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## Senior Policy in Polish Legislation on the Example of Local Government Seniors Councils (Taking into Account the Amendment of 2023)

### ABSTRACT:

Senior policy is mentioned in the area of public administration most frequently in the context of the organization of health services. While treating seniors as public sector beneficiaries, it is easy to forget about the values that people defined as seniors may offer. In my study, I posit a thesis (H1) that Poland is a country that has a planned senior policy in the form of Seniors Councils at the local government level. The supporting thesis (H2) is a statement concerning the benefits of involving seniors at the level of local government units as public administrators at local and regional levels. An additional research question is: do top-down regulations at the central level contradict the idea of grassroots public participation? The study also shows the changes and consequences of normative acts regulating the existence of senior citizens' councils at each of the three levels of local government in Poland.

The study falls within the field of social sciences. In addition to research methods appropriate to the discipline of political science and administration, the author used participant observation as a person directly involved in the establishment of consultative and advisory bodies in local government, such as senior citizens' councils.

**Keywords:** Seniors Council, local government, public administration, legislation, Poland, public participation

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## I. Introduction

The phenomenon of population ageing has had its place in the catalogue of social issues for years. The issue of old age, determined by increasing life expectancy, has its roots in the development of civilisation and, as in other European countries, is linked to a high level of health protection and public awareness of healthy lifestyles.<sup>1</sup> In terms of conditions related to demographic processes, a decrease in the total population of Poland has been observed in recent years. In 2018, the population of Poland amounted to 38411.1 thousand people and was 22.4 thousand persons lower than in 2017. This indicator of Poland's population will systematically decrease, and in 2050 is expected to reach 33 million 951 thousand, which is 4.55 million (i.e. 12%) less than in 2013. According to forecasts, Poland's population will steadily decline, while the number of people over 65 will increase: from 5,131 thousand (2007), 5,673 thousand (2013) and 8,358 thousand in 2035. The number of people over 80 will also more than double: from 1,140 thousand (2007) to as many as 2,574 thousand (2035).<sup>2</sup>

The state's public policy towards seniors is reflected in the form of the legislator enabling an establishment of consultative bodies such as Seniors Councils (hereinafter referred to as SCs) at the level of local government units. In addition to constitutional norms, however, it is important to verify to what extent Polish legal regulations concerning the establishment and operation of the SC form part of the overall senior policy and the competencies of the local government. Is it not true that top-down regulations at the central level contradict the idea of bottom-up social participation? How are the aforementioned regulations implemented in practice? Are there any analogies between an inclusion in the processes of social participation through normative regulations of Seniors Councils and other consultative bodies with a different target group? These are the research questions that emerged at the stage of the research process. In addition, global research is being carried out to measure what impact new technologies have on the social engagement of seniors.<sup>3</sup>

The research process consists of two modules. Stage one was to conduct desk research on normative acts concerning the formation of SCs at all the three levels of lo-

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<sup>1</sup> Skinder M., Polska polityka społeczna w odniesieniu do seniorów ze szczególnym uwzględnieniem prawa i uwarunkowań społeczno-polityczno-gospodarczych, *Świat Idei i Polityki*, No. 2, 2021, 187.

<sup>2</sup> *Ibid.*, 191.

<sup>3</sup> See: Sun K., Zhou J., Understanding the Impacts of Internet Use on Senior Citizens' Social Participation in China: Evidence from Longitudinal Panel Data, journal "Telematics and Informatics", Vol. 59, 2021.

cal government in Poland, as well as statutory regulations. The desk research was also related to substantive and doctrinal regulations on the public policies implemented in the Republic of Poland. The second stage covered a comparative analysis of legal regulations from the period before the amendment of the regulations on the formation of SCs and the regulations introducing changes in this area in the year 2023. At this stage, the analysis of the source materials was expanded to include an analysis of the legislative process of the law and the previous legal regulations in the area in question. A non-reactive research method was applied in the form of a content analysis of legal acts, case law and available statistical data. The aforementioned methods and research tools fall within the field of political and administrative sciences.

## II. Seniors Councils as Part of Public Policies

Pursuant to Art. 2 of the Constitution of the Republic of Poland,<sup>4</sup> “The Republic of Poland is a democratic state governed by the rule of law, realizing the principles of social justice”. Based on the principle of a democratic state derived from this provision, there also emerges a need for the state to realize broadly understood political pluralism. Public policies in the form of SCs are the result of, among other things, decentralization processes of the local self-government, leading to the self-organization of local communities, increasing the subjectivity of local community autonomy for the part of the population defined as seniors. At the same time, with the increasing number of seniors, the design of public policy towards “older adults”<sup>5</sup> is becoming increasingly important.

Public policies in the basic model are conceptualized as a set of processes consisting of several successive distinct stages,<sup>6</sup> the implementation of which is undertaken by the public administration as part of its mission to satisfy public needs. They in-

<sup>4</sup> Constitution of the Republic of Poland, 2 April 1997.

<sup>5</sup> I do not use descriptors such as “elderly”, ‘aged’, and ‘senior’ (they are common in media reports surrounding older people), because anti-ageism campaigners are warning that such language can cause discrimination. See more: Is “Elderly” Offensive?, The Age UK North Tyneside Group, 12 April 2019, <<https://www.ageuk.org.uk/northtyneside/about-us/news/articles/2019/offensive-description-of-older-people>> [23.11.2024]. In an effort to find a term that is more neutral and does not contribute to stereotypes about this age group, she decided to use the term ‘older adults’ consistently, hoping not to offend anyone with this phrase. However, the use of the terms “seniors policy” and “seniors councils” is unavoidable, as they are commonly used in Poland without negative connotations.

<sup>6</sup> Werner J., Wegrich K., Theories of the Policy Cycle, in: Handbook of Public Policy Analysis Theory, Politics and Methods, edited by F. Fisher, G.J. Miller and M.S. Sidney, Routledge, 2007, p. 43-62.

creasingly incorporate public participation and co-governance – although to varying degrees in their creation, implementation or the infrastructure of cooperation itself.<sup>7</sup> The recent decades have been characterized by the increasing participation of organized citizens in public policy at the national (as well as EU) level, and the growing importance of social activism in local development. In terms of the forms of operation of public administration, there has been a shift from traditional, authoritative methods to “solutions that strengthen the role of society in the formation of public policies and decisions to become their subject and not just an object.”<sup>8</sup> However, the construction, direction and consolidation of participation (of seniors in this case) within public policy requires the right conditions: effective legal regulations, an established practice and well-developed standards of cooperation. Participation in this regard is not only one of the features of democracy; in the institutional sense, it needs to be seen as an explicitly or implicitly normalized (permissible) formula for expressing opinions or deciding on matters of public importance.<sup>9</sup> This task, according to the legislator, is to be fostered by amendments to the laws on local self-government in Poland, which are included in the comparative analysis in this study.

The role of seniors in public policies was highlighted by Beard and Williamson, among others. Focusing on research on seniors, they distinguished them as the role played by large institutionalized organizations and smaller grassroots groups.<sup>10</sup> It is important that the tools that the state, as a legislator, may offer for the implementation of senior policy coincide with the goals it intends to achieve by involving them in public life (usually at local and regional levels). The needs of older people are increasingly shaping social policy<sup>11</sup>, although not exclusively.

Within the normative regulations of individual public policies, seniors themselves are defined in a variety of ways (including national vs. EU regulations). What

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<sup>7</sup> See more: Włodyka E.M., *Razem czy osobno? Instytucjonalne i pozainstytucjonalne formy współpracy między samorządem terytorialnym a organizacjami pozarządowymi w województwie zachodniopomorskim*, Koszalin, 2020.

<sup>8</sup> Barczewska-Dziobek A., *Rady seniorów jako instytucjonalne formy dialogu obywatelskiego na poziomie lokalnym*, in: *Dialog obywatelski. Formy, mechanizmy, bariery i perspektywy rozwoju*, edited by M. Sidor and M.W. Sienkiewicz, Lublin, 2014, 145 et seq.

<sup>9</sup> Niżnik-Dobosz I., *Partycypacja jako pojęcie i instytucje demokratycznego państwa prawnego i prawa administracyjnego*, in: *Partycypacja społeczna w samorządzie terytorialnym*, edited by B. Dolnicki, Warszawa, 2014, 21-43.

<sup>10</sup> Beard R. L., Williamson J. B., *Social Policy and the Internal Dynamics of the Senior Rights Movement*, *Journal of Aging Studies*, Vol. 25, No. 1, 2011, 22-33.

<sup>11</sup> Szatur-Jaworska B., *Ludzie starzy i starość w polityce społecznej*, Warszawa, 2000, 11 et seq.

may be a variable here is the professional status (active or retired persons)? Taking into account solely the criterion of age, solutions vary in different countries around the world, so this is not a characteristic feature of Poland alone. Noguchi and Shang define the lower age limit as being equal to or greater than 60 years.<sup>12</sup> What matters in this regard is the regulations of, among other things, the retirement age in a given country, or those that define social policy. This is because the guidelines of senior policy for old-age dependents and those for independent people differ. Senior policy for both groups in the political system of the Republic of Poland is assigned to the Ministry of Family and Social Policy, with its consultative body, the Council for Senior Policy of the 2020-2024 term of office. The Ministry thus carries out the obligation imposed by the Act of 11 September 2015 concerning older adults.<sup>13</sup> This act defines the older adults in Poland as those citizens who have reached the age of 60 (this age is implied in Art. 4 Para. 1 of the Act).

Senior policy is also present in strategies at the local government level, as a local and regional public senior policy, not only at the level of central regulations. The constitutional laws of the individual levels of local government units (LGUs) and separate laws provide for specific forms of participation. Within the framework of senior policy, this form is to be presented by SCs. Among independent seniors, it would be appropriate to distinguish those who are open to social participation. These seem to be the ones targeted by the provisions on the functioning of SCs, which in turn represent the entire senior citizen community. According to the author's experience, it is often retired community activists who take on roles in SCs. These individuals were once highly active in their professions before retiring, or they use their newfound free time after retirement to stay involved. They are typically well-known and respected within their local communities. The influence of senior councils is likely to grow over the coming years, given the ageing of the population and the related increasing importance of older citizens in the electorate, especially for local political leaders. Seniors Councils can support better informed local decision-making by helping to identify local needs, and contributing to a better allocation of scarce resources. Additionally, Seniors Councils are advisory and consultative bodies that support local political de-

<sup>12</sup> Noguchi T., Shang E., Art Engagement and Psychological Well-Being Among Community-Dwelling Older Adults in Japan: An Observational Cross-Sectional Study, journal "Public Health", Vol. 222, 2023, 178.

<sup>13</sup> Act of the Ministry of Family and Social Policy of the Republic of Poland "On the Older People", 11 September 2015.

cision-making to assure that the views of older people are taken into account in the decision-making process.<sup>14</sup>

### **III. The State of Implementation of Senior Policy in Poland through the Legal Construction of “Seniors Councils” at the Local Government Level**

In Poland, the local self-government is divided into three independent levels, which are regulated by the relevant system laws: the municipality<sup>15</sup> and the district<sup>16</sup> (as the local level) and the provincial self-government (as the regional level)<sup>17</sup>. The local government, being closest to the citizen and at the same time decentralized in relation to the central administration, carries a number of distinctive tasks. For example, Art. 7 of the APSG includes self-tasking as “a satisfaction the collective needs of the community.” In this open catalogue, the legislator also includes senior policy. More recently, similar provisions can be found in two others local government laws. Longevity is a challenge for modern local government, and the research results show that social solidarity towards older people should be manifested in the local government’s implementation of tasks aimed at intergenerational solidarity.<sup>18</sup>

There was a possibility to establish communal Seniors Councils in Poland for years, but only at the basic level of local government-municipalities. The SC mechanism was introduced to the APSG in 2013. Art. 5c of the law, added to the catalogue of the municipality’s self-tasking, indicates that it is a body of an advisory nature, one that represents the older adults’ community. Thus, in Poland, the Seniors Council is a relatively new institution on the one hand, since Article 5c of the APSG (which regulates its functioning) was added by the Law of 11 October 2013, amending the Act on Municipal Self-Government ten years ago. On the other hand, those ten years of the

<sup>14</sup> Frączkiewicz-Wronka A., Kowalska-Bobko I., Sagan A., Wronka-Pośpiech M., The Growing Role of Seniors Councils in Health Policy-Making for Older People in Poland, journal “Health Policy”, Vol. 123, No. 10, 2019, 906.

<sup>15</sup> Law of Republic of Poland “On Municipal Self-Government”, 8 March 1990, hereinafter referred to as: ACSG.

<sup>16</sup> Law of Republic of Poland “On District Self-Government”, 5 June 1998, hereinafter referred to as: ADSG.

<sup>17</sup> Law of Republic of Poland “On Provincial Self-Government”, 5 June 1998, hereinafter referred to as: APSG.

<sup>18</sup> Mędrzycki R., Samorząd terytorialny wobec zjawiska długowieczności, Samorząd Terytorialny, No. 3(363), 2021, 20.

functioning of the SC provision represent almost half of the time of the transition of Poland's political system from a communist regime to a democratic one (since 1989). Significantly, this mechanism was provided for by the legislature at that time at the municipal level only.

Most of the councils in Poland were therefore established on the basis of the new provision (Art. 5c) of the Act of 11 October 2013, amending the ACSG.<sup>19</sup> Admittedly, Seniors Councils had appeared before, but were the result of the effective determination of the local senior citizen community and the openness of local authorities rather than direct normative solutions.

#### IV. Status before 2023

At the municipal level, there was a provision for the possibility of forming SCs starting from the year 2013. This provision was not provided for by laws at the district and provincial levels. However, the legislator adopted an analogous approach to the existence of municipal Youth Councils, where the legislation also first allowed their functioning at the lowest level of the local government, and only after time allowing this possibility at higher levels.<sup>20</sup>

According to various studies, 76 SCs were identified in Poland that functioned until 2013<sup>21</sup>, or 50 Seniors' Councils, or social dialogue bodies<sup>22</sup>. Wisniewski, on the other hand, analysed the dynamics of the formation of SCs and their functioning one year after the amendment of the Municipal Self-Government Act.<sup>23</sup> According to his research, despite the increased awareness of the importance and role of seniors in the modern world, Seniors Councils did not become a widespread phenomenon, despite the fact that there appeared a multitude of SCs in 2014. 71 such councils were formed then, with a further 131 added in 2015. In the end, however, they did not become a widespread phenomenon; the growth trend after the introduction of direct

<sup>19</sup> Law of Republic of Poland "On Amending the Law "On Municipal Self-Government", 11 October 2013.

<sup>20</sup> Włodyka E.M., Młodzieżowe Rady w samorządzie terytorialnym Pomorza jako nowe oblicze partycypacji obywatelskiej, in: 25 lat Samorządu Terytorialnego. Polska – Pomorze – Chojnice, Choinice, 2015, 126.

<sup>21</sup> See: Starzyk K., Zoom na rady seniorów. Diagnoza funkcjonowania, Warszawa, 2014.

<sup>22</sup> Zoom na rady seniorów: diagnoza i wyzwania, konferencja Ogólnopolskie spotkanie rad seniorów, edited by G. Zielińska, Warszawa, 2015, 23.

<sup>23</sup> Wiśniewski P., Powolny proces tworzenia Rad Seniorów, journal "Polityka Senioralna", No. 1, 2015, 11-13.

regulation allowing SCs to be formed more easily diminished after the first period of excitement. By 2019, among the 2,477 municipalities, some 380 councils had been formed. The largest numbers were recorded in the following provinces: Mazowieckie (39), Śląskie (38), and Dolnośląskie (34), with the smallest number in Podlaskie (13). According to a study conducted by Emilia Lewicka-Kalka, 64% of the initiators of the establishment of SCs were local administration representatives, 19% – seniors, and 11% – representatives of NGOs (Lewicka-Kalka, 2020). According to other measurements, as late as 2019, Poland had only about 350 seniors' councils in all its 2,477 municipalities.<sup>24</sup> However, in practice, what was observed was insufficient activities of senior citizens' councils, attempts to politicize them, as well as differences in their activities in various parts of the country.<sup>25</sup>

From a practical perspective of the research into the functioning of the SCs until the year 2023, difficulties were revealed in SCs defining goals and specifying activities they could undertake in cooperation with local governments. A thesis emerging from the study by Klamana and Mikulska is that there is an inadequacy in the current statutory regulations in this regard, pointing in the direction of such senior citizen participation (difficulties in defining objectives and specifying the activities they could undertake in cooperation with local authorities.). In their research they found that the low activity of SC has so far resulted from the regulations of the laws (on municipal, County and provincial government). The provisions were too general and laconic to give the councils a real tool for action and activation.<sup>26</sup>

## V. Normative Changes to Constitutional Acts in 2023 Concerning SCs

The legislative process for the changes is not uniform, despite being part of various draft laws. In 2020, a parliamentary bill proposed adding Para. 7 to Art. 5c, which reads as follows: “7. The municipal council may give a municipal Seniors Council in its charter the right to take legislative initiative.” The justification was motivated by an

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<sup>24</sup> Parliamentary bill of Republic of Poland on amendments to the Law “On Municipal Self-Government”, the Law “On County Self-Government” and the Law “On Provincial Self-Government” (parliamentary print No. 2919), 2019.

<sup>25</sup> Salachna J., Szafranek A., Instytucjonalny udział osób starszych w funkcjonowaniu samorządów terytorialnych: realia i założenia legislacyjne, journal “Ruch Prawniczy, Ekonomiczny i Socjologiczny”, Vol. 85, No. 1, 2023, 202-203.

<sup>26</sup> Klamana M., Mikulska J., Rady seniorów w działaniu, Warszawa, 2016.



expansion of powers, as well as the facilitation of the SCs functioning at the municipal level (including Youth Councils, which were given more space in the bill itself). The draft was also intended to influence the strengthening of civil society by enabling the advisory bodies of the municipal councils (municipal Youth Councils, municipal Seniors Councils) to take the legislative initiative<sup>27</sup>. That same year, however, the draft amendments ended up in the first reading of the legislative process in Parliament.

A parliamentary bill on changes to the functioning and appointment of the SCs was submitted to the Polish Parliament once again on 14 November 2022. It was referred for its first reading two months later, on 11 January 2023, to the Committee of Senior Policy and the Committee of Local Government and Regional Policy. On 8 February 2023, the bill was voted on after its third reading.<sup>28</sup> Subsequently, it was referred to the Senate Senior Policy Committee and the Committee of Local Government and Regional Policy on 9 March 2023. The amendments introduced during the legislative process modified the original text of the bill with regard to the consequences of rejecting a proposal to establish Seniors Councils in local government units (at all three levels), which were initiated by a statutorily defined group of residents. The basis was also introduced for determining, in the statute of the Seniors Council, the maximum amount of costs for the participation of a member of the Seniors Council in meetings, and in organized events, which the relevant local government unit is obliged to reimburse. Transitional provisions were also significantly changed. The President signed the Act on 15 March 2023, and its entry into force was scheduled with a 14-day *vacatio legis*, indicating a legislative timetable that does not deviate from the usual practice.

On 11 April 2023, the 9 March 2023 amendment to the Law on Communal Self-Government, the Law on County Self-Government and the Law on Provincial Self-Government came into effect.<sup>29</sup> As indicated in the Senate's opinion to the bill, the purpose of the law on amending the Act on Communal Self-Government, the Act on County Self-Government and the Law on Provincial Self-Government was to create legal grounds for the appointment of Seniors Councils at district and provincial levels;

<sup>27</sup> What remains to be a separate point of contention is the laconic financing area of the amendments to the law as: "This regulation has no financial or legal implications" which, as is well known, would carry a direct impact on the local government.

<sup>28</sup> A large majority of the 460 MPs voted in favour of the draft, i.e., 444 voted "for", 3 "against" and 2 "abstained".

<sup>29</sup> Law of Republic of Poland "On Amending the Law "On Communal Self-Government", the Law "On County Self-Government" and the Law "On Provincial Self-Government", 9 March 2023.

secondly, to modify the existing regulation of Seniors Councils in the municipal government, aiming to ensure greater efficiency in the appointment of these councils.<sup>30</sup>

The amendment, introducing essentially uniform regulations at all the local government levels, is based on defining SCs as bodies of a consultative, advisory and initiative nature. Thereby, it increased the role of SCs in the functioning of local governments, and introduced a provision according to which the municipal council, the district council and the provincial assembly are obliged to establish a Seniors Council if a certain number of people have requested it. This means that the scope of the district<sup>31</sup> and provincial government's self-tasking has also increased. Taking the example of the added Art. 10c. 1, "The province shall foster intergenerational solidarity and create conditions for stimulating civic activity among the older adults in the community of the region." Based on the provisions referred to above, it can be concluded that the legislator obligatorily added the matters of senior policy to the self-tasking of the municipality, district and province, respectively.

Under the amended regulations, SCs are composed of representatives of entities working for the older adults, in particular, representatives of NGOs and entities running universities of the third age. Until then, the municipal council could (and therefore optionally) form an SC on its own initiative or at the request of communities interested in it. The amendment introduces obligatory changes, according to which the municipal council, the district council and the provincial assembly will be obliged to form a Seniors Council if a number of persons specified in the law request it. In the case of municipalities:

1. With up to 20,000 residents, if requested by at least 50 residents of that municipality who are at least 60 years old;
2. With over 20,000 residents, if requested by at least 100 residents of this municipality who are at least 60 years of age.

In a district:

1. With up to 100,000 residents, at the request of at least 150 residents of this district who are at least 60 years old;
2. With over 100,000 residents, at the request of at least 250 residents of this district who are at least 60 years old.

<sup>30</sup> Opinion related to the Law "On Amending the Law "On Municipal Self-Government", the Law "On District Self-Government" and the Law "On Provincial Self-Government", 2023.

<sup>31</sup> Art. 3f was added to AD SG. 1: "The district fosters intergenerational solidarity and creates conditions for stimulating civic activity of the older people among the district's residents."

In a province:

1. With up to 2 million residents, at the request of at least 500 residents of that province who are at least 60 years old;
2. With more than 2 million residents, at the request of at least 800 residents of this province who are at least 60 years old.

The municipal council will be required to consider the application within a period not longer than three months from the date of its submission. At the same time, entities authorized to initiate the SC procedure do not have to operate in the area of a given local government unit, as the law does not indicate this restriction. Instead, the amendment indicates that the council of a municipality, district or provincial assembly creating an SC shall grant it a statute. This is to specify, in particular:

1. The procedure and criteria for the election of its members, rules and procedures for its operation;
2. The length of its term of office (noting that the term of office may not last longer than the term of office of the legislative body of the local government, i.e., the municipal/district council/provincial assembly) where the SC operates;
3. The rules in relation to the end of term and dismissal of its members;
4. The rules for the reimbursement of expenses incurred by council members, including their maximum reimbursable amount.

The regulations provide that a member of the SC, in connection with their participation in meetings of this council, or in an organized event where they represent the municipal Seniors Council may, upon their request, be reimbursed for the expenses incurred, including travel expenses within the country related to their participation in a meeting of the SC, or in an organized event where its member represents this body. Reimbursement may be made on the basis of documents, in particular, receipts, invoices or tickets, confirming the expenses incurred or information on the amount of car travel costs incurred. The Sejm adopted the Senate's amendments, clarifying that if a legislative body of local government units has decided to reimburse such costs, it must specify reimbursement rules in a statute, including the maximum reimbursable amount. Starting from the year 2023, in a situation where seniors wish to function in terms of cooperation with other SCs and receiving training, there is an exception to the principle of non-financing of SCs by local governments. An SC member attending

meetings of the SC, or an organized event at which they represent the SC, may be reimbursed, upon their request, for the expenses incurred, including travel expenses within the country, related to the participation in a meeting of the municipal Seniors Council or an organized event at which they represent a municipal SC, on the basis of documents, in particular bills, invoices or tickets, confirming the expenses incurred or information on the amount of car travel expenses incurred.

Auxiliary apparatuses of local government executive bodies (i.e., municipal, district and marshal offices) are obliged to provide administrative and office services to the SC.

Although the SC is a consultative, advisory and initiative body, the new regulations equip the council with new tools. It can address inquiries or requests to an executive body in the form of a resolution. Such a resolution should contain a brief statement of the facts that are the subject of the resolution and the resulting questions. Executive bodies are obliged to respond in writing no later than 30 days after receiving the resolution.

Adrian Pokrywczyński of the Union of Polish Counties points out the danger of “arming” Seniors Councils with the power to pose questions that oblige the mayor, head of the district or the provincial marshal to provide answers in the form of resolutions. He points out that a consultative and advisory body such as a Seniors Council should be able to ask questions in relation to senior citizen policy or those matters that may be related to everyday life in a given unit. The law, on the other hand, uses the phrase: “in matters concerning the municipality/district/village,” thus going beyond the topic of “senior citizen policy”<sup>32</sup>.

Concerning the legislative changes related to the SC in 2023, it is worth mentioning that municipal councils, district councils and provincial assemblies in municipalities, districts and provinces where municipal Seniors Councils, district Seniors Councils and provincial Seniors Councils were established before the effective date of this Act, will adapt the statutes of Seniors Councils to the requirements of the Act within 6 months from the effective date of the Act amending local government regulations.

## VI. Conclusion

The present study analysed the mechanism for the inclusion of older adults in decision-making processes at the local and regional levels of local government

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<sup>32</sup> Horbaczewski R., Łatwiej będzie utworzyć w gminie radę seniorów, Prawo.pl, 28 March 2023, <<https://www.prawo.pl/samorzad/rady-seniorow-nowe-przepisy,519834.html>> [23.11.2024].

units. The SC tool was amended by the Polish legislator in 2023, and these changes were used in a comparative analysis of the tool under discussion, which local government units in Poland were equipped with at the level of the regulation of central normative acts.

The legal framework for elderly policy in the field of senior citizens' council arrangements at the local government level can be assessed in a similar way to the assessment of senior citizens' policy made by Mikołajczyk: it gives the impression of some success in overcoming barriers to the inclusion of Polish older people in mainstream society. However, contrary to the first impression, a number of criticisms can be made of the Polish solution, particularly in the context of the elimination of ageism.<sup>33</sup> The analysis demonstrates that Seniors Councils are undoubtedly desirable within the public policies of senior policy, if only considering the trends of the aging population. Seniors, who are becoming an increasingly large percentage of the population, were given a mechanism for their participation at the local (municipality and district) and regional (province) levels; they have a mechanism that allows them to also become a subject and not merely an object of normative regulations in local governments.

The legislator's intention was certainly to support existing SCs and the formation of new ones since, as past research indicates, Senior Councils proved to be the weakest form of public participation in local government units. Yet no detailed rationale in connection with this was provided. It seems that the lack of existing legal regulations is not necessarily the only reason. This can be seen, for example, in the case of youth municipal councils or the civic budget mechanism. Both of these tools are part of the idea of participation and co-management, and they began to emerge in practice without any direct legal basis. Regulations concerning them were therefore secondary to the practice of grassroots local initiatives. Thereby, this institution, in order to strengthen its importance, requires additional legislative changes. One of these could be (and was not included in the 2023 amendments) a determination of the scope of the competence of Seniors Councils and a clarification of the general composition of the Council.

Local government officials also point out that such Seniors Councils may become merely would-be creations. According to the MPs – the authors of the amendments – “despite the increased awareness of the importance and role of seniors in the modern world, Seniors Councils have not become a widespread phenomenon.

<sup>33</sup> Mikołajczyk B., *Addressing Ageism in Polish Ageing Policy – Critical Remarks*, *Research on Ageing and Social Policy*, Vol. 11, No. 1, 2023, 87.

There are only about 350 Seniors Councils in Poland compared to its 2,477 municipalities.<sup>34</sup> They emphasize that the law imposes on seniors a specific form of address, namely resolutions. This, for example, may give rise to formal disputes over whether any letter addressed from seniors is a formally adopted resolution or whether the mayor may nevertheless choose not to respond because the form of address is not adequate.

As a result of the research process, the thesis (H1) was successfully confirmed, namely that Poland is a country that possesses a planned senior policy in the form of Seniors Councils at the local government level. At the local level, these are Municipal Seniors Councils, District Seniors Councils, and at the regional level: Provincial Seniors Councils. Legislative changes introduced in 2023 regarding the establishment and operation of SCs at district and provincial levels (in addition to the municipal level starting from 2013) have significantly strengthened, by introducing a number of mandatory provisions, consultative bodies within public policy in relation to senior policy in Poland. The amended norms of the Act have provided a concrete tool for SC to become more active and thus actually implement public policies in the area of senior citizen's policy. The auxiliary thesis (H2) concerning the benefits of having seniors involved at the level of local government units as public administration at the local and regional levels could not be sufficiently proven in the form above. The same holds true for the additional research question (Is it not true that top-down regulations at the central level contradict the idea of bottom-up social participation?). Answers to these questions will have to be sought in further in-depth exploratory research.

In the course of the study, new research questions emerged that were not addressed in this paper. An in-depth study of the topic would be worth undertaking to expand on these questions. The questions are as follows:

1. Would increasing the activity of senior citizens in the form of establishing Seniors Councils be influenced by assisting funding not at the local government level but at the central level, as is the case with Rural Housewives' Associations?<sup>35</sup>

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<sup>34</sup> Ibid.

<sup>35</sup> Country Housewives' Association is a voluntary, independent and self-governing social organisation that fosters the development of entrepreneurship in the countryside and actively works for the benefit of rural communities, bringing together mainly women. The groups operate on the basis of the provisions of the Act of 9 November 2018 on Country Housewives' Association (Journal of Laws 2021, Item 2256). The Association may receive target grants for the implementation of statutorily defined objectives due to changes in the legal status starting from 2018.

2. The purpose of a consultative and advisory body is to offer advice and not to compete with a municipal council, a district council, or a provincial assembly elected in general elections. Is this approach justifiable, given the wide scope of the 2023 amendments regarding SC inquiries, which now take the form of resolutions and extend beyond senior citizen policy? Or should the legislator focus on the delegated scope of SC inquiries, ensuring that the SC does not compete with legislative and oversight bodies or assume their competencies? After all, youth councils have a scope of action limited to youth affairs.
3. Is the idea of creating advisory bodies that represent a group of local government community members, selected according to a certain criterion, valid?<sup>36</sup>
4. To what extent should the legislator “interfere” with an intention to establish legal frameworks for proper functioning? How can a risk be avoided of facade and ineffective operation of SC when overly broad regulations become a brake on grassroots participation?
5. Why is there a discrepancy between the enactment of SC regulations at the municipal level and the delay of the aforementioned mechanism available at district and provincial levels? Why was the SC mechanism provided by the legislator only at the municipal level in 2013, while seniors had to wait as long as ten years for the aforementioned tool to become effective at district and provincial levels?
6. In municipalities with larger populations (e.g., in cities with district rights, as in the case of participatory budgeting), should the establishment of Seniors Councils be made mandatory, regardless of the intention and initiative of the community?

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<sup>36</sup> At this point, it is worthwhile to include Youth Councils in a comparative analysis which, on a very similar basis in the three local government laws, also function as consultative and advisory bodies, but this is for young people in the community.

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