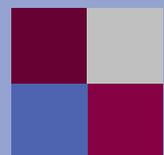


Evaluation VOG NP

SUMMARY



Summary

Basic facts

Commissioned by WODC, the Research and Documentation Centre of the Ministry of Justice, Ergo conducted a study into the issue of the Certificate of Good Behaviour for Natural Persons (VOG NP) by the Central Body for the Certificate of Good Behaviour (COVOG). A part of the Ministry of Justice, COVOG is in operation since April 2004.

The objective of the study is to provide a better understanding of the possibilities for optimizing the central issue of VOG NP, including the assessment of the applicant and the work procedures. The definition of the problem is threefold:

- *How can the interested parties (the organisations that ask persons to submit a VOG NP) and the applicants be characterised?*
- *How satisfied are interested parties with the central assessment and issue of VOG NP?*
- *Which adjustments of the work procedures are necessary in order to optimize the central issue of VOG NP?*

Derived from the above problem definition are two sets of central research questions: the one pertaining to the evaluation of the work procedures, the other focusing on the interested parties.

The field work for this study took place between January and September 2006. The study included the analysis of the COVOG database and files, in combination with in-depth interviews with COVOG staff, chain partners and focal points within interested parties. In addition, a quantitative survey was conducted among interested parties.

Key results

Background

Before April 1 2004, local authorities assessed whether or not persons could be given a VOG NP, then known as 'The declaration of Good Behaviour'. It concerned a document indicating that there are no judicial objections against a person, as far as the purpose of the application is concerned. As from April 2004 the document is officially called Certificate of Good Behaviour for Natural Persons (VOG NP) and is issued by the Central Body for the Certificate of Good Behaviour (COVOG), a part of the Ministry of Justice. The reason behind this centralisation was the wish for a more uniform and more professional screening of the applicants. The municipality now only functions as a counter, where it is checked whether applications are admissible and complete. In addition, the municipal official compares the personal particulars of the applicants with those in the municipal administration. Finally, the municipal official may also add extra information to the form, if considered relevant.

Studies were conducted into the work procedures within COVOG and the co-operation with the most important chain partners (the municipality and JustID, the central Judicial Register). In addition, a study was conducted among interested parties (the organisations that ask applicants to submit a VOG NP) into the awareness and attitude regarding the VOG NP and the issuing procedures. The interested parties are often employers who want to screen new employees. The applicants themselves, the persons to be screened, were

no object of study. A mixed mode survey (Internet and telephone) was conducted among a sample of 875 officials of interested parties in the most important trades of industry.

Fieldwork for this study was carried out between January 2006 and September 2006. The respondents' perceptions therefore refer to this period and the period preceding it (looking back until 1 April 2004).

Production COVOG 2005

In 2005 COVOG processed 250.000 applications for VOG NP. Most applications (75 per cent) refer to an employer/employee relation. The other applications refer to host parenthood and adoption, use abroad (visa, marriage, transactions) and membership of a broad range of associations. Overall, there were approximately 11.000 interested parties in 2005, in particular educational institutes, government organisations and companies dealing with passenger transport. Taxi drivers and teachers are legally bound to submit a VOG NP.

Over 2005, 0,4 per cent of the 250.000 applications were rejected by COVOG. In other words: COVOG established that approximately 1.000 persons were too much of a risk (to society), as far as the purpose of the application was concerned.

Ergo has found that although the digital filing system used by COVOG is quite satisfactory a support of the primary process, it is not suitable for data analysis. The particulars of the interested parties and the officials are full of mistakes and inconsistencies, mainly because municipal counter clerks only check the form superficially and enter the data manually. Although COVOG can perform the primary process also without knowing the exact particulars of the interested party, a more systematic data filing system would be an improvement. Such a system would enable COVOG to trace developments and changes with regard to the group of interested parties, so that the work process could be periodically adjusted to new (and expected) developments. This market oriented approach is currently lacking.

Application and issue

In order to apply for a VOG NP, both applicant and interested party must fill out part of the application form which is filed at the counter of the municipality where the applicant lives. The counter clerk assesses whether the application is admissible. The municipality forwards the application by e-mail to COVOG. Next COVOG assesses the applicant on the basis of the central judicial register, sometimes supplemented with information from the Public Prosecutor, police and after-care and resettlement organisations. The procedure takes between two and four weeks, a term which is seldom exceeded.

Assessment by COVOG

The assessment of antecedents by COVOG is partly a routine, using screening profiles in order to determine which antecedents are relevant. However, the further assessment is a tailor-made approach, weighing up the interests of a person with a criminal record on the one hand, and the interests of society on the other. This is done by professionals only.

During the assessment the criminal record of a person is assessed in connection with the type of job for which the VOG NP is needed. COVOG looks back four years for most offences, but for indecency offences the look back further. Using screening profiles, any antecedent found, is assessed on its relevance. If need be, all criminal information from years back is gathered. Weighing up the antecedents, the fact-function relation occupies centre stage, in addition to the year of the offence, the person's age, recidivism and the penalty. The deciding factor is whether or not risks for society are acceptable. Basically, such an assessment is always sort of subjective, but COVOG makes these decisions with

the utmost care, taking in account all available information and involving several professionals for each decision.

Application form inadequate

The application form, COVOG's most important source of information, may be a problem. Most interested parties do not experience that as such, but COVOG receives many forms with mistakes. Most mistakes are made in the part filled in by the interested party. Looking into these mistakes, it may be concluded that some parts of the application form are not very clear. COVOG is aware of this weakness, but the actual improvements to the application form keep us waiting a long time.

Role of municipality

The role of municipalities is under dispute. Some of those involved consider the counter function of municipalities quite valuable, for example because of its accessibility for the applicants.

According to others, the municipality counter is an unnecessary part of the procedure without extra value. For example, municipal officials add hardly information to the application form. In addition, municipalities often accept applications with mistakes. Finally, between municipalities (and between municipality and COVOG) uniform criteria to assess the admissibility of applications were until recently lacking. In the summer of 2006 the Ministry of Justice circulated a list with criteria for assessing the admissibility of applications including some examples. If this leads to more uniformity is not clear as yet. So the role of (decentralised) municipalities within a centralised procedure is still under discussion. Possibly, an application procedure through Internet may be part of a solution. 75 per cent of the interested parties would appreciate it if applications could be filed through Internet, leaving aside at which organisation.

Application procedure not fraud-proof

Ergo established that the personal particulars of the applicant are thoroughly checked by the municipality, while those of the interested party are not checked at all, neither by the municipality, nor by COVOG. In this respect the application procedure is not fraud-proof. Although the scope of this problem is not clear, this matter should be looked into.

An important conclusion drawn by Ergo is that the central issue of VOG NP led to a more uniform assessment. The uniformity of the decision whether or not applications are admissible remains a matter of special attention. In addition, the application form and the COVOG data system are areas of special interest.

Interested parties

Satisfied with central assessment

The greater part of interested party officials (at least those who can judge this) take the view that the central issue by COVOG is an improvement with respect to the procedures before April 2004. Applications are now processed by a single organisation (COVOG) which is part of the Ministry of Justice. Interested parties expect COVOG to be trustworthy and professional.

Reason why VOG NP is asked

Most interested parties (78 per cent overall) ask a VOG NP, because they are (legally) bound to do so. A third of the interested parties consider the VOG NP as an administrative obligation only and nothing more. This percentage varies per branch of trade. In pas-

senger transport 64 per cent sees the VOG NP mainly as an administrative obligation, as opposed to 21 per cent in health and welfare.

48 per cent of the interested parties obliged to ask a VOG NP (78 per cent of all interested parties) would also ask one without obligation. The other half would no longer use the VOG, or only in selected cases.

Risk reducing

The most important reason for interested parties to use the VOG NP, is to reduce business risks, for example:

- Theft of money, goods or know-how;
- Indecency offences;
- Acts of violence;
- Fraud or laundering.

The most important risk varies per branch of trade. Theft is a major risk in all branches of trade.

Assessment VOG NP

The average rating for the VOG NP as an integrity instrument is 6.5. In financial services and in health and welfare the rating is more favourable, while in passenger transport (taxi drivers) the rating is less favourable: 5.3. The main reason why interested parties appreciate the VOG NP is that it is a means to reduce risks. The most important reasons why the VOG NP is poorly appreciated are related with the (statutory) obligation to ask a VOG NP and with the fact that a VOG NP is just a 'snapshot in time'. Moreover, many interested party officials find it hard to form their opinion, because they do not know what the content and the scope of the instrument are.

When an application is rejected

The greater part (79 per cent overall) of the interested parties says that they will not employ applicants without VOG NP. In passenger transport and in the government sector these percentages are 89 and 85 per cent, respectively. In the catering industry 55 per cent would not employ an applicant without VOG NP. 17 per cent indicates that their decision would depend on the circumstances, while 4 per cent does not know what they would do.

As for incumbent staff, things are different. Only 35 per cent says they will dismiss a person without VOG NP. 50 per cent says it depends on the situation. However, 67 per cent of interested parties in the taxi trade indicate that taxi drivers, who want to extend their taxi pass, are dismissed immediately if they can not submit a VOG NP.

Some dissatisfaction

In addition to the doubts about the effectiveness of a VOG NP and the perception of the application procedure as an administrative burden, there is dissatisfaction with the duration of the procedure. Interested parties would appreciate it if the procedure would take less time. According to them, two weeks would be reasonable. Obviously, they do not know that this is already realised.

Limited insight into the VOG NP

A substantial number of interested parties take the view that they are not well informed about the criteria on which the decision is based whether to accept or reject an application. This study shows that a great deal of interested parties know very little about the criteria

for determining whether or not to give a person a VOG NP. A substantial number of interested parties in all trades of industry take the view, for example, that a person with a VOG RP has per definition no criminal record at all.

Currently many interested parties know nothing about the assessment by COVOG and the data on which this assessment is based.

An important conclusion is therefore that the organisations involved should make the process more transparent. There is a need for more communication about the activities of COVOG, more figures (for example the number of rejected applications for VOG NP per annum) and the meaning of VOG NP for society.