

## **Pilot Scheme Code of Conduct Incoming Mobility VET level 4**

### ***Preamble***

#### **Considering that**

Dutch institutions for secondary vocational education benefit from achieving international orientation by promoting incoming mobility, with which they give substance to the reciprocity of their relations with educational institutions outside the EU;

Dutch secondary vocational education aims to improve and strengthen international cooperation and to make the Netherlands and its educational institutions known abroad as a knowledge society;

In principle the educational institutions treat Dutch and international participants in an equal manner, and that the information to and care for international participants need further regulation;

The educational institutions wish to attract good international students and to establish a streamlined and coordinated guideline for the relation between international participants using this Code of Conduct;

It is important that the educational institutions present a clear and unambiguous picture of Dutch secondary vocational education and the programmes offered by the educational institution;

Within that framework, the educational institutions wish to provide readily comprehensible, accessible and unambiguous information about the quality of the study programme, its place within the Dutch system, the provided facilities, the costs of studying and living, as well as the admission requirements for international participants;

The Dutch government assumes that educational institutions that subscribe to, implement and support this Code of Conduct act with due care towards the international participants;

The Dutch government has decided that the signing of the Code of Conduct by the educational institutions is a precondition for granting residence permits to non-nationals of the EU/EEA or Switzerland for studying in the context of the Pilot Scheme Incoming Mobility VET level 4;

The educational institutions that subscribe to this Code of Conduct consider it to be a precondition for a proper relationship between the international participant and the educational institution;

By signing the educational institution is obliged to comply with the obligations set out in the Code of Conduct and promises to act in the spirit of the Code;

**In this pilot scheme the educational institutions commit themselves to the following lines of conduct and acts:**

## **1 Definitions**

### *Academic year:*

The period starting at 1 August of a calendar year and ending at 31 July of the next calendar year.

### *Admission to the course:*

The positive outcome of the assessment by the educational institution of at least the previous qualifications, the linguistic skills and the certificates of the international participant who requests admission and registration for a specific study programme.

### *Agent*

An individual, company or other organization that provides services whether or not on a commercial basis to prospective international participants desiring to study in the Netherlands, or that provides services to educational institutions to recruit international participants.

### *Code of Conduct:*

This Code of Conduct Incoming Mobility VET level 4.

### *Education:*

All secondary vocational education level 4 offered by the educational institution in the English language to the international participant.

### *International participant:*

A participant who is a national of a country outside the EU/EEA, who will have a residence permit granted the context of this pilot scheme and desires to continue, continues or has continued courses for at least three months and no more than 12 months at an educational institution established in the Netherlands.

### *National Commission:*

The Commission as referred to in Section 9.

### *Petition:*

A written complaint submitted to the National Commission regarding the way an educational institution acted or acts towards the applicant or another person in the context of the Code of Conduct.

### *Participating institute:*

Educational institution listed in the Register maintained by DUO and recognized by the IND as a sponsor.

### *Parties concerned:*

the international participant; the educational institution; the Council of Agricultural Training Centres (AOC Raad); the Netherlands Association of Senior Secondary Vocational Schools (MBO Raad) and the Dutch Council for Training and Education (NRTO), as well as the Dutch ministries of Economic Affairs (EZ); Education, Culture and Science (OCW), including the Education Executive Agency (DUO); Social Affairs and Employment (SZW) and Security and Justice (VenJ), including the Immigration and Naturalisation Service (IND).

*Register Administrator:*

The Education Executive Agency (Dienst Uitvoering Onderwijs - DUO).

*Registration:*

The administrative action by the educational institution upon the request of the admitted international student with the ensuing rights and obligations related to following educational programmes.

*Umbrella organizations:*

AOC Raad, MBO Raad and NRTO.

## **2 Starting date**

This Code of Conduct enters into force on 1 February 2017. The duration of the pilot scheme is three years. At the end of this period the ministries involved (including DUO and IND) will evaluate the pilot scheme and decide about continuation. Mid-term, after 1.5 years, the government bodies involved in the pilot scheme will consult about continuation of pilot scheme. The consultation mentioned in the last sentence offers the government bodies involved the opportunity to - in consultation with the umbrella organizations - make any desired or necessary adjustments in the - criteria of the - pilot scheme.

## **3 Information provision**

- 3.1 The educational institution provides, amongst others through its website, timely reliable and easily accessible information to international students concerning at least:
- a) the assessment by the Dutch Inspectorate of Education;
  - b) the quality criteria the study programme must meet, by referring to the relevant and most recent report of the Inspectorate of Education or the applicable certification by: Business & Technology Education Council (BTEC), City and Guilds, Victorian Registration & Qualifications Authority (VRQA) or Scottish Qualifications Authority (SQA);
  - c) a description of the courses and study programme included in the the educational offer and the Education and Examination Regulations or a comparable set of regulations, or a summary of these;
  - d) the admission requirements of the study programme, including the procedure for admission and registration and the associated costs, as referred to in Sections 5 and 6;
  - e) the language of instruction;
  - f) supplementary charges required by the educational institution from the international student for the above mentioned services or for services as referred to in Sections 4, 5 and 6.
  - g) this Code of Conduct.
- 3.2 The information provided by the educational institution to the international participants based on this Code of Conduct is to be in English.

- 3.3 The educational institution ensures that its advertising messages and presentation clearly indicate the nature of the educational institution and the its education programmes. Recruitment of international students will be done in accordance with the rules and standards laid down in the Advertising Code of the Netherlands by the Advertising Code Committee, in particular general code (I) and the special advertising code for courses (II-b).

The educational institution uses a name in the English language that clearly reflects the nature of the institution.

#### **4 Agents**

- 4.1 If the educational institution commissions an agent to recruit international students, the educational institution will ensure that the agent acts in the spirit of this Code of Conduct. The recruitment process can be contracted out partly or wholly, but the educational institution remains responsible for the admission of international students.
- 4.2 The educational institution will conclude a written agreement with anyone granted the competency as an agent to recruit international participants and only hires agents who have extensive knowledge of the Dutch system of secondary vocational education. The educational institution will not hire agents of questionable integrity and honesty and ensures that its agent has access to current and adequate information of the educational programmes of the institution.
- 4.3 The educational institution immediately takes corrective measures if it has knowledge that an agent is behaving in a negligent, careless or incompetent manner, or is involved in false, misleading or unethical advertising and recruitment, including activities that can damage the good name of Dutch secondary vocational education. The educational institution also regularly informs itself of the experiences of international participants with the agent.
- 4.4 The international participant pays the study costs and any admission fees to the educational institution. If recruitment or broker costs are to be paid to the agent, the agreement between the educational institution and the agent must set out who pays these costs to the agent.
- 4.5 The educational institution will make arrangements with the agent concerning supervision of its acts. Upon request of the National Commission (see Section 9), the educational institution provides the agreement with agents for inspection. The educational institution sets out in the agreement with agents that the agreement can be presented to third parties for inspection.

#### **5 Admission to and registration in the study programme**

- 5.1 An international participant who applies for admission and registration with the educational institution must demonstrate the required preparatory education, sufficient language skills (see Article 5.2), and diplomas required for admission to the specific study programme.

The educational institution determines the preparatory education requirements prior to the recruitment of international participants for the study programme in question and checks prior to admission whether the international participant has satisfied the requirements.

- 5.2 With respect to the education it offers to international participants, the educational institution determines the minimum language requirements that the international participant must meet and makes sure that he/she has actually satisfied these requirements. For study programmes in English, a minimum of an academic IELTS test with an overall band score of at least 5.0 is required.
- 5.3 Contrary to the provisions of Article 5.2, an educational institution may exempt international participants who have had their preparatory education in English, from having to take a mandatory language test. The National Commission may request that the educational institution provides a statement from the Cooperation Organisation for Vocational Education, Training and the Labour Market (SBB), confirming that the preparatory education was followed in the English language.
- 5.4 If the international participant does not meet the requirements set out by the educational institution or educational programme, the educational institution notifies the international participant in writing providing a motivation of any refusal to admit and/or register the international participant. The educational institution also indicates any legal remedies that the international participant can resort to with respect to the refusal.
- 5.5 The educational institution may charge a fee for assessment of language skills, preparatory education, and diplomas. The participants will be informed clearly and timely about the charges.
- 5.6 As part of the registration process, the educational institution requests the admissible international participant to agree in writing with the procedure used by the educational institution to report the participant to the IND - whether or not with prior notice - in case the participant drops out or if the registration is terminated.

## **6 *Offers and assistance to international participants***

- 6.1 The educational institution meets the national legal requirements that apply to the institution.
- 6.2 The educational institution is either an institution not subsidized by government and a member of the MBO Raad or AOC Raad, or a private educational institution and a member of NRTO. The condition of the educational institution must be judged positively by the Dutch Inspectorate of Education.
- 6.3 The study programme consists of courses taught in English with a duration of more than 3 months and no more than 12 months.
- 6.4 The study programme as meant in Article 6.3 consist of courses that can be traced back to VET level 4 recognized by the Dutch ministries of Education or Economic Affairs, of which the quality profile has not been judged negatively by the Dutch Inspectorate of Education in the three years preceding the pilot scheme VET level 4.

Furthermore, customized programmes may be offered by educational institutions if in the three years preceding to the pilot VET level 4 the condition of the educational institution was judged positively by the Dutch Inspectorate of Education, and the quality of the study programmes offered is guaranteed by - international - certification by BTEC, City and Guilds, VRQA or SQA.

- 6.5 The educational institution will ensure that teachers have a sufficient command of the English language, and will develop internal quality standards that are being tested periodically.
- 6.6 The educational institution clearly specifies in its information material in accordance with Article 3.1 which services it provides to international participants with respect to obtaining a visa and a residence permit, housing, introduction and assistance and what the associated costs are.
- 6.7 If the educational institution establishes that a participant has terminated their registration with the institution, or in case the participant has dropped out, the IND will be notified within 4 weeks. The institution ensures that the participant signs a statement of approval to that effect prior to starting the study programme.
- 6.8 After completion of the study programme offered in the pilot scheme the international participant receives a statement from the educational institution or a fully completed Europass mobility document, which clearly demonstrates the competences and skills acquired by the international participant as well as the relationship with the traceable study programme.
- 6.9 The educational institution will evaluate the study programme offered to the participant by means of a survey. This will include a questionnaire sent by the educational institution and to be filled in by the participant. The National Commission will make a form available for this. These forms must be returned within 4 weeks after completion of the study programme to [info@internationalstudy.nl](mailto:info@internationalstudy.nl).

## **7 Inclusion in the Register Code of Conduct VET level 4**

- 7.1 The educational institution requests the Register Administrator for inclusion in the Register, by returning the signed application form. The Register will be published by the Register Administrator on the website [www.internationalstudy.nl](http://www.internationalstudy.nl).
- 7.2 Based on the information provided by the applicant, the Register Administrator decides within a month and informs the applicant and the IND in writing of its decision. An application will be rejected if the applicant does not satisfy the requirements and conditions as stated in the Code of Conduct, including the positive judgement of the Dutch Inspectorate of Education as meant in Article 6.2.

## **8 Participation in the pilot scheme**

- 8.1 The following criteria apply to the pilot scheme:
- a) a maximum of 100 participants in the pilot scheme per course year, for each course year a bandwidth of 20% applies, as long as for the duration of the pilot scheme the maximum number of participants does not exceed 300;
  - b) a maximum number of 20 participants per institution per course year;
  - c) the minimum age of the participants in the pilot scheme is 18 years;
  - d) no more than 30% of the participants in the pilot scheme is of the same nationality;
  - e) at least 75% of the participants in the pilot scheme registers for a VET level 4 course that is amongst the 9 top ranking sectors;
  - f) the remaining 25% can be used for other courses, and

g) participation in the corresponding course year is no longer possible if the targeted maximum percentages have been reached.

8.2 Each year, the educational institution requests the Register Administration for participation in the pilot scheme by returning the signed participation form. The Education Executive Agency (DUO) - the Register Administrator - decides within one month about participation. When the criteria as referred to in Article 8.1 have been exceeded, participation will be refused. Refusal does not necessarily equal removal from the Register.

## **9 National Commission**

9.1 The umbrella organizations will establish a National Commission. The duties of the National Commission are to ascertain compliance with the Code of Conduct and to check whether the actions of the educational institutions comply with the Code of Conduct. One way of effectuating this is to handle petitions that have been submitted in accordance with the Code of Conduct.

9.2 The National Commission is independent and consists of three members and a chairperson. The umbrella organizations appoint the members of the Commission for a period of three years. Each umbrella organization appoints a member and a substitute member. The Commission appoints a chairperson who is independent of the stakeholders. The Register Administrator acts as secretary of the National Commission.

9.3 Any party concerned believing that an educational institution has not acted in accordance with this Code of Conduct towards them or any one else can lodge a petition to the National Commission in writing. Prior to lodging a petition with the Commission, the petitioner first submits the complaint to the competent authority of the educational institution. The educational institution ensures that existing or, if necessary, new internal complaint procedures are available for complaints under the Code of Conduct.

9.4 If after hearing the arguments of both parties, the person making a request is of the opinion that the educational institution has not handled the complaint adequately or within a reasonable period, or is still of the opinion that the educational institution does not comply with the Code of Conduct, they may submit the reason for the complaint and the response thereof received from the educational institution to the National Commission by submitting a petition.

9.5 If after hearing the arguments of both parties, the National Commission establishes that an educational institution does not comply with this Code of Conduct, the Commission informs the educational institution and the person submitting the request of its decision and any disciplinary measures.

9.6 For the Commission to perform its tasks, after consulting with the umbrella organizations, the National Commission draws up Rules and Regulations that form an integral part of this Code of Conduct. These Rules and Regulations also specify how interested parties can submit petitions, how these are handled and what the possible sanctions are if the petition is considered well-founded.

9.7 The disciplinary measures referred to in the previous paragraph may consist of executing or having executed further examination, entering an annotation in the Register of the Code of Conduct or removal of the institution from the Register.

9.8 If the National Commission decides to remove an educational institution from the Register, this means that the institution is excluded from participation for the duration of the pilot scheme.

9.9 The National Commission notifies the petitioner, the educational institution and the stakeholders of this Code of Conduct in writing within one month after its decision has been taken.

***List of abbreviations***

|          |   |
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| AOC Raad | Council of Agricultural Training Centres  |
| BTEC     | Business & Technology Education Council   |
| DUO      | Education Executive Agency  |
| EU       | European Union  |
| EZ       | Dutch Ministry of Economic Affairs  |
| IELTS    | International English Language Testing System                                     |
| IND      | Immigration and Naturalisation Service  |
| MBO      | Senior secondary vocational education   |
| MBO Raad | Netherlands Association of Senior Secondary Vocational Schools                    |
| NRTO     | Dutch Council for Training and Education  |
| OCW      | Dutch Ministry of Education, Culture and Science                                  |
| SBB      | Cooperation Organisation for Vocational Education, Training and the Labour Market |
| SQA      | Scottish Qualifications Authority   |
| SZW      | Dutch Ministry of Social Affairs and Employment                                   |
| V&J      | Dutch Ministry of Security and Justice  |
| VRQA     | Victorian Registration & Qualifications Authority                                 |