

IMPLEMENTATION OF ENTERPRISE MANAGERIAL TOOLS IN PUBLIC SERVICES BASED ON THE EXAMPLE OF THE CADASTRE INSTITUTION

1. Introduction

Public administration is an organisation which includes 2478 commons, 314 counties, 65 urban poviats, 16 marshal offices and 16 voivodships (regional councils), 17 ministries, 509 governmental units, supreme and central offices [5] as well as a great number of organisational units subordinate to voivodes and self-government agencies such as voivodships, poviats and communities. There are also court organisational units¹ (Fig. 1). Around 380 thousand people are employed in the public administration [17, table 12 (35)]. It is the largest organisation in Poland. The administration provides services for (and on behalf of) the society, and as such is a social organisation.

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¹ Prime Minister “is official head of government administration employees” and “supervises local governments within the regulations and methods described in the Constitutions and the acts”. Besides “local government is supervised in legal respect” and “the agencies supervising the activity of local government units are Prime Minister and voivodes”. See Constitution of the Republic of Poland, articles 148, 171. Public administration agencies are: ministers, central government administration agencies, voivodes, other local government administration agencies acting in their behalf or on their own (dependent or independent), local government unit agencies. See Act for the code of administrative procedures, Article 5 (consolidated text Dz.U z 2000 nr 98 poz. 1071 ze zm.).

The efficiency of the public administration is low. It is shown in scientific publications, opinions of the World Bank, results of public opinion polls and in press releases [13]. The attempts to improve the effectiveness of the public administration, which have been made for the past 20 years, have not resulted in the desired outcome. The major part of the responsibility for the described failure lies in the restrictions on the organization and management tools implementation resulting from the fact of the ongoing discussions as to the adequacy of such managerial tools utilisation in public administration as which would be utilized in a commercial enterprise [6].

The necessity of improvement of the administration effectiveness is obvious and not under dispute. At present more and more opinions can be seen that the implementation of commercial managerial tools as they are understood by the commercial enterprises is necessary². Fully agreeing with such beliefs we will present a proposal for implementation of commercial entities managerial and organizational tools in the area of land ownership rights protection³.

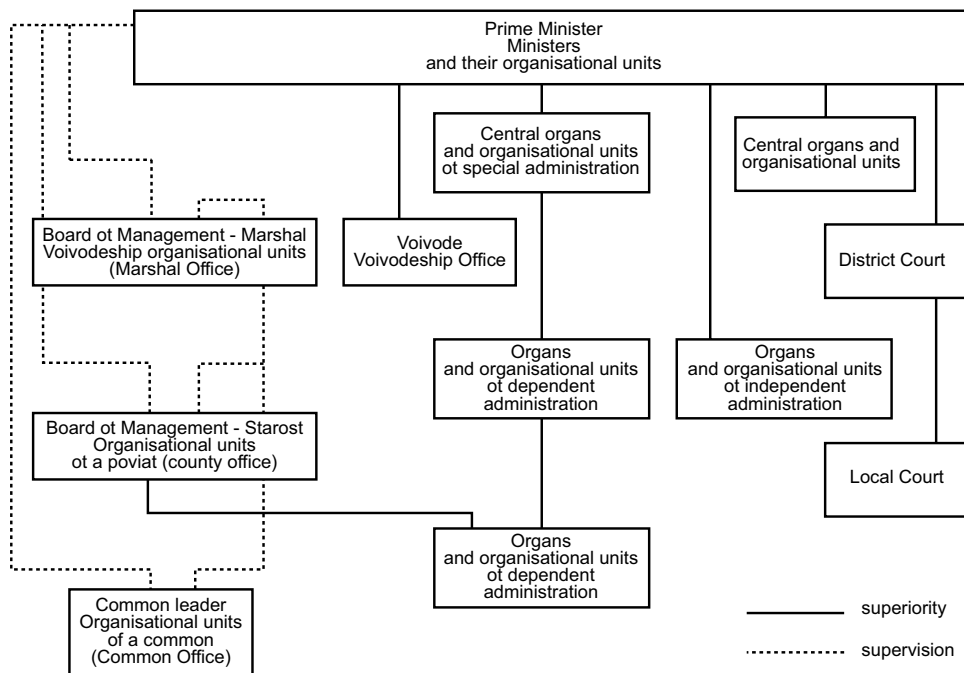


Figure 1. General chart of the organisation of public administration

Source: own work.

² In government documents such as Raport POLSKA 2030 (Report POLAND 2030), or Program Operacyjny Kapitał Ludzki (Operational Programme Human Capital) the role of the implementation of organisation management instruments is stressed, and process approach in particular. See M Boni, Raport POLSKA 2030, p. 308 www.polska2030.pl; Ministerstwo Rozwoju Regionalnego, Program Operacyjny Kapitał Ludzki. Warszawa, 2007, p. 69.

³ Protection of ownership rights is a constitutional responsibility of the state. See Constitution of the Republic of Poland, Article 21.

2. Ownership protection instruments

Poland needs legal order in land regulations and quick access to information authorised by the state about boundaries of properties. Easily available and reliable (authorised by the state) registers which include ownership claims and the scope of ownership rights on a given land are necessary. Using the data, all kinds of public administration agencies and courts make decisions in as far as ownership rights (land register), local plans, taxes, land management, subsidies for farmers, environment protection, forestry, emergency services, etc. This information is also used by insurance companies, banks, notaries public, assessors, agents and investors. According to introductory research more than 360 acts refer to such notions as “land”, “land registry”, “cadastre”, “real estate”. In most European countries it is the institution of cadastre⁴ in close co-operation with a mortgage institution (e.g. in Poland, Germany, and Austria with land registers) which deals with those issues.

3. Irregularities in the land registration process

In Poland there are more than 30 million plots. They are numbered and filed in registers and displayed on maps. The problem is that we do not really know where the boundaries of those plots are – determining where they are is a tedious process requiring searches in sets of documents and often measurements. Currently in Poland lands are registered in poviats geodesy and cartography offices, whose agents are starosts (heads of big cities)⁵. Figure 2 shows a diagram of geodesy and cartography service and the position of starosts. The position of the service within the structure of public administration is shown in Figure 2. Starosts, whose tasks are performed by poviats geodesists, are independent. They are only controlled by Voivodship Inspectors for Geodesy and Cartography Supervision⁶.

Poviat administration updates maps and registers using compilations (and they are of various quality) prepared by private geodesic companies. A community agent

⁴ Cadastre should currently be understood first of all as an instrument ensuring legal order on land and together with land registers as an instrument protecting ownership rights. More in: Improvement of functioning Currently cadastre is often perceived as a fiscal instrument.

⁵ Geodesy and cartography service includes: Major Geodesist of the State and Voivode as geodesy and cartography supervision as well as Voivodship Marshal and Starost as geodesy and cartography administration. See Act for geodesy and cartography law, Article 6a (consolidated text Dz.U. z 2005 nr 229 poz. 1954 ze zm.).

⁶ Read more about the condition of the organisation and its crisis in: Zmiany strukturalne w służbie geodezyjnej i kartograficznej. Moda czy konieczność?, XIII Konferencja Naukowo – Techniczna z cyklu Kataster Nieruchomości, na temat: Kierunki modernizacji katastru nieruchomości z punktu widzenia pełnionej funkcji, Kalisz 2008.

takes part in the process of drawing boundaries who (on an owner's motion) approves the division plan (prepared by a geodesist) or is in charge of demarcation process (a geodesist being commissioned to do that). Those actions may take months. Entries in registers and maps are made as part of physical and technical activities without any decisions being issued or parties being informed⁷. A court is informed that an entry concerning a land has been made. The court does not make any note of it in registries for reasons that will be presented further on in the explanation to Figure 3. Entries concerning rights are made in registers on the basis of notarised acts which are submitted by notaries public.

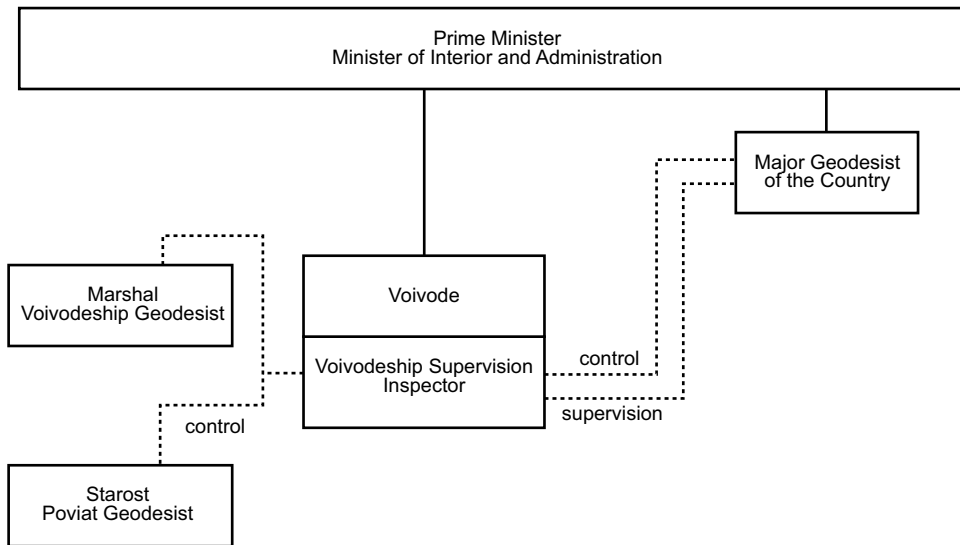


Figure 2. Geodesy and cartography service

Source: own work.

Courts make entries on a party's request and using notarised acts submitted by notaries public as well as documents prepared by the land registry which are attached to those acts. The entry is made by the power of verdict. The party is informed about the entry and may raise an objection against it. The office which has already made the entry on the basis of the notarised act is also informed about the verdict. It is not, however, informed about a rejection of the entry. Those processes have been presented in Figure 3. An important difference between the procedures in both in-

⁷ It was as early as the beginning of 1970s when entries were made on the basis of a decision. A party was informed and could raise an objection against its contents. In this manner the entry would attain a probative value.

stitutions is the fact that land registries meet the requirements of a public register, registers and register maps, however, do not meet those requirements⁸.

A starost also undertakes remedial actions. One of them is the so called modernisation of land and building registers. It is commissioned to a private institution which examines documentation, prepares cataloguing on location and, when necessary, takes measurements and runs the procedure which legally binds the information⁹. Those actions do not contribute to meeting the requirements set to public registers, entries do not attain probative values and the reliability of the information gathered during modernisation is low¹⁰. Besides, a starost is obliged to check the entries in registers for their conformity with the compiled documentation¹¹.

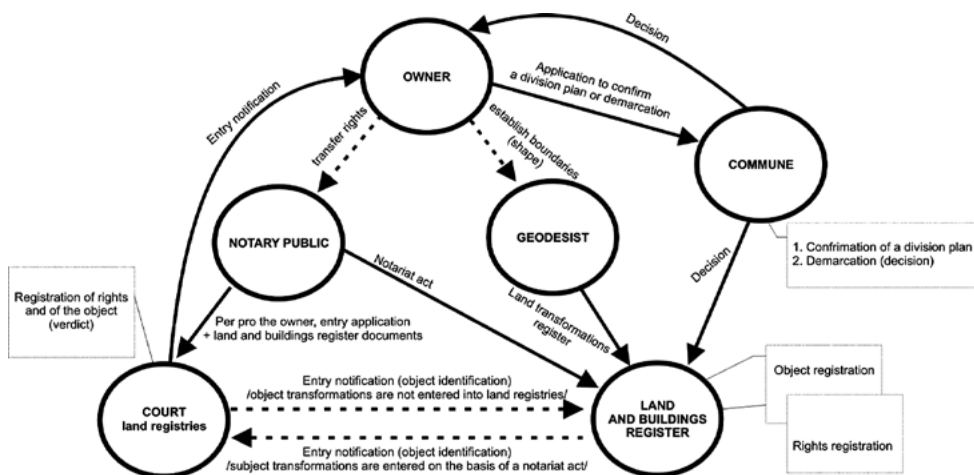


Figure 3. Updating land registries and land and building registers

Source: based on preliminary works of WOPSIN.

Among current problems concerning registration of land the most important ones are¹²: in respect of information quality – low reliability of the entries in registers in

⁸ Lack of characteristics of a public register makes it impossible to use the information included in registers in a number of administrative, civil and legal actions. In particular, it does not allow to benefit from remote access to computerised registers and maps. An exhaustive study on public registers, and in particular on conditions that have to be fulfilled by them can be found in: T. Stawecki, *Rejestrzy publiczne*, Wydawnictwo Lexis – Nexis, Warszawa 2005, pp. 28–30.

⁹ This process has the characteristics of an action.

¹⁰ Modernisation has been assessed in: B. Nogalski, A. Klimek, M.E. Nickel, J. Wenta, O. Dzięcielski, *Porządkowanie prawa na gruncie. Modernizacja ewidencji czy rozwiązania strukturalne?*, Konferencja Naukowo-Techniczna pt. *Modernizacja ewidencji gruntów i budynków w świetle polityk europejskich*, Kalisz 2009 (being printed).

¹¹ So it is the legal regulations themselves which present lack of trust in the entry procedures.

¹² An illustration of problem identification has been presented in the form of a tree of problems in: B. Nogalski, A. Klimek, *Kataster i jego system jako nowa instytucja racjonalizująca organizację i zarządzanie*

land register maps, lack of conformity of land registers and land registries, low quality of the information submitted in geodesic documentation. In respect of organisation – lack of appropriate entry procedures, in particular lack of entry validation, imperfect co-operation with land registries, lengthy procedures in commune offices concerning divisions and demarcations, differences in procedures among particular poviats, lack of co-ordination of operations among starosts, ineffectiveness of remedial actions or ineffective use of available resources.

4. Conception of changes in the main processes

In the suggested model of processes¹³, two basic institutions are part of the ownership protection system: cadastre and land registries. Just as ownership registration is the domain of land registry courts, the registration of the scope of rights on a given land (rights limits) should be the domain of the specially appointed institution of cadastre. Those institutions should be co-ordinate and equal, and they should complement each other (Figure 4).

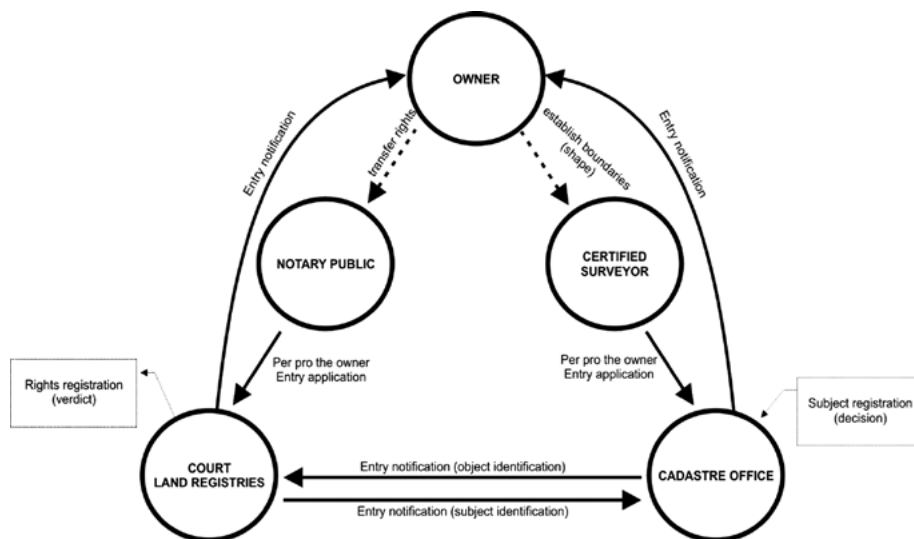


Figure 4. Institutions for the protection of ownership. Registration process

Source: based on preliminary works of WOPSIN.

gruntami, w: *Zarządzanie rozwojem organizacji w społeczeństwie informacyjnym*, red. Stabryła A., Uniwersytet Ekonomiczny, Kraków 2008.

¹³ A process is a set (a sequence) of repeated actions carried out as a result of an external customer's action (in particular on a client's request, as a result of a notification from another institution, in reply to a client's query) until the result of those actions has been delivered to the customer or until the case has been closed ex officio.

The system is complemented by two other institutions: certified surveyor (an institution which currently is not in function in Poland) and notary public. The certified surveyor plays an important role in the ownership protection system. By analogy to the role of the notary public who is responsible for the correct transfer of ownership and for the preparation of the documents used to make an entry in the land registry, the certified surveyor should make all the measurements and prepare the documents used to make an entry in the cadastre.

A remedial process is also necessary. The need for such a process was discovered in 1993 on a pilot area in Pomorskie voivodship (WOPSIN)¹⁴, the then administrative region of Wejherowo. It rose because it became clear that co-operation between both registers is only possible if the main identifiers have been synchronised: those of the owners (competence of the courts) and those of the plots (competence of institutions). EU experts expressed the same opinion in 2006 [4, p. 51]. The remedial process must take that fact¹⁵ and the necessity to classify cadastre as a public register into account.

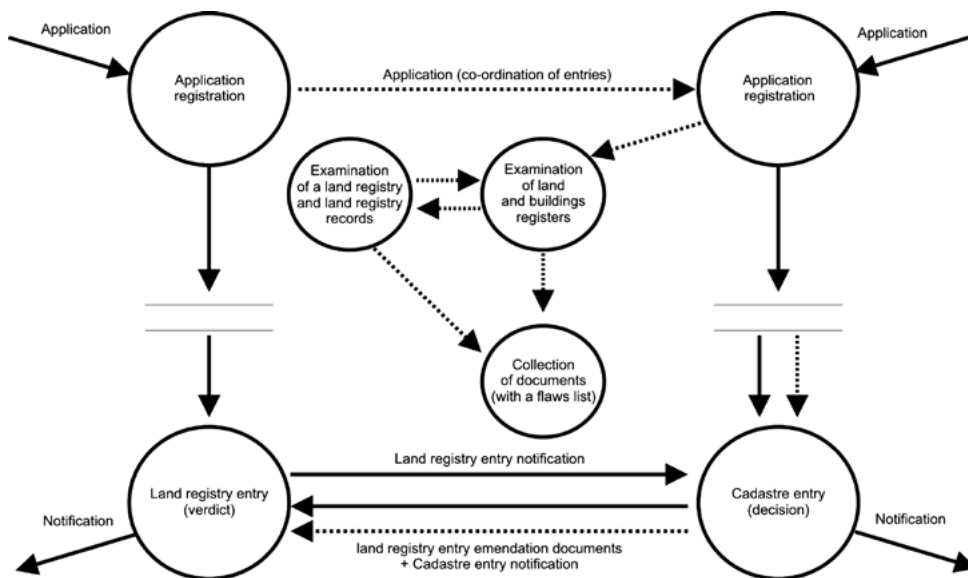


Figure 5. The construction of the cadastre and synchronisation of registers (the remedial process)

Source: based on preliminary works of WOPSIN.

¹⁴ This process was implemented. Its eight-year functioning brought very good results – in all registries the object of ownership was tagged with land and building register identifiers, and the correspondence of the identifiers was raised to the level of over 90%. See also: A. Klimek O. Dziecielski, *Ocena zgodności danych ewidencji gruntów z księgami wieczystymi w: Wojewódzki obiekt pilotowy prac nad systemem informacyjnym o nieruchomościach*, red. Nikel M.E., Klimek A., Starostwo Powiatowe, Wejherowo 2003.

¹⁵ Working within government competences, incredibly expensive IT systems have been created. The belief was that computerised entries in land registers and land registries will make co-operation between them possible (PHARE project 2000 "Construction of an Integrated Cadastre System" and further projects). Such actions only attest to their authors' ignorance and to their lack of respect for public funds expenditure.

In the course of the process entries in registers and in land and building registers, the documents of the national geodesy and cartography supervision and land registries and files are examined (Figure 5). An entry is made by the power of decision and a party is informed of its content, against which an objection can be raised. Entries which raise doubts are tagged with a warning.

5. The scope of the changes versus management instruments

Due to the scope of the organisational changes in administration two groups of transformations must be prepared: those which are implemented within the existing legal regulations and those which go beyond the existing legal regulations. The changes made within the current legal regulations are relatively easy to implement because there is a possibility of their gradual modification. In case of the changes which go beyond the current legal regulations the situation is completely different. The procedures of the changes must take into account the fact that an organisational change can only be implemented after the law has been amended. What is important then is to make sure that the statutory regulations are of a general nature. Regulations issued within ordinances are more detailed. Those should be prepared after the effectiveness of the actions has been tested on pilot areas. It is a major difference which has a significant influence on the process of changes in administration¹⁶. In practice it means that the implementation of changes going beyond the current statutory regulations must be prepared with utmost care, it cannot be subject to passing influences and it cannot be carried out in a hurry¹⁷.

6. Selection of instruments

In view of the presented conception the following organisation management instruments have been presumed the most useful in the operation of restructuring of the processes and planning organisational structures:

- re-engineering (RE) – a concept of a rapid and radical re-planning of strategic, customer valid processes as well as affiliated systems or procedures and the organisational structure in order to optimise the work process and the productivity of work organisation [9, pp. 26–27].

¹⁶ In a business company formalisation is an element of the final stage of the change process (freezing).

¹⁷ It is different nowadays. The Sejm passes laws which they know that are faulty.

- Lean Management (LM) – a conception which gives people on all levels of organisation the abilities (knowledge) and possibilities to participate in a regular elimination of mismanagement¹⁸ through re-designing of the process and improvement of the connections and communication among work posts [3, pp. I–16].
- Mass Service Theory (MST) – a tool which allows to estimate the amount of time spent in queues and the time necessary to process queries, especially when combined with LM type of tools [15].

Apart from that, instruments which are associated with the following conceptions are expected to be used:

- benchmarking (BM) – a method which has a comparison with and learning from others at its core [2, p. 502].
- organisation resources analysis (ORA) – examination of an existing organisation to see if it is possible to assess the cost of building and functioning of a new organisation.
- legal regulations analysis (LRA) – examination of the possibility to influence the functioning of other state institutions and assessment of potential benefits.
- measure of activity effectiveness (MAE) – presenting the number of visits in offices, time spent in offices and queries completion time [15].
- marketing (MAR) – it allows to gain social acceptance of the implemented changes.

Because of the character and scope of the changes presented in the conception the leading instrument should be re-engineering. The remaining instruments and tools should be used at the time and in the scope described in the method of implementation of the changes¹⁹.

The above mentioned instruments have been presented in Table 1 which shows at what stage of the change process their implementation is anticipated and to what purpose. Below a short characteristics of those stages has been presented. And so:

1. **the preliminary stage**; this stage is ended by a decision about starting research and planning from the appropriate agent (in this example it should be the Council of Ministers). Therefore at this stage the need for and the scope of the changes should be explained and expected benefits as well as an initial cost assessment should be presented;
2. **the research and planning stage**; this stage is ended by a decision accepting the direction of the changes and initialising legislative work. Therefore, at this stage one must precisely describe the mission, aims, megaprocesses²⁰, megastructures²¹,

¹⁸ Or an activity which does not bring any added value.

¹⁹ Elements of research on the methods of the implementation of the changes have been presented in: B. Nogalski, A. Klimek, *Usprawnianie funkcjonowania*

²⁰ Megaprocesses are processes which involve more than one organisation.

²¹ As distinct from the notion of structure, which refers to the basic organisational unit (a single office), the notion of megastructure refers to the whole organisation which includes offices at various levels.

- and the influence of the innovations on other state institutions. One must also assess cost-effectiveness, prepare a method of implementation of the changes and a general plan of action. These jobs should be entrusted to a dedicated team. At this stage there should be prepared a marketing strategy whose aim would be to gain social acceptance of the changes;
3. **the design and implementation stage**; at this stage processes and structures are designed and a plan of action is prepared. They are all verified on pilot objects. As a result legal solutions at the level of ordinance are compiled, and later on statutes and codes of practice. Activities done within the processes, posts, teams and basic structures are described in detail. IT tools are created. The staff is trained. This stage is ended when the processes are started countrywide. At this stage also other instruments should be used, in particular those concerning the reaction of the public to the changes.
 4. **the operation stage**; at this stage an assessment of the efficiency of the organisation is made. Processes are improved (as far as it is possible without changing the law).

5. Conclusion

“Although there are many programmes for changes, there are only two very different aims which bring about the initiative for the change: *necessity of a rapid improvement of the economical situation* or *necessity to improve the efficiency of the organisation*. The professors of Harvard Business School M. Beer and N. Noria coined the terms “E theory” (economical approach) and “O theory” (organisational approach) to describe the two basic aims” [8, p. 20]. Administration is the kind of organisation which requires improvement of efficiency, so the choice of actions and instruments should be based on organisational approach. The bulk of instruments applied in restructuring of business enterprises will prove to be useless in administration, especially those used in the economical approach. Implementation of organisation and management instruments in public administration, used in the organisational approach, is an inexorable condition for its improvement. Without them administration will not reach the level of efficiency expected by the society.

To sum it up, the present work showed proposals for the implementation of the instruments for the construction of one of the most important instruments of the state – protection of land ownership rights. In the re-organisation of the public administration particularly important should be the instruments based on processes (i.e. re-engineering and lean management), whose focus is on customer service.

Table 1. Utilisation of the instruments in implementation of the change process

Instrument	Implementation stage				
	Preliminary	Research and planning	Design and implementation	Operation	
RE	<ul style="list-style-type: none"> – Identification of dysfunctions and needs – Identification and assessment of megaprocesses – Identification and assessment of megastructures – Conception of megaprocesses – Conception of megastructures – Conception of mission, goals and tasks – Expected benefits – Preliminary assessment of costs – Acceptance of the conception by an appropriate organ 	<ul style="list-style-type: none"> – Organisation of a dedicated change team – Organisation of a detailed method of the implementation of changes and a plan of action 	<ul style="list-style-type: none"> – Design of megaprocesses – megastructures – implementation structures – passing the law (statutory formalisation of the changes) 	YES	YES
LM		<ul style="list-style-type: none"> – Identification of processes – Examination and analysis of processes – Measurements of processes 		YES	YES
MST		Measurement of the processes			YES
BM		Examination and analysis of structures, tasks and megaprocesses in other organisations.			
ORA		Examination and analysis of resources			
LRA	Examination of laws (processes and structures)				
MAE	Establishment of measures			YES	YES
MAR			Strategy design	YES	
Other				YES	YES

Source: own work.

Bibliography

- [1] Boni M. (red.), *Raport POLSKA 2030*, www.polska2030.pl.
- [2] Czermiński A., Czerska M., Nogalski B., Rutka R., Apanowicz J., *Zarządzanie organizacjami*, TNOiK, Toruń 2002.
- [3] Czerska J., *Doskonalenie strumienia wartości*, Warszawa 2009.
- [4] European commission, Twinning Contract number: PL-2003-IB-JH-01, final report, project title: Integrated cadastre system – phase III, 30.09.2006.
- [5] <http://www.premier.gov.pl/>.
- [6] Kieżun W., *O sprawną administrację publiczną*, "Ius et Lex" 2005 Zeszyt Nr (III) 1, Warszawa.
- [7] Klimek A., Dzięcielski O., *Ocena zgodności danych ewidencji gruntów z księgami wieczystymi w: Wojewódzki obiekt pilotowy prac nad systemem informacyjnym o nieruchomościach*, red. Nickel M.E., Klimek A., Starostwo Powiatowe, Wejherowo 2003.
- [8] Luecke R., *Zarządzanie zmianą i okresem przejściowym*, MT Biznes, Warszawa 2003.
- [9] Manganelli R.L., Klein M.M., *Reengineering, metoda usprawniania administracji*, PWE, Warszawa 1998.
- [10] Ministerstwo Rozwoju Regionalnego, Program Operacyjny Kapitał Ludzki. Warszawa 2007.
- [11] Nogalski B., Klimek A., Nickel M.E., *Zmiany strukturalne w służbie geodezyjnej i kartograficznej. Moda czy konieczność?*, XIII Konferencja Naukowo – Techniczna z cyklu: Kataster Nieruchomości na temat: Kierunki modernizacji katastru nieruchomości z punktu widzenia pełnionej funkcji, Kalisz 2008.
- [12] Nogalski B., Klimek A., *Kataster i jego system jako nowa instytucja racjonalizująca organizację i zarządzanie gruntami w: Zarządzanie rozwojem organizacji w społeczeństwie informacyjnym*, red. Stabryła A., Uniwersytet Ekonomiczny, Kraków 2008.
- [13] Nogalski B., Klimek A., *Usprawnianie funkcjonowania administracji. Instytucja katastru*, Konferencja naukowa: Nowoczesne przedsiębiorstwo, nowoczesna administracja, Uniwersytet Szczeciński, Katolicki Uniwersytet Lubelski, Szczecin 2009 (w druku).
- [14] Nogalski B., Klimek A., Nickel M.E., Wenta J., Dzięcielski O., *Porządkowanie prawa na gruncie. Modernizacja ewidencji czy rozwiązania strukturalne?* Konferencja Naukowo-Techniczna pt.: Modernizacja ewidencji gruntów i budynków w świetle polityk europejskich, Kalisz 2009 (w druku).
- [15] Nogalski B., Czerska J., Klimek A., *Wykorzystanie metod teorii masowej obsługi i lean management w usprawnianiu procesów w zarządzaniu organizacją publiczną*, Konferencja naukowa pt.: Prospołeczne instrumenty zarządzania, Uniwersytet Jagielloński, Kraków 2009 (w druku).

- [16] Stawecki T., *Rejestry publiczne*, Wydawnictwo LexisNexis, Warszawa 2005.
- [17] *Statystyka, Mały rocznik statystyczny*, GUS, Warszawa 2008.
- [18] Konstytucja Rzeczypospolitej Polskiej, Dz.U. 1997, nr 78 poz. 483
- [19] Ustawa kodeks postępowania administracyjnego (tekst jednolity Dz.U. z 2000 nr 98 poz. 1071 ze zm.)
- [20] Ustawa prawo geodezyjne i kartograficzne (tekst jednolity Dz.U. z 2005 nr 229 poz. 1954 ze zm.).

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