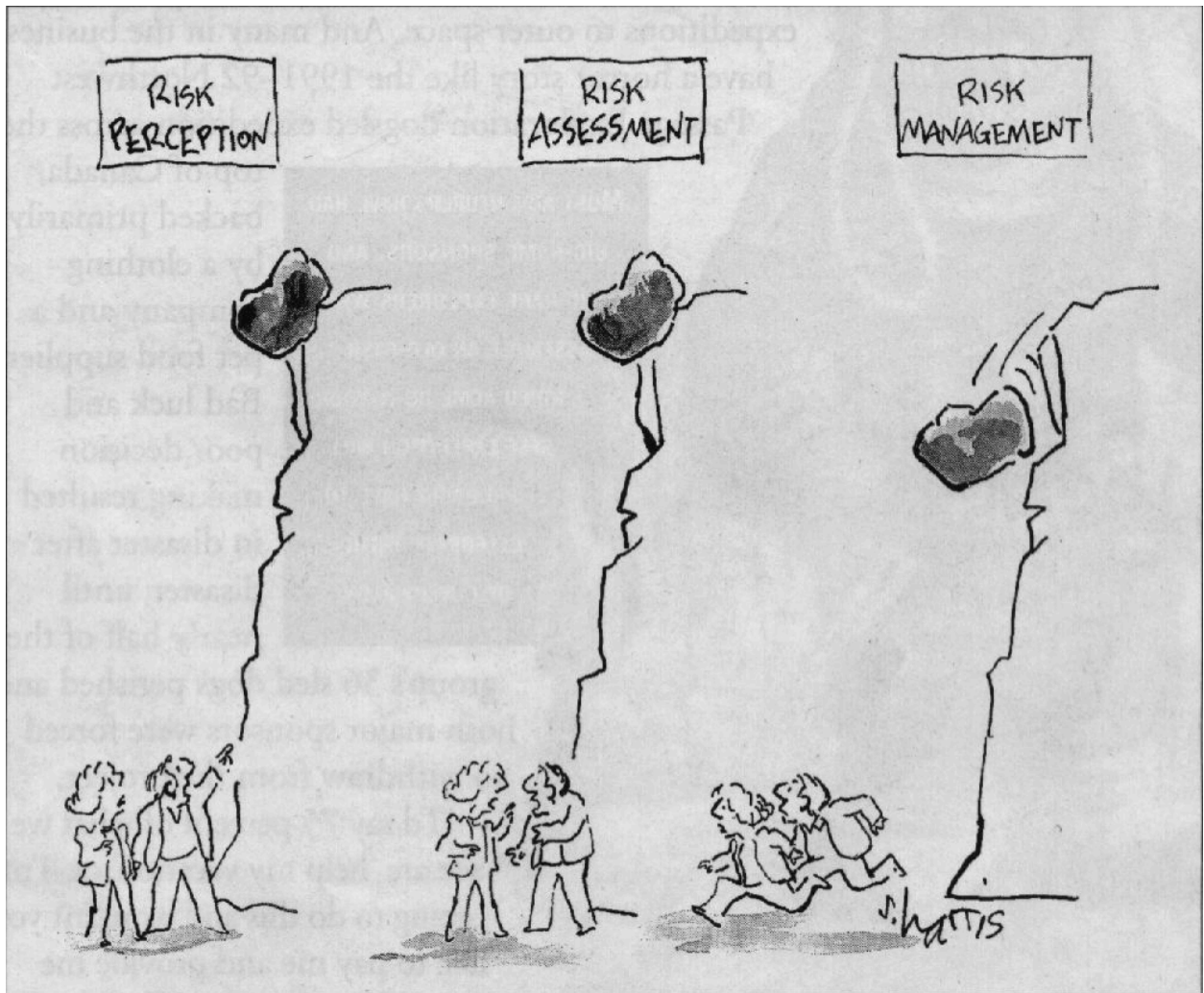


Risk Proofing Your Volunteer Program



Steve McCurley
shm12@aol.com

Chapter Fourteen

Risk Management

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Fear of legal liability problems has become an increasing worry for volunteer program managers in the past few years. Examples of lawsuits involving volunteers in recent years include:

- Actions against volunteers and agencies for accidents in which they were involved. One lawsuit against a Boy Scout volunteer resulted in a \$12.8 million judgment because of an automobile accident.
- Accusations of sexual abuse against volunteers working with children. A lawsuit in St. Paul, MN resulted in a \$750,000 settlement against a neighborhood house that operated a youth camp.
- Actions based on conflict between volunteers and clients. A case in Sacramento involved a volunteer who attacked a chronic caller to a suicide prevention center. The volunteer said the client "was sucking everything out of me...he antagonized me so that I would kill him."
- Actions involving volunteers who disagreed with actions taken by the organization. A disgruntled office volunteer at a church who brought suit because the church "fired" her after she complained about its refusal to install a handrail for the handicapped at the church altar.
- Actions involving criminal behavior by volunteers. An AIDS volunteer in San Francisco who was arrested for preparing

marijuana-laced brownies for AIDS patients. She was a former Volunteer of the Year at the program at which she worked.

- Actions involving public statements by volunteers about their volunteering. A volunteer who sued a local criminal justice system over his right to publicly criticize its operations, and who won based on the equal rights to free speech accorded paid and unpaid employees.

Although very little data exists about the actual numbers of lawsuits, two things are becoming clear:

- The likelihood of a volunteer program being involved in some incident that results in legal action is increasing; and
- The fear of such involvement is affecting the behavior of those thinking about involving themselves with programs and the behavior of those managing programs. A study in North Okanagan in Canada found that 40% of organizations thought liability concerns had made it more difficult to recruit volunteers and 11% of organizations had stopped certain types of volunteer activities out of a fear of liability.

It is important not to get carried away with liability fears about volunteer program operation. The perception of risk is much greater than the actual likelihood. Gaskin, in a 2005 study for the Institute for Volunteering Research found that 30% of volunteer-involving organizations said "Yes, definitely," when asked

in their fear about liability had increased, and 31.8% said “Yes, somewhat.” They then reported that:

- 17% had volunteers stop their volunteering
- 52% had volunteers express concerns
- 22% had volunteers deterred from volunteering

A follow-up with volunteers, however, reveals a slightly different picture. Although 15% of prospective volunteers expressed concerns about possible liability from volunteering they then noted:

“However, only 2 percent said they were definitely worried and the remainder were only somewhat worried. Half said ‘not really’ and more than a third said ‘definitely not’. Other reasons such as shortage of time and being too busy and the fact that they keep meaning to but hadn’t got around to it or didn’t know how to go about it, were more important.”

When asked if they had ever been involved in an incident that resulted in the organization being sued for negligence, damages or injuries, only 1% responded “yes.”

A follow-up UK survey in 2007 found:

On the whole, most volunteers were not overly concerned about issues connected with risk. One in ten volunteers (10%) had worried about issues of risk connected with their volunteering, although this was significantly higher for regular volunteers (13%) than for occasional volunteers (7%). Very few, however, had considered stopping because of any concerns about risk (2%), and fewer still had been involved in incidents that had resulted in organisations being sued (<1%).

After an extensive study in 2008 of lawsuits

involving volunteers in the US, Horwitz and Mead concluded:

In a search of all cases with written decisions over the past forty years (therefore, covering the period both before and after the immunity acts), we found sixty cases against these volunteers, almost all of which would fall outside the scope of the volunteer protection acts.²³ Of the sixty cases, twenty-three were against volunteer firefighters (usually based on negligent driving and, therefore exempt from state statutes); three were for negligent driving by other volunteers; eight were sex related (usually against youth leaders for child molestation and, therefore, intentional torts exempted from immunity); and nineteen involved non-tort claims, such as antitrust, Fair Labor Standards Act, discrimination, interference with contract, and other claims brought in the employment context. From 1978 through 2006, only seven cases alleged a straightforward negligence claim; of these, five invoked state volunteer protection acts and two invoked the VPA, with one invoking both. Moreover, the supervising nonprofit or government agency was also a named defendant in almost all of these cases, so the risk to the volunteer’s assets was minimal.

The liability of operating a program with volunteers is not much different from that of operating one with paid workers. In fact, experience with volunteer insurance suggests that the two are quite comparable in terms of overall risks. The greatest likelihood of lawsuits comes from injuries caused by accidents. The greater training and experience possessed, in general, by paid staff makes them somewhat more likely to avoid accidents; on the other hand, the fact that volunteers work because they want to tends to give them a greater attention to work than that of staff who become jaded and inattentive. On balance, the two are

equally “unsafe.”

We are tempted to make the argument that operations involving volunteers may actually be safer than those that don't involve them.

Consider these two statistics:

- According to a survey of volunteer driver programs by the Beverly Foundation in 2005 “only 2% of the organizations surveyed had a history of collisions within the past five years”.
- According to Bureau of Transportation Statistics 26% of drivers in general reported being involved in a collision within the past five year period

The passage of Volunteer Protection Acts has only muddied the waters regarding this issue. Robert Flannigan wrote a scathing indictment of the for the *Canadian Bar Review* in 2005 and we'll quote two passages that we especially like:

The idea seems to be that uncontrollable workers deserve immunity because they are uncontrollable. Or they deserve immunity because they are not properly trained or monitored by their employers. Those are nonsensical ideas. Volunteers are not rogues, children or automatons who lack judgment or the power or willingness to assess and adapt their own abilities. They possess, as a group, the same capacity to exercise care as the rest of the population. More generally, immunity for volunteers cannot be justified by conditions that are the result of employers choosing to avoid alienating volunteers or refusing to make risk-reducing investments. That rests the immunity solely on the self-regarding preference of employers for the consumption of volunteer labour. Lastly, there is no empirical data that indicates that volunteers are generally more resistant to instruction or training than

employees. Nothing here even remotely implies that volunteers are entitled to special liability treatment.

Another observation is that there is no inherent incompetence associated with volunteer work. A lack of monetary compensation does not necessarily entail indifference to performance standards. Nor does a limited time contribution imply negligence in the performance of tasks undertaken during that time. Nor is the degree of commitment to an organization or cause determinative of the degree of care that volunteers exercise. As for skill and training, there is no basis for assuming that volunteers are generally less skilled or qualified than employees. Some volunteers will be less able, but many are recruited for their expertise.

Nor do the Volunteer Protection Acts provide much in the way of real protection. An extensive study of the impact of this type of legislation by Horwitz and Mead in 2008 concluded:

Moreover, immunity does not fully protect volunteers from legal costs since volunteer defendants must hire a lawyer to raise immunity as an affirmative defense and has the burden of proof on the issue. Further, at least in the short term, the laws are so vaguely drafted without interpretive caselaw that using them as an effective defense would likely involved protracted litigation.

This chapter is designed to make general suggestions about some risk management techniques that can be useful to any volunteer program manager and that can be implemented easily. It concentrates on a process of risk management that relates to the central duty of each Volunteer Program Manager: getting capable volunteers into a job for which they are suited.

Those of you seeking more specific legal information will need to contact your organization's attorney. The specificity required in legal situations - what jurisdiction you are in, what kind of organization you are in, etc. - means that only very general rules can be provided by us. We hope, however, that this will give you the background needed to have a better conversation with your own legal staff. Remember that they are likely to be as ignorant about volunteer involvement as you are about legal issues.

A Brief Look at Volunteer Program Liability

There are three basic areas in which potential liability problems are likely to occur in volunteer programs:

1. Liability of the Individual Volunteer

Individuals that volunteer, just like the rest of us, are potentially liable for the consequences of their actions. There is no "halo" effect that occurs just because one is volunteering. This is true, by the way, despite the enactment in recent years of so-called "volunteer protection statutes" in all 50 states. These statutes do not eliminate liability; they simply raise the requirements for proving that a volunteer's conduct was sufficiently bad to warrant legal punishment.

Volunteers may encounter legal problems in any of three areas: criminal liability; civil liability; breach of obligation to the organization.

Under *criminal* liability, the volunteer might violate state or federal criminal statutes. This includes obvious violations (theft, assault, client abuse) as well as less obvious things (failure to report child abuse).

Under *civil* liability, the volunteer might, during

performance of their volunteer work, injure another person. This injury might be physical, or financial, or psychological, or some combination of these. The injury might be caused by negligence on the part of the volunteer or through some intentional action. The volunteer might also breach contractual obligations.

Under *breach of obligation* to the organization the volunteer might violate some of the agreed rules of performance with the agency with whom they are connected. An obvious example would be a breach of confidentiality of client data.

Violations in any of these areas may make volunteers personally responsible for the consequences of their actions.

2. Liability of the Agency to the Volunteer

When a volunteer joins an organization as an unpaid employee, the organization assumes certain obligations to that volunteer. These fall into two general categories: protection from harm, and personnel rules.

In *protection from harm*, an organization has an obligation to not recklessly endanger its workers. Basically this means either eliminating work-related risks and dangers or else adequately alerting and preparing workers to deal with dangers. Volunteers, just like paid staff, are owed this obligation to be adequately prepared and trained for their work environment and tasks.

In *personnel procedures*, a volunteer has the right to fair treatment by the agency in hiring, firing, and other supervisory actions. This area is under rapid development at the moment, but it basically prevents the agency from taking non-job related actions against volunteers. This would prohibit discriminating against classes of

individuals who wished to be volunteers, and would require acting in accordance with the series of employee rights and public accommodation laws enacted during the past 20 years—non-discrimination because of age, sex, race, disability, etc.

Failure in either of these two areas would open the agency to potential suit from its own volunteers.

3. Liability of the Agency for the Actions of Their Volunteers

If a person volunteering for an agency injures another, then that volunteer might be sued and the agency might be sued as well. This could occur under one of two legal approaches:

Volunteer acting within the scope of their employment duties can make the agency responsible because they are an agent of the organization, carrying out work on its behalf. The wrong-doing of a volunteer is, in essence, the wrong-doing of the agency.

Demonstrating what is within the “scope of duties” of a volunteer can more easily be done if the organization has an up-to-date position description for the volunteer and has maintained timesheets that identify when the volunteer was engaged in working on their behalf.

Volunteers who commit wrongdoing that is clearly outside the scope of their work (such as theft or child abuse) may also open the agency to suit. This is possible if the agency is itself guilty of negligent hiring, training, or supervision of the volunteer. In this case the agency may be held responsible because of its own failure to prevent the volunteer from injuring another.

In recent years the most common manifestation lawsuits against agencies for actions committed

by volunteers has involved sexual misconduct involving minors participating in agency events and activities. The vast growth of these types of lawsuits – particularly in scouting, religious organizations, and sports coaching – has fueled the increasing requirement that volunteer-involving agencies perform background checks of prospective volunteers. The best information on this subject is by Linda Graff, whose works you will find in Appendix One. Any organization with children or clients with diminished capacity who are served by volunteers would do well to consult them.

These three categories are not a complete list of potential areas of volunteer program liability. Each program will have additional risks because of its particular subject area, and each program will have slightly different legal requirements because of its structure, operation, and jurisdiction.

Overview of Risk Management

Risk management is designed to allow program managers to forecast risks in advance and then to take proactive steps to deal with these identified risks in a purposeful fashion.

Despite this record of safety one can get the impression that much of what passes for risk managements in some volunteer-involving organization is less about avoiding risk than it is about attempting to avoid volunteers. The “risks” simply become an excuse for not involving volunteers.

We'll try to alleviate that tendency by showing you a simple way to apply risk management to volunteer programs, making them both safer and better managed in general.

Basically, risk management involves working through four steps:

1. Identifying Risks

In this step, the manager brainstorms a list of possible dangers, situations, or problems that might occur incident to the operation of the program. This brainstorming is done in cooperation with others who are familiar with the program's operations and reviews both current operations and past occurrences in creating the list of risks. The intent of this process is to develop a master list of things that might go wrong in the operation of the program.

Areas to focus on include:

- Physical abilities required to perform tasks
- Attitude and maturity to perform work safely
- Worksite and equipment
- Skills required to perform work
- Nature of the clientele
- Procedures

A worksheet is provided in Appendix Three.

2. Evaluating Risks

The risks are then prioritized in terms of likelihood of occurrence and magnitude of harm. This prioritizing allows the manager to begin working with what would be the most troublesome of risks or what would be the most serious of risks.

One common way of evaluating risks has to do with the venue in which the volunteer works with the client. Here is an ascending scale of risk based on the degree of contact and the extent of exposure:

- work takes place in a highly public setting under staff supervision and volunteer has little direct client contact.
- work takes place in a normal office setting under staff supervision

- work involves direct client contact under limited staff supervision
- work allows unsupervised off-site contact between volunteer and clients.

Obviously the potential for difficulties in greater as one goes up the scale.

3. Controlling Risks

Decisions are then made about each specific risk. The basic types of possible responses are:

- *Stop the Activity:* Eliminate the risk by not engaging in the type of activity that might cause a problem. This option could include delaying the activity until adequate preparation has been made to engage in it safely.
- *Eliminate the Risk:* This would involve changing the operation of the program to reduce the likelihood of the risk occurring. This could involve changing agency procedures, paying closer attention to personnel requirements, updating equipment, etc. We will examine this operation in more detail in the next section.
- *Minimize the Harm:* This would include developing emergency procedures to deal with disasters when they do occur.
- *Transfer the Liability:* Move the consequences of the risk to some other party, via a memo of agreement, an insurance policy, or a waiver of responsibility.

4. Reviewing and Updating Risks and Procedures

As additional information is obtained about

potential risks and solutions, additions and changes are made to screening, training, and supervisory techniques. The added knowledge is utilized to make the system progressively safer.

Applying Risk Management to Volunteer Management

Risk management techniques can be easily applied to volunteer management. Since volunteer management is concerned with getting qualified volunteer personnel into agency positions, it can be a crucial element in “eliminating risks,” since many potential dangers are the result of an unqualified worker or a worker who was not following proper procedures.

To apply risk management planning to volunteer selection, follow these steps:

1. Identify Risks for Each Volunteer Position.

Think about what the volunteer might do wrong in performing the work. Think about accidents that might occur because of equipment use or unsafe premises. Think about who your clients are and what their special needs or limitations might be. In thinking about dangers, review past history of problem situations, and involve volunteers who have had direct experience in performing the work.

There is a tendency when performing this risk assessment to focus on volunteers who are either less motivated (and thus don't do enough of what they are supposed to) or less competent (and thus do it poorly). While this is good to consider, you might also want to think about what very highly motivated volunteers might attempt. See the discussion in Chapter Eleven on “Why Good Volunteers Choose to do Bad Things” to see why this is desirable.

2. Rewrite Volunteer Position Descriptions.

Tailor the “Qualifications” section of the position description to describe the skills, knowledge, and physical ability needed to avoid or deal with the dangers you have uncovered. This essentially involves “reversing” the identified risk to uncover the skills or characteristics necessary to avoid it.

3. Screen Potential Volunteers Based on Potential Risks.

Develop a list of items to be checked during the screening interview that will uncover volunteers who do not meet qualifications or who will need additional training. Begin collecting information that you will use during supervision and evaluation. Test potential volunteers by having them answer questions about how they would deal with potential problems that might arise in performing the volunteer position.

4. Train Volunteers in Risk Preparedness.

Develop a training program based on identified risks. Some of this can be delivered in orientations provided for all volunteers (particular requirements of the client population, for example), but some will need to be delivered as on-the-job training for particular positions. Develop “reality-based” training, examining not only how you think the work ought to go but also how, from experience, you know it might go. Your volunteers will be the first to thank you for this; your attorney will be second in line. You may lose some volunteers during this process who discover that they do not want to deal with some situations, but it is better to lose them at this point than later while they are actually attempting to perform the work.

5. Train Staff.

Make sure that staff are trained about the identified risks as well, and in particular make sure that staff are made aware of the dangers in assigning new work to volunteers who have

not been adequately screened or prepared. Your biggest “hidden” danger as a Volunteer Program Manager is that “over-enthusiastic” staff will assign “over-willing” volunteers to do work they are not capable of doing.

6. Create Procedures for Risk-Based Supervision.

Develop a list of procedures, operational rules, and guidelines for problem situations. Alert staff who are supervising volunteers to potential problem behavior to watch for. Create mechanisms for continuous screening that periodically review each volunteer’s qualifications for certain jobs. Be prepared to enforce your rules and procedures on volunteers who are straying a bit from the accepted path.

7. Review and Update.

Include a risk management review in your evaluation and performance assessment system. Continuously try to update and improve your risk management by maintaining a list of problem situations and using them to develop new training tools and supervisory procedures. Review each volunteer job annually to see if it has materially changed enough to require a significant updating of the job description, screening, training, or supervisory procedures.

A Case Study of Managing Risk

Suppose we were to consider a simple volunteer program that existed in order to assist homebound clients to get to medical appointments. The operation of the program consists of volunteer drivers who use their own vehicles to drive to the home of clients, pick them up, take them to doctors’ offices, and then return them to home. A central office makes appointments for pickups and maintains volunteer schedules.

Identification of Risks

A quick brainstorming exercise conducted by staff and volunteer drivers might produce a list of possible risks such as the one that follows, based both on their experiences and on their imaginations:

1. Automobile accident:
 - a. caused by unsafe volunteer driver
 - b. caused by unsafe vehicle owned by volunteer driver
 - c. caused by collision initiated by another vehicle
2. Non-vehicle caused physical injury:
 - a. injury to physically-limited client while being assisted into or out of vehicle
 - b. injury to volunteer driver while assisting physically-limited client into or out of vehicle
 - c. injury to volunteer driver while loading client wheelchair into trunk of vehicle
3. Failure of driver to meet scheduled appointment:
 - a. driver unfamiliar with town becomes lost
 - b. driver has conflict and is unable to make appointment
4. Difficulty with client while in transit:
 - a. client has medical problem while in route
 - b. client makes accusation regarding improper behavior of volunteer
5. Improper activity engaged in by volunteer driver:
 - a. volunteer sees other needs of client, proceeds to make home visits on weekends to provide additional assistance
 - b. volunteer gives medical advice to clients
 - c. volunteer engages in conversations about

other clients

- d. volunteer abuses client who is being transported

Development of Risk Management Strategies

Based on these perceived risks, the following strategies are developed:

Screening

- Check for valid driver's license.
- Ask volunteer about any physical limitations that would impact driving or providing assistance to clients.
- Gain permission to check driving record, perform background check.
- Check for and copy vehicle insurance policy; note expiration date.
- Check vehicle safety inspection; note expiration date.
- Test for physical ability to work with physically-limited clients.
- Test driving ability of volunteers.
- Get description of vehicle (s) and any limitations or special capacities, and license plate number.
- Get emergency contact number for volunteer.
- Test for suitability for job by exploring responses to sample driving problem scenarios.

Training

- Train in aiding physically-limited clients in and out of vehicle.
- Provide demonstration of wheelchair mechanics and operation.
- Work through problem-client scenarios:
 1. recommended actions if medical emergency occurs in route.
 2. reporting requirements if incident occurs with client.

- Clarify extent of volunteer role:
 1. what to do.
 2. what not to do.
 3. what to do if new situation arises.
- Provide procedures and forms for accident reporting.
- Provide tour of town and map.
- Provide 24-hour contact number for reporting scheduling problems.
- Inform volunteers about immediate reporting of change in status of driving record, vehicle, or insurance.
- Provide in-service training for volunteers regarding new policies or new potential problem situations.

Supervision

- Recruit volunteer driver back-ups to serve in emergency situations.
- Recheck driver's license, insurance, vehicle inspection at annual evaluation (or at noted expirations).
- Provide photo identification cards to volunteers so that clients may verify their status
- Ask volunteer during annual evaluation about any changes in driving status, ability.
- Deliberately schedule more qualified drivers or more suitable vehicles for difficult situations or clients; develop client screening procedures to identify special needs.
- Provide mentor-instructors to work with volunteers for first trips.
- Provide agency insurance policy to cover injuries to volunteers and clients.
- Encourage volunteers to report potential problem situations and build these into discussion sessions for volunteers to identify solutions.
- Develop process for volunteer reporting of unmet client needs and build relations with other agencies to provide client referral.

- Require escort or parent to accompany volunteers when a child is being transported

This way of thinking allows you to build preventive measures into all aspects of the volunteer program and to develop multiple approaches to combating problems. It makes it much less likely that small mistakes will slip through the cracks and turn into big disasters.

Screening and Background Checks for Volunteers

One of the major elements in risk management is the process of screening volunteers to determine their safety and suitability. This has become a major issue in recent years and a basic requirement for many volunteer programs, fueled by horror studies of acts committed by volunteers.

Despite the publicity, however, screening is still done on an irregular basis by many programs.

A study by the Urban Institute found that less than half (45 percent) of the charities surveyed had adopted volunteer screening procedures “to a large degree,” and 42 percent said they had done so “to some degree.”

A 2008 survey by the National Center for Victims of Crimes gives a bit more detail about the depth of screening practices:

- 12% of organizations reported not screening volunteers at all; about one-third of organizations screen volunteers less thoroughly than employees
- Organizations with a larger volunteer base were more likely to conduct interviews, reference checks and background checks
- Organizations that have paid staff working on volunteer coordination are more likely to screen volunteers: 92% of organizations

with a paid volunteer coordinator conducted screening compared to 75% of organizations that did not have a paid staff person coordinating volunteers

- Most organizations that conduct background checks do so by performing criminal background checks, but use other databases, such as sex offender registries, fingerprint and credit history databases, less often
- Nearly half of organizations indicated that screening has identified a volunteer who would be “inappropriate”
- The majority of organizations never re-screen volunteers after the initial screening

Some organizations seem to continue to resist screening, even when it is likely they that are exactly the kind of volunteer-involving system that should consider them. Consider the results of this 2009 study of volunteer involvement in church ministry:

Our survey indicated that most churches use criminal background checks (61 percent), interviews (61 percent), and a six-month waiting period (52 percent). A little surprising was the 14 percent who said, “We don’t screen.” Also surprising was the lack of regular background checks, with 47 percent saying, “We do not regularly conduct background checks on our volunteers.” Of those who conduct repeat background checks on existing volunteers, 8 percent conduct them every year, 14 percent every two years, and 11 percent every three years.

There are no universal rules for screening volunteers and performing background checks. Some of what you will do should be dictated by laws and requirements imposed by your state or by your funding sources. Most of what you do should be dictated by the type and degree of

contract that volunteers can have with potentially vulnerable clients and resources.

Consider this example of the volunteer screening policy of Special Olympics:

Volunteer Classifications

1. Class A Volunteers
 - Volunteers who have regular, close physical contact with athletes
 - Volunteers in a position of authority or supervision with athletes
 - Volunteers in a position of trust of athletes
 - Volunteers who handle substantial amounts of cash or other assets of the Program
2. Class B Volunteers
 - Volunteers who only have limited contact with athletes or who have contact with athletes accompanied by coaches and chaperones
 - Event Volunteers

Type of Screening

1. Class A Volunteers (Adult)
 - completion of a volunteer registration form, screen using a national vendor, photo ID check at the time of registration and photo ID check or identity verification check at events
2. Class A Volunteers (Minor)
 - completion of a volunteer registration form, two personal/professional references (one of whom is from the volunteer applicant's school, church, civic group, etc.), photo ID check at the time of registration and photo ID check or identification verification check at events.
3. Class B Volunteer (Adults and Minors)
 - completion of a volunteer registration form or sign in sheet and photo ID check or identification verification check at events (for minors, IDs are only required to the extent available)

As you can see from the above the potential risks (and thus the need for additional screening) will be dependent upon a number of factors:

- nature of the client group
- nature of the relationship with the client
- setting in which the volunteer work takes place
- type of assistance provided by the volunteer
- degree of supervision over the volunteer

The National CASA organizations make the following suggestions for designing and conducting the screening process:

1. Keep the process respectful.
2. Make sure the information you receive involves the correct individual.
3. Understand the legal requirements in your state related to your collection and use of criminal records information.
4. Give prospective volunteers an opportunity to challenge the accuracy of the criminal records checks.
5. Consider outsourcing the records check to a commercial search service.
6. Use an appropriate release form before conducting records checks.
7. Use any information you obtain in a fair and non-discriminatory way.

We commonly think of screening in terms of criminal background checks but there are a variety of types of screening procedures:

- financial background checks
- health/medical checks
- credentialing and licensure checks
- home visits
- psychological tests

One of the key elements in successful screening is ensuring that prospective

volunteers understand why background checks and screening are necessary and understand that the process is not intended to imply suspicion of them personally. One of the more graceful ways of explaining the requirement was developed by the British Columbia Youth Soccer Association:

The BYSCA thank you for volunteering your time to assist the Youth of BC in playing and learning the game of soccer. Due to the alarming number of incidents involving adults and youths under their direct supervision, the Board of Directors have devised a procedure under the Risk Management Policy whereby all volunteers are required to complete the Volunteer Disclosure Statement. The intent of the procedure is to ensure the protection of our volunteers and our youth. Please be assured that maximum confidentiality will be maintained. Your cooperation is greatly appreciated.

It is common in programs where background checks are first imposed on volunteers to see some resistance, particularly from volunteers who have been with the program for a long time. This resistance seems to be fading. In the UK, a 2007 survey found that 97% of volunteers didn't find giving references, 96% didn't mind being asked for details of any criminal convictions, and 97% didn't mind being subjected to a criminal records background check.

A second key aspect lies in finding ways to maintain a feeling of contact with the volunteer during the background screening process. We suggest the following:

- Clearly explaining the steps in the screening process and who will be conducting them.
- Giving a pessimistic estimate of how long the process may take. No volunteer will be

disappointed if a background check takes less time; most will be disturbed if it takes longer.

- Finding ways to maintain contact with the volunteer during the screening period – putting them on mailing lists, sending them update e-mails, inviting them to events.
- If possible, finding ways for them to be actively engaged – attending training programs, shadowing other volunteers.

If the prospective volunteer starts to feel disconnected from the program during the screening process you will lose them.

The Bottom Line

This sounds like a lot of work, and it can be. Risk management, however, is a very good way to take a hard look at your management procedures, and it is guaranteed to reduce your chance of legal involvement if done correctly. It also becomes easier the more you do it. The first time will seem like cleaning a house that hasn't been touched in years: a lot of dust has developed. You can get help from local insurance agents who specialize in risk management, and you can also make this an excellent task for mid-management volunteers who are familiar with many aspects of program operation. Just make sure that you tell them the truth about what is actually happening in your program, not just what is supposed to happen.

Ultimately the best defense to volunteer liability situations is a well-managed volunteer program – it both reduces your likelihood of being sued and provides a reasonable defense should you be sued. Having a volunteer management system at all probably reduces risk. A survey of Japanese hospitals in 2007 found that half of the hospitals had accident-prevention systems,

such as guidelines for volunteer activities. Hospitals that had a volunteer coordinator tended to have significantly more accident prevention systems.

Most importantly, the suggestions you see in this chapter are completely under your control - you don't have to wait for a legal opinion. They are all part of managing the volunteer program

and are all things that you can decide to implement yourself. They will allow you to take responsibility and positive action to make your program the best it can be. And they will make it more likely that you never wake up one morning saying to yourself *"If only I had paid more attention to..."*