

# Regulation Certificate of Good Conduct (VOG)

## Rijnlands Lyceum Foundation 2017

### Background

The monitoring of the presence of the certificate of good conduct has become increasingly strict over the years. It is important for our foundation that all our new members of staff submit a VOG before they start with their activities at our schools. This enables us to guarantee the safety of our staff, students and others in our schools as effectively as possible. This internal regulation describes the route to be taken. In cases that are not covered by this regulation, the competent authority will decide.

### Definition of VOG

A Certificate of Good Conduct (Verklaring Omtrent het Gedrag; VOG) is a statement issued (about prospective employees) by the Justice Service (*Dienst Justis*) of the Ministry of Security and Justice, which shows that past behaviour does not form an objection to fulfilling a specific task or position in society. The Justice Service screens people who apply for a VOG and issues the certificates.

Employees in certain professions, such as teachers, have a legal obligation (e.g. on the basis of Section 33 of the Secondary Education Act) to submit an original, valid VOG before they are allowed to work at an educational institution.

### SRL policy

Newly employed staff must submit a valid VOG, before they actually start their work within the Rijnlands Lyceum Foundation (SRL). Without a VOG, members of staff are not allowed to perform any duties. The VOG is applied for at the expense of SRL.

Within SRL, a VOG is applied for in the case of:

- the appointment of a new member of staff<sup>1</sup>;
- the appointment of a former payroll agency/temporary member of staff;
- a change in the job of a member of staff within the foundation resulting in a fundamental change of duties, responsibilities and authorisations<sup>2</sup>.

No new VOG is required if a member of staff is appointed by SRL and immediately prior to this was employed at a different location within SRL in the same position.

Within SRL, a VOG is valid if the following conditions are complied with. The VOG is:

- not older than 6 months. For lunchtime supervisors, not older than 2 months;
- applied for on education screening profile;
- applied for with respect to the position that the member of staff will perform;
- applied for in the name of Stichting Het Rijnlands Lyceum;
- an original version.

All VOGs are checked for authenticity<sup>3</sup> by the HR department and subsequently filed. SRL may at any time instruct a member of staff to submit a new VOG, even though there is already a VOG present.

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<sup>1</sup> See also the table on page 6.

<sup>2</sup> If there is any doubt about the fundamental change of duties, responsibilities and authorisation, a new VOG is always applied for.

<sup>3</sup> Security features of a VOG are:

- The paper has a grid and the blue government logo
- The paper contains a characteristic wavy watermark
- A hologram is visible in the paper
- Under UV light the paper remains dark with fluorescent small fibres and a logo at the bottom right
- Under a UV lamp the blue number in the top-right corner changes colour.

## **VOG Profile**

The profile employed by SRL when applying for a VOG is the specific 'Education'<sup>4</sup> screening profile. For the education profile, the following are screened, for example:

- Morals (the past 20 years are examined);
- Violence and abuse (the past 4 years are examined).
- Property offences (the past 4 years are examined);
- Drugs (the past 4 years are examined).

## **New staff**

Within SRL, newly hired members of staff are divided into two groups:

1. Staff recruited in the Netherlands (NL);
2. Staff recruited outside the Netherlands.

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<sup>4</sup> Except for members of staff with access to a playgroup, see the table on page 6

## 1 Staff recruited in the Netherlands

For both teaching staff and educational support staff, the general rule applies: they may not perform any activities at school (within SRL) without having submitted a valid VOG to the HR department.

### Application procedure

The member of staff who was recruited in the Netherlands is registered in the Dutch municipal personal records database and is usually in possession of a DigiD. If the latter is not the case, then a DigiD is quickly applied for these members of staff.

The VOG is digitally applied for from the Justice Service. The new member of staff will receive an email from the Justice Service containing an application link, see appendix 1. After applying for the VOG and paying the costs, the member of staff receives a confirmation email from the Justice Service.

The Justice Service website states the following about the VOG application:

*"If the examination reveals that you have not committed any criminal offences, the Justice Service will make a decision within four weeks of receiving your application."*

In practice, a new member of staff usually receives the VOG within two weeks. The new member of staff must apply for the VOG as soon as possible and hand it in to the HR department.

The Justice Service informs the member of staff about a possible delay. The member of staff must, in accordance with the provisions of the VOG Statement (see appendix 3), immediately inform the HR department of this delay.

If there are any problems regarding the timely submission of the Dutch VOG, the principal or director will inform the executive director about this. The executive director decides whether the new member of staff can nevertheless commence employment.

If the Justice Service does not intend to grant a VOG to the new member of staff, it has the possibility of making an objection against this. However, SRL will not await the outcome of the appeal procedure and will discontinue the appointment procedure for this member of staff.

In some cases, a paper application may be more practical. In such cases, the HR department provides a completed application form that the new member of staff can present to the Public Affairs department of the municipality where he is registered.

## 2 Staff recruited outside the Netherlands

For this group of members of staff, an exception to the general rule applies:

Teaching staff and teaching assistants recruited from outside the Netherlands may, pending a Dutch VOG, commence their activities, provided that they can provide the following documents:

- **a reference check and a Statement of Suitability**; In case the same questions as described in the Statement of Suitability are already asked in the reference check, then the Statement of Suitability is not necessary;
- **a foreign VOG (Certificate of Good Conduct<sup>5</sup>)** from the country where the new member of staff was last employed. This requirement only applies for staff recruited **outside the EU** and for staff with a **non-EU nationality, recruited within the EU**.

The reference check, the Statement of Suitability and the foreign VOG will be requested from the new member of staff by the school management during the application process. The reference check and the Statement of Suitability must be received before a job offer is made by means of an *offer letter* (by email).

The Statement of Suitability must be signed and sent by the previous employer of the new member of staff to the school management that is recruiting the new member of staff. A Statement of Suitability sent to the school management by the member of staff himself will not be accepted by SRL.

The foreign VOG must not be more than six months old. If the new member of staff does not have this, he must apply for a new one. The costs for this will be reimbursed by SRL. In case there are problems in the timely submission of the foreign VOG, the principal or director informs the executive director. The executive director decides if the new member of staff can start without a foreign VOG.

In accordance with the provisions in the VOG, the submission of a valid Dutch VOG in the name of SRL as quickly as possible within the periods employed by the Justice Service, continues to be a requirement for the member of staff!

*Please note: Educational Support Staff recruited from abroad, with the exception of foreign teaching assistants, may not perform any activities at school without a valid Dutch VOG.*

### Application procedure

For this group of new members of staff, a paper application is preferred, since they are not yet registered in the Register of Persons (BRP). The paper application will be made following the registration with the Expat Desk (officially: The Hague International Centre – THIC).

The Justice Service normally takes a decision within four weeks of receipt of an application. The Justice Service therefore informs the member of staff about a possible delay. The member of staff must, in accordance with the provisions of the VOG Statement (see appendix 3), immediately inform the HR department of this delay.

If the Justice Service does not intend to grant a VOG to the new member of staff, it has the possibility of making an objection against this. However, SRL will not await the outcome of the appeal procedure and will discontinue the appointment procedure for this member of staff.

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<sup>5</sup> Within SRL, a foreign VOG is referred to as a 'Certificate of good conduct'. It is popularly referred to as a 'police check' or 'police clearance'.

### **3 Additional provisions**

#### **Using an 'existing' VOG upon commencement of employment**

It may occur, for example in the case of a replacement, that a member of staff must start work immediately. In this situation, use can be made of an 'existing' VOG. The existing VOG can be used if it is:

- not older than six months (not older than two months for lunchtime supervisors);
- applied for with respect to the same position that the member of staff will perform within SRL;
- applied for on 'education' screening profile.

It is sufficient to submit a copy.

As shown in the VOG statement, the timely submission of the valid VOG in the name of SRL continues to be a requirement!

#### **Using the exception regulation**

This regulation states that the executive director decides if there are problems with the timely submission of the Dutch or foreign VOG. The responsibility to inform the executive director about this lies with the principal or director.

The principal or director must also immediately obtain the consent of the executive director if they want to immediately employ a new member of staff without a valid VOG within the school.

The email communication between the respective principal or director and the executive director about such a situation is recorded in the member of staff's file.

#### **Resolutive condition in the VOG statement**

The contract of employment does not end automatically if a member of staff is unable to provide a VOG. In order to terminate the contract of employment with a member of staff with immediate effect if he is unable to submit a VOG, the new member of staff must agree to the resolutive condition by signing the VOG statement (see appendix 3). The signed statement is taken by the HR advisor.

#### **Resolutive condition in the letter of appointment**

Following the interview covering the terms and conditions of employment, a letter of appointment is sent to a new member of staff. The letter of appointment again emphasises the need to submit a valid VOG, see appendix 4. The letter of appointment signed by the employer also includes such a passage about the resolutive condition.

It is thus documented that both the member of staff and employer agree to the VOG-related conditions that apply to the dissolution of the contract of employment.

## 4 Other groups of staff

Other groups of staff, in addition to regular staff, also work within the foundation. The table below shows what applies to each group for the submission of the VOG.

Group	Submit VOG?	Comments – periods/documents
<b>Payroll agency staff/Temporary staff</b>	Yes, a copy suffices.	The formal employer of the payroll agency/temporary member of staff is responsible for the application, the checking of the validity and authenticity of the VOG and the forwarding of a copy to SRL.
<b>Trainees</b>	Yes, if the training period is longer than 60 hours.	The school's training coordinator is responsible for sending information for the VOG application. The HR assistant handles the application and files the VOG upon receipt.
<b>Foreign trainees</b>	Yes, if the training period is longer than 60 hours.	The school's training coordinator is responsible for sending information for the VOG application. Also request a foreign VOG in the case of non-EU nationality as well as a Statement of Suitability if possible/applicable. The HR assistant handles the application and files the VOG upon receipt.
<b>After-school activities</b>	Yes	The organiser of after-school activities is responsible for sending information for the VOG application. The HR assistant handles the application and files the VOG upon receipt.
<b>Backpack tutors (Personal Assistants)</b>	Yes An Education VOG must be applied for. The healthcare VOG may only be used as a temporary solution.	The INZOWIJS coordinator is responsible for sending information for the VOG application. The HR assistant handles the application and files the VOG upon receipt.
<b>Hired-in staff (catering, cleaning &amp; other staff hired on an occasional basis)</b>	Yes, a copy suffices.	The formal employer of the hired member of staff is responsible for the application, the checking of the validity and authenticity of the VOG and the forwarding of a copy to SRL.
<b>Security staff</b>	No	Security staff are excluded because they are screened by means of a wider police check before they receive security credentials.
<b>Volunteers</b>	Yes, if frequently present and/or if entrusted with supervision during the lunch break.	For those who come to work just once, a VOG does not have to be applied for.
<b>Project staff Freelance staff</b>	Yes, if frequently present.	For those who come to work just once, a VOG does not have to be applied for.
<b>Privileged persons</b>	Yes	Only a paper application is possible. If the member of staff is in addition <u>not</u> registered in the Key Register of Persons (BRP), or if there is no fixed place of residence, the VOG must be applied for directly from the Justice Service (COVOG).
<b>Staff with access to the school's playgroup.</b>	Yes, continuous screening	For all staff with access to the school's playgroup use is made of a VOG application with continuous screening <sup>6</sup> . This concerns, for example, a director, playgroup assistant and caretaker. The VOG is applied for with respect to a general screening profile with risk area 'Persons' 84 (Entrusted with the care of minors) and 86 (Childcare).

<sup>6</sup> A member of staff who works in childcare, playgroups or host-parent care or lives in with a host parent is covered by continuous screening. This means that any change in the judicial documentation is passed on to the Justice Service. The Justice Service then assesses whether it is necessary to repeat the screening. If so, the Justice Service informs the supervisor of the childcare, playgroup, host-parent care and the GGD. No announcement is made of a criminal act. The employer is informed by the GGD. The member of staff is requested by the employer to re-apply for a VOG.