

WRITTEN CONTRIBUTION

by

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on

“How are Secretary Generals appointed and how do we define the scope of the role?”

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**Written contribution of the Head of the Chancellery of the Senate,
Minister Ewa Polkowska, for the meeting of Secretaries General
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**Topic: How are Secretary Generals appointed and how do we define the
scope of the role?**

One of the guarantees of the independence of the Senate of the Republic of Poland from other public authorities is the existence of its own administrative apparatus. For this reason, the position of the Head of the Chancellery of the Senate, who is the superior of all employees of the Chancellery of the Senate, is of great importance.

The Chancellery of the Senate is an office that ensures and organises support for senators and provides the substantive assistance necessary for them to perform their duties arising from their mandate. Its primary role is therefore to ensure the proper functioning of the Senate as a legislative body. The Head of the Chancellery of the Senate, holding the rank of minister, is responsible for ensuring that senators are provided with the administrative conditions necessary for the exercise of their parliamentary mandate and that the Senate has the capacity to function properly.

Although the Senate in Poland has a centuries-long tradition dating back to the 14th century, after its abolition by the communist regime following the Second World War, it was restored and has been in operation again since 1989. The Chancellery of the Senate was established by a resolution of the Presidium of the Senate of 1 September 1989, and the first Head of the Chancellery of the Senate was appointed in 1990. Since then, the position has been held by eight persons. The Chancellery of the Senate currently employs over 350 staff across 12 substantive offices and other organisational units. The Head of the Chancellery of the Senate is accountable for its activities to the Marshal of the Senate.

The role and tasks of the Chancellery of the Senate and its Head are regulated both by generally applicable laws and by internal acts of the institution. The obligation of the Chancellery of the Senate to ensure the effective exercise of the parliamentary mandate by senators is set out in the Act on the Exercise of the Mandate of a Deputy and Senator, which constitutes the legal basis for the functioning of the Chancellery of the Senate. However, the detailed tasks and scope of activities of the Chancellery of the Senate are defined in the Rules of Procedure of the Senate adopted by the Senate.

Under the provisions of the Rules of Procedure of the Senate, the Head of the Chancellery of the Senate is appointed and dismissed by the Marshal of the Senate, after obtaining the opinion of the Presidium of the Senate (a body composed of the Marshal of the Senate and the Deputy Marshals) and the Committee on Rules, Ethics and Senatorial Affairs. Meetings of Senate committees in Poland are, as a rule, public and accessible to

citizens via the Senate's website, where, inter alia, live broadcasts, archived recordings, transcripts and other materials documenting the course of committee work are published. During the committee meeting, senators acquaint themselves with the candidate for the position of Head of the Chancellery of the Senate and have the opportunity to express their views or put questions to the candidate. The chair of the committee then puts to a vote the motion of the Marshal of the Senate requesting that the committee issue an opinion on the appointment of the candidate. The committee's decision is taken by a majority of votes in the presence of at least one-third of its members. The Presidium of the Senate also expresses its opinion on the candidate. Minutes of the meetings of the Presidium of the Senate are available to all senators.

Polish law does not impose specific formal requirements on candidates for the position of Head of the Chancellery of the Senate. However, the scope of duties and the responsibility associated with the role mean that, in practice, persons appointed to this position usually have many years of experience in public administration and are not active politicians. Emphasis is placed on knowledge of parliamentary procedures, the organisation of the Senate's work, and experience in managing administrative teams, which ensures the efficient functioning of the administration and effective support for the activities of the Chamber. It should also be emphasised that the Head of the Chancellery of the Senate acts for the benefit of all senators, regardless of their political affiliation, guided by the principle of loyalty to the Senate, its bodies and senators, irrespective of personal beliefs, sympathies or political views. By virtue of this role, they are also expected to ensure political neutrality in the functioning of the office. In practice, this neutrality is reflected, among other things, in the fact that the Head of the Chancellery of the Senate participates, in an advisory capacity, in meetings of the Presidium of the Senate and the Senior Council (a body composed of the Marshal, Deputy Marshals and senators representing parliamentary groups and circles). The role is therefore apolitical and subordinate to the objective of ensuring the efficient functioning of the Senate as a whole.

The Head of the Chancellery of the Senate manages the Chancellery of the Senate, which operates on the basis of a Statute granted by the Marshal of the Senate upon the motion of the Head of the Chancellery of the Senate, as well as organisational regulations issued by the Head of the Chancellery of the Senate by way of an order. These acts define the internal organisation and the basic principles governing the functioning of the Chancellery of the Senate and the scope of activities of its organisational units. The Head of the Chancellery of the Senate manages the Chancellery with the assistance of their deputies and the directors of the statutory organisational units (the aforementioned 12 substantive offices). The deputies of the Head of the Chancellery of the Senate are appointed and dismissed by the Marshal of the Senate after obtaining the opinion of the

Head of the Chancellery of the Senate. The deputies and the directors of offices form the Collegium of the Chancellery of the Senate, which acts as an advisory body to the Head of the Chancellery.

The Head of the Chancellery of the Senate is the superior of all its employees. However, as members of the parliamentary administration, they do not have a separate employment regime (specific to parliamentary staff); nor are they part of the civil service corps, which generally covers employees of government administration.

The status of employees of the Chancellery of the Senate is defined by the Act on Employees of State Offices, which sets out the rights and obligations of officials of the Chancellery of the Senate and other state offices (including, inter alia, the Chancellery of the Sejm, the Chancellery of the President of the Republic of Poland and the Chancellery of the Constitutional Tribunal). This Act also imposes specific obligations on the head of the office, who, in the case of the Chancellery of the Senate, is the Head of the Chancellery of the Senate. Consequently, the Head of the Chancellery of the Senate, as head of the office, performs the functions of an employer in relation to its staff and is responsible for the proper functioning of the office in personnel and organisational matters.

From the perspective of the financial functioning of the Senate and the office supporting it, it should be emphasised that expenditure for the functioning of the Senate and its bodies, both in substantive and organisational terms, is included in the state budget in the part allocated to the Chancellery of the Senate. The expenditure of the Chancellery is allocated to senators' entitlements and to the functioning of the Chancellery as a budgetary unit serving the Senate and its bodies, i.e. the Marshal, the Presidium, the Senior Council and Senate committees. The Head of the Chancellery of the Senate therefore exercises supervision and control not only over the execution of the budget of the Chancellery of the Senate, but also over that of the Senate and its bodies. In this respect, they are subject to liability for breaches of public finance discipline.

The Head of the Chancellery of the Senate is also responsible for the State Treasury assets under the management of the Chancellery of the Senate.

The position of the Head of the Chancellery of the Senate belongs to the category of senior state positions. As a rule, a senior state position is understood as a function involving the conduct and management of state affairs within the highest and central bodies of legislative, executive or judicial authority. This category includes, among others, the President of the Republic of Poland, the Marshal of the Sejm, the Marshal of the Senate, the Prime Minister and ministers. Accordingly, the remuneration of the Head of the Chancellery of the Senate is determined on the basis of the provisions of the Act on the Remuneration of Persons Holding Senior State Positions. Moreover, under the Act on

Restrictions on Conducting Business Activity by Persons Performing Public Functions, the Head of the Chancellery of the Senate is subject to the same restrictions on conducting business activity as other persons holding senior state positions. The provisions of this Act constitute a foundation for the transparency of public life and are intended to prevent conflicts of interest and abuses of public authority. Consequently, the Head of the Chancellery of the Senate is subject to specific prohibitions and limitations. The Head of the Chancellery of the Senate is required to submit to the First President of the Supreme Court, prior to appointment, a declaration concerning business activity conducted by their spouse, and, during the performance of the function, declarations concerning the intention to undertake such activity or to change its nature. They also submit a declaration of their own assets, covering both separate property and property held under marital joint ownership.

As can be seen, the role of the Head of the Chancellery of the Senate in Poland is formally defined, as are the conditions for holding this position. However, of fundamental importance in the exercise of this role, deeply rooted in the ethos of every parliamentary official, is acting in an objective, professional and apolitical manner in the interest of the common good and the principles of parliamentary democracy. Upholding these values by the Head of the Chancellery of the Senate also ensures that all parliamentary officials are provided with politically neutral working conditions.