

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

Adopted by the Executive Board on 15 December 2021
Recommendation of the Joint
Participation Council for
Secondary Education dated 15

Regulations for the Joint Participation Council of the Stichting ‘Het Rijnlands Lyceum’, secondary education

These are the regulations of the Joint Participation Council for all secondary schools residing under the competent authority and for the central services office of Stichting ‘Het Rijnlands Lyceum’.

Section 1 General

Article 1 Definitions

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

- a) The act: Education Participation Act (*Wet Medezeggenschap op Scholen*) (Bulletin of Acts and Decrees 2006, 658);
- b) Competent authority: Stichting ‘Het Rijnlands Lyceum’;
- c) Internal supervisor: The Supervisory Board;
- d) Participation Council: the Participation Council as intended in Section 3 of the Act;
- e) Joint Participation Council: the Joint Participation Council as intended in Section 4 of the Act;
- f) Schools: Rijnlands Lyceum Oegstgeest; Rijnlands Lyceum Wassenaar; Rijnlands Lyceum Sassenheim; The International School of The Hague – secondary school; The European School The Hague – secondary;
- g) Students: students within the meaning of the Secondary Education Act (*Wet op het voortgezet onderwijs*), enrolled in the schools;
- h) Parents: the parents, guardians or carers of students;
- i) School management: the principal and deputy, deputy director referred to in the Secondary Education Act, performing activities at one of the schools of the Stichting;
- j) Staff: the staff that are employed or will be employed for at least six months without appointment by the competent authority and that are employed at one of the schools;
- k) Section of the (Joint) Participation Council: a separate group of participation council members, as referred to in Section 3(3) of the Act.
- l) Section within the school: a separate group within the school, i.e. parents or staff, as referred to in Article 1, sections g and h of this Statute;
- m) Year: a set school year.
- n) Participation Council central services office: the Participation Council of the central services office of the Stichting where persons are employed to support the activities at the schools and to support the Board;

Section 2 Participation

Article 2 Joint Participation Council

1. The competent authority will establish a Joint Participation Council.
2. Each of the schools that fall under the jurisdiction 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 composition of the Joint Participation Council**

1. The Joint Participation Council consists of:
 - a. two members elected by the staff section of the Participation Council of each school; and
 - b. one member elected by the Participation Council of the Central Services Office; and
 - c. one member elected by the parent section of the Participation Council of each school; and
 - d. one member elected by the student section of the Participation Council of each school. The members elected in the first paragraph under a and b together constitute the staff section of the Joint Participation Council.
2. The members elected in the first paragraph under c and d together constitute the parent and student section of the Joint Participation Council or separately the parent section or the student section respectively.
3. If the provisions of the first paragraph under c and d cannot be met because insufficient parents or students are willing to become members, the position not to be filled by the group concerned may be allocated to the other group.
4. Members of the Joint Participation Council must be at least sixteen years old.
5. Each vote cast by a member of the staff section of the Joint Participation Council as referred to in paragraph 1 under a of this Article counts as four votes, and each vote cast by a member of the staff section as referred to in paragraph 1 under b of this Article counts as two votes, so that the staff section can cast a maximum of thirty-four votes.
6. Each vote cast by a member of the parent section and each vote cast by a member of the student section of the Joint Participation Council counts as four and a quarter votes, so that the parent and student section together can cast thirty-four votes.

Article 4 **Incompatibilities**

1. Persons 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.
3. A staff member who is also a parent of one of the students cannot be a member of the Joint Participation Council on behalf of the parent section.

Article 5 **Term of office**

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 their term and may immediately be re-elected twice at the most.

3. Except for interim retirement, the membership of the Joint Participation Council ends:
 - a. upon death;
 - b. upon termination by the member;
 - c. when placed under guardianship;
 - d. as soon as a member is no longer part of the section by which they were elected;
 - e. as soon as one of the circumstances as stated in Article 4 occurs.

Section 3 Elections

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 assigned 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 objections regarding decisions of the election committee are decided upon.

Article 7 *Election date*

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

Article 8 *Persons who are electable and entitled to vote*

1. Those who are part of the staff, or are a parent or a student on the day of the nomination are electable as a member of the Joint Participation Council.
2. Those who are members of the Participation Council of one of the schools on the day of the election are entitled to vote.

Article 9 *Announcement of persons who are electable and entitled to vote*

1. Four weeks before the election, the Joint Participation Council establishes a list of the persons who are electable and entitled to vote. This list shall be made known to parents, pupils and staff, indicating the possibility of applying and the time limit for doing so.

Article 10 *Insufficient candidates*

1. If no more candidates are nominated from among parents, students and staff than there are seats in the Joint Participation Council for the section of the Participation Council concerned, no election will take place for that section and the nominated candidates are deemed to have been elected.
2. The Joint Participation Council will inform the competent authority, the sections within the school and the candidates involved 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 electable person casts, at maximum, as many votes as there are seats for their section in the Joint Participation Council. Only one vote can be cast on a candidate.
2. A person entitled to vote can transfer their vote by written proxy and upon presentation of their ballot paper to someone else who belongs to the same section. A person entitled to vote can, at a maximum, vote for one other person entitled to vote by proxy.

Article 13 Election results

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 Participation Councils concerned, the sections within the school and the candidates concerned.
3. The new members of the Joint Participation Council are installed by the Board of the Stichting in accordance with the participation statute of the Stichting.

Article 14 Interim vacancy

1. In the case of an interim vacancy, within one year after the election, the Joint Participation Council will appoint the successor of the member in question from the relevant section who is the first to qualify in accordance with the result, as referred to in Article 13(1).
2. The appointment will be made within one month of the occurrence of the vacancy. The Joint Participation Council notifies the competent authority, the sections within the school and the candidate in question of this appointment.
3. If there are fewer candidates from parents, students and staff than there are seats in the Joint Participation Council for that section, or if there is no successor as referred to in the first paragraph or if the vacancy arises more than one year after the election, a new election will be held. In that case Articles 6 to 13 apply mutatis mutandis.

Section 4 General tasks and competences 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. If two-thirds of the members of the Joint Participation Council and the majority of each section of the Joint Participation Council wish to do so, the competent authority will hold the discussion referred to in the first paragraph with each section of the Joint Participation Council separately.

Article 16 Consultation with internal supervisor

The internal supervisor and the Joint Participation Council will meet at least twice a year.

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

A selection committee will be established for the appointment of an executive director, which will in any event include the following members:

- a. a member from or on behalf of the part of the Joint Participation Council elected from and by the staff, and
- b. a member from or on behalf of the part of the Joint Participation Council elected from and by the parents or the students.

Article 18 *Right of nomination for Supervisory Board member*

When appointing members of the Supervisory Board as referred to in Section 24d of the Secondary Education Act, the competent authority will give the Joint Participation Council the opportunity in good time to make a binding nomination for a member. The Supervisory Board and the Joint Participation Council hold joint selection interviews in order to gain a good understanding of each other's views and judgements.

Article 19 *Power of initiative of the Joint Participation Council*

1. The Joint Participation Council is authorised to discuss all matters that concern the general course of events 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. The competent authority will provide a written response to these proposals, stating reasons, to the Joint Participation Council within three months. Before this response is provided, the competent authority will offer the Joint Participation Council, at least once, the opportunity to hold consultations with it on the proposals of the Joint Participation Council.
3. If two-thirds of the members of the Joint Participation Council and the majority of each section of the Joint Participation Council wish to do so, the competent authority will hold the discussion referred to in the first paragraph and consult with each section of the Joint Participation Council separately.

Article 20 *General matters*

1. The Joint Participation Council promotes openness and mutual consultation in the schools to the best of its ability.
2. Furthermore, the Joint Participation Council guards against discrimination on any grounds whatsoever in the schools in general and promotes equal treatment in equal cases and, in particular, the equal treatment of men and women and the inclusion of disabled and immigrant members of staff.
3. The Joint Participation Council reports in writing on its activities to all parties involved in the schools and offers the sections within the schools the opportunity to consult with it on matters that in particular concern the section in question.

Article 21 *Provision of information*

1. The Joint Participation Council receives from the competent authority, whether requested or not, all the information it reasonably needs to perform its duties. To this end, please refer to the provisions of the participation statute.

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 will ensure that the report is made available for inspection by interested parties at the schools in a place that is generally accessible.

Article 23 *Publicity 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 dictates otherwise in the opinion of one third of the members.

2. If a personal interest of one of the members of the Joint Participation Council is at stake during a meeting or part of a meeting, the Participation Council may decide that the member concerned does not participate in that meeting or part of the meeting. The Joint Participation Council then simultaneously decides that the matter in question will be dealt with in 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 they, in connection with the sworn confidentiality, 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 imposing confidentiality, as referred to in the third paragraph of this Article, will also indicate which written or oral information is subject to confidentiality and for how long, as well as whether there are any persons with regard to whom confidentiality need not be observed.
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 schools.

Section 5 Special competences of the Joint Participation Council

The Joint Participation Council takes the place of the schools' Participation Council if matters are concerned that are of common interest for all schools or for the majority of schools.

Article 24 Power of assent of the Joint Participation Council

The competent authority will in any case require the prior consent of the Joint Participation Council for the decisions it intends to take with regard to:

- a. modification of the educational objectives of the majority of the schools;
- b. adoption or amendment of the policy with regard to performing support activities by parents for the benefit of the majority of the schools and the education;
- c. adoption or amendment of regulations in the field of the safety, health and welfare policy of the majority of the schools, insofar as these do not relate to the competence of the staff section;
- d. the adoption or amendment of the complaints procedure that applies to all schools.
- e. transfer of the majority of schools or merger of the majority of schools with another school or schools, or adoption or amendment of the relevant policy.
- f. determination or change of the dates, for the majority of the schools as referred to in Article 17 of the Secondary Education (Organisation of Teaching) Decree.

Article 25 Advisory power of the Joint Participation Council

The competent authority will give the Joint Participation Council the opportunity to advise in advance on any decision to be taken by the competent authority that is of common interest to all schools or a majority of schools with regard to:

- a. adoption or amendment of the outlines of the long-term financial policy for the relevant schools, including the intended use of the resources allocated to the competent authority for the schools from the public purse or received from others, with the exception of the voluntary parental contribution;
- b. the criteria applied in the distribution of these resources to facilities transcending the school level and at school level;

- c. the appointment or the dismissal of staff responsible for management tasks for the benefit of the majority of the schools;
- d. commencement, discontinuation or significant modification of long-term cooperation with another institution on behalf of the majority of the schools, or adoption or amendment of the policy on this;
- e. participation in or termination of participation in an educational project or experiment on behalf of the majority of schools, or adoption or amendment of the policy on this;
- f. adoption or amendment of the policy with regard to the organisation of the majority of the schools;
- g. adoption or amendment of a regulation in the field of the appointment or dismissal policy insofar as that adoption or amendment is related to the identity of the Stichting or the amendment thereof;
- h. appointment or dismissal of members of the Executive Board;
- i. adoption or amendment of the management statute;
- j. establishing a centralised service;
- k. new development or major renovation of the majority of the schools;
- l. the long-term plan for major maintenance, new buildings and major renovations for all schools;
- m. establishing the competence profiles of the (members of the) Supervisory Board as well as the members of the Executive Board.

Article 26 *Power of assent of the staff section*

The competent authority will, in any case, require the prior consent of that part of the Joint Participation Council elected from among the staff for each decision to be taken by the competent authority that is of common interest to all schools or to the majority of schools with regard to the:

- a. adoption or amendment of the composition of the staff establishment appointed or deployed without appointment that performs activities for the benefit of more than a school;
- b. regulation of the consequences for the staff of a matter as referred to above in Article 25, under d., e., f. and j.;
- c. adoption or amendment of regulations with regard to continuing education of the staff;
- d. adoption or amendment of possible work regulations for the staff, as well as of the planning and organisation of the direct staff consultation, insofar as the decision has a general validity for all or a complete category of staff members;
- e. adoption or amendment of the staff leave regulations;
- f. adoption or amendment of regulations concerning the working hours and rest times of the staff;
- g. adoption or amendment of the policy with regard to the award of salaries, bonuses and gratuities to the staff;
- h. adoption or amendment of the policy on staff appraisal, job remuneration and job differentiation;
- i. adoption or amendment of the policy regarding the transfer of funding in respect of the majority of the schools;
- j. adoption or amendment of a regulation in the field of working conditions, sick leave or reintegration policy;
- k. adoption or amendment of a regulation in the field of staff welfare;
- l. adoption or amendment of a regulation on the processing and the protection of personal data of the staff;
- m. adoption or amendment of a regulation with regard to facilities that are directed towards or suited to the monitoring or checking of presence, behaviour or

- performance of the staff;
- n. adoption or amendment of a regulation in the field of the promotion policy or in the field of the employment and dismissal policy, insofar as that adoption or amendment is not related to the principles of the Stichting or the amendment thereof;
 - o. adoption or amendment of rules on which parties that have concluded a collective labour agreement have agreed that these rules or the amendment thereof will be established in consultation between the competent authority and the staff section of the Joint Participation Council;
 - p. adoption or amendment of the regulation concerning the facilities as referred to in Section 28 of the Act, insofar as this relates to the staff;
 - q. adoption or amendment of the way in which the days referred to in Article 24(f) of these regulations are substantiated, insofar as this applies to the majority of the schools;
 - r. the choice of prevention officer and his role in the organisation¹ as far as the majority of schools are concerned, and
 - s. a procedure for dealing with the reporting of suspected misconduct as referred to in Section 2(1) of the House for Whistleblowers Act (*Wet Huis voor klokkenluiders*), insofar as this pertains to the staff.²

Article 27 *Power of assent of parent and student section*

1. The competent authority must, in any case, obtain the prior consent of that part of the Joint Participation Council elected by the parents, for the decisions it intends to take with regard to:
 - a. control of the consequences for the parents of a decision concerning a matter as referred to above in Article 25, part d. of these Regulations;
 - b. adoption or amendment of a regulation concerning the processing and the protection of personal data of parents of the (majority of the) schools;
 - c. a procedure for dealing with the reporting of suspected misconduct, insofar as this concerns the parents (/students).
2. The competent authority must in any case also obtain the prior consent of the part of the Joint Participation Council elected from and by the students for any decision to be taken by the competent authority regarding the following matters:
 - a. control of consequences for the students of a decision concerning a matter as referred to in Article 25, parts d., e., j.;
 - b. adoption or amendment of a regulation concerning the processing and the protection of personal data of students of the majority of the schools;
 - c. adoption or amendment of the student participation policy, as referred to in Section 24a(1)(ia) of the Secondary Education Act.

Article 28 *Applicability of special competences*

The powers pursuant to Articles 24 to 27 of these regulations will not apply insofar as the relevant matter has already been substantively dealt with by or pursuant to the law;

1. it concerns a matter as intended in Article 40a of the Secondary Education Act, insofar as the respective consultations do not decide to leave the matter for the consideration of the staff section of the Joint Participation Council;
2. The competences of that part of the Joint Participation Council that was chosen from and by the staff do not apply insofar as the respective matter has already been substantively dealt with by means of a collective labour agreement.

Article 29 *Terms*

1. The competent authority gives the Joint Participation Council or the relevant section of the Joint Participation Council a period of eight weeks within which a written standpoint

must be issued on the intended decisions with regard to a matter as referred to in Articles 24 to 27 of these regulations.

2. The term referred to in the first paragraph may be extended by the competent authority upon reasoned request of the Joint Participation Council or that section of the Joint Participation Council that it concerns.
3. The competent authority will immediately notify in writing whether or not the term is to be extended and, if so, for what period.

Section 6 Organisation and mode of operation of the Joint Participation Council

Article 30 Election of chair and secretary

1. The Joint Participation Council elects a chair, a deputy chair, and a secretary from among its members.
2. The chair, or in the case of their absence the deputy chair, legally represents the Joint Participation Council.
3. The position of deputy chair and secretary can be combined in one person, if desired.

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 the first paragraph, if the respective member:
 - a. is either grossly negligent in obeying the provisions of the Act and the joint participation regulations;
 - b. or breaches the duty of confidentiality concerning data of which they know or should reasonably suspect the confidential nature;
 - c. or constitutes a serious impediment for the functioning of the Participation Council.
3. In the event of an opinion as referred to in the second paragraph, the Joint Participation Council may, with a majority of at least two-thirds of its members, decide to make the member in question aware of their obligations or request them to withdraw as a member of the Joint Participation Council.
4. In the event of an opinion as referred to in the second paragraph, the section of the Joint Participation Council to which the member in question belongs may with a majority of at least two-thirds, decide to exclude the member of the Joint Participation Council from the activities of the Joint Participation Council for a period of no more than three months.
5. In the event of the opinion referred to in the second paragraph and in the event of an intention as referred to in the third paragraph, the Joint Participation Council will consult as much as possible with the section by which the member concerned was elected, taking into account the confidentiality of data.
6. An opinion as referred to in the second paragraph will be notified in writing to the member concerned.
7. A decision as intended in the third and fourth paragraph cannot be taken before the respective member has been offered the opportunity to be informed, in writing, of the complaints made against them, and has also been offered the opportunity to defend themselves or against those at which they can be counselled by a legal advisor if desired.

Article 32 Filing agenda items by staff, parents and students

The staff, the parents and the students of the schools of the Stichting 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, parents and students*

1. The Joint Participation Council or a section of the Joint Participation Council can decide, before taking a decision with regard to a intended decision of the competent authority on the matters as referred to in Articles 24 to 27 of these regulations, to consult the staff, the parents and the students or the separate sections within the school regarding that proposal.
2. At the request of a third part of the staff or 10% of the parents and students together 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 students of the schools on a proposal as referred to in the first paragraph.

Article 34 *Rules of procedure*

1. The Joint Participation Council establishes, in compliance with the participation regulations and the law, its own rules of procedure.
2. In the rules of procedure at least the following are included:
 - a. the terms of reference of the chair and secretary;
 - b. the way in which meetings are convened;
 - c. the way in which the agenda is drafted;
 - d. the process of decision making;
 - e. the quorum needed in order to convene;
 - f. the means of reporting; and
 - g. the schedule for retirement by rotation.
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 of these regulations, the following paragraph applies with regard to the mode of operation of the joint meeting of the Joint Participation Councils in the event of special circumstances.
2. Special circumstances:
 - a. The initiative for a joint meeting can be taken by one of the two Joint Participation Councils or by the Executive Board of the Stichting.
 - b. The Executive Board of the Stichting attends the consultation with the combined Joint Participation Councils on behalf of the competent authority.
 - c. In the joint meeting and the joint consultation with the Executive Board of the Stichting, the competences granted to the Joint Participation Councils in the individual participation regulations, which have a sector-transcending significance and which also involve a special circumstance, are discussed;
 - d. In the event of the appointment or dismissal of the executive director, both Joint Participation Councils will establish a joint appointment advisory committee at the joint meeting, which will operate on the basis of equality of the two Joint Participation Councils and which will be charged with preparing the opinion to be formally issued by both Joint Participation Councils on the appointment or dismissal of the executive director;
 - e. Decisions at the joint meeting are taken on the basis of equality of both Joint Participation Councils;
 - f. In the case of a joint meeting, the chair of the Joint Participation Council for secondary education will act as chair, and the chair of the Joint Participation Council for primary education will act as secretary and deputy chair.

Section 7 **Settlement of (other) disputes**

Article 36 **Association with disputes committee**

The executive board is affiliated with the National Disputes Committee Education Participation Act (LCG WMS) www.onderwijsgeschillen.nl.

Article 37 **Other disputes**

At the request of the competent authority, the Joint Participation Council or a section of the Joint Participation Council, the LCG WMS, as referred to in Article 36 of these regulations, will decide, in accordance with the regulations of the LCG WMS, in disputes between the competent authority and the Joint Participation Council or the section which concern the participation referred to in the Education Participation Act and for which the law does not provide a dispute resolution procedure. The verdict of the Committee is binding.

Section 8 **Other provisions**

Article 38 **Joint Participation Council facilities and costs**

1. The competent authority allows the Joint Participation Council to use the facilities it has at its disposal and which the Joint Participation Council reasonably needs for the performance of its duties.

2. The costs that are in all fairness necessary for the performance of the duties of the Joint Participation Council, including training costs, will be borne by the competent authority.
3. The costs that are in all fairness necessary for consulting an expert and for taking legal action by the Joint Participation Council will be borne by the competent authority only if the competent authority has been informed of the costs involved in advance.
4. In agreement with the Joint Participation Council, the competent authority will set the costs incurred by the Joint Participation Council in any year at a certain amount, which the Joint Participation Council is free to spend. Costs exceeding this amount will be borne by the competent authority only if that competent authority agrees to bear them.
5. The details of the regulation of facilities in time for staff, the possible attendance allowance for parents and students and the costs of administrative support are laid down in the participation statute.

Article 39 *Legal protection*

The competent authority will ensure that persons who are or have been on a list of candidates as referred to in Article 9 of these regulations, as well as members and former members of the Joint Participation Council, are not disadvantaged in their position in relation to one of the schools for that reason.

Article 40 *Amendments to the regulations*

The competent authority will submit any amendment of these regulations as a proposal to the Joint Participation Council and will only adopt the amended regulations if the amended or revised proposal has obtained the approval of at least two-thirds of the Joint Participation Council members.

Article 41 *Official title; entry into force*

1. These Regulations can be cited as: regulations of the Joint Participation Council for secondary education
2. These Regulations become effective as of 15 December 2021.