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Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

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## **The importance of social assistance for individuals and families in difficult life situations**

Social assistance is an institution of state social policy aimed at enabling individuals and families to overcome difficult life situations, which they are not able to overcome, using their own powers, resources and opportunities. Social welfare support individuals and families in their efforts to meet the essential needs and enables them to live in conditions equivalent to human dignity. The aim of this assistance is to bring individual independence of beneficiaries and their integration with the environment. Individuals and families receiving social assistance are required to cooperate in resolving their difficult situations. This assistance has a transitional character and assumes the activation of individuals and families who benefit from it. Lack of proper attitude of a person using such assistance may result in refusal or termination of assistance. Before granting the aid, material resources of the party seeking benefits and the ability to support him through family should be taken into consideration.

There have been many changes in social legislation over the past few years. Revisions of the law were associated with economic transformation, the Polish accession to the European Union, as well as a change in the concept of social policy of the state. The effects of these changes show up specifically in the legislation concerning social welfare.

The right to social assistance was not directly expressed in the Polish Constitution. The Basic Law grants citizens only the right to social security, which is granted only to the unemployed who do not have other means of subsistence. Social security is achieved through social insurance, social supply and social assistance. Social assistance benefits are the last possibility to overcome difficult life situations. Each person should meet their needs through the income they receive from their own work, and only in the second place it can rely on appropriate protection of the social security system: a person or family may receive a social assistance (Sierpowska, 2006).

Article 7 of Social Welfare Act of 12 March 2004 lists examples of reasons for the creation of difficult life situations, they are among others: poverty, orphanhood, homelessness, unemployment, disability, long and serious illness, domestic violence, the need to protect maternity numerous children, the difficulty in adapting to life among refugees, alcoholism, drug abuse, natural disasters. Not without reason that poverty has been mentioned in the first place, because it is basic and one of the most common causes of granting the social assistance benefits. Poverty is often associated with other circumstances that cause difficult life situations. The most important today are homelessness and unemployment. Although the Social Welfare Act does not treat as privileged any of the mentioned in Article 7 reasons, in practice their classification and prioritization is necessary. It is justified on grounds of organizational - administrative and distribution of grant funds for specific services. Specific forms of assistance were included in the categories of tasks of public authorities in the Act (Dz. U. 2004, Nr 64, poz. 593).

Social assistance is the task of the state. The organs of authority are obliged to ensure the protection of individuals in difficult situations, by giving it various forms of support. Currently, these tasks consist of providing financial and material assistance, the performance of services and the preparation of specific programs, plans and reports. The tasks relating to social assistance are divided into its own and commissioned by government administration.

Social assistance is arranged by state and local government, working with NGOs, churches, religious associations and the individuals and legal entities. The structure of social assistance in Poland is as follows:

- social assistance centers operating in each municipality, providing financial assistance, services and material, and pointing to the nursing homes;
- district family assistance centers (cities in the county rights – city family assistance centers) counties keep nursing homes, provide care for children in residential institutions (eg orphanages, care ambulances) and foster families;
- regional social policy centers (with marshal offices) – are coordinating social policy in assisting local governments in the provinces;
- the offices of provincial departments of social policy – control and supervision over the execution of the municipal, county and province, including the quality of social welfare agencies (but only for assigned tasks);
- Ministry of Labour and Social Policy – is focused on coordinating social policy across the country and the preparation of amendments to existing legislation.

Community self-government through a specialized administration in a natural way should take steps to reduce differences in the process of meeting basic needs, that are caused by factors independent on the individual or family. The Social Welfare Centres are obliged to provide shelter, food and clothing necessary for

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each person and family who are deprived of that. Providing shelter consist in giving temporary accommodation in places designed, such as night shelters, hostels, homes for the homeless. Social assistance is required to provide one hot meal per day to each person who own efforts can not provide it. It is worth mentioning that the provision involving the organization of food is achieved as well by buying meals for children and young people at school.

A specific group of non-cash benefits, realized by social care are variety of care services, particularly specialist care services at home and support centers. A person who due to age, illness or other reasons requires assistance and care of other people, and is deprived of it from loneliness or inability to provide assistance by the family, are entitled to support in the form of care services. The task of social assistance is also to establish entitlement to cash benefits from social assistance. Centers grant and pay: solid benefits to people who are unable to work due to age or disability, periodically benefits and targeted benefits – to meet the essential needs of existential.

Another type of benefit, which belongs to the commune, is social work. It is the professional activity performed to improve the functioning of families in the social environment. It is conducted with individuals and families to develop their life activity, with the participation of local communities and to ensure the cooperation of institutions involved in meeting the needs of members of these communities. Social Welfare Act provides the possibility of benefits of social work on the basis of social contract, ie, a written agreement with an applicant for help. It defines the obligations and rights of the parties under the joint efforts undertaken to overcome difficult life situations a person or family. The agreement aims to stimulate the involvement of the recipient and to act to improve its situation. An interested party is involved in editing the content of the contract, he points himself to the source of his problems, determine its ability and willingness to fight them. Ways of developing and written form of the agreement are intended to strengthen its effectiveness by reminding the recipient of its obligations (Barański, 1996).

Social assistance centers are often the first and essential place where persons who are in difficulty ask for help. The centers are principally engaged in setting of rights to benefits and their granting. Decisions to grant or refusal of aid admits (based on authorization) the head of social assistance center or other authorized employee. Those institutions were also granted in certain procedural rights for the representation of people requiring support. Centre for Social Welfare for example, can occur with applications for a declaration of incapacity to work and the determination of disability. Manager of the facility may also bring an claim of a maintenance for the citizens. The powers of this type create greater possibility of granting assistance to those in need, often because of their age, illness, disability or helplessness they are not able to assert their rights, they cannot afford to hire

an attorney who would represent their interests. Centers can also deal with the analysis of the phenomena causing the demand for social assistance, followed by the development and expansion of social infrastructure (social welfare homes, shelters for the homeless). In the implementation of assigned tasks by the government centers shall be guided by indications of the mayor, and while performing their duties, follow findings of the mayor.

The tasks of social assistance that exceed the financial and organizational powers of community have been attributed to county. Most of them are specialized duties whose performance requires expertise; in addition facts to justify their fulfillment are not as widespread as in the municipal tasks. Counties deal mainly with widely understood family help, including specialized counseling and therapy, the organization of care in foster families and providing assistance to those families, as well as adoption and day-care facilities. District organizes various forms of support for the care of the family and the child. In accordance with Article 71 of the Constitution, State in social policy and the economy is taking into account the good of the family. So the family who found themselves in difficult material and social circumstances, especially larger and incomplete families, are entitled to special assistance from public authorities. Family, under the Act on social assistance, in addition to financial support, receives non-monetary benefits such as: counseling and family therapy, social work and provide care and education of children outside the family. Specialized counseling is achieved to individuals and families who have difficulties or show the need for support in solving the problems of life. These benefits include legal, psychological, and family counseling. Local government deals also with: supporting families in fulfilling their natural function – care and training of candidates to serve as foster families, and candidates for the implementation of family institutions (Dz. U. 2004, Nr 64, poz. 593).

The second category of the administration tasks are integration measures for persons who have difficulty in adapting to life after their release from prison. The district is engaged in crisis intervention centers keeping, sheltered housing and the organization of training and methodological advice for welfare staff. The tasks of the local district administration are also to help the refugees. The aim of this help is to promote the integration of refugees and involves in providing of benefits such as specialized counseling and paying health insurance contributions and the payment of cash benefits (ranging from 420 to 1149 zł per month per person). It is intended to cover living expenses and the polish language learning. All forms of support are entitled to a period not exceeding 12 months and are carried out through individual integration program agreed with the refugee. Attention is drawn to relatively high value of cash benefits granted to refugees. It raises public opposition related to the amount of other cash benefits provided for in the Act on social assistance. Benefits paid to polish citizens are much lower (Dz. U. 2004, Nr 64, poz. 593).

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Family Assistance Center deals with the administration of social assistance in the county. In the city or district rights instead of the center operates City Center for Family Support. District Centre and its director as well as the relevant municipal authorities have the procedural power for requests on incapacity, disability and bringing actions for alimony. Center manager or other employee authorized by the governor, may issue a decision in individual cases determinative of social assistance. As the tasks of the district are centered on family support, they correspond to the appropriate powers of organizational units. Head of the family support center can contain and resolve civil agreements with foster families in matters of entrusting the child. In addition, he works with the court regarding raising children deprived of parental care and submits to the court – at least once a year – a list of foster families. Every year he reports on the activities of the center along with a list of needs for social assistance submit to the county council. The tasks of the county family support center is also to support the governor in the supervision of foster families, adoption and nursing centers, social welfare homes and care institutions.

Tasks that cannot be realized by counties are passed to the voivodship. The role of the regional government is primarily promotional activities and inspiration in the field of social assistance, the organization of the regional units of social assistance and staff training and maintenance of public schools social services. In the province tasks in the field of social welfare carry out regional centers of social policy.

The various local government units shall develop and realize appropriate municipal, county and regional strategies for solving social problems, which include specific support programs for: prevention and control of alcoholism, the integration of persons with high risk groups, support persons with disabilities, collaboration with NGOs.

The tasks of social assistance are also supplemented by government bodies – the Governor and the minister responsible for social security. Voivod as the supervisory authority of local governments is mainly engaged in controlling, evaluating and coordinating the activities of local government in social welfare. In addition to the authorities other parties are also engaged in social welfare. One of the results of political transformation in Poland was the development of non-profit sector, including foundations, associations and charities. Many of these organizations in the statutory purposes have help to those in need, and perform tasks within the scope of social assistance. Public administration authorities, arranging social assistance, collaborate in partnership with social organizations and NGOs, the Catholic Church, other churches and trade unions as well as individuals and legal entities. In addition, government agencies and local government can outsource the tasks of social assistance to other entities, in particular non-governmental

organizations, individuals and legal entities and other agencies if they operate in the field of social assistance. It should be noted that in contrast to public administration, the activities of private entities in the sphere of social assistance is carried out voluntarily and often exclusively for business purposes. Participation of private entities in the implementation of public tasks is common today. Modern administration is seeking support in the performance of public services, mainly to reduce their costs and increase quality. Often ordering service to a private entity is for the administrative body less expensive than its self execution. Admission of non-state actors, both individuals and bodies to perform the tasks of social assistance repeatedly was accepted by the Act of March 12, 2004 (Dz. U. 2004, Nr 64, poz. 593). First of all, the objective and subjective boundaries of social tasks implemented by private entities have been identified (Niewiadomska, 1998). Administrations bodies may not delegate permissions to entities to determine the benefits and the payment of cash benefits. In addition, they can not delegate the tasks of social assistance to political parties (or trusts established by them), trade unions, employers' organizations and governments work. Acts and orders made under the implementing legislation in detail regulate the mode of entrusting the task, which is reduced to the open call for tenders similar to the tender of public procurement. Another example of the acceptance of private entities into the social sphere is regulation dedicated to the economic activities of institutions providing day care for people with disabilities, chronically ill or elderly. Cited Act also provides the possibility for non-state actors to run other social welfare institutions such as nursing homes, family care homes, family homes and centers of adoption. Currently, in the law of social assistance there is tendency to slow expansion of certain spheres of activity, authorization private entities social tasks and the introduction of commercial services as an alternative to public benefits.

In the current legal regulation of social welfare attention is drawn to define normative criteria and rules for granting benefits. In the first place the legislator determines the subjective criteria - people (and families) that are entitled to benefits. He takes into account not only Polish citizens but also foreigners, including refugees and nationals of Member States of the European Union. The objective criteria amount to a requirement of a difficult life situations and their own inability to overcome them by the potential beneficiaries. The last criterion determines income thresholds, which is rigidly defined by law. It should be noted that the material situation of people applying for help not always determines the granting of benefits. In the institutional model of social assistance, mainly carried out by the District Family Assistance Centers, the main criterion for support is the need, not the amount of income. This model assumes an active form of aid, which are primarily support services to families in all their functions and in the process of recovering or maintaining their independence and resourcefulness.

In a democratic country stepping into the realm of individual rights and responsibilities by the authorities must be carried out in certain forms of law and procedure. Therefore the granting and denial of benefits should take the form of decision issued in administrative proceedings. Determination of entitlement to benefits is under the Administrative Procedure Code and the specific provisions included in Act on social assistance. The use of administrative procedures has fundamental importance to the proper award of benefits and protection of the rights of the beneficiary, in particular by allowing them to actively participate in the proceedings, as well as the right to file appeals. It should be assessed positively that the possibility of initiating the procedure for assistance comes from the office, as well as at the request of another person with the consent of the person concerned. This solution is consistent with the objectives of social assistance and is designed to protect the interests of the recipients, which are often elderly, sick or helpless. A benefit should be preceded by investigation of evidence that will meet the statutory criteria set to the potential beneficiary.

A particular measure of evidence is a family community interview, which allows a specific diagnosis of the situation of the person or family who is trying to receive a benefit, combined with a proposal to grant specific forms of support. These forms are chosen according to the needs of beneficiaries and the financial capabilities of bodies engaged in social assistance. Thus despite the detailed regulations, laws pose a margin of discretion. It is manifested mainly in the way of appreciation and individualization of benefits. Most forms of aid is awarded on the basis of the so-called administrative discretion, which makes the body able to grant or refusal of support, match the needs of the beneficiary and determine its scope and frequency. That freedom also gives opportunity to change the form of benefits and the reduction or suspension of assistance in case of waste (Dz. U. 2004, Nr 64, poz. 593). Knowledge of administrative procedures and their application in matters relating to benefits is part of the duties of employees of social welfare agencies. Yet practice has shown serious negligence. It is not uncommon that employees do not initiate administrative proceedings. Moreover, the persons concerned are not aware that they can complain about that kind of government inaction and therefore refrain from claiming their rights. There are also cases of non-respect of the protection of personal rights and dignity of the recipient, which often comes from ignorance of the rules and principles of administrative procedure.

Currently, social assistance is often associated with the granting of benefits and functioning of municipal social assistance centers. However, the modern social assistance in Poland consists of a diverse network of agencies, services and intangible benefits. In addition to the already mentioned social assistance centers, county family assistance centers and regional centers there are also: social care homes, support centers, centers for crisis intervention, specialized counseling centers – including family, care facilities and centers of adoption and care.

Social Care Homes are one of the oldest clusters. Previously valid Social Welfare Act of 1990 (Dz. U. 1998, Nr 64, poz. 414) did not devote any attention to them, referring to the implementing legislation. Current law regulates in detail the status of these institutions, and some of the earlier regulations are now raised to the rank of the law. Currently, the rules of the Act are supplemented by the Regulation of the Minister of Social Policy (Dz. U. 2005, Nr 217, poz. 1837) defining the service standards and requirements for the building, which houses the facility. Social Care Homes have a lot of diversity in business profile and services. These centers can be private or public and can have the municipal, county or regional scale. They do take care of the elderly, somatically and mentally ill, disabled physically and intellectually. Basically to these units are sent persons requiring full time care, often without family support. Due to the nature of services and their continuous all-day work, these institutions have a special character, because they combine the features of public institutions and family homes. Their services are not limited exclusively to satisfy the needs of domestic residents, but also relate to the spiritual realm, which expresses itself in the organization of entertainment and opportunities for the exercise of religious practices. Requirement for this type of social assistance unit is still rising and interest in their services far exceeds the number of vacancies. Polish social care homes are faced with various difficulties, especially financial, which is the main reason for departing from the standards for both housing conditions and service quality. Privatization of institutions and creation of private social care homes could improve this situation.

Support centers operate in Poland for 12 years, and were introduced by the Act of 14 June 1996 amending the Law on Social Welfare and the Law on employment and counteracting unemployment (Dz. U. 1996, Nr 100, poz. 459). Currently, the legal basis for their actions are determined quite generally the law on social assistance. Support centers assist half-day care (but may also provide all-day care). The main objective of their activities is to help the person in need in their environment, and therefore the activity of centers is primarily targeted at beneficiaries who do not require full time care. The centers provide care services, including specialized services for people who due to age, illness, disability require partial assistance to meet the necessities of life. In addition, support centers provide shelter, intervention assistance and help meet the basic needs of living as well as exercise and supportive care services. Support centers are: environmental self-help homes, day social care homes, homes for mothers with small children and pregnant women, shelters and homes for the homeless and self-help clubs. The normative sources are not paying more attention to these institutions (as well as crisis intervention centers). In practice, the idea to create them is not widespread, and citizens are often unaware of their existence. This is mainly due to the statutory division of responsibilities for the creation of these institutions. Generally, running

support centers for municipal coverage is optional commune's own tasks, and the resort district - the county's own tasks. The maintenance of environmental self-help institutions for people with mental disorders is a task delegated by the municipal government. However, it is the task of district to conduct their own support centers, including homes for mothers with small children and pregnant women, but with the exception of environmental self-help homes and centers for people with mental disorders. The latter are kept in the tasks assigned way. Due to their nature the service centers should operate particularly in small communities. Keeping these facilities by municipalities makes it easier to access them and disseminates knowledge about them. However, municipalities were left there with some discretion. Local government institutions may adapt the activity to occur particular area needs may also refrain from carrying out certain institutions. This resignation is usually caused by financial considerations, in practice; often lack the resources to carry out voluntary tasks.

Crisis intervention centers have been mentioned only briefly in the Act. These are the organizational units providing support to social assistance to persons who are in difficult life situations. People who are asking for the help need emotional support mainly due to family crisis, educational difficulties and psychosocial problems. The purpose of these centers is to take action to enable the restoration of mental balance and ability to deal with problems and fight against social exclusion. The centers provide crisis intervention and specialized counseling. These centers organize individual and group meetings, often provide one-time consultation and direct the person to the competent entities of social welfare, health care or other institutions. In addition the centers cooperate with different social institutions, mainly by providing advice, consultation and execution of psychological research (Dz. U. 2004, Nr 64, poz. 593).

Providing specialist support requires hiring specialized staff in organizational units. Skilled workers are an essential component of efficient and effective social welfare system. Changes in policy and social legislation of the state and develop the legal regulation of social care needs of its employees more and higher qualifications. Expressions of these expectations are laws dedicated to normalize social workers, and the rules defining the requirements for those in charge of social assistance units and personnel performing the control. Social workers for many years were underestimated professional group. Laws to determine their status was not present until the early 90s of twentieth century. In present their legal position is defined by the Act on social assistance, however, that definition is fragmentary and rather general. One of its disadvantages is the lack of statutory definition of a social worker. Powers of this professional group are defined in general terms; more emphasis was put to the duties. The legislator has established detailed requirements for the training of social workers. Completion of higher

education is not necessarily required (although it gives some privileges, such as professional specialization), the most important thing is the directional education importing to obtain a professional title (diploma) social worker. In the analyzed profession there are two degrees of specialization, to obtain which are working experiences in relevant units of social assistance, training course and passed the exam. It should be noted that persons who have completed a master's degree in the fields of psychology, pedagogy, sociology, political science or family studies are exempt from the first degree of specialization (Dz. U. 2004, Nr 64, poz. 593). Profession of social worker, in addition to education, also requires specific abilities and personality traits, unfortunately, the legislator ignores this issue. It is worth noting that such requirements are mentioned in the legislation of other professional groups. A creation of the appropriate regulation of social workers would be desirable. It should correspond to the rules of professional activity, especially with the obligatory respect for of ethics, confidentiality, management of the welfare beneficiaries, and respect for their dignity and right to self-determination and anti-discrimination. Without a doubt, the disadvantage of the current regulation is a large differentiation of responsibilities and powers in this profession. In addition to the provisions of the Act on social welfare, status of the social worker is regulated in other sources of law, according to the place of employment. This ultimately results in large variation of the rights and responsibilities of this professional group. For these reasons, social workers have been trying for several years to enact a separate law, and also are planning to make this profession a profession of public trust and create a professional self-government. However, it seems that the formation of public trust profession needs not only the revision of the law, but above all, changes in the work environment and social image of a social worker. Despite the growing acceptance of the profession, in dealing with recipient of support staffs often meet lack of partnership and trust. There are psychological barriers and the social worker is identified with indifferent clerk. Also, ensure greater professionalism and better knowledge of law, including the administrative procedure used when awarding social assistance benefits must be done.

The list of tasks to local government units in field of social is still expanding and they are supplemented by the tasks in the field of family benefits, alimony advance and social employment. Unfortunately the increase of tasks does not cause a proportional increase in financial resources. The increase in the number of beneficiaries and the expansion of local government responsibilities requires considerable investment and effective social welfare system, which places the activation of beneficiaries, their interaction with staff and units, and the so-called social self-help on the first place, not the passive distribution of benefits. A major problem in the administration of social aid is a poor control use of the awarded benefits. Aid is often wasted by the beneficiaries, and funding for basic needs

is issued for other purposes. The trend to privatize the tasks of social assistance should also be noted. Undoubtedly, the advantage of this process is reducing costs and improving service quality. However, assigning these tasks to private parties could lead to violation of the principle of equality of citizens under the law and limiting access to many services. It should not be forgotten that social welfare is the responsibility of the government, and its beneficiaries are mostly poor people and families, which are in difficult situation. Support provided to these people cannot be completely replaced by commercial services, since it is inconsistent with ideals and goals of social assistance.

Social assistance is one of many institutions that create social reality. The main elements that define its place and role among other of social sub-systems are the objectives of action. Social assistance programs are designed to meet the necessary needs of individual or family, assuming that it will not bring any profit. The social welfare institution provides direct service, targeted at specific individuals. This process is preceded by recognition of needs, a diagnosis of the situation of needy groups and the development of adequate and optimal aid plan. Services and social assistance benefits are characterized by a regular full-time assistance of specialized in this field experts within the formal institutions of social assistance.

## **Znaczenie pomocy społecznej dla osób i rodzin będących w trudnej sytuacji życiowej**

### **Streszczenie**

Pomoc społeczna jest jedną z wielu instytucji, które tworzą rzeczywistość społeczną. Głównymi elementami, które określają jej miejsce oraz rolę wśród innych podsystemów społecznych są cele działania. Programy pomocy społecznej mają na celu zaspokojenie niezbędnych potrzeb jednostki lub rodziny. Instytucja pomocy społecznej świadczy tzw. usługi bezpośrednie, przeznaczone dla konkretnych jednostek. Poprzedzone jest to procesem rozpoznawania potrzeb, zdiagnozowaniem sytuacji potrzebujących osób i opracowaniem adekwatnego i optymalnego planu pomocy.

**Słowa kluczowe:** pomoc społeczna, cele działania, programy.

### **Summary**

Social assistance is one of many institutions that create social reality. The main elements that define its place and role among other of social sub-systems are the objectives of action. Social assistance programs are designed to meet the necessary needs of individual or family. The social welfare institution provides direct service, targeted at specific individuals. This process is preceded by recognition of needs, a diagnosis of the situation of needy groups and the development of adequate and optimal aid plan.

**Keywords:** social, performance objectives, programs.

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## **Research findings**

