Protecting Volunteers

Man must exist in a state of balance between risk and safety. Pure risk leads to self-destruction. Pure safety leads to stagnation. In between lies survival and progress.

- Author Unknown

Protecting volunteers is part of the risk management plan of the organization. Risk management involves identifying and planning for future events or actions that might cause harm to your agency, its staff (both paid and volunteer), or its clientele. The agency is obligated to protect its clientele, the volunteers, paid staff, and itself from harm. Protecting these four groups is an ongoing, multi-step process.

To protect all concerned, the volunteer administrator (VA) must establish a risk management plan before any volunteer activities occur. A plan is necessary so that everyone involved in the activity is protected from personal harm, property loss, and lawsuits. The VA should seek the input of other paid staff and experienced volunteers in the development of this plan. The advice of a lawyer may also need to be sought. In many organizations, a risk-management committee may offer the best option for developing and reviewing the risk management plan.

Risk management strategies should include:
  • describing appropriate and acceptable behaviors,
  • emergency procedures for predictable scenarios,
  • conflict resolution, and
  • confidentiality issues.

The risk management plan must be communicated to all paid and volunteer staff. It is the volunteer administrator’s responsibility to see that the plan is implemented and reviewed on a regular basis.

Preparing the Risk Management Plan

Preplanning

There are several steps the risk management committee or the volunteer administrator must take in preparing the plan:
• Review and update the organization's insurance coverage.
• Review applicable state/federal restrictions and regulations
• Establish and follow screening procedures for all paid and volunteer staff.
• Ask volunteers to sign liability waivers and consent forms.
• Establish effective supervision procedures for all activities.
• Assess and plan for possible risks associated with each activity
• Orient and train all paid and volunteer staff.

An insurance agent and lawyer should be consulted when developing the risk management plan. Evaluate the plan regularly and make necessary changes when developing new volunteer jobs. Review the plan annually.

There are three areas where the organization may be liable:

Liability of the Individual Volunteer

Criminal liability may occur when a volunteer violates a criminal statute such as theft, assault, client abuse, or failure to report child abuse. Civil liability may occur when a volunteer physically, financially, or psychologically injures another person during the performance of their volunteer job. Breach of obligation occurs when a volunteer violates rules of the agency such as breach of confidentiality.

Liability of the Agency to the Volunteer

The agency has an obligation to protect volunteers from harm by either eliminating work-related risks and dangers or adequately preparing and training volunteers to deal with dangers. The agency also has an obligation to treat volunteers fairly in hiring, firing, and other supervisory actions by providing personnel procedures that protect against such things as discrimination because of age, sex, race, or disability.

Liability of the Agency Because of the Actions of Their Volunteers

The agency is responsible for the actions of volunteers whether the action is within the scope of their volunteer duties or outside the scope of their duties. While the Volunteer Protection Act of 1997 protects volunteers from liability under certain conditions, it does not protect the agency from the actions of its volunteers.
Steps in the Risk Management Process

The following steps should be followed for all activities carried out by the agency:

Identify the Risks

Create a list of possible dangers, situations, or problems that might occur during the operation of a program or activity.

Evaluate the Risks

Prioritize the risks in order of seriousness and the likelihood that the risk will occur.

Control the Risks

Risks may be controlled by:

1. Stopping the activity. This may be the only way to protect participants in some instances. Example: An approaching thunderstorm would necessitate stopping an outdoor activity.

2. Eliminating the risk. Unsafe equipment or facilities must be repaired or replaced.

3. Minimizing the harm. This may be accomplished in several ways:
   a. Adequately training volunteers to perform their tasks safely.
   b. Adequately training paid and volunteer staff in emergency procedures. Example: Because there were many elderly volunteers (some with documented heart ailments) in one Cooperative Extension office, all paid staff members were trained in CPR.
   c. Using proper safety equipment such as gloves, eye protection, safety helmets, etc.
   d. Adequate adult supervision when working with young people (the American Camping Association suggests 1 adult to 8 youths).

4. Transferring the liability. In some cases, taking out insurance on your volunteers or purchasing participant insurance for events is essential for protecting the agency.
Review and Update

The risk management plan must be reviewed annually and revised as additional information is obtained or the situation changes.

**Screening**

Screening potential volunteers should be part of the agency’s risk management plan. Screening involves three steps:

- The use of a volunteer application form
- An interview with the volunteer
- Reference checks/criminal background checks

The volunteer application form is used to collect important information about the potential volunteer. In addition to contact information, the application should ask for a minimum of two references. If volunteers will be working with vulnerable audiences, the application should also ask for permission to conduct a background check, and request the applicant’s driver’s license and social security number (see Module 2 – Lesson 4 for more information on volunteer applications).

The interview is not only for placing the volunteer in the right position, but also allows the volunteer administrator to get a “feel” for the volunteer and their potential to assist the agency. If the volunteer is evasive on some of the questions being asked, the volunteer administrator should investigate this potential volunteer further.

The VA should always check multiple references. Potential volunteers typically provide references that will provide positive information about them, but reference checks can still provide useful information. Sometimes what the reference does not say about the volunteer says a lot about them. Some tips on checking references:

- Verify the relationship between the person providing the reference and the potential volunteer and the length of time they’ve known each other.
- Ask leading questions: “How long have you known Jack?”
- Avoid questions that require a yes or no response.
- Ask questions specific to the job the volunteer is seeking: “How well does Bob interact with older adults?” Avoid questions that are too general in nature.
If volunteer will be handling money or working with vulnerable populations such as children, the elderly, or handicapped, make the reference aware of this and ask them if they are aware of anything that would prevent the volunteer from effectively working with these groups.

Criminal background checks (CBC) are necessary if the volunteers will be handling money or working with vulnerable populations such as children or the elderly. Background checks only identify convictions. Charges that were filed for abuse or theft, but were later dropped will not appear on the criminal background check. CBCs are not the perfect screening tool and other precautions may need to be taken. There is typically a charge of $5-10 per background check.

The organization must develop policies for conducting background checks that include guidelines on what types of behavior disqualify a volunteer from working with the agency. The agency should consider how long ago the offense occurred and the person’s age when the offense was committed. Someone who committed a minor offense ten years ago, or as a teen, but has had a clean record since that time, might still be eligible to serve. The risk management team must decide the level of risk the agency is willing to accept.

Convictions do not necessarily mean the candidate cannot volunteer. A candidate with a conviction for theft/stealing could still do tasks that do not involve handling money. A candidate with a Driving While Intoxicated (DWI or DUI) conviction can still do activities that do not involve driving.

Risk management plans require a great deal of time and thought; however, they are well worth the time invested. The risk management plan must be enforced as well as updated regularly.