

Code of Conduct

For members of the Dutch Council for Training and Education (NRTO)

Preamble

The NRTO members contribute daily to the development of talents, of both young people and adults. Our members are also sparring partners for companies in the field of learning and development. NRTO is a branch organisation; its members consider it their responsibility to set standards with respect to the conduct of their members. The aim of the NRTO Code of Conduct is to contribute to socially responsible business operations and the promotion of the expertise and reliability of its members. This Code of Conduct also applies to subcontractors and work partners of NRTO members who supply services on their instructions. The Code of Conduct serves as a calling card for the industry.

Part 1 General provisions

Article 1 Definitions

This code uses the following terms:

- a. NRTO: Nederlandse Raad voor Training en Opleiding - Dutch Council for Training and Education.
- b. Sector: Natural persons and legal entities active in the field of learning and development.
- c. Members/Member: Natural persons and legal entities and partnerships without legal personality, registered in the trade register of the Chamber of Commerce, who are engaging in the business of providing education, training and/or courses, supplying course materials and/or offering (partial) examinations and/or offering accreditation for previously learned skills/knowledge, and/or another form of assessment, such in accordance with the statutory provisions.
- d. Employee: Any person who is employed by a member of NRTO.
- e. ZZP contractor: Self-employed contractor, a person who performs assignments, projects or other work for the member as a freelancer or contractor.
- f. Client or principal: The natural person or legal entity at whose instructions the services are provided. This can be either a corporate or private client.
- g. Client or customer: The natural person to whom the service is provided.

Article 2, Principles

1. Members comply with the laws and regulations applicable in the Netherlands with respect to their employees, clients and business/work partners.
2. The conduct of members must stand the test of criticism in public in all their dealings within the framework of the association's objective.
3. Members behave responsibly and with integrity towards the client and customer.
4. Members shall refrain from anything that may affect the reputations of both NRTO and its members.
5. The interests of clients and customers are respected.
6. Members observe the values of free enterprise and fair competition, and conduct themselves in such a manner as to reflect this principle in their mutual dealings.
7. The actions of employees of members or third parties carrying out any work on their behalf are also considered conduct of the member.
8. Members conduct their business in compliance with the principles of good governance as set out in section 2 with respect to
 - a. Operations
 - b. Clients, customers and work/project partners
 - c. Colleagues in the industry
9. In the event of any ambiguity relating to the interpretation of this code, the management board or a representative of the management board authorised to do so has the deciding vote.

2: Five principles of good governance

The NRTO member is expected to adhere to the five principles of good governance:

Article 1 *Principle of due care*

- Members of the NRTO work with due care, with staff qualified for the learning activity. Everyone who works for the member has the specific professional knowledge required to carry out the work according to this Code and to meet the NRTO quality requirements, as set out in the NRTO Quality Mark.
- Members undertake to use their own knowledge, experience and work capacity for the benefit of the client and customer to the best of their ability.
- Members of the NRTO avoid a situation in the relationship with the client where interests other than those intrinsic to the assignment will play a role. This serves to ensure their independent position in relation to the client.
- Members do not give the client any opinions about employees of the client based on the training and/or examination process, unless the training and/or examination process specifically aims to give an opinion about the participants in the relevant training and/or examination process. In that case, the participants must have been explicitly informed in advance of the intention(s) of the training and/or examination procedure concerned and of the standards on which such assessment will be based.
- Members will never directly or indirectly, in any way whatsoever, have any financial connections or give financial contributions to persons, organisations, companies or associated (legal) persons that directly or indirectly have an influence on awarding a contract.

Article 2. *Legal compliance principle*

- Members apply a complaints procedure
- As set out in the NRTO General Terms and Conditions, after completion of the complaints procedure, a private client at all times has the option of appealing to the Disputes Committee or the courts (private clients), or to the Quality Control Committee (business clients).

Article 3 *Principle of Reasonableness*

- The learning activity must be reasonably proportionate to the effort and cost required or described.

Article 4 *Reliability principle*

- Clients and customers must be able to rely on agreements made with a member being fulfilled.

Article 5 *Transparency principle*

- Based on an agreement or confirmation, members make clear what may be expected of the member in the specific assignment situation.
- Members disclose rates/costs to a client and customer in a clear and transparent manner prior to the assignment. Members are transparent about any additional costs.
- A member discloses or communicates in advance which general terms and conditions apply. If a member does not have its own general terms and conditions, the NRTO General Terms and Conditions will apply.
- If activities of a strategic nature are performed for a competitor of the (potential) client, which may be suspected to constitute a conflict of interest at a strategic level, the member notifies this (potential) client accordingly.

Part 3 Communication

- The NRTO member respects the advertising code. Advertising presents a true and fair impression and refrains from any suggestion of unrealistic results.
- The NRTO member does not advertise non-accredited 'degrees'.
- In the event of open registration,
- the NRTO member, insofar applicable, should at least disclose the relevant information in the NRTO quality mark checklist in the study guide or information, respectively on the website.
- The NRTO member is clear in its information about what the participant learns in each learning activity.
- The information provided through promotional materials, study guides and on the website is accurate and informative. This also means that, where applicable, the status of the diplomas, certificates and accreditations, as well as the corresponding examination process, is accurately reflected.

Government-accredited education

- If it concerns accredited Higher Education, accredited MBO and accredited VO, the NRTO member is expected to comply with the requirements laid down in the relevant law.
- It must be completely clear whether a higher education, intermediate vocational education, or secondary education programme is government-accredited; only then may the term higher education, intermediate vocational education, or secondary education (hbo, mbo, VO) be used.
- Article 7.15 of the Higher Education and Research Act (WHW) and the ensuing agreements with the inspectorate apply specifically to information about the granting of degrees.
- If no application has been submitted or if the application is still pending, the member does not imply that the application is for a higher professional education (hbo) or intermediate vocational education (mbo) course.
- A member provides such information to students and prospective students about:
 - a. the institution,
 - b. education in the general sense,
 - c. the differentiation in the range of study programmes,
 - d. the selection of students,
 - e. the names of the training, and
 - f. the degrees that are attached to the programmes,that these students and prospective students are able to compare the training possibilities, to form a sound judgement on the content and structure of the education followed or to be followed and the examinations, and to prepare themselves properly for the requirements set.
- The programme names of higher professional education (ho) and vocational education (mbo) programmes used in information material are in accordance with the relevant CROHO or CREBO registration

Part 4 Responsibilities to other NRTO Members

The NRTO member behaves responsibly towards other NRTO members. This means at least:

- If members collaborate on an assignment, they make written agreements with fellow NRTO entrepreneurs about each other's contributions and responsibilities.
- If a member can reasonably expect that an order from a client, for whom a member is already working, will lead to a conflict, this member will inform both the client and the other business of these expectations.
- A member shall not use or copy the products of fellow NRTO entrepreneurs unless prior written permission has been issued. This obligation applies to both staff and ZZP contractors working for the member on a freelance basis. All the above is completed in accordance with the applicable copyright provisions.
- In its recruitment activities for new assignments, the member does not engage in activities with the purpose of denying another business the same assignment based on negative qualifications of the other business owner.
- The member refrains from assessing the work of another NRTO business for the same client, unless permission has been granted after mutual consultation.
- The management of a member is responsible for ensuring that the employees or the persons working under its responsibility in the field of training comply with these rules of conduct.

- Members do not take the initiative to offer to employ a person employed by a client to work for them or for another person, other than after prior consultation with the client. The member shall give precedence to the interests of the client.

Part 5 Compliance

1. The Code of Conduct is offered to new members for signature.
2. In the event of non-compliance, a member may be held accountable to the Quality Enforcement Committee for their actions. The committee has the power to impose the following sanctions:
 - a. Issuing a warning to the member concerned;
 - b. Giving advice to the Board of the NRTO whether or not to expel the member.
3. In case this Code of Conduct does not provide for situations considered relevant for the NRTO, its members and/or the branch, this will be discussed by the Board, on the advice of the Commission of Quality Control of the NRTO.
4. If there is a binding rule prescribed by the government, the relevant provisions prevail over those of this Code of Conduct.

The NRTO Board may amend this Code of Conduct. The Board will seek the advice of the Quality Enforcement Committee before amending the Code of Conduct. The decision on amendment shall be submitted to the ALV.