

# Sport Safe - Volunteer Screening Model

## Volunteers and Screening

Volunteers are the lifeblood of sport and recreation. They perform the many jobs which enable participants to be involved in sport or recreation activity. Whether it is ensuring they get transportation to an important event, handing out water during a race or lugging poles down a ski hill, volunteers make it easier for players, athletes and participants to enjoy sports and recreation.

As an organization offering services and programs which benefits from volunteer assistance, it is our duty to protect your members, staff and volunteers. Whether BC Wrestling is large or small, mandated by legislation or community-initiated and driven, or whether the staff members are all paid, all volunteer, or a combination of the two, our responsibility remains the same.

One way to help protect our members is to provide a screening process to evaluate volunteers who work or provide services for BC Wrestling. Through screening, you can help identify and exclude those people who might pose a risk to our members or staff.

Screening should be part of the everyday life of BC Wrestling - an integral part of our program and personnel management - both before people are signed on and afterward. While even the most thorough, rigorous screening procedures can not guarantee that our members are 100% protected, BC Wrestling is legally, morally and ethically obligated to do all it reasonably can to protect them and BC Wrestling.

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### Screening - An exercise in risk management

Seeking to protect members, staff, volunteers and the community through screening measures is an exercise in risk management - asking what could go wrong and how to avoid it. What may be reasonable in one set of circumstances may not be reasonable in another. For example, should a volunteer who hands out water at a track meet be subject to the same screening practices as a coach who will be in constant, and sometimes unsupervised, contact with a child?

Not all screening measures are the same for all volunteers. Nor should they be. In developing volunteer screening policies, organizations must first assess the potential risks of each position, and apply the most rigorous screening measures to the positions with the highest risks, and similarly along the risk continuum. The vast majority of abuse victims are preyed upon by someone they know and trust, not a stranger. That is why it is important to develop screening measures to help protect those who can not protect themselves.

#### *Things to consider:*

1. Is the member vulnerable, e.g. a child or someone who is too young to understand when harm is done to them, a senior citizen, a person with a disability which may affect his or her ability to understand or resist harm?
2. What type of activity does a volunteer do? Will he or she come in regular contact with a vulnerable member?
3. Is the activity supervised - will there be other people around to see the volunteer and member together and have a chance to observe what is going on?
4. Are there any situations which may increase risk? e.g. competitions away from home, shared rides.
5. Is the volunteer in a position of power? Is a relationship of trust, dependency, authority or reliance created?

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### Minimizing Risk through Screening

Whenever possible, BC Wrestling must take steps to stop, minimize, prevent or eliminate the risk factors, e.g. how closely should volunteers be supervised? Should certain duties be performed by professionals, rather than volunteers (such as driving)?

Screening is about striking balances between vigilance and paranoia, between the rights to privacy and the right to the protection of the community, and between legal and ethical or moral issues. It is a process that begins before anyone is interviewed for a position and may continue after people leave BC Wrestling (e.g. if you are asked to provide references for them).

Screening is not the same as a criminal record check. While criminal record checks are an important part of screening, it should never be the only screening procedure used because the person will only have a record if they have been convicted of a crime.

BC Wrestling- harassment policy works hand in hand with screening. Risks can be reduced through these policies, e.g. a coach is never alone with an athlete in a hotel room.

Decisions about who to screen, how to screen and what to screen for should be made on the basis of the characteristics and demands of the specific position and not because of the personal characteristics of the volunteer applicant.

Chances are that not everyone will be happy with the decisions made in the screening process. In some circumstances, such as when a member is vulnerable and the risk significant, the member's right to protection may be more important than the volunteer's right to privacy.

***There are four basic steps to screening:***

- Determine the policies and procedures for screening
- Design the job description
- Review applications and decide when to say 'No'
- Follow up on screening and support the process.

**1. Determine the policies and procedures**

Screening is fundamentally about making decisions and judgements; however, these actions should be based on clear principles and values, and backed by consistently applied policies and procedures.

Organizations should decide in advance which screening tools will be used and when, such as;

- Who will be responsible for screening.
- Can they make the tough decisions, are they objective enough,
- How much training is required for volunteer screening,
- How information gathered during the process will be used and
- How privacy and confidentiality are ensured.

These considerations should be laid out as part of the organization's governance responsibilities.

If screening is consistent, the rationale for screening is clearly explained and follows the values and principles of the organization, all those involved in screening will see that these measures protect the vulnerable as well as the organization, its staff and volunteers.

As well, where possible, decisions about applicants and/or information supplied should be reviewed to assess suitability. Some organizations, like the Big Brothers of Greater Vancouver, hold "case conferencing" sessions where new applications are presented to a group for review and concerns are raised through group discussions.

**2. Design job descriptions and Determine levels of Screening**

Screening doesn't start when a person applies for a position, it starts with:

- Careful identification of positions and development and design of job descriptions
- Clear and appropriate recruitment, orientation information and ongoing professional development.

By carefully designing job descriptions, risks can be clearly identified and minimized by incorporating a system of checks and balances, such as establishing reporting structures and supervisory responsibilities.

There is an obligation to clearly communicate to individuals what they may expect in the application process. For example, applicants should be aware that a criminal record check may be required at some point in the application process. It is also important to let applicants know that criminal record checks are not the sole source of information, and that applicants will be screened. Allow people to screen themselves out. Pedophiles - and others who wish to do harm - often take advantage of organizations with lax or non-existent screening measures, little supervision, which provide service to vulnerable people.

**The Volunteer Application Form**

The application form is a screening tool, and it is appropriate to ask specific, detailed and personal questions of an applicant, especially if the position is one of trust and as long as the information is essentially related to the position. The BC Human Rights Code states that a person must not discriminate against an individual regarding employment (which includes paid and unpaid positions where an employer/employee relationship exists)

*"because of race, colour, ancestry, place of origin, political belief, religion, marital status, physical or mental disability, sex, sexual orientation or age of that person or because that person has been convicted of a*

*criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person."*

The process should not come as a surprise to the applicant. They should have received information about the screening policies of BC Wrestling before being asked to fill in the application form. A sample application is presented at the end of this booklet.

### **The Volunteer Interview**

Volunteers should be interviewed for their position. It is often useful to have more than one person conduct interviews and, if possible, to have different people conduct second interviews to provide a different perspective, to compare notes and to ensure that the same answers were provided to the questions asked.

#### **An Interviewer Should:**

- find out the applicant's motivation for becoming a volunteer, e.g. his or her child plays on the team;
- find out about the applicant's previous volunteer experience. There is a definite pattern of over-involvement by those who are high-risk volunteers, and often they will be quite open about their amount of involvement. Encouraging them to discuss (both on the application form, and during the interview their previous experience may provide some helpful insight)
- ensure that all the questions are answered as it is critical that the same information be gathered about all applicants;
- avoid close-ended questions that require 'yes' or 'no' answers - rather than those that require thought and judgment by the applicant. Know in advance what they are looking for, e.g. an unwillingness to answer questions directly, attempts to steer the conversation, or poor interaction with the interviewer;
- ask questions in two or three different ways to detect inconsistencies in the answers
- The information provided by the applicant should not be taken at face value. After the interview, the information should be verified through references. The individual's consent to do this is required in writing and should be included on the application form.

### **Reference Checks**

In addition to specific information, the applicant should provide three or four references, including professional (e.g. doctor), employer, friend and family members. If an applicant has previously been involved in sport or recreation, he or she should be asked to provide references from former players/participants/parents. Reference checks need to provide options for those who may not want to put anything in writing; they need to know that they can give information confidentially, which can be assured through verbal rather than written communication.

The factual data provided by the applicant should be verified with the references, including dates and descriptions of previous positions, activities etc. Negative and positive feedback about the applicant should be encouraged and by asking open-ended questions about performance and behavior, the person seeking the information can probe for more information.

#### **Some sample questions are:**

- How long have you known the applicant?
- In what capacity do you know him or her?
- Would you say that you know the applicant well? Slightly?
- What is your current relationship with the applicant?
- Describe your experience with the applicant?
- How would you describe the personality and temperament of this person? (e.g. good role model? His or her integrity, honesty, approach to discipline?)
- Can you tell me what you remember most about this person, good and bad?
- Would you want this person working with your child?

### **Criminal Record Checks**

Under the Criminal Records Review Act, organizations which are licenced or receive operating funds from the provincial government, must have staff who work with children undergo a criminal record check. Fees for criminal records checks for people covered under this Act will be absorbed by the Ministry of Attorney General. While the Act does not currently include volunteers who work with children, many organizations will have criminal record checks performed on such volunteers.

A criminal record check can be done by local police to determine if there is official police information relevant to:

- a particular person;
- their suitability to do certain kinds of volunteer work;
- a crime in another jurisdiction.

The potential volunteer must give written permission for a criminal record check. The police may charge a fee for this service so there should be a clear policy about who should pay for this.

The information received may have limited use:

- it will not identify people who may have committed crimes but were never charged or convicted;
- it may not identify people who have had contact with the police in jurisdictions other than those in which the search is undertaken, nationally or internationally;
- it may include only information about convictions and not about charges laid or being suspected of criminal acts;
- it may reveal a record of a criminal conviction that is not relevant to the volunteer's suitability to do this volunteer job;
- it will not include information about crimes that have been pardoned, that are still before the courts or not yet recorded, or that were committed when the person was a juvenile.

While criminal record checks and screening are not foolproof, they are a good deterrent to those who fear a background check and may detect people who could be a threat to children.

The BC Human Rights Code and common law decisions require that anyone determining relevancy between criminal or summary conviction offence and the position must consider several factors including:

- the threat to the "employer" ability to carry on its business safely and efficiently;
- the age of the person when they acted illegally;
- the amount of time that has passed; attempts at rehabilitation;
- the circumstances surrounding the conviction and the likelihood the offender will recommit the crime.

### **Defamation and Invasion of Privacy**

BC Wrestling must be aware of potential legal liability if personal information about someone is made public. Even if something that is said is true, telling it to others, like another staff member, may still constitute an invasion of privacy which could result in a lawsuit. Spoken defamation is called slander and written defamation is called libel. Both refer to information that is made public which is judged to injure a person's reputation.

### **3. Deciding when to say 'No'**

It is important to remember that the position is the issue, not the personal characteristics of the applicant. Any decisions that are made about exclusion should be based on what the position requires.

Anytime a candidate is denied a position it should be for a legitimate reason which can be supported. For example, BC Wrestling has carefully determined what is appropriate or necessary for a certain position and makes decisions on that basis. Here are some basic tests:

- Is the requirement made in good faith, i.e. are you requiring a certain qualification because it is really needed in this position or is it to keep certain people out of the organization?
- Is the requirement reasonable, e.g. are you asking for 10 years experience when 3 will suffice?
- Have you made an effort to accommodate, e.g. is it possible to alter the requirements of the position to accommodate someone, and if so, would that compromise the safety and security of the members?

### **Gut Feelings**

What happens if there is no concrete, tangible reason to screen someone out but your intuition or a gut feeling tells you that something is wrong?

Those responsible for screening who have this kind of intuition must identify a logical, defensible, concrete or documented reason for their concern. Excluding an individual from a volunteer or employment opportunity for reasons that are not relevant may result in legal action by the applicant. One way to help ensure that your decisions are fair and reasonable is to document your concerns. If, for example, you feel the applicant is evasive, record the questions he or she did not answer. Bringing other people into the issue - other members of BC Wrestling, or references - may help in either hardening the feeling or dispelling it.

This is one of the most difficult issues in screening and may present situations where the person responsible for screening's moral and ethical responsibilities lead them in one direction while their legal obligations point in another direction. Your fundamental concern, however, is the protection of your members.

#### **4. Follow up on screening**

Sometimes, no matter how good the policies and procedures are, someone slips by. It is not enough for BC Wrestling to be vigilant at the outset only to stop screening the person once he or she is on board.

Ways of following up on screening:

- Review the risks and vulnerability of members and the job description of the volunteer. Is there a need for increased supervision? Decide up front how you would handle people moving from one position to another - has a person entered the organization from a low-risk position to one of a higher risk (where organization should re-screen for the new position)?
- Involve participants, their families and other volunteers in screening. Keep in contact with others to ensure that everything is going okay.
- Use the buddy system. Team up a new volunteer with one that has been with BC Wrestling for awhile.
- Be sure that volunteers are appropriately supervised. Make sure that there are people who can observe what is going on between volunteers and members.
- Establish a probation period for volunteers so that you can observe volunteers in action and make appropriate changes later.
- Require volunteers to notify BC Wrestling if they are arrested, charged, tried or convicted of a Criminal Code or other statutory offence relevant to the position held by the volunteer.
- Investigate complaints and take necessary measures to address complaints.
- Be sure the screening process is supported by other measures to protect your members - development and implementation of harassment policy and procedures, education and awareness of what harassment and abuse is and how to prevent it, and use of SportSafe Coach's Game Plan.
- It may seem difficult to ask someone who has already been accepted by BC Wrestling to submit to further screening measures, but it is important to remember that BC Wrestling's first duty lies with the safety and protection of members, staff, volunteers and the community. Minimize the discomfort by ensuring that ongoing screening doesn't come as a surprise to anyone by identifying this policy and the procedures in your documents, orientation and training.

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*The information presented in this booklet includes material from "The Screening Handbook", distributed by Volunteer Canada, and the "Resource Kit for Interviewing Volunteers", distributed by Volunteer Vancouver.*

*Another excellent resource guide is "Help Stop Child Abuse: A Handbook for Employers and Volunteer Coordinators" available by calling the Ministry of Attorney General 1-800-663-7867.*