



Participation council by-laws

These by-laws govern participation at the schools within the Wolfert van Borselen school group for public-authority education. The school group is part of *BOOR*, the governing body of the public-authority schools in Rotterdam.

Section 1 General Provisions

Article 1 Definitions

The following definitions apply to these by-laws:

- a. the act: the Participation (Schools) Act (Bulletin of Acts and Decrees. 2006, 658), (WMS);
- b. competent authority: *stichting Bestuur Openbaar Onderwijs Rotterdam* (BOOR, governing body of the public-authority schools in Rotterdam);
- c. internal supervisor; the supervisory board or, in the absence of a supervisory board, the member of the governing body responsible for supervision;
- d. participation council: the participation council referred to in section 3 of the act;
- e. school: Wolfert van Borselen school group for public-authority education;
- f. students: students attending the school, within the meaning of the Secondary Education Act;
- g. parents: the parents, guardians or carers of students;
- h. school leadership: the principal or members of the central management team or heads of school as referred to in the Secondary Education Act;
- i. staff: the school staff or staff not appointed by the competent authority but working on contract at the school for at least six months ;
- j. delegation: the delegations representing the various stakeholders in the school, as referred to in section 3, paragraph 3 of the act.

Section 2 The participation council

Article 2 Participation council

The school has a participation council elected directly by and from among the parents, students and staff in accordance with these by-laws.

Article 3 Size and composition of the participation council

1. The participation council comprises 16 members, of whom:
 - a. eight are elected by and from among the staff;
 - b. four are elected by and from among the parents; and
 - c. four are elected by and from among the students.
2. If the provisions of article 1 b or c cannot be complied with because too few parents and/or students are prepared to sit on the council, the place not occupied by the delegation in question may be allocated to another delegation.

Article 4 Incompatibilities

1. Members of the competent authority may not sit on the participation council.
2. Members of staff acting on behalf of the competent authority in talks with the participation council may not at the same time be members of that council.

Article 5 Membership

1. Members of the participation council are elected for a period of four years.
2. Members of the participation council resign at the end of this period and may immediately be re-elected for one more period of four years.
3. Members elected or appointed to fill an interim vacancy resign on the date on which the member whose place they have taken

would be required to resign.

4. Apart from scheduled resignation as set out in paragraphs 1,2 and 3 of this article, membership of the participation council also ends:
 - a. on the death of the member;
 - b. on the member's resignation;
 - c. as soon as the member is no longer one of the stakeholders by which and from among which they were elected;
 - d. if a member is placed under guardianship.

Section 3 Elections.

Article 6 Organisation of elections

The participation council is responsible for supervising election of its members. The participation council may appoint an election committee to organise elections, and determines its composition, working method and responsibilities, as well as the means by which objections to the committee's decision will be dealt with.

Article 7 Election dates

1. The participation council sets the date for elections and the times at which voting will begin and end.
2. The participation council informs the competent authority and the parents, students and staff of the date and times referred to in paragraph 1.

Article 8 Eligibility to vote and stand for election

Any person who is a member of staff, a parent or student on the day on which candidates are nominated is eligible to vote for and stand for election to the participation council.

Article 9 Publication of the names of individuals eligible to vote and stand for election

Four weeks before the election, the participation council draws up a list with the names of the individuals eligible to vote and stand for election. This list is submitted to the parents, students and teachers. Their attention is drawn to the opportunity to stand for election, with information on the relevant deadlines.

Article 10 Insufficient candidates

1. If from among the parents, staff and/or students no more candidates stand for election than there are seats on the participation council for that particular delegation, no election will be held for the members of that delegation and the candidates will be regarded as elected..
2. The participation council informs the competent authority, the groups and the candidates involved of this well before the date of the election.

Article 11 Election

The election takes place by secret ballot.

Article 12 Voting; voting by proxy

1. Each voter may cast as many votes as there are seats on the participation council for the delegation representing them. They may cast only one vote for each candidate.
2. A voter may vote by proxy by giving another stakeholder written authorisation to cast their vote. No voter may cast more than one proxy vote.

Article 13 Results

1. The candidates who receive the highest number of votes are elected.
 - a. If there is a candidate from a school not yet represented on the participation council, a seat will be allocated to them even though they may have received fewer votes than a candidate from a school already represented on the council. A candidate representing support staff will take precedence over a candidate from the teaching staff if the support staff are not yet represented on the council.
 - b. In the event of a tie between candidates for the last seat, the seat will be allocated by lot.
2. The participation council confirms the results of the election and gives written notification of them to the competent authority, the delegations and the candidates concerned.

Article 14 Intermim vacancies

1. In the event of an interim vacancy, the participation council appoints the candidate who, in accordance with the results referred to

in article 13, paragraph 1, is next in succession to occupy the seat vacated by the member in question.

2. The member is appointed within a month of the vacancy arising. The participation council notifies the competent authority, the delegations and the candidate in question of this appointment.
3. If there are fewer candidates from among the parents, students and staff than there are seats on the participation council for their delegations, or there is no successor as referred to in paragraph 1 above, an interim election may be held to fill the vacancy or vacancies. In that event, articles 6 to 13 apply by analogy.

Section 4. General tasks and responsibilities

Article 15 Consultation with the competent authority

1. Talks will be held between the competent authority and the participation council at the request of the participation council, one of the delegations or the competent authority, giving reasons.
2. If two-thirds of the membership of the participation council, and the majority of the members of each delegation require, the competent authority may hold the talks referred to in paragraph 1 with each delegation separately.

Article 16 Consultation with the internal supervisor

The internal supervisor and the participation council hold talks at least twice a year, unless the competent authority has established a joint participation council.

Article 17 Representation of the participation council in the committee responsible for appointing members of the governing body

If the competent authority has established a joint participation council, this council will take the place of the participation council.

For the appointment of a member of the governing body, a committee will be appointed comprising in any event:

- a. a member or representative of the participation council delegation elected by and from among the staff, and
- b. a member or representative of the participation council delegation elected by and from among the parents or students.

Article 18 Right to nominate a member of the supervisory board

Unless a joint participation council has been established, in appointing members of the supervisory board as referred to in section 24d of the Secondary Education Act, the competent authority provides the participation council with the opportunity to nominate a candidate. The nomination is binding.

Article 19 Powers of initiative

1. The participation council is qualified to discuss all matters relating to the school. The council is qualified to submit proposals to the competent authority on these matters and to express its viewpoints.
2. The competent authority responds to these proposals within three months, in writing and giving reasons.
3. Prior to giving its response, the competent authority is required to give the participation council at least one opportunity to discuss these proposals with them.
4. If two-thirds of the membership of the participation council, and the majority of the members of each delegation require, the competent authority may hold the talks referred to in paragraph 1 with each delegation separately.

Article 20 General tasks: Openness, consultation and equal treatment

1. Wherever possible, the participation council promotes openness and consultation within the school.
2. The participation council also acts as watchdog in preventing discrimination on any grounds whatever and fosters equal treatment in equal cases and in particular equal treatment of men and women, and employment of disabled people and people from ethnic minorities.
3. The participation council reports on its work in writing to every stakeholder within the school, and provides them with the opportunity to discuss matters of particular relevance to them.

Article 21 Information provision

1. The competent authority supplies the participation council on time with all the solicited and unsolicited information it may in all reasonableness need to fulfil its tasks.
2. In any event, the participation council receives:
 - a. the annual budget or budget forecast, and relevant policy intentions in the field of finance, organisation and teaching;
 - b. before 1 May each year, information on the calculations on the basis of which allocations from central government funds are awarded to the competent authority;
 - c. before 1 July each year, the annual report referred to in section 103, paragraph 1 of the Secondary Education Act;
 - d. the principles on which the competent authority exercises its powers;

- e. prompt information on every decision of the complaints committee referred to in section 24b of the Secondary Education Act, in which the committee has upheld the complaint, and on any measures the competent authority plans to take in response to the decision, having due regard for the privacy of staff, parents and students;
 - f. at least once a year, written information on the level and content of the terms of employment for and agreements with each group of employees within the school and the members of the competent authority, showing how, in percentages, these compare with each other and with those of the previous year;
 - g. at least once a year, written information on the level and content of the terms of employment for and agreements with the agency of the legal person responsible for overseeing the competent authority, showing how, in percentages, these compare with each other and those of the previous year;;
 - h. at the start of the school year, information in writing on the composition of the competent authority, the organisation of the school, the management statutes and the main outlines of agreed policy.
3. The competent authority supplies the participation council with information in writing.
 4. If the competent authority puts a proposal to a delegation of the participation council for its advice, the proposal will at the same time be put to the other delegations for their information. The competent authority gives its reasons for drafting the proposal, and describes the consequences the proposal and the measures to which it will lead are expected to have for staff, parents and students.

Article 22 Annual report

1. Each year, the participation council drafts a report for the benefit of each stakeholder in which it describes its work in the previous year.
2. The participation council ensures that the report is available for inspection at a generally accessible location in the school.

Article 23 Public access and confidentiality

1. Meetings of the participation council are open to the public, unless individuals are under discussion or a third of the members believe that this conflicts with the nature of a matter to be discussed.
2. If during a meeting or part of a meeting of the participation council a member's personal interests are at stake, the council may decide that the member concerned may not attend the meeting or the relevant part of the meeting. The participation council will decide at the same time that discussion of the matter in question will take place behind closed doors.
3. Members of the participation council are required to keep confidential all matters in relation to which confidentiality is required by the competent authority or the participation council or, in connection with this, the confidential nature of which can be assumed. Where possible, the intention to impose an obligation of confidentiality should be announced before the matter in question is discussed.
4. The party imposing an obligation of confidentiality as referred to in paragraph 3 of this article also specifies which information provided in person or in writing this applies to and for how long, and the person or persons in relation to whom the obligation does not apply.
5. The obligation of confidentiality remains in force on termination of membership of the council or of the member's links with the school.

Section 5 Special powers

Article 24 Powers of approval

The competent authority needs the prior approval of the participation council before taking decisions on:

- a. changes to the school's educational targets;
- b. establishing or amending the school plan or curriculum, the examination syllabus or the special needs plan;
- c. establishing or amending policy on the organisation of the school;
- d. establishing or amending policy on parents carrying out tasks to support the school and teaching;
- e. establishing or adapting rules in the field of safety and security, health and welfare policy, in so far as they are beyond the remit of the staff;
- f. accepting contributions in kind or financial contributions other than the parental contribution referred to in article 27, paragraph 2c of these by-laws and not based on education legislation if in so doing the competent authority enters into commitments with which the students will be confronted during school-hours or in lessons or during activities organised under the auspices of the competent authority or during after-school activities;
- g. establishing or adapting the school's complaints procedure;
- h. transferring all or part of the school to or merging with another school or establishing or amending policy on this matter, including the merger impact report as referred to in section 53f of the Secondary Education Act;
- i. finalising or changing the dates referred in article 17 of the Decree establishing the Secondary Education Act ; and
- j. establishing a procedure for dealing with the disclosure of a suspected abuse as referred to in section 2, paragraph 1 of the

Article 25 Advisory powers

The participation council will be given the opportunity to submit recommendations in advance on decisions planned by the competent authority on:

- a. finalising or changing the secondary school timetable;
- b. establishing or amending the main outlines of the school's multi-year financial policy, including planned expenditure of the funds allocated by the competent authority to the school from the public purse, or received from other sources, with the exception of the parental contribution referred to in article 27, paragraph 2c of these by-laws.
- c. terminating, or sizeably reducing or expanding the school's activities, or a large part of them, or establishing or amending policy on the matter;
- d. entering into, terminating or making major adjustments to a long-term partnership with other institutions, or establishing or amending policy on the matter;
- e. participating in or terminating participation in an education project or experiment, or establishing or amending policy on the matter;
- f. establishing or amending policy on the organisation of the school;
- g. establishing or amending regulations relating to policy on appointments and dismissals insofar as this affects or changes the basic principles on which the school was established;
- h. appointing or dismissing the school leadership;
- i. establishing or adapting the distribution of tasks within the school leadership and establishing or amending the management charter;
- j. establishing or amending policy on admission and expulsion of students;
- k. establishing or amending policy on admission of students training elsewhere for a job in teaching;
- l. the school holidays;
- m. establishing a central support service;
- n. new building or major renovation of the school building;
- o. establishing or amending policy on school maintenance;
- p. approving the school leadership's competence profiles ; and
- q. approving or adapting the school support profile as referred to in section 1 of the Secondary Education Act.

Article 26 Powers of consent of the staff delegation

The competent authority must have the prior consent of that part of the participation council elected by the staff for any decision relating to the following:

- a. arrangements addressing the consequences for the staff of a decision on a matter referred to in article 25 c, d, e and n of these by-laws²;
- b. approving or adapting the composition of the staff establishment;
- c. establishing or amending the rules on further training for staff;
- d. establishing or amending possible staff working regulations and determining or adapting the structure and organisation of staff meetings, insofar as the decision applies to the entire staff or an entire category of staff;
- e. establishing or amending the staff leave regulations;
- f. establishing or amending staff labour or working hours regulations;
- g. establishing or amending policy on award of salaries, allowances and bonuses to staff;
- h. approving or adapting the distribution or burden of tasks among the staff, with the exception of the school leadership;
- i. establishing or amending policy on staff assessment, job differentiation and salary levels;
- j. establishing or amending policy relating to transfer of funds;
- k. establishing or amending regulations on working conditions, sick leave or re-integration policy;
- l. establishing or adapting a staff welfare scheme;
- m. establishing or amending regulations on processing and protecting staff members' personal data
- n. establishing or amending regulations on methods targeting or suitable for observation or monitoring of staff members' attendance, behaviour or performance;
- o. establishing or amending regulations on promotions policy or policy on appointments and dismissals insofar as this is not connected to the basic principles on which the school was established or changes to them;
- p. establishing or amending rules which parties to a collective agreement have agreed should be put in place or amended in

¹ According to section 2 paragraph 1 of the Whistleblowers Authority Act, employers generally employing more than fifty people are required to draft a procedure for dealing with disclosures of suspicion of a suspected abuse within their organisation. .

² Art. 25c (termination, reduction or expansion of work), d (long-term partnership), e (participation in a project) and n (central support service).

- the consultations between the competent authority and the participation council staff delegation;
- q. establishing or amending the regulations on the facilities referred to in section 28 of the act insofar as they relate to the staff;
- r. designating or re-designating the days referred to in article 24i.

Article 27 Powers of approval of the parents' and students' delegation

1. The competent authority must have the prior consent of that part of the participation council elected by the parents and students for decisions relating to:
 - a. finalising the school prospectus;
 - b. establishing or amending policy on extracurricular activities organised under the auspices of the competent authority.
2. The competent authority must also have the prior consent of that part of the participation council elected by the parents and students for each decision relating to:
 - a. arrangements addressing the consequences for parents of a decision on a matter referred to in article 25 c, d, e and n of these by-laws³;
 - b. changes to the principles underpinning the school, or part of it, or establishment or amendment of policy on the matter;
 - c. approving or adjusting the size or purpose of the non-statutory contribution requested of parents or students, or funds received on the basis of an agreement entered into by the parents;
 - d. establishing or amending policy on the manageability of the contribution requested of parents or students for text books and other essential educational aids and to cover other costs considered necessary by the competent authority;
 - e. approving or adapting a possible parents' charter;
 - f. establishing or amending regulations on processing and protecting parents' personal data;
 - g. establishing or amending policy on information-sharing between the competent authority and parents;
 - h. establishing or amending the regulations on the facilities referred to in section 28 of the act, insofar as they relate to parents.
3. The competent authority must also have the prior consent of that part of the participation council elected by the parents and students for each decision relating to:
 - a. arrangements addressing the consequences for students of a decision on a matter referred to in article 25 c, d, e and n of these by-laws⁴;
 - b. approving or adapting the students' charter;
 - c. establishing or amending policy on facilities for students;
 - d. establishing or amending regulations on processing and protecting students' personal data;
 - e. establishing or amending policy on student participation as referred to in section 24, paragraph 1ia of the Secondary Education Act.

Article 28 Applicability of special powers

1. Powers under article 21 to 24 do not apply if:
 - a. the matter in question has already been arranged in or by virtue of a statutory provision; or
 - b. in accordance with section 40a of the Secondary Education Act, the consultative body in question decides that the matter should not be dealt with by the participation council staff delegation.
2. The powers of that part of the participation council elected by and from among the staff do not apply if the matter in question has already been addressed in a collective labour agreement.

Article 29 Deadlines

1. The competent authority sets a reasonable deadline for submission of the written viewpoints of the participation council or the delegation concerned on the decisions it plans to take on the matters referred to in articles 24 to 27 of these by-laws.
2. The competent authority may on a case-by-case basis extend the deadline referred to in paragraph 1 at the request of the participation council or the delegation concerned.
3. The competent authority will immediately inform the participation council, in writing, of its intention to extend or not to extend the deadline, giving, where applicable, the new deadline.

Paragraph 6 Structure and working methods of the participation council

Article 30 Chair, secretary and treasurer

1. The participation council chooses a chair, deputy chair, secretary and treasurer from among its members.
2. The chair or in their absence the deputy chair represents the participation council in legal proceedings.

³ Art. 25c (termination, reduction or expansion of work), d (long-term partnership), e (participation in a project) and n (central support service).

⁴ Art. 25c (termination, reduction or expansion of work), d (long-term partnership), e (participation in a project) and n (central support service)

Article 31 Exclusion of members of the participation council

1. Members of the participation council are required to fulfil the commitments associated with membership.
2. The participation council may conclude that a member is failing to fulfil the commitments referred to in paragraph 1 if they
 - a. are extremely negligent in complying with the provisions of the act and of the participation council by-laws or
 - b. violate the obligation of confidentiality in relation to information that they knew or could in all reasonableness have suspected was confidential or
 - c. seriously obstruct the functioning of the participation council.
3. If the participation council concludes that a member is failing to fulfil their commitments, as referred to in paragraph 2, and if this conclusion is shared by at least two-thirds of the members, the council may decide to take the member to task or request them to step down.
4. If the participation council concludes that a member is failing to fulfil their commitments, as referred to in paragraph 2, the delegation to which the member belongs may decide with a majority of at least two-thirds that the member should be excluded from participation council activities for up to three months.
5. If it concludes that a member is failing to fulfil their commitments, as referred to in paragraph 2, and in the event of a decision as referred to in paragraph 3, the participation council will where possible enter into dialogue with both the delegation to which the member belongs and the stakeholders from among whom they were elected, with due regard for the confidential nature of information.
6. The participation council informs the member in writing of its conclusion that they are failing to fulfil their commitments, as referred to in paragraph 2.
7. Decisions as referred to in paragraphs 3 and 4 may not be taken until the member concerned has been informed in writing of the complaints lodged against them, and has had the opportunity to enter a defence, if necessary with the assistance of a lawyer.

Article 32 Submission by staff, parents and students of items for the agenda

1. Staff, parents and students may request the secretary in writing to put a subject or proposal on the agenda of a meeting of the participation council.
2. After consulting the chair, the secretary informs the person or persons in question whether the subject or proposal will be put on the agenda, and when the meeting will take place.
3. Within a week of the meeting taking place, the secretary informs in writing the person or persons who have submitted a request as referred to in paragraph 1 of the outcome of the discussion of the subject or proposal by the participation council.

Article 33 Consultations with staff, parents and students

The participation council or a council delegation may decide to consult the staff, parents or students before deciding on a proposal submitted by the competent authority on matters referred to in articles 24 to 27 of these by-laws.

Article 34 Internal by-laws

1. The participation council draws up internal by-laws, with due regard for the provisions of these by-laws and the act.
2. The internal by-laws will address the following:
 - a. a description of the tasks of the chair, secretary and treasurer;
 - b. how meetings will be convened;
 - c. how the agenda will be drawn up;
 - d. how decisions will be taken;
 - e. the quorum required for a meeting;
 - f. what action to take if more than half the seats on the participation council or belonging to a delegation are vacant.
3. The participation council will forward a copy of the internal by-laws to the competent authority.

Paragraph 7 Settlement of other disputes

At the request of the competent authority, or of the participation council or a delegation, disputes between the competent authority and the participation council or a delegation relating to participation as referred to in the act, for the settlement of which no other statutory regime provides, will be put before the National Dispute Settlement Committee as referred to in article 35 of these by-laws, in accordance with the Participation (Schools) Act National Dispute Settlement Committee regulations. The Committee's decision is binding.

Article 35 National Dispute Settlement Committee

The school is affiliated to the Participation (Schools) Act National Dispute Settlement Committee (LCG WMS), postbus 85191, 3508 AD Utrecht. info@onderwijsgeschillen.nl www.onderwijsgeschillen.nl

Article 36 Settlement of other disputes

At the request of the competent authority, or of the participation council or a delegation, disputes between the competent authority and the participation council or a delegation relating to participation as referred to in the act, for the settlement of which no other statutory regime provides, will be put before the National Dispute Settlement Committee as referred to in article 35 of these by-laws, in accordance with the Participation (Schools) Act National Dispute Settlement Committee regulations. The Committee's decision is binding.

Paragraph 8 Acting on behalf of the competent authority**Article 37 Staff member holds consultations**

1. The principal holds consultations with the participation council, as referred to in these by-laws, on behalf of the competent authority.
2. At the request of the participation council or of principal referred to in paragraph 1, the competent authority may decide to exempt the principal from holding consultations on its behalf. In that case, the competent authority immediately appoints a substitute.
3. At the request of the participation council and in exceptional cases, the competent authority itself holds the consultations.

Paragraph 9 Other provisions**Article 38 Facilities**

1. The competent authority allows the participation council to use the facilities at its disposal and which the council may in all reasonableness need to perform its duties.
2. Reasonable and necessary costs incurred by the participation council for consulting an expert or taking legal action may be charged to the competent authority only if it has been informed in advance of these costs.
3. Further details with regard to facilities in terms of time for staff, possible allowances for parents and students and administrative support costs will be included in the participation charter.

Article 39 Legal protection

The competent authority is responsible for ensuring that individuals who are or have been on the list of candidates, as referred to in article 9 of these by-laws, and members or former members of the participation council are not placed at a disadvantage vis-à-vis the school as a consequence.

Article 40 Amendments to the by-laws

The competent authority submits proposals for amendments to these by-laws to the participation council. Any amendment enters into force only after the proposal and any changes to it have been discussed and approved by at least two-thirds of the membership of the participation council..

Article 41 Title; entry into force

1. These by-laws may be referred to as the Wolfert van Borselen school group for public-authority education participation council by-laws.
2. These by-laws will enter into force on 07 June 2021 for a period of two years.

These by-laws were approved on 13 July 2021 by:

[signed]

Jelle Meens
Chair of the participation council

[signed]

Bart Oremus
Chair of the central management team of the Wolfert van Borselen
school group
For the competent authority