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Paths?’**

**Title: Performance Improvements through Functional Reforms? Experiences  
from the German Länder.**

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## 1. Introduction

In the last six years the governments of most of the German Länder initiated functional reforms by reallocating the tasks between the local and state levels. Even though there are some differences between the different Länder, the reforms have generally resulted in a strengthening of the functional profile of the local level by having new tasks for implementation delegated to them. The main reason for this decentralization trend is for the Länder to save money and streamline their administrative structure. To legitimate these reforms, the state governments argued not only that the service delivery by communes would be more cost-efficient, but also that the local level is able to administrate the new task more effectively and increase public responsiveness.

The paper will cover an analysis of whether the functional reforms really did improve the performance of service delivery. Therefore, the performance of the social administration (named *Versorgungsverwaltung/Landessozialverwaltung*) that was municipalized in many of the Länder will be analyzed in three of these respective states (North Rhine-Westphalia, Thuringia and Saxony). Through a comparison of the task performance before and after the reforms and additionally between the Länder, performance differences will be evaluated. The performance dimensions are effectiveness (quality, quantity, uniformity) and efficiency (financial costs). The analysis shows that the duration of task delivery was partially improved upon, whereas the uniformity of policy implementation is reduced. The results for the quality of service and the cost-effectiveness are ambiguous. On the one hand, there are some improvements because of cooperation (economies of scope) and local closeness to the citizens. The loss of economies of scale implies on the other hand some deficiencies for service quality. Furthermore, the organization of the reform, that is, the way resources (staff, finances) are transferred to the local level, impacts the reform results.

## **2. Germany's multi-level administrative system and the reform of the sub-central task allocation**

Whereas in many federal states national laws are implemented by federal agencies, Germany constitutes a model where the laws of the Bundestag are mainly carried out by the administration of the Länder (*Vollzugsföderalismus*). The German Länder can implement federal laws either by their own administration or delegate the implementation to the local administration. Depending on the specific character of the law, the higher level comes with more or less extensive supervisory competences.

Due to the difficulties faced by the Länder in changing or even abolishing the material core of the federal laws, cost-savings are often only possible by shifting the structure of the administration, who implements the federal laws. As a result of the tight financial situation, the reform of the administrative structure became one of the pet subjects of the Länder executives in the last ten years (Bogumil/Ebinger 2008: 280 ff.).

In Germany, the term functional reform (*Funktionalreform*) was therefore established and refers to the (re-)allocation of tasks between the local and Länder-Level (Wollmann 2006: 129 ff.). Hence, functional reforms always contains the process of centralization/decentralization or/and concentration/deconcentration.

A transfer of tasks from state to the local level always changes three aspects of the task implementation. On the one hand, the territorial jurisdiction for the implementation changes because the state agencies normally cover an area of multiple local units, whereas now the single local units are responsible for the task implementation. These local units normally cover only a small district and so territorial competences differ from the Status Quo Ante (territorial dimension). This process should not be mixed up with territorial reforms itself, but the effects are similar. On the other hand, the tasks are usually transferred from single-purpose-agencies to multi-purpose-administrations. This is called the functional dimension. Finally, the tasks changes from the state sphere to the local sphere, which can be labeled as the political dimension. These three aspects (territorial, functional, political) of the administrative macro-organization, which is changed during a functional reform, occur at the same time, but have to be separated analytically to evaluate the reform effects.

## **3. Functional Reforms and Performance Effects – Theoretical Assumptions**

Changing the *territorial dimension* of task implementation via functional reforms creates two effects. On the one hand, Economies of Scale are affected. Through the decline of the number of cases in a small jurisdiction as a consequence of a lower population living there, fewer employees are available to implement the laws in a single local jurisdiction. Hence, the specialization level is reduced and economies of scale are loosed (Swianiewicz 2010: 3 ff.). By the use of economies of scale large scale jurisdiction are therefore applied to be more

effective and efficient. Also, the uniformity of the application of the law should increase because the larger jurisdictions are the fewer authorities are needed to cover the whole area. On the other hand, small jurisdictions support the closeness to the concerned persons. As a result, the authority is more often confronted with local constellations, whereby advantages via experience curve effects can be the result (Economies of Density). Especially in situations where local specific circumstances are important for the decision-making, positive effects for the quality of the task implementation have to be expected (Newton 1982: 190 ff.).

The modification of the *functional dimension*, that is, the change from a single-purpose-agency to the multi-purpose-administration or rather the amalgamation of tasks in one local unit, affects the output factors via two mechanisms. On the one hand, the integration of the former's tasks that are carried out by single-purpose-agencies carried into a multi-purpose administration of a local government advances the cooperation and coordination between different tasks. Interdependencies of problems are more identifiable in multi-purpose administration and faster to solve inside of these institutions (Hult 1987: 20 ff.). Also, the cost-effectiveness should increase because of economies of scope. On the other hand, a loss of professional autonomy and independent decision-making authority is apprehended as a consequence of an incompetent intervention of executive staff into the expertise of the subordinated offices or due to a lack of assertiveness of the professional interest on the non-specialized leadership level. This is supposed to have negative effects on the quality of service delivery (Cohen/Cuéllar/Weingast 2006: 40).

The changeover from the state sphere to local sphere also affects task implementation (*political dimension*). Local authorities are assumed to have more politicizing of their task implementation. Since the head of the local authority is an elected person and the user of the services are constituents, the incentive for the mayor to orient the service delivery toward the interests of the local community members increases. A mayor who perceives his office not only as a "stepping stone" to higher state offices has to then prove himself due to the pressure of reelection. This may have negative effects on task implementation in the case the consideration of local-political constellations not being congruent with the interests of a state-wide homogenous service delivery. In other words, non-task conformed logics and rationalities are integrated in the decision making process and can have a negative effect (Kluth 2004: 78).

#### 4. The Reform of the Social Administration (*Versorgungsverwaltung*)

While in some Länder, the whole administrative structure was being challenged (“Big-Bang-Reforms”), only incremental shifts in specific administrative areas happened in other states (Richter 2010). However, in each case, the social administration (named *Versorgungsverwaltung/ Landessozialverwaltung*) was an object of administrative reform.

The *Versorgungsverwaltung* had three main tasks or field of laws to implement:

the diagnosing of severely disabled persons (*Schwerbehindertenfeststellungsverfahren*), the social compensation laws (*Soziales Entschädigungsrecht*) and parental leave (*Elterngeld*) (Puschke 2006). The starting position was similar in all states. All the tasks had their basis in federal laws and were carried out by single-purpose-agencies of the Länder. In 2008, North Rhine-Westphalia, Thuringia and Saxony restructured the *Versorgungsverwaltung*, after another *Land*, Baden-Württemberg, had already reformed these tasks in 2005. Other Länder, like Mecklenburg-West-Pomerania, will follow suit in 2012.

The diagnosing of severely disabled persons and the parental leave laws were decentralized to the second tier of local government in all the three states (*Landkreise* and *kreisfreie Städte*). In practice, the 11 former single-purpose-agencies of the *Versorgungsverwaltung* in North Rhine-Westphalia (NRW) were abolished and the aforementioned tasks delegated to the 52 local units of the second tier; in Thuringia, three former state authorities were converted to 23 local second tier units; and in Saxony, the 3 state agencies were changed into (after a territorial reform new formed) 13 local governments of the second level. By contrast, the implementation of the social compensation laws was concentrated in a state multi-purpose-agency (*Landesverwaltungsamt*) in Thüringa. North Rhine-Westphalia and Saxony assigned these tasks to the third level of local government; the so called Higher Associations of Local Government Bodies (*Höhere Kommunalverbände*), of which North Rhine-Westphalia has got two and Saxony one.

**Table 1 : Macro-organization Versorgungsverwaltung NRW**

| NRW                | Administrative Organisation until 31.12.2007  | Administrative Organisation from 01.01.2008              |   |
|--------------------|---|--|---|
| <i>Task</i>        | diagnosing of severely disabled persons / parental leave / social compensation laws | diagnosing of severely disabled persons / parental leave | social compensation laws                            |
| <i>Authorities</i> | 11 state authorities  | 52 local units of the second tier                        | 2 Higher Associations of Local Government Bodies    |
| <i>Territorial</i> | Ø 1,618,182 inhabitants<br>Ø 3,098 km <sup>2</sup>                                  | Ø 342,308 inhabitants<br>Ø 655 km <sup>2</sup>           | Ø 8,936,000 inhabitants<br>Ø 17,044 km <sup>2</sup> |

|                   |                |                                  |                                  |
|-------------------|----------------|----------------------------------|----------------------------------|
| <i>Functional</i> | Single-Purpose | Multi-Purpose                    | Single-Purpose                   |
| <i>Political</i>  | state-run      | communal<br>(state supervision ) | communal<br>(state supervision ) |

**Table 2: Macro-organization Versorgungsverwaltung Saxony**

| <b>Saxony</b>      | <b>Administrative Organisation until 31.07.2008</b>                                 | <b>Administrative Organisation from 01.08.2008</b>       |   |
|--------------------|---|--|---|
| <i>Task</i>        | diagnosing of severely disabled persons / parental leave / social compensation laws | diagnosing of severely disabled persons / parental leave | social compensation laws                        |
| <i>Authorities</i> | 3 state authorities   | 13 local units of the second tier                        | 1 Higher Association of Local Government Bodies |
| <i>Territorial</i> | Ø 1,384,000 inhabitants<br>Ø 6,138 km <sup>2</sup>                                  | Ø 319,385 inhabitants<br>Ø 1,416 km <sup>2</sup>         | 4,152,000 inhabitants<br>18,415 km <sup>2</sup> |
| <i>Functional</i>  | single-purpose  | multi-purpose  | single-purpose                                  |
| <i>Political</i>   | state-run   | communal<br>(partly without state supervision)           | communal<br>(state supervision )                |

**Table 3: Macro-organization Versorgungsverwaltung Thuringia**

| <b>Thuringia</b>   | <b>Administrative Organisation until 30.04.2008</b>                | <b>Administrative Organisation from 01.05.2008</b> |   |
|--------------------|--|--|---|
| <i>Task</i>        | diagnosing of severely disabled persons / social compensation laws | diagnosing of severely disabled persons            | social compensation laws                        |
| <i>Authorities</i> | 3 state authorities  | 23 local units of the second tier                  | 1 Landesverwaltungsamt                          |
| <i>Territorial</i> | Ø 745,666 inhabitants<br>Ø 5,390 km <sup>2</sup>                   | Ø 97,260 inhabitants<br>Ø 702 km <sup>2</sup>      | 2,237,000 inhabitants<br>16,172 km <sup>2</sup> |
| <i>Functional</i>  | single-purpose   | multi-purpose                                      | multi-purpose                                   |
| <i>Political</i>   | state-run  | communal<br>(state supervision )                   | state-run                                       |

To measure the effects of these changes on effectiveness (quality, quantity, uniformity) and efficiency (financial costs), expert interviews with local and state officials (n=21), analysis of administrative data and secondary analyses were carried out.

## 5. Effectiveness

### 5.1. Speed of service delivery

A view of the duration of application shows that after the decentralization of the diagnosing of severely disabled persons (*Schwerbehindertenfeststellungsverfahren*) a significant reduction of lead time could partly be achieved in Thuringia. Whereas the duration of application of over 5 months wasn't unusual before the reform, the lead time in the three polled communes and also in the whole of Thuringia could be reduced to 2 to 4 months.

Figure1: Duration of application "diagnosing of severely disabled persons" case studies Thuringia

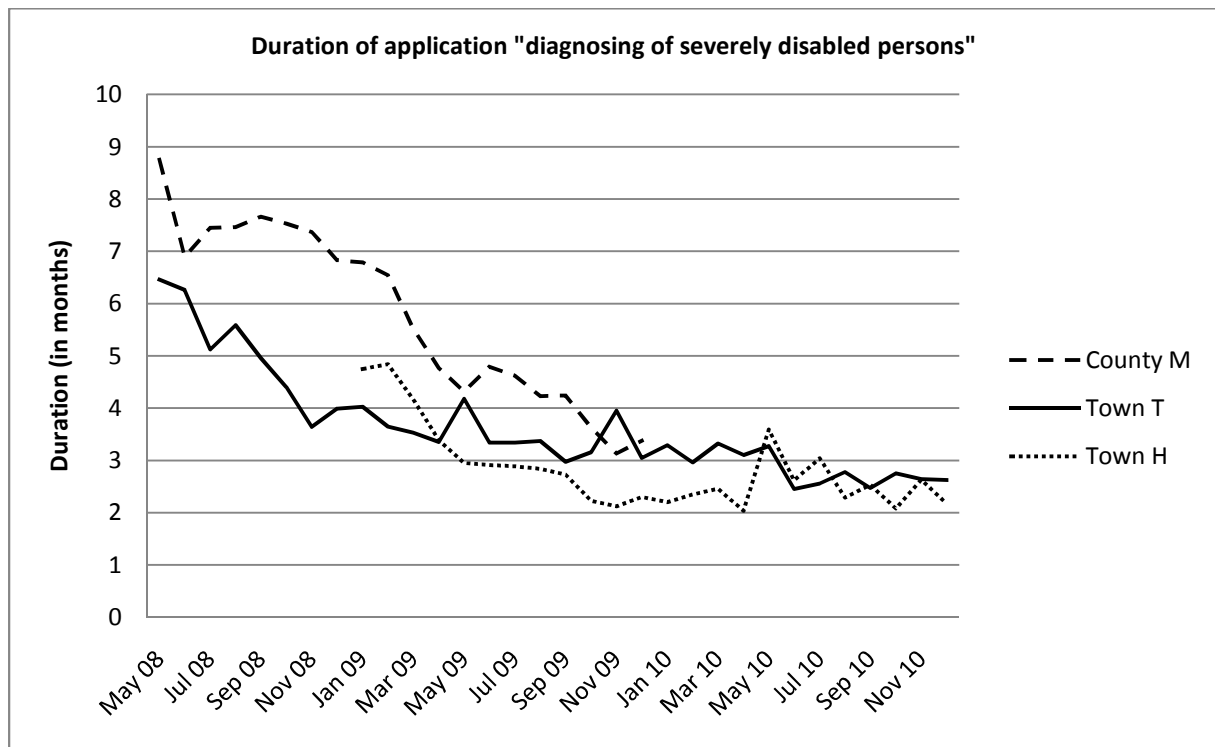
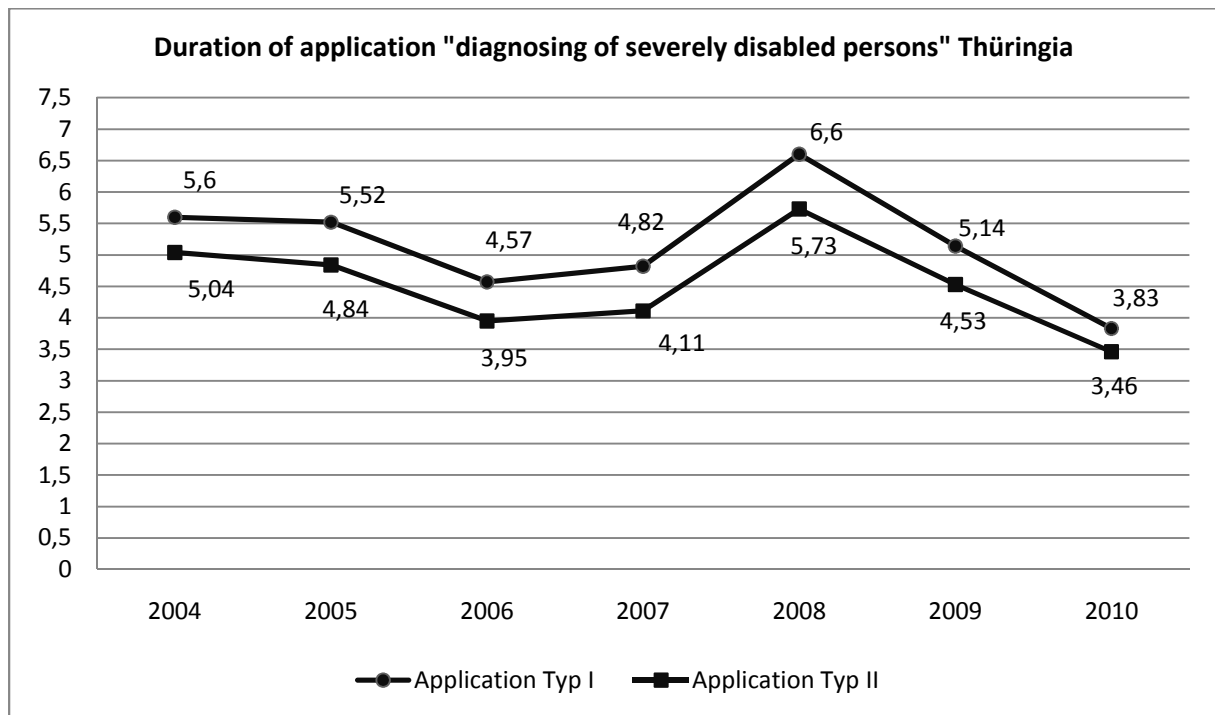


Figure 2: Duration of application "diagnosing of severely disabled persons" Thuringia



The reason for this development is an adjustment of the mode of operation in the local authorities. Whereas in the former state authorities the employees were highly specialized concerning certain work steps, the local authorities didn't specialized their staff. Thus, one worker is now responsible for the application from the submission until the administrative decision (so-called *Ganzheitliche Bearbeitung*). Through the abstinence of specialization by work steps, the disadvantages of this work method such as transport time, storage time or shortages in some steps could be avoided (Krems 2009: 5 f.). In a former single-purpose state agency one application went through a lot of hands, whereas in the local administration only one employee deals with the application and is responsible for all work levels. Not only the quantitative data, but also the statements of the interviewed employees affirm these results.

*"It's a better flow of work. You aren't reliant on somebody. You don't have a bottleneck, because somebody didn't do his work or didn't sign the document. Also, it isn't boring. You don't have to always do the same thing. The work is more varied."* Interview County M, Translation P.R.

This statement also shows the positive effects of the new work method, which can be seen through increased levels of motivation of the employees. The specialization by work steps has a tendency to demotivate due to the monotony and one-sidedness of employment, whereas the division of labor by cases fosters the motivation through the variety of tasks (Bea/Göbel 2006: 332).

Similar effects could be found in Saxony, where parental leave (*Elterngeld*) was also decentralized. The average duration of application constitutes only 22 days in polled local authorities, which is a top value and wasn't reached before the reform by said state authorities

The relation between the shorter duration and the decentralization results from the change of the covered population. A single commune is only responsible for a small number of people. Hence, the communes have only a few employees for the implementation of the tasks. In other words, decentralization in the distribution of the formerly centralized staff is the result. Consequently, an overspecialization where an application goes through multiple hands is not possible because the communes do not have the staff for these work methods. For instance, the smallest commune in Thuringia has only three employees for service delivery, so that a division of labor to four or more persons is theoretically already ruled out. The often afforded assumption that a loss of specialization due to decentralization has negative effects for carrying out the tasks couldn't confirm the dimension "speed of service delivery". Also the fact that the task of the diagnosing of severely disabled persons is composed of a lot of routine, only small legal discretion and a high number of cases, which doesn't require necessarily a high degree of specialization, supported this development.

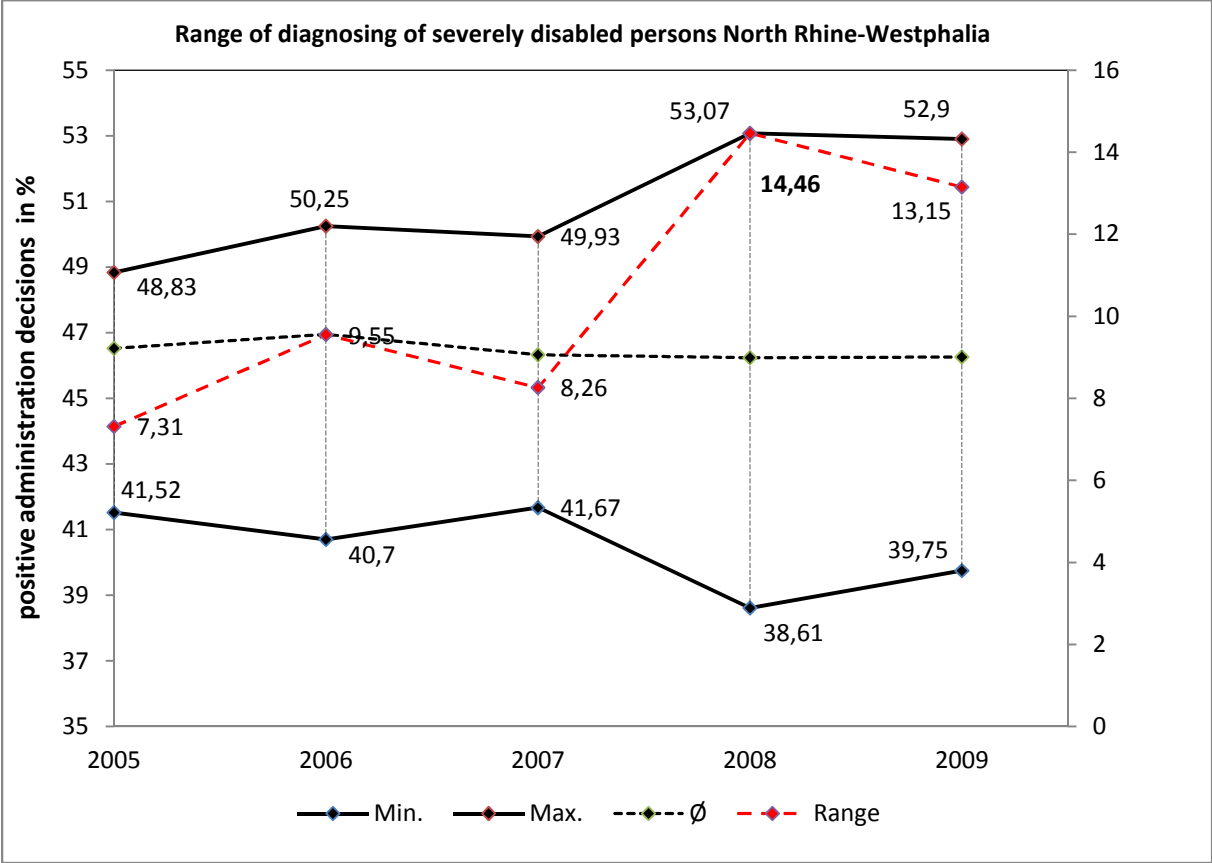
However, these results do not say that decentralization inevitably results in a shorter duration of applications. The duration of an application in North Rhine-Westphalia was already under three months at an average before the decentralization and the duration increased partly after the decentralization. This example shows that the organization, the fitting of resources and so on within the respective level of government is also of important relevance (Krems 2009: 10). Summing up, decentralization stimulates the changing of divisions of labor because disadvantages of the overspecialization that can appear in bigger authorities in the case of an inadequate administrative management doesn't exist on the local level.

## **5.2. Uniformity of Service Delivery**

One big disadvantage of decentralization is a loss of uniform application of the law across the boards of the single communes. A prominent example is the case of decentralization in North Rhine-Westphalia where the quota of positive administrative decisions (*Feststellungsquote*) alternated between 39% and 53% in 2008 (one year after reform). That means that in the most rigorous commune only 39 % of administrative decisions were positive for the applicant, whereas in the less rigorous commune 53% were positive (MAIS 2010: 41). This is a doubling of the range by comparison with the status before the reform where the range between state authorities was 41% and 49%. Of course, there is a natural

range between the communes because the circumstances differ between local units. However, the breadth and width of the range (15 points) is not explainable through different starting positions because the number of disabled persons is normally nearly the same in the different communes.

Figure 3: Range of diagnosing of severely disabled persons North Rhine-Westphalia



Source: compiled by the author. Date Base: MAIS 2010.

The reason for the increasing range is rather the increasing number of authorities. Whereas before the reform 11 state authorities carried out the tasks, now 52 local units of the second tier are responsible for implementation. Through the distribution quota of  $\frac{11}{52}$

it wasn't possible to allocate the highly qualified medical scientists, who worked for the former *Versorgungsverwaltung*, to all the 52 local units. Consequently, some communes had to hire new medical scientists, who weren't skilled for the new tasks. Generally spoken, the splitting of the formerly centralized staff resulted partly in a quality downside. Other reasons for the drifting apart of the administrative decisions could be the attempt of the communes to save money during the process of the work on the application by reducing the establishment of facts or the avoidance of appeals by making prompt decisions. For a statewide uniform service delivery the strengthening of the supervisory control by the Länder seems not only

necessary, but as a consequence of decentralization indispensable (Bogumil 2009: 148). In this respect, the growing range can also be an indication for a capacity overload of the supervisory control, who stated in interviews that the work limit has been reached due to cutbacks in staff and the growing numbers of applications.

However, it has to be said that the uniformity of service delivery not only decreased but also increased. That is so because social compensation laws (*Soziales Entschädigungsrecht*) were centralized to the communes. What at first sounds like a paradox can be explained with the specifics of the German local administration. In some Länder, like North Rhine-Westphalia and Saxony, there are so called Higher Associations of Local Government Bodies (*Höhere Kommunalverbände*). These institutions are an association of the local authorities of a state or a region and constitute a kind of third communal level. Higher Associations of Local Government Bodies are corporate bodies with their own administration, resources and staff, but are financed by the communes of the state or region. Since they operate statewide (Saxony) or at least region wide (North Rhine-Westphalia), these local institutions work centralized. Not surprisingly, through the transfer of the social compensation laws to the Higher Associations of Local Government Bodies, the uniformity of service delivery was strengthened. Since this task was delegated from the former 11 (North Rhine-Westphalia) or 3 (Saxony) state authorities to the 2 (North Rhine-Westphalia) or the only (Saxony) Higher Associations of Local Government Bodies, a range become obsolete. The following statement underlines these developments:

*“There were differences between the former state authorities concerning the interpretation of laws. Some were very strict and others were more generous. It was clearly visible after we centralized it. And then we decided to agree on common standards on how to deal with specific constellations. We introduced new standards. Always together”* Interview Higher Associations of Local Government Bodies, Translation P.R.

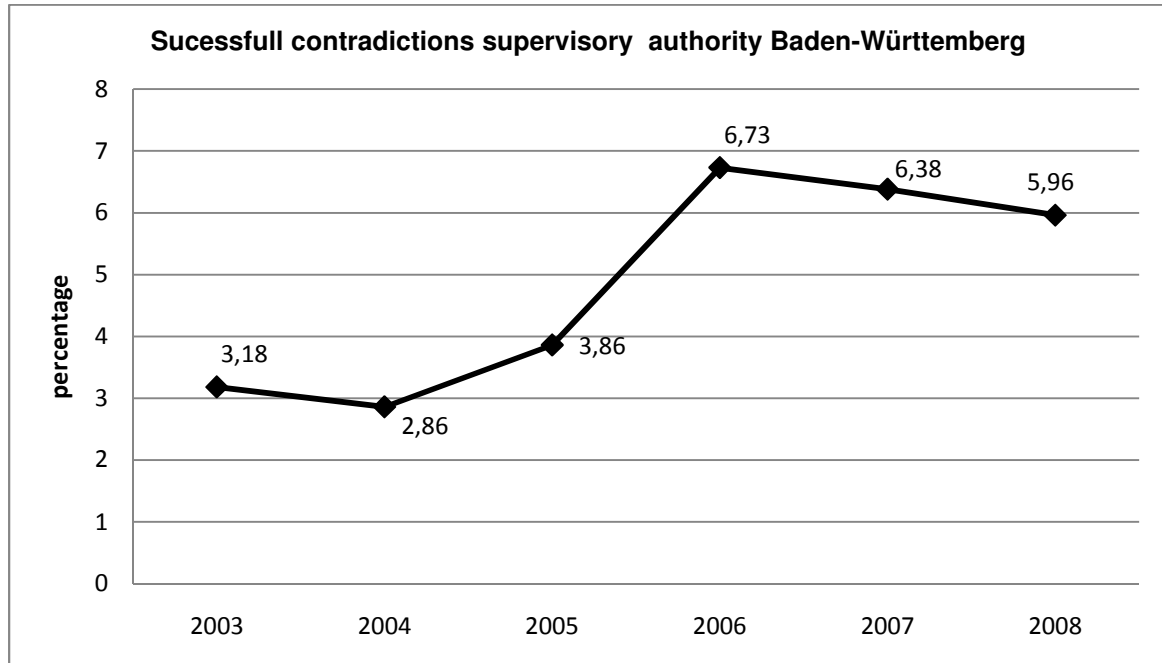
Concerning the dimension “uniformity of service delivery” the expected effects occurred. Nonetheless, one has to be cautious with the conclusion that task implementation by the communes equates to decentralization as the example of the Higher Associations of Local Government Bodies as a third centralized local level shows.

### **5.3. Quality of Service Delivery**

The remarks on the uniformity of service delivery indicate that a loss of quality has to be assumed. Since the decentralization of the responsibility for diagnosing severely disabled

persons in Baden-Württemberg, the number of successful or partly successful appeals has increased (Richter/Kuhlmann 2010: 406).

Figure 4: Successful contradictions supervisory authority Baden-Württemberg



Source: compiled by the author. Date Base: Annual reports supervisory authority (Landesversorgungsamt) 2003-2008.

In the annual report the supervisory authority noted that the high success rate of the petitioners is attributed to the reduction of taking of evidence (*Beweiserhebung*) to the lowest possible level (LVA 2008: 21). In other words, the communes try to save costs by simplifying the administrative procedure. In Baden-Württemberg, this performance can be explained with the obligation of the communes to deliver the new task with 20% lower costs (*Effizienzrendite*).

Generally the quality of service delivery comes under scrutiny because of decentralization as the aforementioned problem of splitting highly qualified medical staff across the whole state. For the *Versorgungsverwaltung* the problem arises from two effects. On the one side, it is no longer possible to have medical scientists of different disciplines (e.g. surgery, neurology) at one place, which is advantageous for covering all medical disciplines. On the other side, the absence of medical staff makes the control of external assessors, who often work for the *Versorgungsverwaltung*, more difficult

*"We noticed it. We see only the tip of the iceberg. But sometimes there are some adventurous appraisals – I can't say it different. The supervision of the external assessors didn't take place*

*because the colleagues on the spot don't have the possibility They are overloaded and sit there alone"*

Interview supervisory control, Translation P.R.

Another problem is that the tasks of the diagnosing of severely disabled persons and the social compensation laws were combined before the reform and are now disconnected because – as mentioned – the tasks of diagnosing of severely disabled were transferred to second tier of local government, where the task of social compensation law were centralized to the Higher Associations of Local Government Bodies in North Rhine-Westphalia and Saxony. The allocation of tasks to different levels is sometimes problematic because both tasks operate partly with the same criteria and persons, which demands coordination between the authorities and between different levels.

A big advantage for the quality of service is the cooperation that developed because of the shift from a single-purpose-authority to multi-purpose-authorities at the local level. However, this is not the case for the diagnosing of severely disabled persons because this task is very specific and there are no interdependencies to other tasks. In the field of the social compensation laws, cooperation between other tasks, which were already performed by the Higher Associations of Local Government Bodies in North Rhine-Westphalia, occurred. Consequently, services could be provided in a more integrated fashion.

*"There were the single purpose agencies and we regarded the application as finished when we made the decision. What happened next wasn't in our angle of view. Now, we can view the whole case. There isn't an end of the horizon and there are other services that are possible."* Interview Higher Associations of Local Government, Translation P.R.

*"I have to say that I didn't know the whole spectrum of services because we didn't work together or couldn't ask the other colleagues. Now, we have a change of perspective. The other services are taken into consideration. We have to deal with the other subjects because we are in one building."*

Interview Higher Associations of Local Government, Translation P.R.

In Saxony, cooperation with the social welfare benefits occurred. The social welfare benefit cares for persons, who are also required to apply for social compensation. Whereas before the reforms the authorities that are responsible for the social welfare benefit from time to time by taking action against the former *Versorgungsverwaltung*, coordination now occurs beforehand. As a result the applicants now get consistent decisions.

*"Now it's easier and better because we have to check the requirements. Earlier colleagues couldn't understand our decisions if we made a negative one and would take legal action against us. Now, it's resolved between the divisional heads."* Interview Higher Associations of Local Government, Translation P.R.

A loss of quality through the lack of independency or an improper intervention of local politicians, which could be expected due to integrating into multi-purpose-agencies, wasn't observable. Decisions about individual cases must be discussed with the Chief only in exceptional cases or are also rarely influenced by local politicians.

**6. Cost Effectiveness of Service Delivery**

Cost savings are an important goal of every functional reform. Whether service delivery by the communes is cheaper, is difficult to prove. In Nord Rhine-Westphalia, the decentralization of the *Versorgungsverwaltung* was – together with the environment administration – the first case of the use of the so-called connectivity principle (*Konnexitätsprinzip*). This was introduced in the constitution of the North Rhine-Westphalia and dictated a full compensation of costs for new tasks given to the communes. In order to accomplish this objective, an evaluation has to occur after two years. The main cost factors of the *Versorgungsverwaltung* are labor costs. Thus, one main indicator for cost savings is the number of employees. The evaluation showed that the expected reduction of costs or rather employees measured in full-time equivalents (FTE) could not be reached by the communes because the *Land* has to compensate the communes with additional aid. Even if external developments – like a growing number of cases – remain unconsidered, there is only a reduction by 11 positions (691 positions) in comparison to 2007 (703 positions). The *Land* planned that the communes needed only 658 positions after the reform because of economies of scale and scope (MAIS 2010 15 ff.). De facto, now 791 positions are held by the communes because of a growth in the number of applicants.

**Table 4: FTE diagnosing of severely disabled persons North Rhine-Westphalia**

| Employment of Staff diagnosing of severely disabled persons Nord Rhine-Westphalia |                                     |   |                              |
|---|-------------------------------------|---|------------------------------|
| Staff 2007  | Aimed optimized Employment of Staff | De-Facto Employment of Staff (adjusted) | De-Facto Employment of Staff |
| 703 FTE   | 658 FTE                             | 691 FTE<br>(Date 31.12.09)              | 791 FTE<br>(Date 31.12.09)   |

Source: MAIS 2010: 15 ff.

The current government accused the former of paying 16.2 Millions Euros more than before the functional reform (Landtag NRW 15/25: 2246). The case of North Rhine-Westphalia shows that by strict use of the connectivity principle (*Konnexitätsprinzip*) economizing can not be expected. Only if – like the case in Baden-Württemberg – the communes have to save money through guidelines of the *Land*, a reduction of costs seems possible. However, they are not natural cost savings then, but simulated and enforced savings through guidelines

from the *Land*. The reason for not achieving cost savings can be the loss of economies of scale. Even the audit court of North Rhine-Westphalia mistrusts that the possible cost savings through centralization could also be achieved through decentralization (LRH 2007: 5). If in addition to missing economies of scale, economies of scope, through the integration in the multi-purpose-agencies, failed to appear or are due to the specificity of the task are too low, additional costs are the result.

## **7. Conclusion**

In light of the initial empirical results, which have notwithstanding to be consolidated, it can be shown that the decentralization of the diagnosing of severely disabled persons and the parental leave possesses organizational advantages that can result in a shortening of the application time and improve the motivation of the staff. However, there is a loss of the uniformity of service delivery and a splitting of know-how by the medical staff. Also, the experience suggests that decentralization in line with the connectivity principle (*Konnexitätsprinzip*) results in fewer cost savings than would be expected. Through the centralization of the social comprehension laws to the Higher Associations of Local Government, the uniformity of service delivery and cooperation advantages occurred, even if the separation of the social compensation laws from the diagnosing of severely disabled persons resulted in some problems.

In the end it has to be stated that such reforms aren't – as described by their initiators – win-win-situations. Functional reforms have to be evaluated much more for effectiveness and efficiency. That decentralization means a better and at the same time cheaper delivery of tasks is unrealistic. In fact, decentralization holds *other* advantages and *other* disadvantages over a state service delivery. The desirability of these new advantages and disadvantages is in turn to be evaluated according to objective criteria or – where an objective judgment is not possible – to be cleared by the political decision making process.

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