

Regulations of Participation
for the
Joint Participation Council for
Primary Education
of
Esprit Scholen

final version 12-06-2013

Regulations of Participation for the Joint Participation Council for Primary Education of the schools of primary education that form part of the Onderwijsstichting Esprit foundation.

Section 1 General points

Article 1 Definitions

The terms below as used in these Regulations shall have the following definitions:

- a. the Act: the Dutch Participation in School Decision-Making Act [Wet Medezeggenschap op Scholen] (Bulletin of Acts and Decrees (Stb.) 2006, 658)
- b. Competent Authority: the Executive Board of Onderwijsstichting Esprit in Amsterdam, or, in eligible cases, the Supervisory Board of Onderwijsstichting Esprit
- c. Participation Council: the individual participation councils that have been set up for the respective schools of primary education that form part of the Onderwijsstichting Esprit and that fall under the BRIN (Netherlands National Register of Educational Institutions) numbers 24NT, 24TC, 08CA and 03PS
- d. Schools: the individual schools of primary education that form part of the Onderwijsstichting Esprit, namely:
 - the Eilanden (24 NT)
 - the Europaschool (24 TC)
 - the Primary division of the Amsterdam International Community School - AICS - formally and for administrative purposes the Internationally Orientated Primary Education (IGVO) division of Europaschool (24TC)
 - WSV Amsterdam (08CA)
 - Montessori School Landsmeer - MSL - (03PS)
- e. Joint Participation Council (GMR): The joint participation council that was set up pursuant to the participation in decision-making statute of Onderwijsstichting Esprit for the schools of primary education that form part of the Onderwijsstichting Esprit and is designated as the Joint Participation Council of Esprit for Primary Education (GMR Esprit PO)
- f. Pupils: pupils in the sense of the Dutch Primary Education Act [*Wet op het primair onderwijs*]
- g. Parents: the parents, guardians or carers of the pupils
- h. School Management Board: the principal and deputy principal of each individual school of primary education, which form part of the Onderwijsstichting Esprit
- i. Staff: the staff who are employed or who have been hired for at least 6 months without appointment to the competent authority and who work at one of the schools
- j. Section: the individual groups of members as referred to in Article 3, paragraph three of the Act.

Section 2 Participation in decision-making

Article 2 Joint participation council

1. A joint participation council has been set up for the schools of primary education that form part of the Onderwijstichting Esprit, referred to as the GMR Esprit PO.
2. Every participation council of the individual schools is represented in the GMR Esprit PO.
3. The members of the GMR Esprit PO are chosen by the members of the participation councils.

Article 3 Proportion and composition of the GMR Esprit PO

1. The GMR Esprit PO consists of 10 members, of which 5 are staff members and 5 are parents.
2. Five members are elected by the staff sections of the participation councils of the individual schools and accordingly:
 - a. one member is elected by the staff section of the Eilanden participation council
 - b. one member is elected by the staff section of the WSV participation council
 - c. two members are elected by the Europaschool participation council.
 - d. one member is elected by the staff section of the MSL participation council
3. Five members are elected by the parents sections of the schools and accordingly:
 - a. one member is elected by the parents section of the Eilanden participation council
 - b. one member is elected by the parents section of the WSV participation council
 - c. two members are elected by the Europaschool participation council.
 - d. one member is elected by the parents section of the MSL participation council
4. In order to reflect the independent position of the Primary division of the AICS, the Europaschool participation council shall ensure that one of the two members that are elected by the Europaschool participation council acts in the GMR Esprit PO to represent the staff section of the Primary division of the AISC. To this end, immediately prior to the election, the Europaschool participation council obtains the recommendation from the staff section of the sub-participation council of the Primary division based on the lists of candidates that are available at that time.
5. The provisions of paragraph 5 shall apply by analogy to the election by the parents section of the Europaschool participation council.

Article 4 Incompatibilities

1. Individuals who form part of the competent authority may not hold a seat on the GMR Esprit PO.
2. A member of staff who has been assigned to act on behalf of the competent authority in consultations with the GMR Esprit PO must not also be a member of the GMR Esprit PO.

Article 5 Term

1. A member of the GMR Esprit PO shall hold his/her seat for a period of 4 years.
2. A member of the GMR Esprit PO shall vacate his/her seat at the end of the term and may be immediately re-elected.
3. A member who is appointed or elected to fill a vacant position in the interim shall vacate his/her seat when the individual whom he/she has been appointed or elected to replace should step down.
4. Except when an individual steps down periodically, membership of the GMR Esprit PO shall end:
 - a. as a result of death
 - b. upon notice given by the member
 - c. as soon as a member ceases to form part of the section that elected him/her.

Section 3 The election

Article 6 Organisation of elections

1. The GMR Esprit PO shall be responsible for managing the election of the members of the GMR Esprit PO. The GMR Esprit PO may, however, charge an election committee with organising the election.
2. The GMR Esprit PO shall determine the members, method of working and powers of the election committee, as well as the manner in which decisions are made with regard to objections to the decisions of the election committee.

Article 7 Dates of elections

1. The GMR Esprit PO shall determine the date by which the election of members of the relevant individual participation councils must have taken place.
2. The GMR Esprit PO shall inform the competent authority, the relevant participation councils, the parents and the staff of the date referred to in paragraph one.

Article 8 Electable persons and voters

Those persons who form part of the staff, or are parents on the day of candidate nominations may be elected as members of the GMR Esprit PO.

Article 9 Announcement of electable persons and voters

The GMR Esprit PO shall determine a list of persons who are eligible to vote and are electable at least two weeks prior to the elections. This list is made available to the parents and staff, at which point they are informed of the opportunity to stand as a candidate, as well as the date set for this.

Article 10 Insufficient number of candidates

1. In the event that parents and staff nominated only as many candidates as there are seats on the GMR Esprit PO for the section of the participation council in

question, there will be no election for that section and the nominated candidates shall be deemed to have been elected.

2. The GMR Esprit PO shall inform the competent authority, the sections and the candidates in question of this in good time prior to the election date.

Article 11 Election

The election shall take the form of secret, written votes.

Article 12 Vote; proxy

1. A voter shall cast only as many votes as there are seats for his/her section in the GMR Esprit PO. Only one vote may be cast per candidate.
2. A voter may arrange for another person belonging to the same section to vote on his/her behalf by means of a written proxy and passing over his/her voting slip. A voter may only cast a vote for one other voter by proxy.

Article 13 Results of elections

1. The candidates who have sequentially gained the highest number of votes shall be elected. If there are multiple candidates for the last seat to be filled who have gained an equal number of votes, the winner shall be decided by the drawing of lots.
2. The results of the elections shall be determined by the GMR Esprit PO and announced in writing to the competent authority, the GMR Esprit PO, the other participation councils concerned, the sections and the candidates concerned.

Article 14 Vacancy in the interim

1. In the event of a vacancy in the interim, the GMR Esprit PO shall appoint as the successor to the member in question the candidate from the relevant section who is the next eligible candidate according to the determined results as referred to in Article 13, paragraph one, and who wishes to be considered for this position.
2. This person shall be appointed within one month of the vacancy becoming available. The GMR Esprit PO shall inform the competent authority, the sections and the candidate in question of this appointment.
3. If the parents and staff nominated fewer candidates than there are seats on the GMR Esprit PO for that section, or if there is no successor available as referred to in paragraph one, the vacancy/ies may be filled by holding an interim election. In that case, Articles 6 to 13 inclusive shall apply by analogy.

Section 4 General tasks and powers of the GMR Esprit PO

Article 15 Consultation with the competent authority

1. The competent authority and the GMR Esprit PO shall convene if the GMR Esprit PO, a section of the GMR Esprit PO or the competent authority requests that they do so, giving reasons for this.
2. If two thirds of the members of the GMR Esprit PO and the majority of each section so desire, the competent authority shall hold the consultation referred to in paragraph one with each section separately.

Article 16 Powers of initiative of the GMR Esprit PO

1. The GMR Esprit PO shall be entitled to discuss any matters that concern the general state of affairs within all schools or the majority of the schools falling under a single education act. It shall be entitled to submit proposals relating to these matters to the competent authority and express its viewpoints.
2. The competent authority shall issue a written response to these proposals, including its reasons, to the GMR Esprit PO within three months. Before issuing this response, the competent authority shall give the GMR Esprit PO at least one opportunity to meet to discuss the proposals made by the GMR Esprit PO.
3. If two thirds of the members of the GMR Esprit PO and the majority of each section so desire, the competent authority shall hold the discussion and consultation referred to in paragraph one with each section separately.

Article 17 Openness, mutual consultation and equal treatment

1. The GMR Esprit PO shall promote openness and mutual consultation within the schools to the best of its ability.
2. The GMR Esprit PO shall also guard against discrimination in whatever form within the schools and promote equal treatment.
3. The GMR Esprit PO shall produce a written report of its activities to all parties involved in the schools and provide the sections with the opportunity to consult with it in relation to matters that particularly concern the section in question.

Article 18 Provision of information

1. The competent authority shall provide the GMR Esprit PO with all information it reasonably requires in order to perform its tasks, whether or not it requests this information, and provide this information in good time.
2. The GMR Esprit PO shall receive the following in all cases:
 - a. the budget and associated proposals relating to financial, organisational and educational policies annually
 - b. information relating to the calculation that forms the basis of the funding from the Treasury that has been allocated to the competent authority; annually before 1 May
 - c. an annual report as referred to in the Dutch Secondary Education Act; annually before 1 July
 - d. the basic assumptions used by the competent authority in exercising its powers

- e. information relating to any judgement of the grievances committee as referred to in Article 14 of the Dutch Primary Education Act, where the committee has judged a complaint to be justified, and relating to any measures that the competent authority will take further to that judgement, all while observing the privacy of staff, parents and pupils; immediately
 - f. written details of the amount and content of schemes and agreements that form part of the employment conditions per group of persons employed in one of the schools and of members of the competent authority, detailing, in the form of a percentage, the ratio to which these schemes and agreements that form part of employment conditions apply in relationship to one another and how they compare with those of the previous year; at least once per year
 - g. written details of the amount and content of schemes and agreements that form part of employment conditions with the body of the legal person that is charged with the supervision of the competent authority detailing, in the form of a percentage, the ratio to which these schemes that form part of employment conditions and agreements apply in relationship to one another and how they compare with those of the previous year; at least once per year
 - h. written details relating to the composition of the competent authority, the organisation within the schools, the management statute and the main points of the pre-determined policy; at the start of the school year.
3. If the competent authority submits a proposal for recommendation or agreement to a section of the GMR Esprit PO, that proposal is submitted to the other sections of the GMR Esprit PO at the same time for their information. In its proposal, the competent authority shall provide the reasons for the proposal, as well as details of how the implementation of the proposal is expected to affect staff, parents and pupils, and the measures taken as a result.

Article 18a Right to nominate a member of the supervisory board

The GMR Esprit PO shall be given the opportunity to make a binding nomination for one of the members of the supervisory board on the basis of Article 17a of the Primary Education Act.

Article 19 Annual report

- 1. The GMR Esprit PO shall draw up a report of its activities in the past year once per year and make this available to all parties concerned.
- 2. The GMR Esprit PO shall ensure that the report is made available for viewing by the parties concerned in a generally accessible location in the schools.

Article 20 Public access and confidentiality

- 1. The meeting of the GMR Esprit PO shall be accessible to the public, unless individual persons are under discussion or one third of the members believe that the nature of a matter to be discussed prevents this.

2. If a personal interest of one of the members of the GMR Esprit PO is being discussed in a meeting or a part thereof, the GMR Esprit PO may decide that the member concerned may not attend that meeting or that part thereof. In such a case, the GMR Esprit PO will decide at the same time that the discussion of the matter in question will take place in a closed meeting.
3. The members of the GMR Esprit PO are obliged to keep confidential all matters of which they take cognizance in their capacity as members and which have been declared as subject to confidentiality by the competent authority or the GMR Esprit PO. The members shall be informed of the proposal to impose confidentiality prior to the discussion of the matter in question.
4. The party that imposes confidentiality as referred to in paragraph three of this Article shall also inform the members of which information supplied in writing or verbally will be subject to confidentiality, how long this must apply for and whether there are certain persons with regard to whom confidentiality does not need to be observed.
5. The obligation to maintain confidentiality shall not lapse when membership of the council ends, nor upon termination of the relationship of the individual in question with one of the schools.

Section 5 Special powers of the participation council

Article 21 Right of approval of the joint participation council

The competent authority requires the prior agreement of the GMR Esprit PO for decisions that it proposes that are of common interest to all schools or to the majority of the schools in relation to:

- a. changing the educational objectives of the school
- b. laying down or amending the school plan or the learning plan and the care plan
- c. laying down or amending the school regulations;
- d. laying down or amending the policy relating to supporting activities carried out by parents for the benefit of the schools and education
- e. laying down or amending rules in relation to safety, health and welfare policies, in so far as these are not covered by the powers of the staff section
- f. accepting material contributions or financial contributions other than the parent contribution as referred to in Article 24, part c of these regulations and not based on the education legislation, if by doing so the competent authority takes up obligations that will affect the pupils within school hours or their education and during activities that are organised under the responsibility of the competent authority, as well as when remaining at school outside of teaching hours
- g. laying down or amending the grievances procedure that applies to the schools
- h. transfer of the school or a part thereof, or merging the school with another school, or laying down or amending the policy concerning this.

Article 22 Advisory powers of the GMR Esprit PO

The GMR Esprit PO shall be given the opportunity in advance to issue its recommendation on decisions proposed by the competent authority that are of common interest to all schools or the majority of schools in relation to:

- a. determining or amending the main features of the long-term financial policy for the relevant schools, including the intended use of the funds that have been allocated to the competent authority for the benefit of the schools from public funds or that have been received from other sources, with the exception of the parent contribution as referred to in Article 24, part c of these regulations
- b. the criteria that are used in distributing these funds across facilities above school level and at school level
- c. the appointment or dismissal of staff who are responsible for management tasks concerning more than one school
- d. termination, significant reduction or increase in the activities of the school or a significant part thereof, or laying down or amending the policy in that regard
- e. entering into, breaking off or significantly changing a long-term collaborative partnership with another institution, or laying down or amending the policy in that regard
- f. participating in or terminating participation in an educational project or experiment, or laying down or amending the policy in that regard
- g. laying down or amending the policy relating to the organisation of the school
- h. laying down or amending a regulation relating to the appointments or dismissals policy, in so far as that laying down or amendment is concerned with the principles of the school or the amendment thereof
- i. appointment or dismissal of the school management board
- j. laying down or amending the specific division of tasks within the school management board, as well as laying down or amending the management statute
- k. laying down or amending the policy relating to the admission and expulsion of pupils
- l. laying down or amending the policy relating to the admission of students who are training elsewhere for a teaching position
- m. leave arrangements
- n. setting up a central service
- o. new buildings or significant renovations of the school
- p. laying down or amending the policy relating to the maintenance of the school
- q. laying down or changing the way in which the provision referred to in Article 45, paragraph two of the Primary Education Act is organised
- r. laying down the competency profiles of supervisors and the supervisory body.

Article 23 Right of approval of the staff section

The competent authority shall require the prior agreement of that part of the GMR Esprit PO that has been elected from among the staff with regard to proposed decisions concerning the following common matters:

- a. laying down or amending the composition of the staff contingent who are appointed or who are employed without being appointed who carry out duties for more than one school
- b. managing the impact on staff of a matter referred to above in Article 22, parts d, e, f and n;¹
- c. laying down or amending the composition of the staff contingent
- d. laying down or amending the rules relating to the further training of staff
- e. laying down or amending of possible work regulations for staff and of the structure and set-up of the work consultation, in so far as the decision is generally applicable to all staff members or an entire category of staff members
- f. laying down or amending the staff leave regulations
- g. laying down or amending staff working hours and rest periods regulations
- h. laying down or amending the policy relating to the awarding of salaries, allowances and bonuses
- i. laying down or amending the division of tasks and the workload among the staff, not including the management board
- j. laying down or amending the policy relating to staff appraisal, job remuneration and job differentiation
- k. laying down or amending the policy relating to the transfer of funding
- l. laying down or amending regulations relating to employment conditions, illness-related absence or the reintegration policy
- m. laying down or amending regulations relating to organisational welfare work
- n. laying down or amending regulations relating to the processing of and protection of the personal data of staff
- o. laying down or amending regulations relating to facilities that are intended for or are suitable for observing or monitoring the attendance, conduct or performance of staff
- p. laying down or amending regulations relating to the promotions policy or relating to the appointments and dismissals policy, in so far as that laying down or amendment is not related to the principles of the school or the amendment thereof
- q. laying down or amending rules in relation to which the parties that concluded a collective labour agreement agreed that those rules or the amendment thereof shall be effected in consultation between the competent authority and the staff contingent of the GMR Esprit PO
- r. laying down or amending the regulations relating to the facilities, in so far as they concern the staff.

Article 24 Right of approval of the parent section

The competent authority requires the prior agreement of that part of the GMR Esprit PO that was elected from among the parents for decisions that it proposes that are of common interest to all schools or to the majority of the schools in relation to the following matters:

- a. managing the impact on parents or pupils of a decision in relation to a matter as referred to in Article 22, items d, e, f, n;²

- b. a change of the principles of the school or conversion of the school or a part thereof, or laying down or amending the policy in that regard
- c. laying down or amending the amount of and laying down or amending the use of the funds that are requested from parents or pupils without there being a statutory obligation to do so, and that have been received on the basis of an agreement that was entered into by the parents
- d. laying down or amending the policy relating to facilities for use by the pupils
- e. laying down or amending a possible parent or pupil statute
- f. the way in which childcare is provided by the school at lunchtimes
- g. writing the school prospectus
- h. laying down the teaching hours
- i. laying down or amending regulations relating to the processing of and protection of the personal data of parents and pupils
- j. laying down or amending the policy relating to extra-curricular activities organised under the responsibility of the competent authority
- k. laying down or amending the policy with regard to the sharing of information between the competent authority and parents
- l. laying down or amending the facilities regulations, as referred to in Article 28 of the Act, in so far as they concern parents.

Article 25 Scope of special powers

1. The powers that exist by virtue of Articles 21 to 24 inclusive do not apply in so far as:
 - a. the specific content of the matter in question has already been provided for in relation to the school in or pursuant to a statutory regulation
 - b. they concern a matter as referred to in Articles 37 and 38 of the Primary Education Act, in so far as the meeting in question does not decide to allow the matter to be handled by the staff contingent of the GMR Esprit PO.
2. The powers of the part of the GMR Esprit PO that was elected from and by the staff shall not apply in so far as the specific content of the matter in question has already been provided for in relation to the school in a collective labour agreement.

Article 26 Deadlines

1. The competent authority shall give the GMR Esprit PO, or the relevant section of the GMR Esprit PO, a period of 6 weeks (excluding holiday periods) to issue a written viewpoint with regard to the proposed decisions relating to a matter as referred to in Articles 21 to 24 inclusive of these regulations.
2. The period referred to in paragraph one may be extended by the competent authority on a case-by-case basis, if it receives a request to this effect

accompanied by reasons from the GMR Esprit PO or from the relevant section of the GMR Esprit PO.

3. The competent authority shall respond immediately in writing, stating whether or not the deadline will be extended and, if applicable, for which period the extension applies.

Section 6 Organisation and method of working of the GMR Esprit PO

Article 27 Election of the Chair and Secretary

1. The GMR Esprit PO shall elect a chair, a deputy chair and a secretary from among its own members.
2. The Chair, or in the event of his/her absence, the Deputy Chair, shall represent the GMR Esprit PO at law.

Article 28 Exclusion of members from the GMR Esprit PO

1. The members of the GMR Esprit PO shall fulfil the obligations arising from their membership.
2. The GMR Esprit VO may form the opinion that a member of the GMR Esprit VO is failing to fulfil the obligations referred to in paragraph one, in the event that the member in question:
 - a. is either grossly negligent in complying with the provisions of the law and the regulations of participation in decision-making
 - b. or breaches the obligation of confidentiality in relation to data that he/she knew to be confidential or that he/she could have been reasonably expected to know were confidential
 - c. or poses a serious impediment to the functioning of the participation council.
3. In the event that it holds the view referred to in paragraph two, the GMR Esprit PO may decide, subject to a majority of at least two thirds of all members, to draw the member's attention to his/her obligations or to ask the member in question to step down as a member of the GMR Esprit PO.
4. In the event that it holds the view referred to in paragraph two, the section to which the member in question belongs, and by which he/she was elected, may decide, subject to a majority of at least two thirds, to exclude the member of the GMR Esprit PO from the activities of the GMR Esprit PO for a period of up to three months.
5. In the event that it holds the view referred to in paragraph two and if it intends to take the action referred to in paragraph three, the GMR Esprit PO shall consult as much as possible with the section that elected the member in question, taking account of data confidentiality.
6. The member in question shall be notified in writing of an opinion as referred to in paragraph two.
7. A decision as referred to in paragraphs three and four may only be taken once the member in question has been given the opportunity to make him/herself aware of

the objections raised against him/her in writing, and has also been given the opportunity to defend him/herself, in which case he/she may seek to be represented by counsel.

Article 29 Submission of agenda items by staff and parents

Staff and/or parents may ask the GMR to include topics on its agenda. The GMR may only reject such a request with good reason.

Article 30 Consultation of staff and parents

The GMR is authorised to organise a consultation of its members.

Article 31 Standing orders

1. The GMR Esprit PO shall lay down a set of standing orders, while observing the provisions of the regulations of participation and the Act.
2. The standing orders shall in any event provide for the following:
 - a. the role description of the Chair and the Secretary
 - b. the manner in which meetings are convened
 - c. the manner in which the agenda is drawn up
 - d. the manner of decision-making
 - e. the quorum that is required in order to be able to convene.
3. The GMR Esprit PO shall send a copy of the standing orders to the competent authority.

Section 7 Resolution of (other) disputes

Article 32 Affiliation with the dispute resolution committee

The Executive Board is affiliated with the *Landelijke Commissie voor Geschillen WMS* [National Dispute Resolution Committee pursuant to the Dutch Participation in School Decision-Making Act] (LCG WMS), Postbus 85191, 3508 AD Utrecht.
info@onderwijsgeschillen.nl www.onderwijsgeschillen.nl

Article 33 Other disputes

1. Before a dispute is submitted to the national grievances committee, the participation council of an Esprit school shall give the GMR and the competent authority the opportunity to perform an arbitration role in relation to this dispute. The arbitration in question shall take place within a period of four weeks of the dispute having been submitted in writing to the GMR and/or the competent authority.
2. In the event that a negative recommendation is issued or agreement is withheld further to a proposal submitted to the GMR by the competent authority, the relevant provisions of the Dutch Participation in School Decision-Making Act shall apply in full to such a situation.

Section 8 Action on behalf of the competent authority

Article 34 Staff member leads the consultation

1. The meeting with the GMR or a section of the GMR is led by the Chair of the Executive Board on behalf of the competent authority.
2. The competent authority may decide that, in special cases such as if the Chair of the Executive Board has a personal interest or in the case of a conflict of interests, the meeting with the GMR should be led by another party representing the competent authority. The GMR shall be informed of a proposal to this effect in writing in good time, with the reasons for this.

Section 9 Other provisions

Article 35 Facilities

1. The competent authority shall permit the GMR Esprit PO to use the facilities that it may have available and that the council reasonably requires in order to perform its task.
2. The competent authority shall specify the facilities, which may be used by the members of the GMR Esprit PO within the meaning of the Act, in the participation in decision-making statute.

Article 36 Safeguarding of rights

The competent authority shall ensure that the individuals who are included or have previously been included on a list of persons nominated as candidates as referred to in Article 9 of these regulations, as well as the members and former members of the GMR Esprit PO, are not placed at a disadvantage in their position in relation to one of the schools.

Article 37 Amendment of the regulations

The competent authority shall present any change to these regulations in the form of a proposal to the GMR Esprit PO and shall only lay down the amended regulations following a consultation and in so far as at least two thirds of the members of the GMR Esprit PO have approved the proposal, whether or not in an amended form.

Article 38 Short title; entry into force

1. These regulations may be cited as the Regulations of Joint Participation for Primary Education of Esprit
2. These regulations shall enter into force with effect from 12 June 2013.