % of their personal income tax to a freely selected public benefit organization (PBO). The status of a PBO can be acquired by non-governmental organizations (as well as organizational units of churches and religious associations, and also non-profit companies) after fulfilling certain requirements. Although in fact this mechanism has nothing in common with charity (Perkowski 2011) – a taxpayer does not donate their own funds, but a part of tax that they have to pay otherwise – research indicates that people who decide to donate 1 % of their tax to a selected organization are motivated by the willingness to help those in need¹⁴¹. However, the most important thing is that available data show that almost 80 % of those who donate 1 % are of the opinion that it is important for the building of civil society (Piechota 2010).

Data concerning revenue from one-percent donations are not presented with respect to particular communes, but they can be obtained relatively easily. There are two methods. One of them consists in obtaining information on the amounts of one-percent donations made by the taxpayers living in a particular commune from tax offices; alternatively, it is also possible to acquire data concerning the percentage of taxpayers who have made such donations. We obtained such data under the public information access procedure from nine tax offices (out of 11 tax offices functioning in the province). The other method provides for obtaining information on amounts donated for the benefit of particular PBOs (relevant reports are available on the website of the Ministry of Labour and Social Policy), and subsequently allocating them to communes and calculating the amount of donation per one inhabitant of a given commune. We used the latter method in the calculation of our index. Its advantage over data provided by tax offices

141 This can be inferred from the results of the research carried out by Grażyna Piechota in the Śląskie province. Among the respondents who admitted making a one-percent donation, the most frequent reason for such a decision was willingness to provide assistance: "I want to help, and it doesn't cost me anything" (49.65 %), (Piechota 2010).

consists in the possibility of checking the potential of local PBOs and their skills in acquiring funds and developing a network of “donators”¹⁴².

5 The percentage of votes cast for voters’ election committees in relation to the total number of votes cast in the commune council elections

Because of the unique character of the Opolskie province, we were not able to regard data on a voter turnout, which are usually used as a measure of participation, as reliable. Looking for an index that could be a good substitute for a voter turnout in the dimension of local political participation and responsibility for the community, we decided to take into consideration the strength of election committees established by voters in local elections. The literature on the subject presents the view according to which the party-based character of local government institutions, especially at the local level, is not a desired phenomenon from the perspective of the quality of governance, self-government, and the strength of local communal ties within the framework of the so-called new political culture. The idea of strengthening a local civil society motivated the authors of the electoral law, which, in the case of local government elections, provides for the possibility of registering election committees by entities other than political parties. Thus, non-partyism is the feature of a local democracy (Gendźwiłł 2011). This results to a considerable degree from the weakness of institutional political parties “in the field”, but also from conflicts of interest (a party’s interests do not have to be coincident with those of a local community). According to the concept of new political culture, political parties, especially at the local level, “do not perform well as public life institutions when society is moving towards post-materialistic values”, and their “representatives holding local power can be less innovative” (Ibidem: 17). Of course, we often witness electoral camouflage: because of the low level of trust in political parties, party candidates run for offices under the aegis of local organizations or as private persons; nevertheless, local governments are regarded as bastions of non-partyism (Ganowicz, Opióła 2017). We are of the opinion that the higher percentage of votes cast for voters’ election committees is the manifestation of inhabitants’ greater ability to undertake bottom-up political initiatives and greater responsibility for the local community.

142 It should be noted that although the most probably local PBOs receive one-percent support primarily from the inhabitants of their respective communes, they can receive donations from all over Poland.

II Equality sub-index

1 The percentage of women in the commune council

This index indicates the level of women's political representation in a commune council, thus it is a measure of gender equality. As a measure of equality, it is based on the assumption that the share of women in a commune council is a reflection of their position/strength in the local community and makes it possible to draw conclusions about how their interests are represented. Data concerning the percentage of women in the particular commune councils are provided by the Local Data Bank of the Central Statistical Office. It is possible to indicate two basic weaknesses of this index. The first weakness is connected with the fact that it can be also classified as an index of participation or openness, but it is a general problem of many indexes, which was described in Chapter II. Another weakness is the lack of the possibility of drawing conclusions about factors responsible for the level of women's representation in commune councils. It has already been mentioned that there is an assumption concerning women's strong positions in communes as a factor determining the level of their representation, but it is of an a priori character. The index shows only the factual condition, but it does not prove that, for example, a small representation of women in a commune council is a measure of discriminatory practices in local elections or a low level of social capital. What causes a particular level of women's representation in a given commune council would require a thorough empirical analysis of a concrete commune.

2 The percentage of women holding key positions in the commune office

Similarly to the previous one, this index indicates the level of political representation in executive authorities. It is a complementation of a picture of gender equality in a commune based on an analysis of who holds managerial and executive positions. The selected configuration of positions is the same for all communes: commune leader/mayor, deputy commune leader/deputy mayor (there are communes without deputy commune leaders/deputy mayors; however, because we are interested in percentage shares, the data remain comparable), secretary, treasurer, social assistance centre manager. In order to obtain these data we had to analyze the websites or Public Information Bulletins of the particular communes presenting the organizational structure and personnel of their offices.

3 The activities of the youth council

A youth council is a commune body that allows the articulation of the interests of young people in local politics and the development of young people's competencies related to participation in public life. Pursuant to Article 5b of the Local Government Act, a commune undertakes activities supporting and promoting the idea of self-government, particularly among young people. Consequently, at the request of interested citizens, commune authorities may give their consent to the establishment of a youth council which has a consultative character. Thus, the content of the Act indicates that commune authorities cannot establish a youth council themselves – this can happen only in response to a bottom-up initiative of inhabitants. This means that the existence of such a council is also a measure of young people's civic activity, and not only a measure of institutional solutions resulting from the will of authorities¹⁴³. But if we assume that communes' duties include supporting and promoting the idea of self-government among the youth, we can deduce from this an obligation to encourage young people to establish such a council. Therefore, we treat the existence of a youth council as a measure of commune authorities' commitment to creating a body strengthening the position of the youth in the local public space. Information concerning youth councils was obtained thanks to a questionnaire sent to the commune offices. Also in the case of this index, we have to face the problem of its "overlapping" with participation as another dimension of the quality of governance. Another problem is the fact that the functioning of a youth council does not prove its real influence – its voice may be ignored, it may be just a façade, or its sessions may be convened sporadically. In this study, we do not undertake to check the factual position of youth councils in local power structures; we only identify whether they exist or not.

4 The activities of the senior citizens council

Similarly to the case of youth councils, this index is a measure of equality strengthened thanks to the articulation of the interests of elderly people in a commune's politics. It is based on the assumption that the existence of senior

143 The research conducted in the Małopolskie province by the Stańczyk Foundation in 2013 shows that the establishment of a youth council is a rare event. Among 183 communes, only 16 communes had youth councils. Youth councils had existed earlier in 16 communes, but they had been dissolved in 11 of them because of practically no interest on the part of young people (Niedośpiał 2013).

citizens councils increases the level of local egalitarianism by preventing discriminatory practices targeted at the elderly. Since the 2013 amendment to the Local Government Act and the introduction of Article 5c, communes have been encouraged to establish senior citizens councils which fulfil consultative, advisory and initiative functions. Pursuant to Article 5c, commune councils “on their own initiative or at the request of interested groups, may establish a senior citizens council. The formulation “may establish” indicates that the appointment of such a council by commune authorities is non-obligatory, but because a commune itself may undertake an initiative to establish such a council (unlike in the case of a youth council), the existence of a senior citizens council is an indicator of authorities’ involvement in a dialogue with senior citizens. The weakness of this index is its correspondence with the principle of participation and the same problem that applies to youth councils – the existence of a senior citizens council does not make it possible to draw conclusions about its factual influence¹⁴⁴.

5 The degree of the poverty risk

This index is a measure of the social marginalization risk among the inhabitants of a particular commune; the higher the risk of such marginalization, the lower the level of socio-economic equality. The degree of the poverty risk may be determined on the basis of data provided by the Regional Social Policy Centre in Opole, which publishes reports on the risk of poverty in the particular communes of the Opolskie province. Such reports use an indicator describing the risk of poverty. Its value ranges from 0 to 1¹⁴⁵. It seems that one of the major weaknesses of this index is the fact that the level of poverty in a commune depends not only on commune authorities’ politics, but is also the resultant of historical and macrostructural conditions. Thus, a commune is assessed on the basis of what it is only partly responsible for.

144 Research on senior citizens councils shows that they are established very rarely. In 2014 only 76 such councils functioned in almost 2500 communes. Research indicates also that their character is activating rather than advisory and consultative and their relations with commune authorities are not based on partnership, pp. 64–65.

145 Such reports are published regularly by the Social Policy Observatory at the Regional Social Policy Centre (ROPS, 2016a).

III Efficiency sub-index

1 The commune's own income per 1 inhabitant

Pursuant to the constitution, territorial self-governing units are entitled to financial independence expressed in their right to own property, other property-related rights, and the right to impose taxes and fees within statutorily determined ranges¹⁴⁶. Local government units have their own income, i.e. all income that is not general grants or subsidies paid from the national budget. Such income comes from sources located in the territory of a given local government and is transferred to it in whole and without any time restrictions. A local government can exert influence on the sources of such income (Kotlińska 2009: 144–145)¹⁴⁷. Consequently, the amount of a commune's own income can be regarded as a result of its financial policy and, simultaneously, a measure of its financial autonomy (Zawora 2013: 525). Thus, we use the data on the amounts of the communes' own income per 1 inhabitant as published by the Local Data Bank of the Central Statistical Office as a measure of their efficiency. It should be noted that the level of a commune's own income depends on a number of external factors such as a general economic position of the country, the legal system regulating local governments' financial matters, the size of a commune, its infrastructural development, location with respect to major transport routes, or the qualities of its natural environment (Ibidem: 525–526). From the perspective of inter-communal comparisons within the province, of particular importance are the three last factors that can determine the size of a tax base and the amount of inflows independently of the activities of commune authorities in this respect. On the other hand, commune authorities have also at their disposal instruments allowing them to shape the dynamics of social and economic development. If they are to bring about expected results, even advantageous external factors have to be incorporated in an effective local development strategy.

2 Investment expenditures from the commune budget per 1 inhabitant

This index, in a sense, complements the previous one because the amount of investment expenditures depends on a commune's own income. Eugeniusz

146 See Articles 165, 167, 168 of the Constitution of the Republic of Poland of 2 April 1997.

147 The most important income is income from taxation (including a share in natural and legal person income tax) and fees, income derived from a commune's property, as well as income from fines and penalties (The Act of 13 November 2003).

Sobczak notes that if a large part of income comes from external sources, a commune finds it more difficult to plan long-term investment projects because of the uncertainty of financing sources (Porycka 2016). Capital expenditures concern technical, transport, social and educational infrastructure. They are an important instrument of building a commune's competitive advantage and thus also conditions for sustainable economic development (Ibidem). Investment expenditures are referred to as active expenditures as they are the effect of local authorities' deliberate intervention in the local socio-economic system (Zygmunt, Mach 2011: 168). Thus, they are a measure of commune authorities' readiness and ability to ensure a long-term growth for the commune. The data concerning the amounts of the communes' investment expenditures per 1 inhabitant come from the relevant report of the Central Statistical Office concerning the Opolskie province.

3 The percentage of people using social assistance services on a long-term basis in relation to all people receiving social benefits

Article 7 of the Commune Government Act obliges communes to ensure the provision of social assistance. At the same time the best situation occurs when people receiving social assistance are not permanently dependent on it. The contemporary system of social assistance in Poland, or at least its official philosophy, requires that Social Assistance Centres (SAC) conduct an active social policy consisting in activating, educating and integrating beneficiaries with respect to the main aspects of the socio-economic life of a commune (Łojko 2014: 206–211). New instruments have been introduced, e.g. a social contract which, through an individualized approach to a beneficiary and their social activation, is to help them to overcome difficult socio-economic circumstances. The essence of this tool is an increase in the effectiveness of social support programs and an attempt to limit the range of unconditionally granted social security benefits (ROPS 2014). In the context of a social policy understood in this way, we decided that the ratio of persons receiving social assistance on a long term basis to all social security beneficiaries was a relevant measure of the effectiveness of a commune's activation measures. People receiving social security benefits for long periods of time are defined as those who were registered in the social assistance system for at least 18 months during a period of 36 months. A high percentage of such persons indicate that a commune is not effective in the area of social inclusion as both a body carrying out a social policy through its Social Assistance Centre and a body responsible for the policy of local development. The data come from the report of the Regional Social Policy Centre (ROPS 2016b). Assessing this index, we should

remember about its weaknesses. The level of permanent reliance on social assistance depends also on factors unique for a particular commune (e.g. the areas of former State Agricultural Enterprises), an economic situation, which only partly depends on commune authorities, and actions undertaken by the other institutions providing social support, e.g. employment services. The Polish system of the so-called active social policy is characterized by a high level of fragmentation consisting in the parallel functioning of a few institution sectors and the lack of cooperation among them. Consequently, there is no integrated and thus, effective, approach to the problem of social exclusion (Rymśza 2014: 168–170). What happens at the level of communes is also the effect of macrosystem dysfunctions.

4 Current expenditures on public administration per 1 inhabitant

The proposed index concerns the “weight” of the costs of local bureaucracy and thus, it is regarded as a measure of a commune’s thrift and economical management. In this case, we decided to use the data from the ranking prepared by Paweł Swianiewicz and Julita Łukomska for the periodical “Wspólnota”. In the all-Poland ranking called “The Frugal Office”, they took into consideration current expenditures on public administration with the exception of expenditures on current repairs, which were regarded as too incidental and distorting the value of the index (Swianiewicz, Łukomska 2014). The report shows that in the years 2008–2014 expenditures on administration were rising in rural communes; there was a general tendency towards higher expenditures on administration in smaller local government units. In the smallest rural communes (up to 5000 inhabitants), administration costs more than in large rural communes and the same relationship occurs in the case of small (up to 10,000 inhabitants) and larger towns (Ibidem: 4). Interpreting this index, we should remember that small communes are usually the most expensive. Paweł Swianiewicz emphasizes that what should be taken into consideration is that higher expenditures on administration do not have to mean wastefulness, but rather better and more efficient services for inhabitants or effectiveness in obtaining EU funds. Some of the most expensive local governments also hold high positions in the rankings of the richest ones (Ibidem).

5 The commune’s usage of one of the three quality management systems (CAF, Institutional Development Planning, ISO 9000)

The possession of a quality management system is a measure of commune authorities’ development of a strategic mission with respect to the operational efficiency of the commune office. Local governments have been able to pursue

such missions since 2008 when opportunities appeared for the acquisition of EU funds for the implementation of quality management systems under the Operational Programme Human Capital 5.2.1 *Modernization of management in local government administration*. A case study conducted in the commune of Dzierżoniów showed that the implementation of a quality management system had a positive influence on the efficiency of the planning, execution and accounting of projects financed by the EU (Wójtowicz, Paciorek 2012: 9). Thus a quality management system is an important indicator of a comprehensive approach to the problem of efficiency, although, according to data from 2009, it is used relatively rarely. Back in 2009 only 18 % of rural communes, 19 % of rural-urban communes, and 38 % of urban communes declared that they used quality management instruments (Żabiński 2012: 58). This is also confirmed by the results of our survey in which we asked about the use of one of the three most popular quality management models in public administration, i.e. CAF (The Common Assessment Framework), PRI (the method of Planned Institutional Development), and ISO 9000. Only 3 out of the 60 surveyed communes declared that they used one of the three systems¹⁴⁸. Many researches specializing in this subject indicate that such systems are often introduced by communes because of greater chances of success in applying for financing from external sources. Thus, a quality management system is not always the effect of strategic thinking about how a commune should be managed, but rather a marketing instrument (Bober 2008: 136). Nevertheless, we are of the opinion that irrespective of motivation for its implementation, its existence and functioning is a positive phenomenon promoting efficiency improvement.

IV Accountability sub-index

1 The existence of a local media organization that is not controlled by the commune authorities

A certain report on websites maintained by towns and villages with fewer than 20,000 inhabitants emphasizes that “in practice, any website dedicated to local

148 In the survey, in order to verify the validity of the functioning of quality management systems we asked also for the date of its latest certification or self-assessment. On this basis, we concluded that a system is being used if the latest process of its certification or self-assessment took place in the years 2016–2017. Consequently, we did not acknowledge the functioning of a quality management system in one commune which declared that it had carried out the self-assessment process in 2015.

issues sooner or later deals with politics” (Danielewicz, Mazurek 2012: 43). If a person running a website writes, for example, about a street lamp that has been out of order for a few days, this automatically provokes readers to start discussions, ask questions about neglect on the part of the authorities, and make comparisons with other communes. The authors point out that such websites become public opinion catalysts, a counterbalance for authorities, and a controlling institution. The conducted research showed that authorities react differently to the existence of such websites – from open aggression and hostility, through distrust and creation of difficulties in access to public information, to the establishment of cooperation (Ibidem). Even if local media do not have a clearly guarding character and focus more on describing the life of a commune, including the actions of its authorities, we recognized them as a forum where local authorities can be brought to account. The conditions are that such media cannot be established or financed by a commune’s executive body, they have to exist at the time of a survey, and they provide information on the actions of authorities, inclusive of critical information. We used quite broad qualification criteria allowing us to acknowledge the existence of such media. Thus, such media included commune periodicals, websites, local television stations or blogs maintained by councillors. Such media had to be rooted in a given commune and frequently refer to its life and events. We searched for information on the existence of local media in each commune on the internet, using the following set of key words: local media in the commune of x; information website of the commune of x; the voice of the commune of x; the news of the commune of x. We are aware of the problems that local media have to cope with such as financial impermanence and dependence on local businesspeople or local government institutions as advertisers (Markowski et al 2014: 73) – obviously, these factors influence their ability to fulfil the function of accountability. But, constructing this index, we do not take into consideration such a complex and multidimensional picture of local media.

2 The publication of internal inspection reports in the Public Information Bulletin for the years 2015–2016

This index is based on the assumption that internal inspection reports and what happens to them allow their readers to draw conclusions on a given commune’s readiness to account for its own irregularities. One of the communes of the Opolskie province was a source of inspiration for its development. A local non-governmental organization called Foundation for Future and Development published an article entitled “The Mayor in the Spotlight” (2014) in which it referred critically to a post-inspection report presented by the Regional

Accounting Chamber. The report allegedly indicated that the mayor had not followed recommendations included in a previous post-inspection report. This case illustrates the role of the availability of documents drawn up by external controlling institutions and the possibility of using such documents by local activists for the purpose of the civil supervision over commune authorities. In this case, the aforementioned non-governmental organization had to obtain the document and publish it because the Public Information Bulletin of the commune did not provide information on external audits or inspections. This constituted a basis for the assumption that publishing such documents (particularly those indicating some irregularities) by entities that are subjects of inspections proves their readiness to undergo public assessment and helps local communities to monitor the actions of local authorities because it highlights concrete irregularities. If a commune publishes reports on external inspections, it shows its identification with the idea of accountability (it accounts for its irregularities) and increases the probability of using such data by inhabitants, i.e. provokes them, as it were, to demand that authorities account for their actions. Post-inspection reports inform a local community whether authorities act honestly. Analyzing this index, we checked whether the particular commune authorities had published any post-inspection document in their Public Information Bulletins for the years 2015–2016. If there was at least one such document in the Bulletin, a commune scored one point; if there was no such documentation, no point was granted. It is highly improbable that no external inspection was carried out in any commune during that period¹⁴⁹. Mark Bovens indicated that information publication itself does not constitute accountability; it is its preliminary condition because what is necessary is a committed journalist, a local interest group, or a local activist that can use such information to ask authorities difficult questions (Bovens 2006: 13). Therefore, it should be remembered that the proposed index is rather a measure of a commune's organizational culture that creates better or worse conditions for local forums to exercise supervision over decision makers.

149 If we adopt the commune of Chrzastowice which publishes post-inspection reports in a dedicated tab on its website as a point of reference, there were ten such inspections during the years 2015–2016. The commune undergoes inspections carried out by not only the Regional Accounting Chamber and the Provincial Office but also such institutions as the State Archives in Opole, the Treasury Control Office in Opole, the State Labour Inspection, and the Marshal Office.

3 The number of candidates for the position of commune leader/mayor in the 2014 local government elections

We are of the opinion that the absence of political competitors combined with the model of a strong mayor, which frequently occurs in the Polish local government system (Swianiewicz, Klimska 2003: 21–24), may facilitate the abuse of power. As Susan Rose-Ackerman writes, “a strongly competitive political environment raises the stakes and decreases the probability of corruption; consequently, a political system based on competition may reduce corruption” (Rose-Ackerman 2001: 241). Thus, political competition may be regarded as an instrument of accountability making it possible to reduce a sense of having a monopoly on executive power in a commune. Research on the Polish local government system shows that the phenomenon of low political competitiveness concerns first of all small communes and the largest cities, where we can witness the largest share of mayors and city presidents holding their offices for many terms. It is emphasized simultaneously that a lack of a political competitor does not have to indicate the existence of pathological relations in local authorities, but it may be the result of the effective leadership of local authorities and a lack of competent competitors among small local elites (Gendźwiłł, Swianiewicz 2017). Nevertheless, being aware the possibility of the occurrence of such cases, we adopted the assumption that a small number of candidates running for mayor is a negative phenomenon from the point of view of accountability. A candidate without a rival or with a small number of rivals has an attitude towards voters, the commune’s matters, and their own place in the local system of power different from that of a person who has to take into consideration the risk of competition and arguments presented by competitors. In such circumstances, many local issues that could be raised by rivals may never appear during the course of an election campaign. Such a candidate is not regularly confronted with a competitive vision of the commune’s development and their rivals’ critical comments. A lack or a small number of candidates indicate also the strength and mobilization of local groups with respect to their interest in the matters of their commune as well as their readiness to assume responsibility for its governance. Thus, subsequent candidates constitute unique forums where different interest and pressure groups of the local political system are able to present their agendas. The source of data for this index is the National Electoral Commission.

4 The publication of the councillors' and the commune leader's property statements in the Public Information Bulletin for the year 2016 before 2 June 2017

Pursuant to Article 24h of the Local Government Act, by 30 April every year local government officials and politicians are obliged to submit property statements valid as at 31 December of the previous year. The submission of property statements is one of the basic instruments allowing people holding public offices to account for their property. It allows the performance of controlling functions by such supervisory institutions as tax offices or the Central Anti-corruption Bureau, as well as social supervision exercised by the mass media, local communities, or non-governmental organizations. A condition for the effective exercise of social supervision is an easy access to property statements based on their publication in Public Information Bulletins. Within the scope of the assessment of accountability, we decided to check whether one month after the statutory deadline for the submission of property statements by councillors and mayors they had already been published in Public Information Bulletins. The adopted deadline results from statutory regulations (Article 24h, Paragraph 5) according to which if a statement is not submitted by 30 April, the entity responsible for the reception of statements is obliged to call the person to submit a statement within 14 days from the date of determining a lack of a statement. Assuming that a lack of a statement should be determined after the so-called long May holiday weekend and taking into consideration additional 28 days for the performance of the procedure described above, on 2 June we checked whether the Public Information Bulletins of the surveyed commune offices had published the property statements of their councillors and mayors. Interpreting this accountability index, we should remember that it does not indicate whether councillors and mayors have submitted their property statements. It is possible that they have been submitted by the statutory deadline, but have not been published yet because the Act does not specify when submitted statements should be published in Public Information Bulletins. The index does not say anything about the quality of the content of property statements. According to the authors, in a sociological sense, the index indicates the degree of local authorities' determination to reveal information concerning the property of their members publicly and effectively.

5. The percentage of the councillors with higher education during the term of office 2014–2018

International comparative research on relationships between the level of education and the quality of governance shows that the higher the level of education,

the better the quality of governance. This results from the fact that educated people tend to file complaints about officials' abuses of power or incompetence and to report crimes. According to researchers, such persons are aware of the available instruments used to report irregularities and are less afraid of the negative consequences of reporting irregularities¹⁵⁰. Thus, education is cultural capital favoring accountability. Unfortunately, data concerning the percentage of people with higher education at the commune level are not available¹⁵¹. Nevertheless, the Local Data Bank of the Central Statistical Office provides data on the level of education of councillors. In the commune accountability regime, the council constitutes a forum performing the controlling function with respect to the executive body. At the same time it is emphasized that one of the problems facing the Polish local government system is a lack of balance in the governance of a commune consisting in the weakness of a commune council in relations with a strong mayor. Councillor has limited possibilities of exercising supervision over executive bodies, while executive bodies receive support from the whole administrative apparatus of a commune (Sześciło 2016). Therefore, it is recommended that, among other things, councillors be provided with experts' support (Ibidem), and the amendments to the Local Government Act introduced in January 2018 are to strengthen their position vis-à-vis executive bodies (Sześciło 2018). In our opinion, the level of councillors' education may be one of the factors determining their substantive preparation for the monitoring and controlling of executive bodies. In this context, higher education is regarded as cultural capital that strengthens the councillors' position in relations with executive bodies. It should be remembered that the proposed index is a measure of resources favoring accountability, and not the application of available accountability instruments.

V Openness sub-index

1 The local government authorities' timely response to the questionnaire

The use of this index was inspired by one of the institutional efficiency indexes applied by Robert Putnam in his famous research on Italian regions. In this research,

150 Such conclusions are based on survey data collected in 97 countries within the scope of the World Justice Project and in 78 countries within the scope of the International Crime Victims Survey (Botero, Ponce, Shleifer 2013: 962–967).

151 The latest such data concerning the Opolskie province come from the 2002 census (Rauziński, Szczygielski 2013: 91–92).

acting the roles of citizens, Putnam's assistants sent various offices in every region requests for information concerning three concrete matters. On the basis of how quickly information was provided and its quality, the researchers assessed officials' willingness to provide citizens with efficient services (Putnam 1995: 111–112). We decided to use our questionnaire not only as a research method but also as a measure of officials' openness to the social environment. But we did not pretend to be ordinary citizens, and introduced ourselves as researchers of local democracy (see the questionnaire in Annex 3), concluding that a timely response to the questionnaire could be one of the indicators of willingness to share information with others. On 7 July 2017 we sent the internet questionnaire together with a request to fill it in by 21 July 2017 to 60 commune offices. Thus, the deadline for returning the questionnaire corresponded to the period of 14 days provided for in the Public Information Access Act of 6 September 2001, but our cover letter did not contain any references to this Act. During that period we sent another email to those commune offices that had not acknowledged the receipt of the previous one and one day before the expiry of the deadline – one more email with a reminder of the deadline for returning the filled in questionnaire. Consequently, before 21 July we had received responses from 42 communes¹⁵².

2 Easy access to and availability of a valid annual programme of cooperation with non-governmental organizations

Pursuant to Article 5a of the Public Benefit Activities and Voluntary Service Act, a commune is obliged to adopt an annual (or long-term) programme of cooperation with non-governmental organizations. Before such a programme is adopted, it needs to be consulted with non-governmental organizations. A commune is obliged to publish a draft programme, to announce related consultations, and to publish a programme execution report. However, there is no obligation to publish such an annual cooperation programme with the exception of its publication in the register of resolutions adopted by a commune council as an attachment to a resolution. The ease of finding such a programme in a Public Information Bulletin or on a commune's website is a measure of a commune's organizational culture rather than its fulfilment of procedural requirements. We adopted the

152 Another 3 communes returned the questionnaire after the deadline. On 26 July the remaining 15 communes were sent an email with an official request to provide public information in the form of answers to the questions included in the questionnaire. Ten of them answered our questions.

assumption that a commune open to cooperation with non-governmental organizations as institutionalized representatives of a civil society provided the most important information concerning the rules of such cooperation. We followed the following data search procedure: a) write the phrase “annual programme of cooperation with non-governmental organizations in the commune of x” in the Google search engine – if the first page of results showed a link to a document containing a cooperation programme (not a draft) adopted and signed by the commune council, the condition was regarded as fulfilled; b) if the Google search engine did not return any results, we analyzed the commune’s website and Public Information Bulletin, looking for a cooperation programme in such tabs as “non-governmental organizations”, “cooperation with non-governmental organizations”, “public benefit”, “strategic documents and programmes”. We ignored lists of resolutions adopted by commune councils, assuming that even if they contained an annual cooperation programme (which had not been found earlier by the Google search engine), it was too difficult to locate; c) if both methods failed, the condition was regarded as unfulfilled.

3 The number of non-governmental organizations which have submitted comments on the programme of cooperation with non-governmental organizations

As it has already been mentioned in the case of the previous index, the programs of cooperation with non-governmental organizations should be consulted with such organizations. However, the question arises about the factual scope of such consultations, i.e. the number of non-governmental organizations participating in such consultations. We assumed that the number of non-governmental organizations that presented their opinions under the consultative procedure was, on the one hand, a measure of the circulation of information on consultations and, on the other hand, a reflection of the activity of local non-governmental groups. Thus, an assessment formulated on the basis of this criterion concerns the activities of both commune authorities and non-governmental organizations themselves related to their joint work on the most important document determining relations between them. The source of data for this index was the CAWI questionnaire.

4 The passing of a resolution determining the rules and procedures of social consultations

Social consultations belong to the most fundamental instruments of a dialogue between authorities and society and the latter’s inclusion in the process of exercising power. The Local Government Act obliges every commune to conduct

consultations in the cases provided for in the Act (e.g. obligatory consultations on annual programs of cooperation with non-governmental organizations) and let's commune exercise discretion as to the organization of consultations about other matters "important for the commune". Pursuant to Article 5a of the Act, the rules and procedures of such consultations are determined in a relevant resolution of a commune council. Nevertheless, it should be emphasized that the Act does not specify whether it is necessary to adopt a document setting forth the general rules of conducting consultations or to adopt a separate resolution for every consultation. Therefore, commune authorities use various solutions and do not always adopt one general resolution regulating the matter of consultations¹⁵³. For example, research conducted in the Podlaskie province showed that such resolutions had been passed by 60 % of the communes (Maszkowska, Wenclik 2014). We assumed that the existence of such a resolution was an indicator of authorities' openness to the idea of social consultations. It should be noted that the existence of such a resolution constitutes the fulfilment of only minimum procedural requirements related to social consultations, i.e. it does not determine the quality of consultations. Thus, our index is a considerable simplification and it should be kept in mind that a multidimensional analysis of consultations as a measure of openness would require answers to a number of questions about the factual use of this institution at the local level. The source of data for this index was the CAWI questionnaire.

5 The publication of commune council session minutes for the year 2017 in the Public Information Bulletin

The last openness index is a measure of the transparency of a commune's resolution-making body. Article 11b of the Local Government Act states that the activities of commune bodies are open to supervision, and within the scope of this openness, citizens have the right, among others, to access documentation resulting from the performance of public tasks, including the minutes of meetings held by commune bodies. Therefore, we decided to check whether the communes published successive council meeting minutes in their Public Information Bulletins. On 15 August 2017 we reviewed the Public Information Bulletins of the individual communes with respect to the availability of council

153 Sometimes this matter is regulated in a commune statute or a separate resolution is adopted for individual consultations (Starczewski 2009).

meeting minutes for the year 2017. A commune council should hold a meeting at least once a quarter. Consequently, we concluded that by August at least two council meetings should have been held (in practice, council meetings are convened on average once a month). Thus, if at least two sets of minutes for 2017 were available, we considered that a commune had fulfilled the criterion of openness in this respect.

