The Establishment of Modern Senior Civil Service in Lithuania: The Role of Civil Servants

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Abstract

The presented paper discusses the importance and goals of the senior civil service and the reforms of civil service carried out and being carried out in Lithuania in the context of senior civil service. Factors influencing the results of public administration reform are presented, special attention is paid to the civil servants as a factor that can have a special effect. An overview of Lithuania civil service reforms was based on desk reserarch on relevent academinc literature and governemt documents, legal acts, followed by in-deep interviews of civil servants – managers, who after the implementation of the ongoing reform, would potentially become senior civil servants. It can be assumed that the senior civil servants will not be a crucial factor that could hinder the reform that is currently underway in Lithuania, but the preliminary results of the survey already show that senior civil servants may be disappointed with the results of the reform.

Key words: civil servants, senior civil servants, public administration reform, politicization

1. Introduction

The Senior Civil Service (hereinafter: SCS) is one of the most important elements trough which politicization can take place and politicians can gain influence over bureaucrats[2]. Different scholars define SCS differently, in part because of different regulations in various countries. Most scholars use the term to refer to the highest hierarchical level of CS, though some include politicians, while some include only the top ministerial bureaucracy, whereas others refer also to chief executives of agencies and ministries. The expected functions of the SCS may also be highly diverse both in theory and practice. Nevertheless, a general feature of SCS is that it is formally or informally distinct from the ordinary civil service and very small in size, constituting 0.2 – 3 % of the overall civil service. Thus, SCS is the elite core group of civil service and as such they serve as a kind of "interface" between politicians and civil servants[3]. Professional and politically neutral SCS guarantees integrity and continuity in the implementation of public interests and prevents manifestations of political patronage in civil service, while a high turnover of senior public officials may cause a loss of bureaucratic expertise, which in turn leads to

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[2] Pollitt, Christopher, and Bouckaert, Geert. 2017. Public Management Reform. A Comparative Analysis – into age austerity. Oxford: Oxford University Press: 165-166; Meyer -Sahling, Jan-Hinrik, and Veen, T. 2012. Governing the post-communist state: government alteration and senior civil service politization in Central and Eastern Europe. Eastern European Politics 28: 4-22.

[3] Gajduschek, Gyorgy, and Staronova, Katarina. 2021. Politicization beyond the Merit-system Façade. The Intricate Relationship between Formal and Informal Institutions of the Senior Civil Service Systems in Central and Eastern Europe. International Journal of Public Administration 46(2): 1.

decline in organizational effectiveness[4]. SCS careers depended entirely on political loyalty during the communist period in Central and Eastern Europe (hereinafter: CEE). The collapse of communism generated an opportunity as well as a need for strengthening professionalism by introducing formal civil service laws. According to various accounts, most CEE countries have failed to achieve this objective. Politicians have often found loopholes in the system to exert discretion in civil service decisions. As a result, politicization, as an informal practice, still prevails in most CEE countries and has even increased in the past decades[5].

Common principles of European public administration were a cornerstone of civil service reforms in the CEE countries[6] and it was broadly in line with the neo-Weberian model of State. The neo-Weberian model of State direction emphasizes the preservation of an idea of civil service bearing in mind its special status, culture and, less than before, terms and conditions[7]. The politicization as one of the features of SCS in the CEE countries did not matched common principles of European public administrative space. Lithuania, together with the CEE countries, was encouraged to embark on the reform of SCS to create a system for the management of the senior civil service, primarily with a view of promoting professionalism and ensuring de-politicisation of the civil service[8]. However, during the nineteen years of European Union membership, Lithuania has not created the SCS, although there have been attempts to do so.

In recent years, there has been a lot of talk about the civil service institute in Lithuania. It is often emphasized how the rapid development of technology, the growing need of citizens and businesses to receive modern and accessible public services, the need to professionally solve increasingly complex challenges and crisis situations, the inert functioning of the public sector forces us to fundamentally consider and restructure the ecosystem of the public sector - services, institutions, processes and people. These discussions demonstrated the need to change the legal regulation and gradually initiate the legal reform of the civil service. The civil service reform carried out during the preparation of this article is characterized by great determination of the Government to create the SCS corps in Lithuania. The 2020-2024 Government program envisages a centralized strengthening of the corps of managers of institutions, by establishing an institution responsible for the management of the corps of managers and capable of doing so, creating opportunities for managers to manage human resources in a flexible and modern way. To do this, it was modelled on the examples of advanced EU member states and OECD countries. It was envisaged that the centralized management model of managers' careers will include such essential aspects of management as selection and acceptance for positions, evaluation, motivation, development of competences according to the most advanced practices. It is planned to strengthen the competences of managers in the field of human

[4] Hyunjung, Kim, Haeil, Jung, and Sun Young, Kim. 2021. Does politicization influence senior public officials' work attitudes? Different forms and effects of politicization in civil service. Public Management Review 24(7): 1101.
[5] Gajduschek, Gyorgy, and Staronova, Katarina. 2021. Politicization beyond the Merit-system Façade. The Intricate Relationship between Formal and Informal Institutions of the Senior Civil Service Systems in Central and Eastern Europe. International Journal of Public Administration 46(2): 1.
[6] Trondal, Jarle, and Peters, Guy B. 2013. The Rise of European Administrative Space: Lessons Learned. Journal of European Public Policy 20(2): 295-296.
[7] Pollitt, Christopher, and Bouckaert, Geert. 2011. Public Management Reform: A Comparative Analysis – New Public Management, Governance and the Neo-Weberian State. Oxford: Oxford University Press: 118-119.
[8] Lietuvos Respublikos Seimo nutarimas "Dėl aštuoniokitosios Lietuvos Respublikos Vyriausybės programos", 2020 – 12-11, Nr. XVI-72.

resources management, internal and external culture of high state and municipal institutions, value systems, strategic planning and modernization, strategic goals[9].

Taking into account the fact that almost twenty years after the accession to the EU, either attempts to create the SCS have failed or this issue has not been raised as necessary and essential when reforming the civil service. Also considering an important factor that the civil service is simultaneously both object and subject of the reform, it means that civil servants have a personal interest in the success or failure of the reform. This may be one of the determining factors for the reform. The conceptual basis of the study is the analysis of public sector factors. The course and fate of the reform is determined by many different factors and their complex including socio-economic forces, political system, attitudes of the elites, administrative system implementing the reform.[10] When studying reform, it is important to initiate and analyze these factors. For example, the researchers distinguish between various factors that contributed to the civil service reform that took place in 2008-2012: the financial and economic crisis, changes in the Government and changes in the ruling majority, the president's disapproval of the proposed changes, and the opinion of civil servants themselves about the ongoing reform. The reform research is often complemented by the reform context research, which combines political-administrative, socio-economic and public needs into a single whole[11]. Thus, the success or failure of the reform is often a complex of various components, but we must not forget that top civil servants' identity may also affect the government's political agenda in terms of policy design and implementation, and may signal the need for other administrative reforms. Top civil servants, acting as mandates, relays, and leaders, link public service to the political system, and offer diverse contributions depending on their expected role and professional identity[12]. Seen from the cultural-institutional perspective, path – dependence and futile efforts to change may jeopardise implementation of a thoroughly planned reform[13].

The purpose of the present paper is to discuss the attempts to create the SCS corps in Lithuania and the positions of senior civil servants at this issue.

2. Framework of analysis and methodology

Based on the above-mentioned considerations, a number of research questions arise, such as:

What were the main characteristics of the recent civil service reforms carried out in Lithuania regarding the formation of the SCS corps?

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[9] Nakrošis, Vitalis. 2015. Valstybės tarnybos reforma 2008-2012 metais: kodėl neįvyko sisteminė klaida? In Kada reformos vyksta pokyčiais? Politinis dėmesys, palaikymo koalicijos ir lyderystė A. Kubiliaus Vyriausybės veiklos 2008-2012 m. laikotarpiu, edited by Nakrošis Vitalis, Barcevičius Egidijus and Vilpišauskas Ramūnas. Vilnius: Vilniaus universiteto leidykla: 101-102.

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What are the characteristics of the ongoing civil service reform in Lithuania and how is it planned to implement the SCS corps?

What are the prevailing opinions and attitudes of senior civil servants – managers and civil servants regarding the establishment of the SCS corps?

An overview of the Lithuanian civil service reform in the context of SCS is based on desk research of relevant academic literature and government documents, legal acts, followed by in-deep interviews of civil servants – managers, who after the implementation of the ongoing reform, would potentially become senior civil servants.

After the appearance of a new official civil service law draft the main changes affecting the SCS were highlighted. Based on it questions for the in-deep interviews were formulated. The interviews with the civil servants – managers included discussions on expected changes in their careers, training system and performance evaluation. Invitations to participate in the research were sent to 35 heads of public and budgetary institutions under the jurisdictions of all the ministries. Seven consents to participate in the interviews were obtained. Seven in-deep interviews were conducted from 3 April to 5 May 2023. The study of the attitudes of civil servants was complemented by the analysis of the legal acts, which express the official position of the associated structures representing civil servants.

3. The Reform of Lithuanian Civil Service in 2004 – 2023: SCS as an (non)priority

It must be said that during the last nineteen years Lithuania has tried to fundamentally reform its civil service several times, but it still does not have a higher civil service corps. The last four governments tried to reform the Lithuanian civil service. The first serious attempt to reform the Lithuanian civil service during the period of EU membership took place during the term of office of the Government in 2008-2012. The most important direction of the reform was the restructuring of the salary of civil servants - it was aimed to link it with the results of their activities. It was also planned to improve the evaluation system of civil servants, reorganize the selection system and create a SCS. However, the Government deviated from its initial provisions, their order, did not prepare the concept of the political parties' agreement on the reorganization of the civil service. Nor financial and human resources were sufficient to implement the plans. Thus, the creation of the SCS was not achieved. The Government in office in 2012-2016 also sought to reform the Lithuanian civil service. However, plans to create the SCS were not included in the reform project, although at that time the Lithuanian Civil Service Department cooperated intensively with European Union institutions and used European Union funds for project activities related to the improvement of the civil service. The same practice was applied by Estonia, which created the SCS during that period. The Government of Lithuania tried to reform the civil service in order to inculcate the competence model, albeit without success. The reform was not implemented. The third serious attempt to reform the Lithuanian civil service took place in 2016-2020. During the period of government activity the reform took place and the main changes were achieved in the salary system of civil servants, but this reform did not attempt to implement the SCS either. According to the working group that prepared the reform project, the main argument why this issue was not given attention was that the last attempts to establish the SCS in Lithuania failed, the latest reform was only cosmetic in the opinion of experts, and no fundamental changes were introduced to the civil service. Thus, Lithuania has not implemented the idea of the SCS and does not administer the human resources of senior civil servants in any way. Some journalistic investigations testify to the existence of manifestations of the negative culture of politicization

in the Lithuanian civil service. As for the prevailing culture of appointing senior managers, it is worth noting that after the 2020 Parliament elections of the Republic of Lithuania, civil service competitions were organized for positions such as the head of the Agency for Science, Innovation and Technology, and the head of the Department of Innovation and Industry for the previous Government, which was still operating in an interim period. Such decisions hint at the prevailing politicization, which may have elements of negative connotation[14]. Therefore, it is extremely important to continue to raise the question of the establishment of the SCS corps and to look for the reasons that led to the unsuccessful attempts to do so.

The Government of Lithuania in office in 2020-2024, while implementing the civil service reform, indicated that the centralized strengthening of the leadership corps was chosen as a strategic direction of the reform. The reform is proposed to legitimize the concept of senior manager, i.e. - senior manager - the head of the institution (except for the head of the institution, who is accepted to the position on the basis of political (personal) trust) or a public official appointed by the Parliament, the President of the Republic or the Government to lead a state or municipal institution or institution in accordance with the procedure established by other laws. The main guidelines for the administration and organization of activities of the SCS system for human resources[15]:

- In order to achieve the aspects of transparency, professionalism, efficiency and speed of selection organization, it is proposed to determine that competitions for the positions of heads of institutions are centrally organized, the search for candidates for heads of institutions is carried out by an institution established by the Government, to regulate the reserve of applicants for senior managers, the circumstances of enrolment in it and its management conditions. Centralized management of heads of institutions would create prerequisites for their further career management, as well as allow for better planning of mobility and rotation of heads of institutions.

- It is also proposed to conclude an agreement with the person accepted for the position of head of the institution on the goals and results of his activity, to regulate the reserve of applicants for senior management, the circumstances of enrolment in it and the conditions of its management. Accordingly, it is proposed to determine that the purpose of the evaluation of the official performance of the head of the institution is to evaluate the results achieved by him in accordance with the agreement. The agreement on the goals and results of the manager's activity will formalize the expectations of the accepting institution or person regarding the direction of the institution's activities, set goals and principles of activity. Expectations are formed for the manager's term of office, and can be updated as needed. In addition, such an agreement will promote continuous cooperation between the head of the institution and the recruiting entity. It is proposed to make it possible to appoint the head of the institution for a second term without a tender after the end of the first term, taking into account whether the head of the institution has achieved the operational goals and results set in the agreement on the main operational goals and results of the term of office and/or certain stages of it during the first term of the head of the institution.

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[15] Lietuvos Respublikos valstybės tarnybos įstatymo Nr. VIII-1316 pakeitimo įstatymo projektas, TAIS, 2022-11-15, Nr. XIVP-2066(3); Lietuvos Respublikos Valstybės tarnybos įstatymo Nr. VIII-1316 pakeitimo įstatymo ir su juo susijusių įstatymų projektų aiškinamasis raštas.

- In the draft law on civil service, it is proposed to consolidate the development of the competences of senior managers, which will include introductory training and continuous improvement of competences, and entrust it to be centrally organized by an institution authorized by the Government - the Public Management Agency. It is proposed to establish that the continuing competence development of senior managers is devoted to the improvement of managerial, leadership, communication, change management and problem solving, human resource management, strategic planning and other competencies required by senior managers, and is based on individual (necessary for a specific manager) and general senior managers determining the need for competencies required for managers, monitoring and evaluating the quality of education and its impact on the results of a specific manager and institution.

4. Senior managers' attitudes towards the ongoing reform: a preliminary overview

The following presentation of our research is organised according to the specific issues and research questions focused on. The results, interpretations and analyses presented below should be seen as provisional examples within a work in progress.

4.1. Career planning of senior civil servants

When starting the discussion of the results, first of all, it should be noted that the absolute majority of managers who agreed to be interviewed were not fundamentally sceptical of the ongoing reform. The first block of questions was related to whether it would be acceptable for managers to have a central authority to take care of their careers, i.e. carry out the rotation of managers, include in the reserve upon expiration of their term of office and offer another workplace. More than half of the civil servants said that it would be acceptable to them, because the state must protect the professionals it invests in, but they raised additional classifications related to their changes. The main aspect which the majority of interviewed managers drew attention to was related to the specifics of institutions. It has been noticed that the rotation is already applied in some public sectors in Lithuania. Managers had questions about how the rotation will be carried out, on what principle:

„*<...>There are organizations that are homogeneous, i.e. sectoral organizations - cultural, medical, scientific, etc. There are organizations that perform only public administration functions and have very identical specifics. So it's hard to say how that rotation will play out. I don't know if I could lead, for example, the tax office? For now, only pilot studies can show whether this will work or not*".

"*<...> When it comes to rotation, there are a lot of nuances because there are different founder, which require specific knowledge*".

Less than half of the respondents did not support the idea of rotation and reserve. The main reason for the sceptical attitude towards the reserve was related to the practice of the reserve currently applied to civil servants in the civil service because being in the reserve often does not guarantee anything. Another argument mentioned by the managers was related to the prevailing market situation at the end of their term of office, i.e. what the private sector will be able to offer at that time. Managers said that it is important for them that the duties correspond to their interests, that the work is interesting and meaningful for them:

<...> Maybe a good idea in principle, but I would tend to look for a new job by myself".

During the in-depth interviews, the issue of politicization of the civil service was also discussed with the managers. This aspect is very important, because the main reason for the creation of the SCS in many countries is to reduce politicization. The in-depth interviews revealed that the career opportunities of managers in Lithuania are currently linked to the prevailing political force at the time. Some testimonies also confirmed the problem prevailing in neighbouring countries. For example, studies show that in Poland the increasing politicisation of civil service resulted in a significant drop in number of applications for civil service jobs (in 2017, the average number of applications was less than a third of the 2013 figure). The link between the scope of formal politicization of civil service and the number of candidates seems to be evident and negative in Poland[16]. One leader in Lithuania who participated in this study said that often leaders who worked with one political force become unwanted after the election when another political force becomes the ruling majority:

"<...> I know the experience of my colleagues, when the head of the organization is changed when the political leadership changes. Maybe it is not a bad thing that a political force is looking for a suitable team member in order to implement the agenda. However, in such a case, the civil servant leader is juxtaposed with the political power, and becomes persona non grata when it changes. What should he do then? Return to the private sector? Not everything is so simple."

It can be assumed that the interviewees are not inclined to oppose the creation of the SCS, because the practice of politicization does not satisfy them in principle, but they are not clear about the possible system of administration and rotation of managers' careers. Civil servants who participated in the study said that the rotation system is quite complicated if it is to be implemented in a high-quality way.

4. 2. Training and performance of the senior civil servants

The SCS reform envisages the training of managers. Introductory trainings are singled out, which will be entrusted to be centrally organized by an institution authorized by the Government - the Public Management Agency. It is proposed to establish that the continuing competence development of senior managers is devoted to the improvement of managerial, leadership, communication, change management and problem solving, human resource management, strategic planning and other competencies required by senior managers, and is based on individual (necessary for a specific manager) and general senior managers determining the need for competencies required for managers, monitoring and evaluating the quality of education and its impact on the results of a specific manager and institution. Respondents agreed on the issue of introductory training. All agreed that induction training is useful and important, especially for managers entering the public sector for the first time. This sector has its own characteristics that are worth knowing:

"<...>It would be good to have a module program for newly hired managers. Just not about crisis management, not about emotional intelligence management. It must be providing basic knowledge about the public sector".

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[16] Mazur, Stanisław, Możdżeń, Michał, and Oramus, Marek. 2018. The Instrumental and Ideological Politicisation of Senior Positions in Poland's Civil Service and its Selected Consequences. The NISPAcee Journal of Public Administration and Policy 11(1): 84.

Opinions of interviewed managers differed regarding the non-introductory training of SCS. Most of the respondents said that they believed that the current management training was only general and not always useful, or only partially useful. As a result, most respondents said that they did not see much benefit if the situation did not change. Some managers said they had a vision of what kind of training they would need. According to them, it should be training aimed at updating knowledge with changes in the public sector, legal changes, latest practices:

"<...>The head of any public or budgetary institution is automatically a part of the state's strategic planning and management. Well, if the training will be related to the deepening of such essential practical knowledge, in that case I would see the point. Otherwise, there is little point because universal training is not very useful".

"<...>Training should be practical and useful. For example, we are now dealing with data protection requirements. It would be useful to hear from practitioners in Europe where mistakes were made, and then I, as a manager, could immediately avoid this in my institution. I would see the point in such training".

One of the managers said that the practice of sharing personal experiences of managers and discussions should be applied, according to him, now some managers apply such practices even without central institutions. Such meetings help to share news, current events, and develop a common culture. It would be innovative and useful. It is necessary to prepare a general system for such practices. Most of the scepticism about ranking managers' competences was expressed due to the possibility of determining what training is needed for a specific manager. How will it be aimed to measure what competencies a specific manager needs. The reform project provides that the main indicator in this case should be the evaluation of the goals set for the manager and the results achieved, but this also raised many questions for the managers who participated in the interviews. Expected changes in this area were identified as the most unexpected and incomprehensible by all reviewers who participated in the interviews. The main argument supporting such an opinion is identified as the already existing practice of setting goals and evaluating results in Lithuania. Some state contractors said that this practice has existed in Lithuania for more than six years and is implemented through the variable part of the manager's salary. This means that managers are set goals that they must achieve in the organization and part of their salary is tied to their implementation. Most of the managers said that they doubt whether one agency appointed to implement this task will be able to do it, because each sector has its own specifics and each ministry is already currently conducting an assessment of sectoral institutions.

Conclusion

SCS is usually created in order to reduce possible politicization in order to achieve a professional and modern civil service. It was EU recommendation for CEE and it broadly in line with the neo-Weberian model of state. During the last nineteen years Lithuania has tried to fundamentally reform it's civil service several times, but it still does not have SCS corps. The course and fate of the reform is determined by many different factors, their complex. One of the important factors is civil servants because they could have a personal interest in the success or failure of reform. Because it may be one of determining factors it is important to study its attitudes and positions. During the preparation of article Lithuania has one more ongoing civil service reform and trying to create SCS corps. The research presented in the article reflects the perspectives of Lithuanian civil servants – managers on the developing reform in the context of SCS.

The absolute majority of civil servants - managers who participated in the research are not fundamentally sceptical of the ongoing reform and do not oppose the idea of creating a SCS corps in Lithuania. As a result, based on the preliminary data of the ongoing study, it can be assumed that the leaders will not be a crucial factor that could hinder the reform that is currently underway. They evaluate the process of creating the SCS positively, seeing it as a possible panacea to reduce politicization. However, the preliminary results of the survey already show that senior civil servants may be disappointed with the results of the reform, because they have specific expectations or do not fully understand how the reform will be implemented. Leaders expressed the hope that after the reform the practice of the reserve of civil servants will not be applied in the way it is applied now. Also, managers are unclear about the expected rotation system considering the fact that the public sector has a multifaceted specification. The expected introductory training of senior managers is unanimously approved of, but with regard to further training of managers, the expectation has been expressed that it should not be universal, but should correspond to current issues and practices. The most sceptical opinions were expressed about one of the goals of the reform, to link the organization's goals with a manager's official evaluation and the need for training.

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