

**Regulations of the participation Council of Stichting Het Rijnlands
Lyceum Primary education**

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Regulations of the Participation Council of Stichting Het Rijnlands Lyceum; primary education

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 referred to in Section 3 of the Act;
- e. **school:** Eerste Nederlandse Montessori School/The International School of the Hague Primary School/The European School of the Hague, Primary School;
- f. **students:** pupils within the meaning of the Primary Education Act (*Wet op het primair onderwijs*);
- g. **parents:** the parents, guardians or carers of the students;
- h. **school management:** the director, and deputy director as referred to in Section 29 of the Primary Education Act;
- i. **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 the school;
- j. **Section of the (joint) participation council:** a separate group of participation council members, as referred to in Section 3(3) of the Act.
- k. **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.

Section 2 The participation council

Article 2 participation council

The school has a participation council. The participation council is elected directly by and from the parents and the staff in accordance with the provisions of these Regulations.

Article 3 Scope and composition of the participation council

The participation council consists of six members of whom

- a. three members are elected by and from the staff; and
- b. three members are elected by and from the parents.

Article 4 Incompatibilities

1. Persons who are part of the competent authority cannot become a member of the participation council.
2. A staff member who is appointed to act on behalf of the competent authority during discussions with the participation council cannot also be a member of the participation council.
3. A staff member who is also a parent of one of the pupils cannot be a member of the participation council on behalf of the parent section.

Article 5 Term of office

1. A member of the participation council has a term of three years.
2. A member of the participation council will step down after their term of office and may be re-elected twice at the most.
3. A member who is appointed or elected to fill an interim vacancy steps down when the person in whose place they are appointed or elected would have stepped down.
4. With the exception of interim retirement, the membership of the participation council ends:

- c. upon death;
- d. upon termination by the member;
- e. when placed under guardianship;
- f. as soon as a member is no longer a member of the section within the school from which and by which they were elected.
- g. as soon as one of the circumstances as stated in Article 4 occurs.

Section 3 The Election

Article 6 Organisation of elections

The participation council is responsible for organising the election of the members of the participation council. The participation council may commission an election committee to organise this. The 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. To that end, election committee regulations have been formulated. The election procedure will be available to all those involved on the website.

Article 7 Election date

1. The participation council determines the date of the election as well as the times of commencement and ending of the voting, taking into account the time by which the timetable and task elements for the new school year has to be known.
2. The participation council informs the competent authority, the parents and the staff at the times referred to in the first paragraph.

Article 8 Persons who are electable and entitled to vote

Those who are part of the staff or are a parent on the day of the nomination of a candidate are entitled to vote and electable as a member of the participation council.

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

The participation council establishes a list of persons who are electable and entitled to vote four weeks before the elections. 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.

Article 10 Insufficient candidates

1. If no more candidates are nominated from the parents and the staff than the number of seats in the participation council for the respective section, no election will take place for that section and the enfranchised candidates are assumed to be elected.
2. The participation council will inform the competent authority, the joint participation council, the sections within the school and the candidates involved of this well before the election date.

Article 11 Election

The election takes place by secret, written ballot.

Article 12 Ballot; proxy

1. A person entitled to vote, casts, at a maximum, as many votes as there are seats for their section in the 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 who 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 result is determined by the participation council and announced in writing to the

competent authority, the participation council, the joint participation council, the sections and the candidates in question.

3. The new members of the participation council preferably take office in the new school year in the first meeting after the elections and are installed by the director of the school in accordance with the participation statute of the Stichting.

Article 14 Interim vacancy

1. In case of an interim vacancy, within one year after the election, the 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 participation council notifies the competent authority, the participation council, the joint participation council, the sections within the school and the candidate in question of this appointment. The successor will join the participation council in the next consultative meeting.
3. If there are fewer candidates from parents and staff than there are seats in the 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 participation council

Article 15 Consultation with competent authority

1. The competent authority and the participation council convene if this is required by the participation council, a section of the participation council or the competent authority, stating the reasons thereto.
2. If two thirds of the members of the participation council and the majority of each participation council section wish to do so, the competent authority will hold the discussion referred to in the first paragraph with each section of the participation council separately.

Article 16 Power of initiative of the participation council

1. The participation council is authorised to discuss all matters concerning the school. It is authorised to make proposals on these matters to the competent authority as well as let its opinions be known.
2. Within eight weeks, the competent authority will issue the participation council with a written response to these proposals, stating its reasons.
3. Before providing this response, the competent authority will give the participation council at least one opportunity to consult with it on the participation council's proposals.
4. If two thirds of the members of the participation council and the majority of each participation council section wish to do so, the competent authority will hold the discussion referred to in the first paragraph and consult with each section of the participation council separately.

Article 17 General tasks of the participation council

1. The participation council promotes openness and mutual consultation in the school to the best of its ability.
2. Furthermore, the participation council guards against discrimination on any grounds whatsoever in the school and promotes equal treatment in equal situations and, in particular, the equal treatment of men and women and the inclusion of disabled and migrant staff.
3. The 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 18 Provision of information

1. The participation council receives all information from the competent authority, whether requested or not which, in all fairness, it needs to carry out its duties in a timely manner. To this end, please refer to the provisions of the participation statute.

Article 19 Annual report

1. The participation council annually prepares a report on its activities during the past year and informs all those involved.
2. The participation council ensures that the report is made available for inspection by interested parties in a generally accessible place at the school.

Article 20 Publicity and confidentiality

1. The meeting of the 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 participation council members is at stake in a meeting or part of a meeting, the participation council may decide that the member in question does not participate in that meeting or part of the meeting. The participation council then simultaneously decides that the matter concerned will be dealt with in a closed meeting.
3. The members of the 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 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 termination of the membership of the council nor by termination of the ties that the respective person had with the school.

Section 5 Special competences of the participation council

Article 21 Positioning of the participation council and relationship with the joint participation council

The joint participation council replaces of the schools' participation council if matters are concerned that are of common interest for all schools or for the majority of schools. The first sentence applies mutatis mutandis to the various sections of the participation council if it concerns competences of a section of the participation council.

1. If, in accordance with the preceding paragraph, the joint participation council replaces the participation council of the individual schools, the participation council of an individual school is not entitled to its own power of advice or assent, as referred to in these regulations and the law. However, the participation council can give its opinion to the joint participation council in advance.

Article 22 Power of assent of the joint participation council

If a matter is involved that exclusively concerns the school, the competent authority must obtain the prior consent of the participation council for the decisions it intends to take regarding the:

- a. modification of the educational objectives of the school;
- b. adoption or amendment of the school plan or the curriculum and the care plan;
- c. adoption or amendment of the school regulations;
- d. adoption or amendment of the policy with regard to performing support activities by parents for the benefit of the school and the education;
- e. adoption or amendment of regulations in the field of the safety, health, and well-being policy, insofar as these do not relate to the competence of the staff section;
- f. the acceptance of material contributions or financial contributions other than the parents' contribution as intended in Article 27(c) of these Regulations and not based on the educational legislation, if the competent authority takes on obligations in that with which the pupils will be confronted during school hours or education respectively, and during the activities that are organised under responsibility of the competent authority, as well as during staying over for lunch;
- g. adoption or modification of the details of the complaints procedure applicable to the school;

- h. transfer of the school or a part thereof, or merger of the school with another school, or adoption or amendment of the policy on this, including the merger impact assessment, as referred to in Section 64b of the Primary Education Act;
- i. the separation of an annex, or a part of the school or annex that is at a different location than the location of the school or annex by virtue of Section 84a of the Primary Education Act.

Article 23 Advisory power of the participation council

If a matter is involved that exclusively concerns the school, the participation council will be given the opportunity to give advice in advance on the decisions that the competent authority intends to take concerning the:

- a. adoption or amendment of the main lines of the long-term financial policy for the school, including the intended use of the resources that the competent authority has granted to the school from public funds or has received from others, with the exception of the parental contribution referred to in Article 25(c) of these Regulations;
- b. termination, major downsizing, not being a separation as referred to in Section 84a(1) of the Primary Education Act, or expansion of the activities of the school or an important part thereof, or adoption or amendment of the policy on this;
- c. commencing, discontinuing or significantly modifying an enduring collaboration with another institution, or the adoption or amendment of the respective policy;
- d. participation or discontinuation of participation in an educational project or experiment, or the adoption or amendment of the respective policy;
- e. adoption or amendment of the policy with regard to the organisation of the school;
- f. 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 principles of the relevant of the school or the amendment thereof;
- g. appointment or dismissal of the school management;
- h. adoption or amendment of the specific division of responsibilities within the school management;
- i. adoption or amendment of the policy with regard to admittance and removal of students;
- j. adoption or amendment of the policy with regard to the admittance of students that are training elsewhere for an educational position;
- k. regulation of holidays;
- l. new development or major renovation of the school;
- m. adoption or amendment of the policy with regard to the maintenance of the school.
- n. adoption or amendment of the way in which the provision referred to in Article 45(2) of the Primary Education Act (intermediate school care) is organised;
- o. adoption or amendment of the school support profile, as referred to in Section 1 of the Primary Education Act.

Article 24 Power of assent of the staff section

Insofar as it concerns a matter that exclusively concerns the school, the competent authority must obtain the prior consent of that part of the participation council that is elected by the staff, for each decision to be taken by the competent authority regarding the:

- a. control of the consequences for the staff of a decision concerning a matter as referred to in Article 22(i) or Article 23, under b, c and d, of these Regulations;
- b. adoption or amendment of the composition of the staff establishment;
- 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 task division or the task load among the staff respectively, not including the school management;
- f. adoption or amendment of the policy with regard to transferring the funding.
- g. the selection of the prevention officer and their role in the school¹

¹ Pursuant to Section 13(1) of the Working Conditions Act (*Arbeidsomstandighedenwet*)

Article 25 Power of assent of the parent section

Insofar as it concerns a matter that exclusively concerns the school, the competent authority must obtain the prior consent of that part of the participation council that is elected by the parents, for the decision to be taken by the competent authority regarding the:

- a. control of the consequences for the parents or students of a decision concerning a matter as referred to above in Article 22(i) or Article 23, under b, c and d, of these Regulations;
- b. changing the principles of the school or transforming the school or a part thereof, or the adoption or amendment of the respective policy;
- c. the adoption or amendment of the level and the adoption or amendment of the allocation of the funds that are requested from the parents or the students without a legal obligation in that regard, or that have been received respectively on the basis of an agreement entered into by the parents (parental contribution as referred to in Section 13(c) of the Primary Education Act);
- d. adoption or amendment of the policy with regard to facilities for the benefit of students;
- e. adoption or amendment of a possible parents' or students' statute;
- f. the way in which out-of-school care is provided;
- g. adoption of the school guide;
- h. adoption of the classroom time;
- i. adoption or amendment of a regulation on the processing and the protection of personal data of parents and students;
- j. adoption or amendment of the policy with regard to the activities that are organised outside the applicable classroom time under responsibility of the competent authority;
- k. adoption or amendment of the policy with regard to the exchange of information between the competent authority and parents.

Article 26 Applicability of special competences

1. The competences based on the Articles 22 to 25 do not apply insofar as:
 - h. it concerns a matter as referred to in Article 38 of the Primary Education Act, insofar as the consultation concerned does not decide to leave the matter for the staff section of the participation council to deal with;
 - i. the matter in question falls under the competence of the joint participation council in accordance with Article 21.
2. The competences of that part of the participation council that was chosen from and by the staff do not apply insofar as the respective matter has already been substantively dealt with for the part of the school by law or a collective labour agreement.

Article 27 Terms

1. The competent authority provides the participation council or the relevant section of the participation council a term of three weeks within which a written standpoint must be issued on the intended decisions with regard to a matter as intended in the Articles 22 to 25 of these Regulations.
2. The term referred to in the first paragraph may be extended by the competent authority upon reasoned request of the participation council or that section of the 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 participation council

Article 28 Election of chair and secretary

1. The 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 participation council.
3. The position of deputy chair and secretary can be combined in one person, if desired.

Article 29 Exclusion of members of the participation council

1. The members of the participation council will comply with the obligations resulting from the membership.
2. The participation council can come to the conclusion that a member of the participation council has not complied with the obligations as intended in the first paragraph, if the respective member:
 - j. is either grossly negligent in obeying the provisions of the law and the participation regulations of the participation council;
 - k. or breaches the duty of confidentiality concerning data of which they know or should reasonably suspect the confidential nature;
 - l. or constitutes a serious impediment for the functioning of the participation council.
3. In the event of an conclusion as referred to in the second paragraph, the participation council may, with a majority of at least two-thirds its members, decide to make the member in question aware of their obligations or request them to withdraw as a member of the participation council.
4. In the event of an conclusion as referred to in the second paragraph, the section of the 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 participation council from the activities of the participation council for a period of no more than three months.
5. In the event of the conclusion referred to in the second paragraph and in the event of an intention as referred to in the third paragraph, the participation council will consult as much as possible with the section from which and by which the member concerned was elected, taking into account the confidentiality of data.
6. An conclusion 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 30 Filing agenda items by staff and parents

1. The staff and the parents of the school can request the secretary, in writing, to place a subject or proposal for discussion on the agenda of a meeting of the participation council.
2. The secretary holds consultations with the chair and informs the applicant whether the subject or proposal will be placed on the agenda for discussion or not, as well as when the meeting will take place.
3. Within one week after the meeting has taken place, the secretary will inform those persons that have filed a request as intended in the first paragraph of this Article, in writing, regarding the result of the consultations on that subject or proposal by the participation council.

Article 31 Consulting staff and parents

1. The participation council or a section of that participation council can decide, before taking a decision with regard to a proposal of the competent authority on the matters as intended in Articles 21 to 25 of these Regulations, to consult the staff and the parents or the separate sections within the school regarding that proposal.
2. At the request of one third of the staff or 10% of the parents of the school, the participation council or a section of that participation council will, before taking a decision, consult the staff and/or the parents of the school on a proposal as intended in the first paragraph.

Article 32 Rules of procedure

1. The participation council establishes, in compliance with the participation regulations of the participation council and the law, its own rules of procedure.
2. In the rules of procedure at least the following is included:
 - m. the terms of reference of the chair and secretary;
 - n. the way in which meetings are convened;
 - o. the way in which the agenda is drafted;
 - p. the process of decision making;
 - q. the quorum needed in order to convene;

- r. the means of reporting;
 - s. the schedule for retirement by rotation.
3. The participation council sends a copy of the rules of procedure to the competent authority.

Section 7 Settlement of (other) disputes

Article 33 Association with disputes committee

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

Article 34 Settlement of other disputes

At the request of the competent authority, the participation council or a section of the 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 participation council or the section of the participation council that 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 35 Participation council facilities and costs

1. The competent authority allows the participation council to use the facilities it has at its disposal and which the 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 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 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 participation council, the competent authority will set the costs incurred by the participation council in any year at a certain amount, which the 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 the costs of administrative support are laid down in the participation statute.
6. The competent authority elaborates the facilities for the members of the participation council, as referred to in the law, in the participation statute.

Article 36 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 participation council, are not disadvantaged in their position in relation to the school for that reason.

Article 37 Amendment of 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. The joint participation council consults the participation councils before taking its decision.

Article 38 Official title; entry into force

1. These Regulations can be cited as: Regulations of the Primary Education participation council.
2. These Regulations become effective as of.....