

# Regulations for the Joint Participation Council of the Stichting 'Het Rijnlands Lyceum', primary education

## **Chapter 1    General**

### **Article 1       Definitions**

In the context of these regulations, the following terms are used:

- a. **the Act:** Wet Medezeggenschap op Scholen (Education Participation Act) (Bulletin of Acts and decrees 2006, 658);
- b. **Competent Authority:** Stichting 'Het Rijnlands Lyceum'.
- c. **Internal supervisor:** the Supervisory Board.
- d. **Participation Council:** the body of each school, as referred to in Article 20 of the Act;
- e. **Joint Participation Council:** the body as referred to in Article 3 of the Participation Council;
- f. **Schools:** Eerste Nederlandse Montessori School; The International School of the Hague Primary School; The European School of the Hague Rijnlands Lyceum Elementary School;
- g. **Pupils:** pupils within the meaning of Primary Education Act;
- h. **Parents:** the parents or guardians of caretakers of the pupils;
- i. **School management:** the principal and vice-principal, as defined in the Primary Education Act;
- j. **Staff:** the employed staff or the staff that is employed for the duration of at least 6 months without appointment by the Competent Authority and that is employed at a school;
- k. **section:** the separate groups of members intended in Article 3, Section 3, of the Act
- l. **year:** an established school year;
- m. **Central Administration participation council:** the participation council of the central administration (CSB) of the Stichting, the staff of which work in support of both the schools and the board.

## **Chapter 2       Participation**

### **Article 2       Joint Participation Council**

1. The competent authority establishes a Joint Participation Council.
2. Each Participation Council of the schools under the authority of the Competent Authority is represented in the Joint Participation Council.
3. The members of the Joint Participation Council are elected by the members of the Participation Councils.

### **Article 3       Scope and constitution of the Joint Participation Council**

The Joint Participation Council consists of six members (two per school) of whom:

- a. three members are elected by the staff section of the Participation Councils; and
- b. three members are elected by the parent section of the Participation Councils.

### **Article 4       Incompatibilities**

1. People who are part of the Competent Authority cannot become a member of the Joint Participation Council.

2. A staff member who is appointed to act on behalf of the Competent Authority during discussions with the Joint Participation Council cannot also be a member of the Joint Participation Council.

#### **Article 5      Term**

1. A member of the Joint Participation Council has a term of three years.
2. A member of the Joint Participation Council will step down after his/her term and can immediately be re-elected, at most for two times.
3. A member who is appointed or elected to fill an interim vacancy steps down at the moment the person in whose place he or she is appointed or elected would have stepped down.
4. In addition to regular retirement on the basis of the retirement schedule, the membership of the Joint Participation Council ends:
  - a. upon his or her death;
  - b. upon cancellation by the member;
  - c. when a member is under legal restraint;
  - d. as soon as a member is no longer part of the section by which he/she was elected.

### **Chapter 3      The Election**

#### **Article 6      Organisation of Elections**

1. The organisation of the election of the members of the Joint Participation Council rests with the Joint Participation Council. The organisation thereof can be appointed to an election committee by the Joint Participation Council.
2. The Joint Participation Council decides on the constitution, mode of operation, and the competences of the election committee, as well as the way in which complaints regarding decisions of the election committee is decided upon.

#### **Article 7      Election dates**

1. The Joint Participation Council determines the date before which the election by the members of the relevant individual Participation Council must have taken place.
2. The Joint Participation Council informs the Competent Authority, the respective Participation Councils, the parents and the staff on the time periods stated in Section 1.

#### **Article 8      Eligible and Enfranchised Persons**

Those who are part of the staff or are a parent on the day of the nomination are enfranchised and eligible as a member of the Joint Participation Council.

#### **Article 9      Publication of Eligible and Enfranchised Persons**

1. Each Joint Participation Council establishes a list four weeks before the election of the persons who are eligible and enfranchised. The relevant list is made available to the parents and the staff stating the possibility to nominate themselves, as well as the term established for that.
2. The new members of the Joint Participation Council take office at the beginning of the new year during the first meeting of the new year, or as soon as they are elected if this is between the beginning of the new year and the end of the calendar years, or if they replace a seated member interim during the next meeting after their interim election.

**Article 10      Insufficient Candidates**

1. If no more candidates are nominated from the parents and the staff than the number of seats in the Joint Participation Council for the section of the respective Participation Council, no election will take place for that section and the nominated candidates are considered to be elected.
2. The Joint Participation Council will inform the Competent Authority, the sections, and the respective candidates of this in good time before the election date.

**Article 11      Election**

The election takes place by secret, written ballot.

**Article 12      Ballot; proxy**

1. An enfranchised person casts, at maximum, as many votes as there are seats for his or her section in the Joint Participation Council. Only one vote can be cast on a candidate.
2. An enfranchised person can transfer his or her vote by written proxy and upon presentation of his or her ballot paper to someone else who belongs to the same section. An enfranchised person can, at maximum, vote for one other enfranchised person by proxy.

**Article 13      Election result**

1. Those candidates that have then acquired the highest number of votes are elected. If for the last seat to be occupied there are several candidates who have acquired an equal number of votes, the outcome will be determined by lot.
2. The election results are established by the section and published in writing to the Competent Authority, the Participation Council, the Joint Participation Council, the other sections and the candidates concerned.

**Article 14      Interim vacancy**

1. In case of an interim vacancy the Joint Participation Council appoints the candidate as successor of the respective member from the respective section who qualifies first in accordance with the established election result intended in Article 13, Section 1.
2. The designation takes place within one month of the vacancy arising. The Joint Participation Council informs the Competent Authority, the sections and the respective candidate on this appointment.
3. If no more candidates are nominated from the parents and the staff than the number of seats in the Joint Participation Council for that section or if no successor as intended in Section 1 is available, the vacancy/vacancies can be filled by holding an interim election. In that case Articles 6 to 13 apply mutatis mutandis.

**Chapter 4      *General tasks and Authority of the Joint Participation Council***

**Article 15                      Consultation with Competent Authority**

1. The Competent Authority and the Joint Participation Council convene if this is required by the Joint Participation Council, a section of the Joint Participation Council or the Competent Authority, stating the reasons thereto.

2. The Competent Authority conducts the discussion referred to in Section 1 with each section separately if desired by two thirds of the members of the Joint Participation Council and the majority of each section.

**Article 16 Consultation with the internal supervisor**

The internal supervisor and the Joint Participation Councils consult with one another at least twice a year.

**Article 17 Representation of the Joint Participation Council in the selection committee for appointment of the executive director**

For the appointment of an executive director, a selection committee is established that in any case includes:

- a. a member originating from or on behalf of the part of the Joint Participation Council that is chosen from and by the staff, and
- b. a member originating from or on behalf of the part of the Joint Participation Council that is chosen from and by the parents.

**Article 18 Nomination right for Supervisory Board member**

When appointing members of the Supervisory Board, as referred to in Article 17a of the Primary Education Act, the Competent Authority gives the Joint Participation Council the opportunity in good time to make a binding nomination for one of the members.

**Article 19 Initiative authority of the Joint Participation Council**

1. The Joint Participation Council is authorised to discuss all matters that concern the general operation in all schools or the majority of schools covered by one education act. It is authorised to make proposals on these matters to the Competent Authority as well as let its opinions be known.
2. Within 3 months, the Competent Authority will issue the Joint Participation Council with a written reaction to these proposals, stating its reasons. Before this reaction is provided, the Competent Authority will offer the Joint Participation Council, at least once, the opportunity to hold consultations with them on the proposals of the Joint Participation Council.
3. The competent authority conducts the discussion and consultation referred to in Section 1 with each section separately if desired by two thirds of the members of the Joint Participation Council and the majority of each section.

**Article 20 General tasks GMR**

1. To the best of its capacities the Joint Participation Council will stimulate openness and mutual consultations within the school.
2. The Joint Participation Council furthermore guards, in general, in the schools, against discrimination for whichever reason, and enhances equal opportunities in equal situations, and especially the equal treatment of men and women, as well as the employment of the physically challenged and immigrant employees.
3. The Joint Participation Council provides all those concerned in the schools with a written report on its activities, and enables the sections to hold consultations with it on matters that specifically involve the respective group.

## **Article 21 Providing Information to the Joint Participation Council**

1. The Joint Participation Council receives all information from the Competent Authority, whether asked or unasked which, in all fairness, it needs to carry out its tasks, in good time.
2. The Joint Participation Council at least receives:
  - a. annually the budget and the corresponding policy plans in the financial, organisational and educational fields;
  - b. annually before 1 May information on the calculation that forms the basis for the means that the National Treasury allocates to the Competent Authority;
  - c. annually before 1 July an annual report as intended in Article 171 of the Primary Education Act;
  - d. the points of departure that the Competent Authority use for the execution of its Authority;
  - e. immediate information on each verdict of the complaints commission, as intended in Article 14 of the Primary Education Act, at which the commission has judged a complaint to be valid, as well as on the possible measures that the Competent Authority will take as a result of that verdict, such with due regard for the privacy of the staff, parents, and pupils;
  - f. at least once a year written data on the level and contents of the terms of employment and agreements per group of the persons employed at the schools and the members of the Competent Authority, at which an insight is provided regarding what percentage these terms of employment and agreements are related to each other, as well as to those of the previous year;
  - g. at least once a year written data on the level and contents of the terms of employment and agreements with the representative of the legal person who is responsible for monitoring the Competent Authority, at which an insight is provided regarding what percentage these terms of employment and agreements are related to each other, as well as to those of the previous year;
  - h. at the beginning of the school year the written data with regard to the constitution of the Competent Authority, the organisation within the schools, the management statute, and the main points of the policy already established.
3. If the Competent Authority submits a proposal for advice or approval to a section of the Joint Participation Council, that proposal is presented for information to the other section of the Joint Participation Council at the same time. The Competent Authority also provide the grounds for the proposal, as well as the consequences that the implementation of the proposal is expected to have for the staff, parents, and pupils, and of the measures taken as a result of that.

## **Article 22 Annual report**

1. The Joint Participation Council annually prepares a report on its activities during the past year and informs all those involved.
2. The Joint Participation Council shall see to it that the report for the benefit of interested parties will be available for consultation at a generally accessible place in the schools.

## **Article 23 Public nature and confidentiality**

1. The meeting of the Joint Participation Council is public, unless individual persons are discussed or the nature of a matter to be dealt with opposes this, such to the judgement of one third of the members.

2. If during a meeting or a part thereof a personal interest of one of the members of the Joint Participation Council is involved, the Joint Participation Council can decide that the respective member does not attend that meeting or that part of the meeting. The Joint Participation Council will then decide at the same time that the consideration of the respective issue will take place during a closed meeting.
3. The members of the Joint Participation Council are obliged to observe confidentiality on all issues that they are introduced to in their capacity, with regard to which the Competent Authority or the Joint Participation Council have imposed confidentiality on or of which, in relation to the sworn confidentiality, they must understand the confidential nature. The intention to impose confidentiality will be notified as much as possible before the consideration of the respective issue.
4. The person who implies the confidentiality as intended in Section 3 of this Article, also informs which data provided in writing or verbally fall under the confidentiality and for how long this should last, as well as whether there are persons towards whom the confidentiality does not have to be complied with.
5. The obligation to confidentiality does not lapse by annulment of the membership of the Council nor by annulment of the ties that the respective person had with the school.

#### **Chapter 5      *Special authorities of the Joint Participation Council***

*When there are matters of common concern for all schools or for the majority of schools, the Joint Participation Council acts in the place of the Participation Council of those schools.*

#### **Article 24      Approval authority of the Joint Participation Council**

The Competent Authority in each case requires the prior approval of the Joint Participation Council for the decisions intended by them with regard to:

1. modification of educational objectives of the majority of the schools;
2. assessment or modification of the policy with regard to carrying out supporting activities by parents for the benefit of the majority of the schools and the education;
3. establishment or modification of Regulations in the field of the safety, health and welfare policy of the majority of the schools, insofar as those do not relate to the authorities of the staff section;
4. the assessment or modification of the complaints regulations that apply for all schools.
5. transfer of the majority of the schools, respectively a merger of the majority of the schools with another school or schools, or the establishment or modification of the policy in this respect.

#### **Article 25      Advisory authority of the Joint Participation Council**

The Joint Participation Council will in each case be provided in advance with the opportunity to give advice on decisions intended by the Competent Authority with regard to:

- a. assessment or modification of the outlines of the long-term financial policy for the relevant schools, including the intended purpose of the resources that have been allocated to the Competent Authority for the benefit of the schools from the public funds, or that have been received from others, with the exception of the parents' voluntary contribution, as referred to in Article 27(c) of the Participation Council Regulations;

- b. the criteria that are applied for the division of these resources to facilities that are at an extracurricular and at a curricular level;
- c. the appointment or the dismissal of staff responsible for management tasks for the benefit of more than one school;
- d. discontinuation, substantial reduction or expansion of the activities of the majority of the schools, or the assessment or modification of the respective policy;
- e. commencing, discontinuing or significantly modifying an enduring collaboration with another institution on behalf of the majority of the schools, or the establishment or modification of the respective policy;
- f. participation or discontinuation of participation in an educational project or experiment on behalf of the majority of the schools, or the assessment or modification of the respective policy;
- g. establishing or modifying the policy with regard to the organisation of the majority of the schools;
- h. establishing or modifying a regulation in the field of the appointment or dismissal policy insofar as that establishment or modification is related to the identity of the Foundation or the modification thereof;
- i. Appointment or dismissal of the members of the board;
- j. establishing or modifying the management statute;
- k. the establishment of a central service department;
- l. adoption or modification of the policy with regard to the maintenance of the majority of the schools.
- m. determination or change of the way in which the facility referred to in Article 45(2) of the Primary Education Act is organised; and
- n. determination of the competency profiles of the supervisors and the supervisory body, as well as of the members of the board.

#### **Article 26 Approval authority of the staff section**

The Competent Authority requires the prior approval of that section of the Joint Participation Council that was chosen from the staff for each decision to be taken by the Competent Authority, which is in the common interest of all schools or a majority of the schools with respect to:

- a. determination or modification of the composition of the staff that was appointed or deployed without appointment, which perform activities for the benefit of more than one school;
- b. regulation of the consequences for the staff of a matter as intended for this in Article 25, Sections d., e., f. and j.;
- c. establishment or modification of Regulations with regard to continuing education of the staff;
- d. establishment or modification of possible work regulations for the staff, as well as of the creation and implementation of the staff and management meeting, insofar as the decision has a general validity for all or a complete category of staff members;
- e. establishment or modification of the holiday leave regulations of the staff;
- f. establishment or modification of the working and resting hours regulations of the staff;
- g. establishment or modification of the policy with regard to the allowance of salaries, bonuses and gratuities to the staff;

- h. establishment or modification of the policy with regard to the evaluation, remuneration of position and differentiation of position;
- i. assessment or modification of the policy with regard to transferring the financing with regard to the majority of the schools;
- j. establishment or modification of a regulation in the field of working conditions, the absence through illness, or the reintegration policy;
- k. establishment or modification of a regulation in the field of industrial welfare;
- l. establishment or modification of a regulation on the processing and the protection of personal data of the staff;
- m. establishment or modification of a regulation with regard to facilities that are aimed at or suited for the monitoring or checking of presence, behaviour or performance of the staff;
- n. establishment or modification of a regulation in the field of the promotional policy or in the field of the employment and dismissal policy, insofar as that establishment or modification is not related to the principles of the school or the modification thereof;
- o. establishment or modification of regulations on which parties who have entered into a collective labour agreement have agreed that those regulations or the modification thereof is established upon consultations between the Competent Authority and the staff section of the Joint Participation Council;
- p. establishment or modification of the regulations concerning the facilities, as referred to in Article 28 of the Act, insofar as they are related to the staff.
- q. the appointment of the prevention officer and his/her role in the organisation insofar as this concerns the majority of the schools, and
- r. a procedure for dealing with a suspected wrongdoing, as meant in Article 2, sub 1 in the law on the House of the Whistleblowers, insofar it is related to staff<sup>1</sup>

#### **Article 27 Approval authority of the parent section**

1. The Competent Authority requires the prior approval of that section of the Joint Participation Council that was chosen from the parents for the decisions they intend with regard to:
  - a. regulation of the consequences for the parents and pupils of a decision with regard to a matter as intended for this in Article 24, Sections .,d.;
  - b. establishment or modification of a regulation on the processing and the protection of personal data of the parents and pupils of the majority of the schools;
  - c. establishment or modification of the regulations concerning the facilities, as intended in Article 28 of the Education Participation Act, insofar as they are related to the parents.
  - d. a procedure for dealing with a suspected wrongdoing, insofar as it is related to parents/students.

#### **Article 28 Applicability of extraordinary authorities**

1. The authorities based on the Articles 24 to 27 do not apply insofar as:
  - a. the respective issue has already been arranged for the school with regard to its contents by means of a regulation by or by virtue of the Act;

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<sup>1</sup> Article 2, sub 1 of the law on the House of Whistleblowers reads: The employer, who, as a rule, employs at least fifty staff members determines a procedure for dealing with a suspected wrongdoing within the organisation.



- b. it concerns an issue as intended in Article 38 of the Primary Education Act insofar as the respective consultations do not decide to leave the issue for the consideration of the staff section of the Joint Participation Council;
2. The Authority of that part of the Joint Participation Council that was chosen from and by the staff do not apply insofar as the respective issue has already been arranged with regard to its contents by means of a collective labour agreement.

**Article 29      Terms**

1. The Competent Authority provides the Joint Participation Council or the section of the Joint Participation Council concerned a period of 8 weeks within which a written standpoint must be issued on the intended decisions with regard to an issue as intended in the Articles 21 to 24 of these Regulations.
2. The term as intended in Section 1 can be extended by the Competent Authority on a case-by-case basis, upon a motivated request from the Joint Participation Council or the section of the Joint Participation Council concerned.
3. The Competent Authority will immediately notify in writing whether the term will be extended or not, and if necessary for which term the extension applies.

**Chapter 6      Organisation and mode of operation of the Joint Participation Council**

**Article 30      Election of chairperson and secretary**

1. The Joint Participation Council elects a Chairperson, a Deputy Chairperson and a Secretary from its own ranks.
2. The Chairperson, or in case of his/her absence the Deputy Chairperson, legally represents the Joint Participation Council.

**Article 31      Exclusion of members of the Joint Participation Council**

1. The members of the Joint Participation Council will comply with the obligations resulting from the membership.
2. The Joint Participation Council can come to the opinion that a member of the Joint Participation Council has not complied with the obligations as intended in Section 1, if the respective member:
  - a. is either grossly negligent in complying with the provisions of the Act and the participation regulations;
  - b. or violates the obligation to confidentiality on data of which he knows the confidential nature or should in all fairness assume this;
  - c. or constitutes a serious impediment for the functioning of the Participation Council.
3. In the case of a judgement as intended in Section 2, the Joint Participation Council can decide with a majority of at least two thirds of the members to point out the obligations to the respective member or to request the respective member to step down as member of the Joint Participation Council.
4. In case of a judgement as intended in Section 2, the section from which and by which the respective member was elected can decide with a majority of at least two thirds, to exclude

the member of the Joint Participation Council from the activities of the Joint Participation Council for the duration, at most, of three months.

5. In the event of the judgement as intended in Section 2 and in case of an intention as intended in Section 3, the Joint Participation Council consults the section by which the respective member was elected as far as possible, taking the confidentiality of data into account.
6. judgement as intended in Section 2 is made known to the respective member, in writing.
7. A decision as intended in Section 3 and 4 cannot be taken before the respective member has been offered the opportunity to be informed, in writing, of the complaints made against him, and has also been offered the opportunity to defend himself or against those at which he or she can be counselled by a legal advisor if desired.

### **Article 32 Filing of agenda Items by staff and parents**

The staff and the parents of the schools of the Stichting 'Het Rijnlands Lyceum' can request the secretary, in writing, to place a subject or proposal for discussion on the agenda of a meeting of the Joint Participation Council.

### **Article 33 Consulting staff and parents**

1. The Joint Participation Council or a section of the Joint Participation Council can decide, before taking a decision with regard to an intended decision of the Competent Authority on the issues as intended in Article 24 to 27 of these Regulations, to consult the staff and the parents or the separate sections on that proposal.
2. At the request of a third part of the staff or 10% of the parents of the schools, the Joint Participation Council or a section of the Joint Participation Council will consult, before taking a decision, the staff and/or parents and pupils of the schools on a proposal as intended in Section 1.

### **Article 34 Rules of procedure**

1. With due regard of the provisions of the participation regulations and the Act, the Joint Participation Council establishes Rules of Procedure.
2. In the rules of procedure at least the following are laid down:
  - a. the task description of the Chairperson and Secretary;
  - b. the way in which meetings are convened;
  - c. the way in which the agenda is formulated;
  - d. the manner of decision making;
  - e. the quorum needed in order to convene.
  - f. The means of reporting; and
  - g. the retirement schedule.
3. The Joint Participation Council sends a copy of the Rules of Procedure to the Competent Authority.

### **Article 35 Joint meeting in special circumstances**

1. Whether or not in addition to the provisions in these Regulations, the provisions in the following Section apply with respect to the procedures of the joint meeting of the Joint Participation Councils in the case of special circumstances.  
Special circumstances:

- a. The initiative for a joint meeting may be taken by either of the Joint Participation Councils or by the Board of the Foundation.
- b. The Board of the Foundation attends the joint meeting on behalf of the Competent Authority.
- c. The joint meeting will discuss the authorities granted to the Joint Participation Councils in the individual participation regulations that have a cross-sectoral interest and in which there is also a special circumstance.
- d. In the case of appointment or dismissal of the executive director, the two Joint Participation Councils in the joint meeting establish a joint appointment advisory committee that acts on the basis of equality of the two Joint Participation Councils and that is charged with preparing the issue of formal advice by the two Joint Participation Councils concerning the appointment or dismissal of the executive director.
- e. Decisions in the joint meeting are taken on the basis of equality of the two Joint Participation Councils.
- f. In the case of a joint meeting, the Chairperson of the Joint Participation Council for secondary education acts as Chairperson, and the Chairperson of the Joint Participation Council for primary education as Secretary and Deputy Chairperson.

## ***Chapter 7 Regulation concerning disputes Article***

### **Article 36 Association with disputes committee**

The Board is affiliated with the Landelijke Commissie voor Geschillen WMS (National Disputes Committee; LCG WMS), P.O. Box 85191, 3508 AD Utrecht [info@onderwijsgeschillen.nl](mailto:info@onderwijsgeschillen.nl)  
[www.onderwijsgeschillen.nl](http://www.onderwijsgeschillen.nl).

### **Article 37 Other disputes**

At the request of the Competent Authority or the Joint Participation Council or a section of the Participation Council, the LCG WMS arbitrates, as referred to in Article 36 of these Regulations, in accordance with the regulations of the LCG WMS, disputes between the Competent Authority and the Joint Participation Council or the section, concerning the participation as referred to in the Education Participation Act and for which the law does not provide for the arbitration of disputes. The committee's decision is binding.

## ***Chapter 8 Other stipulations***

### **Article 38 Facilities and costs Joint Participation Council**

1. The Competent Authority allows the Joint Participation Council the use of the facilities which it has at its disposal and that the Council, in all fairness, needs to carry out its duties.
2. The costs that are reasonably necessary for the fulfilment of the tasks of the Participation Council, including training costs, are for the account of the Competent Authority.
3. The costs that are reasonably necessary for consulting an expert and conducting of legal proceedings by the Joint Participation Council are only for the account of the Competent Authority if the Competent Authority has been informed in advance of the costs to be incurred.

4. The Competent Authority determines the costs in consultation with the Joint Participation Council that the Joint Participation Council will incur in any year and which the Joint Participation Council can spend at its own discretion. Costs that exceed this amount are only for the account of the Competent Authority insofar as the Competent Authority agrees to bear these.
5. The substantiation of the organisation of facilities in time for staff, any holiday payment to parents and the costs for administrative support are recorded in the Joint participation Charter.

**Article 39      Legal protection**

The Competent Authority shall see to it that the persons who are listed or have been included on a list of nominated persons as intended in Article 9 of these Regulations, as well as the members and the former members of the Joint Participation Council, will not be aggrieved in their position with regard to one of the schools as a result of that.

**Article 40      Modification of Regulations**

The Competent Authority will present each modification of these Regulations as a proposal to the Joint Participation Council and will only establish the modified Regulations insofar as the proposal, possibly modified upon consultation, has been approved by at least two thirds of the members of the GMR.

**Article 37      Citing Title; commencement**

1. These Regulations can be cited as: Joint Participation Council for primary education Regulations.
2. These Regulations become effective as of 18 June 2018

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