



**Regulations for the GMR (general participation council) primary education (WPO) for the schools under the authority of the Haagsche Schoolvereniging:**

- a) Primary school Haagsche Schoolvereniging + international department
- b) Primary school Willemspark + department Het Open Venster for children with dyslexia
- c) School for special primary education IVIO + department Lighthouse for special education and preschool Three Little Ships.

**Chapter 1      General**

**Article 1      Definitions**

These regulations interpret the following definitions as:

- a. the Act: the Act on Participation in Schools (Stb. 2006, 658);
- b. authority: the Stichting Haagsche Schoolvereniging;
- c. internal supervision: the Supervisory Board;
- d. MR: the Participation Council as meant in article 3 of the Act;
- e. GMR: the General Participation Council as meant in article 4 of the Act;
- f. schools: the schools or departments of the Stichting Haagsche Schoolvereniging;
- g. students: students in the context of the Act concerning primary education;
- h. parents: the parents, guardians or carers of the students;
- i. school leadership: the director and deputy director as meant in the Act concerning primary education;
- j. staff: staff members that are employed, or have been employed for at least 6 months without an appointment by the authority and who work at one of the schools;
- k. the sub-council: the separate group as meant in article 20, sub 1 of the Act.

**Chapter 2      Participation**

**Article 2      General Participation Council (GMR)**

1. The authority establishes a GMR.
2. Every MR of the schools under the authority is represented in the GMR.
3. The members of the GMR are elected by the members of the participation councils.

**Article 3      Size and composition of the GMR**

The GMR comprises 6 members elected by the staff representatives of the participation councils of the school and 6 members elected by the parent representatives of the participation councils of the schools in such a way that for every school a member of staff as well as a parent is in the GMR.

There is no section council for the international department of the primary school HSV: however, one member of staff and one parent will be part of the GMR.

#### **Article 4            Incompatibilities**

1. Persons who are part of the authority are not entitled to be members of the GMR.
2. A member of staff who has been appointed to represent the authority in discussions with the GMR may not, at the same time, be a member of the GMR.

#### **Article 5            Term**

1. The term for a member of the GMR is a period of four years.
2. A member of the GMR who has stepped down after one term may be re-elected.
3. A member who is appointed or elected to fill a mid-term vacancy, will step down on the date on which the previous member would have stepped down.
4. In addition to periodic termination, the membership of the GMR will end on:
  - a. death;
  - b. voluntary termination by the member; or
  - c. when a member no longer represents the section for which the member has been chosen.

### **Chapter 3            Elections**

#### **Article 6            Organisation of elections**

1. The GMR is responsible for the election of members of the GMR. The GMR can appoint a committee to organise the election.
2. The GMR determines the composition, method of working and the competences of the election committee, as well as the way in which objections concerning decisions by the election committee are dealt with.

#### **Article 7            Date of the elections**

1. The GMR determines the dates by which the elections by the members of the various MR's should have taken place.
2. The GMR informs the authority, the MR's concerned, the parents and staff of the date(s) mentioned in sub one.

#### **Article 8            Persons who are eligible for election and for voting**

Those, who are members of staff or parents on the day of candidate nomination, are eligible for election to the GMR.

#### **Article 9            Announcement of persons who are eligible for election and for voting**

Four weeks before the elections, the GMR decides on a list of persons who are eligible to vote and eligible for election. This list is announced to the parents and staff and includes the possibility for nomination as well as the set term for this.

#### **Article 10           Insufficient candidates**

1. If the number of candidates that is put forward from the parents or the staff is less than the number of seats in the GMR for the sections in question, there will be no elections for those sections and the nominated candidates will be deemed to have been elected.
2. In this event, the GMR will inform the authority, the sections and the candidates concerned in a timely manner before the date of the election.

#### **Article 11           Election**

The elections take place by secret written ballot.

**Article 12 Voting and voting by proxy**

1. A person who is eligible to vote can only vote as many times as there are seats for his/her section in the GMR. Only one vote may be cast per candidate.
2. A person who is eligible to vote can vote by proxy by passing his/her ballot paper to another person from the same section to cast his/her vote. This person may only vote for one proxy.

**Article 13 Election results**

1. The candidates with the highest number of votes are chosen. If there are more candidates for the last available seat who have the same number of votes, lots will be cast.
2. The election results are decided by the GMR and announced in writing to the authority, the other MR's concerned, the sections and the candidates involved.

**Article 14 Interim vacancy**

1. In the case of an interim vacancy, the GMR appoints, as successor to the member concerned, the candidate from the section in question who is first in line with regard to the definite result, as meant article 13.
2. The appointment takes place within a month after the vacancy occurred. The GMR announces this appointment to the authority, the sections and the candidate concerned.
3. If, from the parents and staff, fewer candidates were nominated than seats on the GMR for those sections or if there is no successor as meant in the first sub, the vacancy(ies) may be filled by organising an interim election. In that case, articles 6 to 13 of these regulations are applicable.

**Chapter 4 General tasks and authorities of the GMR****Article 15 Meetings with the authority**

1. The authority and the GMR meet, at the request of the GMR, a section of the GMR or the authority, stating reasons.
2. If two-thirds of the members of the GMR and a majority of every section so wishes, the authority will meet, as meant in the sub 1, separately with every section.

**Article 16 Meetings with internal supervisory board**

The internal supervisory board and the GMR will meet at least twice a year.

**Article 17 Representation GMR in the selection committee for appointment of a director**

For the appointment of a director, a selection committee is formed which comprises at least:

- a. a member from or representing the section of the GMR who was elected by the staff, and
- b. a member from or representing the section of the GMR who was elected by the parents.

**Article 18 Right of nomination of member supervisory board**

For the appointment of members of the supervisory board, as meant in article 17a of the Act of primary education, the authority provides the GMR with the opportunity of making a binding nomination of a member.

**Article 19 Initiative competence GMR**

1. The GMR is authorised to discuss all matters concerning the general course of events in all schools or the majority of schools under one educational Act. It is authorised to make proposals and express views on these matters to the authority.
2. The authority provides the GMR, within three months, with a written reaction containing explanation to these proposals. Before sending this reaction, the authority provides the GMR with the opportunity to discuss its proposals with the authority at least once.
3. If two-thirds of the members of the GMR and a majority of every section so wish, the authority will have this discussion, as meant in sub 1, separately with every section.

## **Article 20      General tasks GMR**

1. Within its capacity, the GMR promotes openness and mutual consultation in the schools.
2. In the schools, in general, the GMR guards against discrimination on any grounds and promotes equal treatment in comparable cases and, in particular, equal opportunities for men and woman and the work of disabled and immigrant staff.
3. The GMR reports in writing to all those involved in the schools and gives the sections the opportunity to discuss matters that especially concern them with the GMR.

## **Article 21      Information**

1. The authority provides the GMR, on request or voluntarily, in a timely manner all information that the GMR may reasonably need to fulfil its tasks.
2. The GMR receives in any case:
  - a. annually, the budget and accompanying policy intentions on financial, organisational and educational areas;
  - b. annually, before 1 May, information on the calculations that are the basis of the funding provided by the government to the authority;
  - c. annually, before 1 July, the annual accounts as meant in article 171 of the Act on primary education;
  - d. the bases used by the authority in executing its competence;
  - e. immediate information regarding any judgment by the complaints committee, as meant in article 14 of the Act on primary education, where the committee has upheld a complaint and on the possible measures that the authority will take with regard to the judgment, taking into account the privacy of staff, parents and students;
  - f. at least once a year, written information on the amount and content of the conditions of employment and agreements per group of the staff working in one of the schools and the members of the authority, in which clarity is given about how the percentages of these conditions of employment and agreements relate to each other and to those of the previous year<sup>1</sup>;
  - g. at least once a year, written information on the amount and content of the conditions of employment and agreements with the organisation of the legal entity that is responsible for supervising the authority, in which clarity is given about how the percentages of these conditions of employment and agreements relate to each other and to those of the previous year; and
  - h. at the beginning of the school year, in writing, the data in relation to the composition of the authority, the organisation in the schools, the management statute and the main elements of the already agreed policy.
3. The authority provides the GMR with the information in writing or, if possible, digitally.
4. If the authority submits a proposal for advice or agreement to a section of the GMR, the authority will, at the same time, submit the proposal for information purposes to the other sections of the GMR. The authority includes the reasons for the proposal, as well as the expected effect on staff, parents and students and of any measures that are taken in this respect.

## **Article 22      Annual report**

1. Annually, the GMR reports on its activities of the past year and makes this known to all those concerned.
2. The GMR ensures that the report is available for those interested in a generally accessible place at the schools.

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<sup>1</sup> *This sub is applicable to bodies in authority with normally at least 100 members of staff.*

### **Article 23      Publicity and confidentiality**

1. The meeting of the GMR is open, unless it concerns individual persons or, a third of the members disagrees because a particular subject will be dealt with.
2. If during a meeting, or part of a meeting, it concerns a personal interest of one of the members of the GMR, the GMR can decide to exclude the member involved from that meeting, or that part of the meeting. The GMR then simultaneously decides that the meeting is deemed closed for the discussion of this particular issue.
3. The members of the GMR are obliged to treat all matters of which they are informed in their capacity as confidential, on the basis of instruction from the authority or the GMR or where they should understand that confidentiality is required. The intention to require confidentiality is announced, if possible, before the subject is discussed.
4. Whoever requires the confidentiality, as meant in sub 3, also makes it clear to which written or verbally supplied information the confidentiality applies and for how long, as well as whether there are any persons to whom the confidentiality does not apply.
5. The obligation to confidentiality does not end on termination of membership of the council, nor by cessation of the connection of the person concerned with one of the schools.

### **Chapter 5      Particular competences GMR**

#### **Article 24      Approval competence GMR**

The authority requires prior approval of the GMR for every decision by the authority that would be of general importance to all schools or for a majority of the schools with regard to:

- a. changes to the educational objectives of the school;
- b. establishing or changing of the school plan or the care plan;
- c. establishing or changing of the school regulations;
- d. establishing or changing of the policy with regard to parents carrying out supporting duties for the schools and the education;
- e. establishing or changing of the rules in the area of policies for safety, health and well-being, in so far as these do not fall under the competence of the staff section;
- f. the receipt of material contributions or monetary amounts other than the parental contribution as meant in article 27c of these regulations and not based on educational legislation, if the authority thereby undertakes any obligations whereby the students are involved within school times or with education, respectively, and during activities which are organised under the responsibility of the authority, as well as during lunch breaks;
- g. establishing or changing of the complaints regulations for the school;
- h. the sale of the school or part thereof, merger with another school, or establishing or changing the policy in this regard, including reporting of the effect of a merger, respectively, as meant in article 64b of the Act on primary education;
- i. the privatisation of one of the schools, or part of one of the schools which is in another location than of that school or one of the schools on the basis of 84a of the Act on primary education; and
- j. a procedure for dealing with reporting of suspected misconduct, as meant in article 2, sub 1, van de Act House for whistle blowers<sup>2</sup>.

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<sup>2</sup> Art. 2 par. 1 Act House for whistle blowers: *The employer with normally at least 50 members of staff establishes a procedure for dealing with reporting of suspected misconduct within its organisation.*

## **Article 25      Advisory competence GMR**

The authority will give the GMR the opportunity to give advice on every decision that would be of general importance for all schools or for a majority of the schools<sup>3</sup> with regard to:

- a. establishing or changing of the main features of the longer-term financial policy for the schools concerned, including the intended use of financial resources provided by the government or received from third parties, with the exception of the parental contribution as meant in article 27c of these regulations;
- b. the criteria applied in the division of these resources between facilities at school group level and at school level;
- c. the appointment or dismissal of staff responsible for management tasks carried out for more than one school;
- d. termination, important reductions, not being a privatisation, as meant in article 84a, sub 1, of the Act on primary education, or expansion of work of the school or an important part thereof, as well as establishing or changing of the policy concerned;
- e. entering into, severing of or making an important change to a long-term cooperation with another institution, as well as establishing or changing of the policy concerned;
- f. participation or termination of participation in an educational project or experiment, as well as establishing or changing of the policy concerned;
- g. establishing or changing of the policy with regard to the organisation of the school;
- h. establishing or changing of a regulation in the policy of appointments and dismissals, in as far as the establishing and changing is connected to the fundament of the school or the change thereof;
- i. appointment or dismissal of the school leadership;
- j. appointment or dismissal of the members of the board;
- k. establishing or changing of the actual division of tasks within the school leadership, as well as establishing or changing of the management statute;
- l. establishing or changing of the policy of admission or expulsion of students;
- m. establishing or changing of the policy with regard to the admission of students who are being trained in education at another institution;
- n. regulations of the school holidays;
- o. establishing of a central service;
- p. new building or important re-building of the school;
- q. establishing or changing of the policy with regard to maintenance of the school;
- r. establishing or changing of the way in which the provision as meant in article 45, sub 2 of the Act on primary education is organised; and
- s. establishing the competence profiles of the supervisory board members and the supervisory board, as well as the members of the board.

## **Article 26      Approval competence staff section**

The authority is required to obtain prior approval of that part of the GMR that has been elected by the staff on every decision that would be of general importance for all schools or for a majority of the schools with regard to:

- a. establishing or changing of the composition of the staffing numbers appointed or working without appointment at more than one school<sup>4</sup>;
- b. regulations for the consequence for staff of a matter, as meant in article 24i or article 25, subs d, e, f and o of these regulations<sup>5</sup>;

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<sup>3</sup> For subs a, b and c, it is not necessary for the decision to be of general interest for all schools or a majority of the schools.

<sup>4</sup> For sub a, it is not necessary for the decision to be of general interest for all schools or a majority of the schools.

<sup>5</sup> article 24 i (privatisation other location/dislocation), article 25 d (termination), e (long-term cooperation), f (participation experiment), o (central service).

- c. establishing or changing of the composition of the staffing numbers;
- d. establishing or changing of rules with regard to in-service training of staff;
- e. establishing or changing of a possible working regulation for staff and the establishing and organisation of work meetings, in so far as the decision applies to all or an entire category of staff;
- f. establishing or changing of the regulation for staff leave of absence;
- g. establishing or changing of the work and breaks regulation for staff;
- h. establishing or changing of the policy with regard to the award of salaries, supplements and bonuses to staff;
- i. establishing or changing of the division of tasks, the weighting of tasks among staff, respectively, excluding school leadership;
- j. establishing or changing of the policy with regard to staff appraisal, job evaluation and function differentiation;
- k. establishing or changing of the policy with regard to the transfer of the government funds;
- l. establishing or changing of a regulation in the area of labour conditions, sickness absence or the re-integration policy;
- m. establishing or changing of a regulation in the area of company social work;
- n. establishing or changing of a regulation on the handling and protection of personal data of the staff;
- o. establishing or changing of a regulation for facilities aimed at, or suitable for observation of, or controlling presence, behaviour or performance of staff;
- p. establishing or changing of a regulation in the area of promotion policy or on appointment and dismissal policy, in so far as the establishing or changing is not connected to the fundament of the school or changing thereof;
- q. establishing or changing of rules, for which parties have come to a collective labour agreement, have agreed that these rules or the changes thereof will be made in consultation between the authority and the staff section of the GMR; and
- r. establishing or changing of the regulation with regard to the facilities, as meant in article 28 of the Act, in so far as it applies to staff.

**Article 27 Approval competence parent section**

The authority is required to obtain prior approval of that part of the GMR that has been elected by the parents on every decision that would be of general importance for all schools or for a majority of the schools with regard to:

- a. regulations concerning the consequence for parents or students of a decision, as meant in article 24i, or article 25, sub d, e, f, o of these regulations<sup>6</sup>;
- b. changes of the fundament of the school or conversion of the school or a part thereof, as well as establishing or changing the policy concerned;
- c. establishing or changing of the amount and establishing or changing of the allocation of the funding that is requested from parents or students without there being a legal obligation that has been received on the basis of a contract that the parents have entered into;
- d. establishing or changing of the policy with regard to the facilities for the students;
- e. establishing or changing of a possible parent or student statute;
- f. the way in which break-supervision is organised;
- g. establishing of the school guide;
- h. establishing of the teaching time;
- i. establishing or changing of a regulation on the handling and protection of personal data of the parents and students;

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<sup>6</sup> article 24 i (privatisation other location/dislocation), article 25 d (termination), e (long-term cooperation), f (participation experiment), o (central service).

- j. establishing or changing of the policy with regard to activities organised by the authority outside the normal educational time for the school; and
- k. establishing or changing of the policy with regard to exchange of information between the authority and the parents.

**Article 28      Applicability of particular competences**

1. The competences on the basis of the articles 24 to 27 of these regulations do not apply, in so far as:
  - a. the relevant matter for the school has in content been dealt with in a particular provision or on the basis of the Act; or
  - b. it concerns a matter as meant in article 38 of the Act on primary education, in so far as the meeting in question does not decide to leave the matter to be dealt with by the staff section of the GMR.
2. The competences of the section of the GMR elected from and by the staff, do not apply in so far the relevant matter has in content been covered in a collective labour agreement.

**Article 29      Periods**

1. The authority sets the GMR or the section from the GMR concerned the period of four weeks within which a written point of view should have been submitted on the intended decision with regard to a matter as meant in the articles 24 to 27 of these regulations.
2. The period referred to in sub 1 may for each matter be extended by the authority, on a motivated request by the GMR or the section of the GMR concerned.
3. Without delay, the authority replies in writing whether or not the period has been extended and, if necessary, by how much.

**Chapter 6      Organisation and working methods GMR**

**Article 30      Election chairperson and secretary**

1. The GMR elects a chairperson, a vice-chairperson and secretary from its members.
2. The chairperson or, if unavailable, the vice-chairperson, is the legal representative of the GMR

**Article 31      Exclusion of members of the GMR**

1. The members of the GMR carry out the commitments resulting from their membership.
2. The GMR may decide that a member of the GMR does not carry out the commitments, as meant in sub 1, if the member concerned:
  - a. seriously fails to conform with the requirements of the Act or these regulations;
  - b. violates the obligation of confidentiality of information of which he/she knows the confidential character or should reasonably understand this; or
  - c. forms a serious impediment for the functioning of the GMR.
3. In the event of findings as meant in sub 2, the GMR can, with at least a two-thirds majority decide to make the member aware of his/her obligations, or to request the member to withdraw from the GMR.
4. In the event of findings as meant in sub 2, the section of the GMR from which and by which the member concerned was elected, can, with at least a two-thirds majority, decide to suspend the member from the work of the GMR for a period of a maximum of three months.
5. In the event of findings as meant in sub 2 and an intention as meant in sub 3, the GMR will liaise as much as possible with the section by which the member involved was elected, taking account of the confidentiality of the information.



6. The member concerned is informed in writing of findings as meant in sub 2.
7. A decision as meant in sub 3 and 4, cannot be taken until after such time which the member involved has been given the opportunity to take note in writing of the objections against him/her and also been given the opportunity to defend him/herself against them, supported by an adviser, if he/she so wishes.

#### **Article 32 Internal rules**

1. The GMR establishes internal rules, taking account of these regulations and the Act.
2. In the internal rules, the following is agreed:
  - a. the job description of the chairperson and secretary;
  - b. the procedure for calling meetings;
  - c. the procedure for drawing up the agenda;
  - d. the procedure for taking decisions;
  - e. the required quorum for a meeting;
  - f. the procedure for the minutes; and
  - g. a schedule of resignation.
3. The GMR will send a copy of the internal rules to the authority.

#### **Chapter 7 Regulation disputes**

##### **Article 33 Arbitration committee**

The board is associated with the National Arbitration Committee WMS (LCG WMS), postbus 85191, 3508 AD Utrecht. [info@onderwijsgeschillen.nl](mailto:info@onderwijsgeschillen.nl) [www.onderwijsgeschillen.nl](http://www.onderwijsgeschillen.nl)

##### **Article 34 Other disputes**

At the request of the authority or the GMR, or a section of the GMR, as meant in article 36 of these regulations, the LCG WMS decides any disputes between the authority and the GMR, or a section of the GMR, concerning participation as meant in the Wms and for which the Act does not provide a solution. The decision of the committee is binding.

#### **Chapter 8 Representing the authority**

##### **Article 35 Meetings with the authority**

On behalf of the authority, the director conducts meetings, as meant in these regulations, with the GMR.

#### **Chapter 9 Other rules**

##### **Article 36 Facilities and expenses GMR**

1. The authority grants the GMR the use of the facilities which the GMR needs to carry out its tasks in all reasonableness.
2. The expenses that are, in reasonableness, necessary for carrying out the tasks of the GMR, including costs of promotion of expertise, are chargeable to the authority.
3. The costs, in reasonableness, for consulting an expert and for conducting legal proceedings by the GMR are only chargeable to the authority, if the authority was informed in advance of the costs to be incurred.
4. The content of the rules of facilities for parents and staff will be established in the participation statute.

**Article 37      Legal protection**

The authority ensures that persons who are or have been on a list of candidates, as meant in article 9 of these regulations, as well as members and ex-members of the GMR are not personally disadvantaged in their position in connection with one of the schools.

**Article 38      Changes in regulations**

The authority will propose any change in these regulations to the GMR first and will not establish the change in regulations until, after consultation, the changed or unchanged proposal has met with agreement of at least two thirds of the members of the GMR.

**Article 39      Reference title; coming into force**

These regulations can be referred to as: Regulations GMR. These regulations are effective from 1 January 2018.