

Regulations governing the Certificate of Good Conduct (VOG)

Introduction

Within the education sector, it is a legal requirement to submit a Certificate of Good Conduct (*Verklaring Omtrent het Gedrag*; VOG) before an employment contract may be entered into. Compliance with the obligation on the presence of a correct, valid and timely VOG before entering into an employment contract, has become increasingly strict over the years. On the instructions of the Ministry of Education, Culture and Science and the Education Inspectorate respectively, the audit of this by the auditor has also been tightened. All of this is reason to amend the regulations governing the Certificate of Good Conduct of Stichting Het Rijnlands Lyceum (SRL), with the starting point for SRL being that all our new staff must present a valid VOG before they are employed by us so that they can then begin their work at our schools.

In cases not covered by these regulations or in special situations regarding the availability of the VOG for new staff in relation to their start at SRL, the competent authority will decide.

Definition of the Certificate of Good Conduct (VOG)

Employees in certain professions, such as teachers, have the legal obligation (based, for example, on Section 33 of the Secondary Education Act) to submit an original, valid VOG in order to work at an educational institution. A VOG is a document issued by the Ministry of Justice Agency for Scrutiny, Integrity and Screening (*Dienst Justis*) (concerning candidates/potential members of staff) showing that past conduct does not constitute an objection to fulfilling a specific task or function in society. *Dienst Justis* screens individuals who apply for a VOG and issues the VOG.

SRL policy

Candidates will not be hired until they have presented a valid¹ VOG. Without the submission of a valid VOG and therefore without an employment contract being established, the candidate may not perform any activities. The VOG will be applied for at SRL's expense.

Within SRL, a VOG will be applied for upon:

- the commencement of employment of a new member of staff;
- the commencement of employment of a previously hired member of staff, if the VOG is no longer 'valid';
- the commencement of employment of, or change of position of, an educational support staff member or member of the school management where the following job features are relevant: Information, Money, Services, Business transactions and Managing the organisation. In this case, in addition to the educational screening, the relevant job features should be indicated with the VOG application² under: 'Special circumstances'.

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

- not older than six months (required by law). For lunch-break staff, not older than two months;
- applied for on the education screening profile;
- an original copy.

¹ In practice it has been found in a few cases that the VOG gets lost in the post. Provided that *Dienst Justis* confirms in writing that a positive VOG has been issued and that a new VOG with the original issue date has been sent, this written confirmation from *Dienst Justis* will be regarded as a valid VOG so that the entry of candidates in the AFAS staff and payroll information system will not be blocked. See also Chapter 3.

² If in doubt, the relevant job features should always be stated on the VOG application.

Upon submission of the VOG by the candidate, it will be checked for authenticity by the HR department.³ The member of staff verifying the VOG must provide a colour copy of the VOG with the date, their own signature, and the text: 'original as seen'. The original version remains the property of the candidate. SRL may at any time instruct a member of staff to submit a new VOG, even though a VOG is already available.

VOG Profile

The profile that SRL uses when applying for a VOG is the specific 'Education' (*Onderwijs*) screening profile. For the education profile, screening includes:

- Public morality (looking back over 20 years);
- Violence and assault (looking back over four years);
- Offence against property (looking back over four years);
- Drugs (looking back over 4 years).

New members of staff

Within SRL, new members of staff can be divided into two groups:

1. Candidates recruited in the Netherlands;
2. Candidates recruited outside the Netherlands;

The two groups are described in more detail in the following two chapters.

1 Candidates recruited in the Netherlands

The candidate recruited in the Netherlands is registered in the Municipal Personal Records Database (*Gemeentelijke Basisadministratie*) and is usually in possession of a DigiD. Should the latter not be the case, a DigiD can quickly be applied for.

The VOG can be applied for digitally from *Dienst Justis*. The new member of staff will receive an email from *Dienst Justis*, which contains an application link, see **Appendix 1**. After applying for the VOG and paying the fee, the member of staff receives a confirmation by email from *Dienst Justis*.

In a few cases, a paper application may be more practical. In such cases, the HR department will provide a completed application form that the new member of staff can submit to the Public Affairs department of the municipality where they are registered.

The website of *Dienst Justis* says the following about the VOG application:

"If the investigation shows that you have not committed any crimes, Dienst Justis will make a decision within four weeks of receiving your application."

In practice, a new member of staff recruited in the Netherlands will receive the VOG within four weeks. The new member of staff must immediately submit the VOG to the HR department.

However, it is also possible that the VOG may be delayed. In that case, *Dienst Justis* can inform the member of staff about a possible delay. If four weeks have elapsed since the application for a VOG (without notification from *Dienst Justis*), the member of staff must submit a status request to *Dienst Justis* by email. In accordance with the provisions of the VOG (see **Appendix 2**), the member of staff must immediately inform the HR department of the delay in the VOG procedure by submitting all available correspondence with *Dienst Justis*.

³ Authenticity characteristics of a VOG are:

- The paper features a grid and the blue Dutch government logo
- The paper contains a distinctive wavy watermark
- A hologram is visible in the paper
- Under a UV lamp, the paper remains dark and small fibres in the paper and a logo in the lower right corner light up
- Under a UV lamp, the blue number in the upper right corner changes colour

2 Candidates recruited outside the Netherlands

The VOG application procedure may take longer for candidates recruited outside the Netherlands than for Dutch candidates. *Dienst Justis* normally makes a decision within four weeks of receiving the VOG application. However, for this group, experience shows that it can take longer because in the case of EU nationals, inquiries are also made in the country of origin. The response from that EU country may take longer. For this reason, the following procedure applies.

The application process, taking account of the possible longer VOG procedure, will be started in a timely manner. A candidate selected for the position in question after the final interview will be asked to provide several references. One of the references must be from the last employer (school principal). This candidate will subsequently be sent an offer letter by email as soon as possible. This letter requests that the candidate, after accepting the position:

- to immediately digitally apply for a Dutch VOG;
- to submit a Certificate of Good Conduct (foreign VOG), Criminal Record Check or Police Check from the country where the new member of staff was last employed;
- to submit a work and/or residence permit if required.

The candidate will be sent all necessary information for the purpose of a digital VOG application from SRL, but will be responsible for a timely application for the VOG from *Dienst Justis*. This VOG can be applied for by candidates without a BSN number or DigiD. The cost of this will be reimbursed by SRL upon presentation of proof of payment. The offer letter points out that without the above documents, including the Dutch VOG, and without positive reference checks, the candidate cannot be employed by SRL and cannot perform any activities for SRL. Only after these conditions are met can the final employment contract be drawn up.

3 Assurance and verification

In order to ensure that candidates can only start working for SRL after a valid VOG has been submitted, the registration of these persons in the AFAS staff and payroll information system is automatically blocked by the personnel administration of the HR department by means of a workflow if the condition that a valid VOG has been uploaded into this system is not met. The HR advisor performs the verification of the validity of the VOG. In short, the staff and payroll information system must therefore first indicate whether or not a valid VOG is present. If not, the candidate cannot be entered into this information system.

APPENDIX 1

Verzoek tot elektronische aanvraag Verklaring Omtrent het Gedrag

Geachte heer/mevrouw Van der Meer, C.E.,

U wordt door Stichting Het Rijnlands Lyceum verzocht een Verklaring Omtrent het Gedrag (VOG) aan te vragen voor de functie van Medewerker HR.

Is dit bericht niet voor u bestemd of wilt u geen VOG aanvragen? Verwijder dan dit bericht.

Wanneer dit bericht inderdaad voor u is bestemd en u wilt een VOG aanvragen, dan kunt u via onderstaande link uw aanvraag indienen.*

Klik op de link, of ga naar het volgende adres in uw webbrowser om uw aanvraag in te dienen: <https://www.elovog.betrokkene.dienstjustis.nl>

Uw aanvraagcode is: Z27Fz49

De mogelijkheid om via deze link uw VOG-aanvraag in te dienen vervalt na 30 dagen.

Hoogachtend,

De Dienst Justis

Ministerie van Veiligheid en Justitie

* Voor de elektronische VOG-aanvraag moet u beschikken over een internetaansluiting, emailadres en DigiD met geldig wachtwoord. Betaling van de aanvraag kan alleen met iDEAL. Daarnaast mag uw adres in de Gemeentelijke Basis Administratie niet in onderzoek zijn.

Meer informatie over de elektronische VOG-aanvraag: www.justis.nl/vog

APPENDIX 2

Certificate of Good Conduct (VOG)

Dutch law requires a Certificate of Good Conduct (VOG) for positions in primary and secondary education. The decision to issue the Certificate of Good Conduct lies with the Ministry of Justice (Agency for Scrutiny, Integrity and Screening; *Dienst Justis*). A Certificate of Good Conduct is necessary to ensure the safety of students, staff and third parties.

My employment contract with the Rijnlands Lyceum Foundation (SRL) will only be entered into under the express condition of the submission of a valid and original Certificate of Good Conduct. The Certificate of Good Conduct will be applied for by me as soon as possible and I am responsible for the further processing. If *Dienst Justis* informs me of a delay in the VOG application process, I will promptly inform the HR department by submitting all available correspondence with *Dienst Justis*.

If no Dutch Certificate of Good Conduct is presented before the commencement of my employment contract (starting date of contract), no employment contract will be concluded and I will not be allowed to work at SRL.

If, during the application process, facts become known that are incompatible with my work for SRL or the Certificate of Good Conduct is not submitted in a timely manner or is not granted at all, then:

- no employment contract will come into effect;
- I may not perform any activities at SRL;
- I may be denied access to the school.

The HR Department requires an original Certificate of Good Conduct as soon as possible before the employment contract can be entered into. Thus, the issue date on the Certificate of Good Conduct must be before the date of commencement of the employment contract.

I declare that I have read the above and agree to the aforementioned conditions.

Place:

Date:

Name and signature of member of staff:

APPENDIX 3

Text in employment contract offer letter

New text (NL):

“Een arbeidsovereenkomst wordt alleen aangegaan onder uitdrukkelijk voorbehoud van het vooraf overleggen van een geldige Verklaring Omtrent het Gedrag (VOG). Indien de VOG niet tijdig wordt overlegd, niet wordt toegekend of indien tijdens de aanvraagprocedure feiten bekend worden die niet verenigbaar zijn met uw werkzaamheden voor de Stichting Het Rijnlands Lyceum, zal geen arbeidsovereenkomst met u worden aangegaan, mag u geen werkzaamheden verrichten, voorts kan u de toegang tot de school worden ontzegd en zult u geen loon ontvangen.

Zodra de originele VOG is overlegd en een kopie in ons bezit is, zal de arbeidsovereenkomst worden opgemaakt en u worden toegezonden.”

New text (ENG):

“Dutch Law requires a Certificate of Good Conduct (in Dutch: VOG) for positions in primary and secondary education. The decision to issue this certificate lies with the Ministry of Justice (in Dutch: Dienst Justis). Your appointment takes place on condition that you submit a valid VOG to us in advance. The Dienst Justis will issue the certificate if it is clear that the applicant has not committed any offence which might be relevant in the context of the job to which the VOG relates.

The original certificate needs to be submitted to the HR department in time. If you do not provide your VOG to the HR department in time, if you are not issued a VOG or there is any evidence that indicates you are not suitable for the position at Stichting Het Rijnlands Lyceum, an employment contract will not be issued to you, you are not allowed to work at Stichting Het Rijnlands Lyceum, access to the school can be denied and you will not receive a salary.

As soon as the original VOG is provided and a copy is in our possession, we will prepare and send you the employment contract.”