

by Linda L. Graff

Beyond Police Checks

*The Definitive
Volunteer
& Employee
Screening
Guidebook*



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& Employee Screening
Guidebook*

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Karen Smith at EnMark Associates organized the first set of *Beyond Police Checks* workshops. It was through that tour that it became clear that the sector was in great need of information about screening. That confirmation kept me motivated to find the time to produce this guidebook.

Four terrific editors helped me to refine early drafts of this publication: Sheilagh Hagens, Susan Ellis, Anna Allevato, and Brenda Couch. Each one of these friends and colleagues brought her own expertise to the task, and to all of them I am indebted.

Angela Hrabowiak designed the layout, did the typesetting, and generated the illustrations and covers. She's a talented artist and fun to work with.

Thank you to all.

Linda L. Graff
Dundas, Ontario.
February 1999

Dedication

Ruth Elaine (George) Graff - 1927-1998

My mother loved words and language. She was an avid reader in her younger years, and as she grew older, frequent, highly competitive games of scrabble and a never ending supply of crossword puzzles provided countless hours of fun and entertainment. Writing came easily to my mother and she was confident about her ability to communicate through this medium.

I struggle with my writing more than she did, perhaps, but whenever I get stuck I hear her say to me, "Go on Kid, you can do it."

My mother was a terrific model of a competent, self-assured woman, and her never-faltering confidence in me is a precious gift I will cherish forever. This book is dedicated to her memory.

Thanks, Mom.



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The use of police records checks by not-for-profit organizations for screening purposes was relatively rare as little as a decade ago. In contrast, many organizations have recently grasped onto the police records check as “the solution” to screening, assuming that a clear police records check guarantees suitability, or at least, harmlessness. Many organizations have begun to require police records checks on all candidates for all positions, often regardless of the nature of the work and the relevance of previous criminal activity to candidates’ suitability. This guidebook is designed to help organizations regain a sense of balance in screening protocol design so that screening devices are selected to match the specific demands of each position.

INTRODUCTION

There is perhaps no aspect in the management of paid or unpaid personnel that has changed as dramatically or as quickly as screening.

Screening typically has been conceptualized as a single-action task that allowed managers to place the most qualified candidates in available positions. However, with recent high profile cases of abuse by paid staff and volunteers in positions of trust (Lorraine Street, 1996: 1.4), the not-for-profit sector is beginning to understand that screening paid staff and volunteers is a much more serious and complex matter than at any point in history.

The potential consequences of inappropriate or inadequate screening protocol include:

- abuse, violence, sexual harassment towards clients, staff, or volunteers by paid or unpaid staff
- fraud, theft of agency or client resources
- negative public relations resulting in a loss of public trust
- allegations of discrimination or negligent hiring
- personal or organizational liability and the potential for ruinous law suits

I remember talking about screening in a workshop for administrators of volunteer resources in the mid-1980's in which a participant remarked, in public, with full comfort, "Screening! We don't screen. We're too desperate for volunteers!" She worked in a residential facility for people with severe physical disabilities.

Linda Graff

"While it is true that the vast majority of individuals providing service have not and will not harm the people in their care, there are nevertheless numerous examples of those who have. A review of cases reported in Canadian newspapers over the last five years identified close to 100 different situations in which someone who was in a position of trust - as a paid or unpaid staff member - abused a vulnerable client or clients." (Volunteer Ontario, 1995: 1)

This is not to say that fear should be the guiding management principle, or that "worst case thinking" should determine every action. Be assured however, that what was considered reasonably prudent as recently as five years ago might be judged to be negligent by today's conventions. Doing things the way you have always done them is probably the worst approach to screening.

More intensive screening is typically more costly, and in times of fiscal restraint, organizations try to realize cost-savings wherever possible. This may be particularly germane to volunteer involvement. Boards and administrators, seeking to enhance services while cutting costs through

increased deployment of volunteers, are reluctant to expend precious resources on extensive volunteer screening. The "they're just volunteers" rationale sometimes prevails. Unfortunately, however, in the face of tragedy or loss, the courts may be of the opinion that if an agency did not have the resources to fulfill its mission to a reasonable standard, it perhaps should not have been engaged in the activity at all.



TIP

No employer is exempt from the ever-higher legal and ethical standards now being applied in courts of law and in the court of public opinion. Regardless of the mission of your organization;

"If you knew, or should have discovered, the existence of a dangerous condition that eventually causes an injury, you may be held liable."

(John Patterson, 1994: 12)

regardless of where your organization delivers its service, the client group that uses those services, or any previous track record of safety or avoidance of litigation; regardless of whether you are screening paid staff or volunteers, these comments apply.

This guidebook is designed to help managers of paid and unpaid staff gain a sense of the increasing requirements pertaining to screening. It provides concrete, practical tools to meet those requirements.

Beyond Police Checks is specifically designed for managers who have relatively little knowledge of, or experience in, hiring and screening. It presents information on screening protocol design and implementation. It includes an abundance of pragmatic ideas and ready-to-use tools.

Almost all of the material presented in this guidebook is equally relevant to paid and unpaid staff and this should be assumed unless otherwise specified. Whenever the terms “staff” or “staff member” or “personnel” are used, both paid and unpaid personnel are included. Where significant differences between paid and unpaid require separate treatment, the terms “paid staff,” “employee,” “unpaid staff,” or “volunteer” are used.

Beyond Police Checks was written primarily for the not-for-profit and government sectors since that is where volunteers are concentrated, and since that is where the greatest majority of vulnerable clients receive services. However, most of the content of this manual applies equally well to the for-profit arena, including corporate, business, and industrial settings. While the language used throughout speaks of clients and service users, of agencies and organizations, employers in for-profit settings will find plenty of practical information and ready-to-use tools throughout this guidebook.

The information provided herein should not be interpreted as legal advice or substituted for legal opinion. Employers are advised to seek legal advice when constructing screening protocol, designing screening tools, and writing screening policy.

The information contained in *Beyond Police Checks* is presented in a logical and progressive order. To get the most from the guidebook, read it completely. It is meant to be stored in a handy location for easy and frequent consultation for all of your screening needs.

This Introduction speaks to the importance of screening and the ever-higher standards being applied to screening. It provides guidance on how to use this resource and defines the term “screening.” It delineates three important parameters around screening.

Chapter One reviews the key principles of screening. These are fundamental precepts that all managers of human resources and administrators of volunteer resources should understand before developing screening protocol.

Chapter Two explains the “sliding scale of screening,” - the screening protocol for any given position must be determined by the nature of the position itself, the work to be done, and the conditions under which that work takes place. It includes tools to assist in the assessment of positions.

Chapter Three situates screening in a wider context of risk management, exploring risk mitigation techniques that create safer positions and working environments for which candidates can then be recruited, screened and placed.

Chapter Four includes a review of more than fourteen different screening mechanisms. Each mechanism is explored in detail and this chapter provides “how to” information as well as a discussion of the strengths and weaknesses of each. A tool is provided to assist with the choice of screening mechanisms.

Chapter Five presents an overview of the screening process. It demonstrates how all of the pieces from the preceding chapters are to be assembled, and it includes several important pointers and checklists to assist with the development of comprehensive screening protocol. Brief discussions of how to say “no” and the question of re-screening are included.

Icon Legend

Several icons appear throughout *Beyond Police Checks* that mark specific forms of content and highlight key themes.

The biggest ideas of all.



A quick, practical pointer; a “how to” for immediate application.



A reminder of a critical point.



Reference to a matter that has clear and direct policy implications. Scan the guidebook for these icons when you are writing or updating your organization’s screening policy.



Just what it looks like. Notice of a hazard.



Matters of particular relevance to senior administration. If you are a board member or Executive Director, pay close attention to these points. If you are an Administrator of Volunteer Resources, these are points you should be sure to convey to your administrators.



A hypothetical illustration of how principles apply to real life.

Case In Point:

A sample for direct application. Adapt it to your own setting, or where it fits, use it as it is. (To generate in ready-to-use format, enlarging by 140% will bring these to a regular 8.5” X 11” size.)

SAMPLE

A tool for direct application. Enlarge it, photocopy it, use it. (To generate in ready-to-use format, enlarging by 140% will bring these to a regular 8.5” X 11” size.)

 **CHECKLIST**

A summary segment that recaps key points and directs the reader to consider how they might apply in real life. Here are opportunities to take stock and make quick notes for future action.

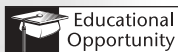


What Is “Screening”?

It has always been important to ensure that the best candidates are recruited and placed. But over the last five years, the goals and structure of the screening process have changed dramatically.

Lorraine Street (1996: 1.3) defines screening this way:

“Screening of applicants refers to the range of procedures and processes used by organizations to carefully scrutinize individuals who apply for paid or unpaid positions in order to choose the best candidates and to weed out, as far as possible, those who would be incompetent or who would do harm.”



Screening is not synonymous with “hiring,” “recruitment,” or “placement.” **While screening might well be considered part of each of these other processes, it has become a function of such import that it now warrants separate attention in the overall human resources/volunteer program management process.**



Screening has become as much a process of exclusion as inclusion. Whether the candidate is applying for a paid job or a volunteer position is immaterial. Particularly where candidates work with vulnerable populations or are to be placed in positions of trust, screening has become as much a matter of doing everything reasonable to “keep the bad apples” out (John Patterson, 1994) as about achieving a proper fit between the candidate’s skills/interests and the demands of the position. No organization should consider itself exempt from these transformations in screening.

Patterson (1994: 2) defines the purpose of screening in this way:

“... to identify individuals who have identifiable characteristics that increase the risk of placing them in particular positions.”

Patterson adds four corollaries:

- To identify individuals who would pose an unacceptable risk if placed in certain situations.
- To prevent the inappropriate placement of individuals.
- To exclude dangerous individuals.
- To exclude individuals considered too risky for a particular position.

It is screening as a tool of scrutiny and exclusion that provides the fundamental substance for this guidebook.

The Parameters Of Screening

The following three parameters describe important limitations of screening that all human resources professionals ought to keep in mind at all times.

Parameter No. 1: No Guarantees

There is no screening device in the world that comes with a guarantee. Individuals who are ill-suited or ill-intentioned can slip through even the most intensive screening protocol. Administrators of both volunteer services and human resources departments, as well as other agency administrators, are advised to recognize this critical point. The implications of this parameter are explored in the discussion entitled “Initial Screening Is Never Enough.”



Parameter No. 2: No Absolutes

There are no absolutes in screening. Each screening protocol must be custom-tailored to the specific demands of each position in each setting. As Lorraine Street suggested, “No two screening programs will look exactly alike. Nor should they.” (1996: 1.9)

There are no definitive rules to guide selection decisions. For most situations, the law remains unclear about how thorough is thorough enough, and the definitions of “negligent” and “reasonable” are imprecise. Even the most experienced, skilled, and knowledgeable administrator will need to exercise good judgement about accepting or not accepting specific candidates. Nonetheless, there is a wide range of screening mechanisms available, and when they are used in the appropriate combination, screening can be highly effective in both lessening the likelihood of harm and decreasing organizational liability in the event that a “bad apple” does slip through.

For screening to be as effective as possible, organizations must acknowledge that things can go seriously wrong when people are placed in the wrong position, or when staff or volunteers with criminal or sinister intent slip through the screening protocol. Only when the worst is faced can administrators construct sufficiently thorough screening systems that will generate placements that are both safe and productive.



Parameter No. 3: Initial Screening Is Never Enough



Screening does not begin with the application process and end when the candidate is hired. Because every screening mechanism has substantive limitations, even the most comprehensive screening protocol may allow an inappropriate or dangerous candidate to slip through. Therefore, thorough screening is necessary but insufficient to control personnel-related risks.

Lorraine Street, author of *The Screening Handbook*, makes the point this way:

“... screening does not stop when someone is hired or engaged. Screening continues throughout the length of an individual’s work with an organization; it takes somewhat different forms after hiring but it does and should continue.” (1996: 1.3)

John Patterson is very clear that screening is only one piece of the process of risk prevention and management:

“... we cannot stress enough that screening alone cannot adequately control all staff-related risks. Screening is just the beginning of an ongoing process that may need to include selection, placement, training, supervision, monitoring, and other measures designed to control wrongful or careless actions.” (1994: 1)

In a later publication, Patterson explores some of the other things that should be done (in child-serving organizations, in particular) to supplement the screening process to reduce the likelihood of abuse.

“Acknowledging that anyone might be an abuser shatters the illusion that screening will adequately protect children in all programs. While a thorough screening process is an important element in a comprehensive child abuse prevention plan, many other strategies offer significant advantages. Depending on the nature of your organization, some of those measures may be better than screening or be good strategies to combine with screening.” (John Patterson, et al., 1995: 5)

Once a candidate has been screened, accepted, and placed, the organization continues to have a duty to ensure that he or she performs satisfactorily in his or her assigned position. “Bad apples” (as Patterson refers to them) can slip through even the most comprehensive screening protocols, and good apples can turn bad at any point after acceptance into a position. **Simply put, it is nothing short of dangerous to assume that risks end when a candidate has been screened, even when the screening has been rigorous.**



Mechanisms such as buddy systems, on-site performance, close supervision, performance reviews, program evaluations (particularly those which elicit client input), unannounced spot checks, and discipline and dismissal policies and procedures are, in effect, on-going screening mechanisms that allow the organization to be certain that the candidate was, and continues to be, the right person for the position.

Maintain Your Perspective

There is a lot of information in this manual about screening. You may find more detail here than you ever wanted to know! The burden of information and responsibility can be overwhelming. It is recommended that readers peruse the full text of this guidebook, but it may help to do so with a view to adopting only those strategies and tools that are best suited to your own setting. There is plenty of information here to help you keep inappropriate candidates out of your programs and to implement related risk management strategies that will help you detect inappropriate candidates if they slip through your screening process. **Remember, however, that if you are faced with an inappropriate volunteer or paid staff, dismissal is always an option. You are never “forever stuck” with a bad choice.**



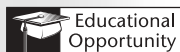
Organizations need to consciously cultivate a corporate climate that acknowledges that things can go wrong. A climate of vigilance among all organization personnel (paid and unpaid) should be established and the involvement of everyone in the creation of safe environments should be enlisted. Policy should be developed that guides early detection, immediate reporting, and swift response to any form of abusive, inappropriate, or potentially harmful behaviour. Zero tolerance should be the standard. John Patterson’s manual on child abuse prevention (1995) is an excellent resource on this topic.¹

¹ For more on the overall process of risk management, see Linda L. Graff (1997b); Peggy M. Jackson, et al. (1997); Charles Tremper and Gwynne Kostin (1993).

Volunteers And Paid Staff: Parallel Systems Advised



Unless otherwise stated, all that follows applies equally to paid and unpaid staff. It is now widely acknowledged that the work of volunteers in many settings approximates that of paid staff. That is, volunteer work has become more complex, responsible, and sophisticated. In many settings it is the “real work” of the organization. Further, volunteers are typically placed in direct service activities. They are “on the front lines” working directly with clients, consumers, participants, and the general public. Often they do so right alongside paid staff.



Precedent-setting cases in both Canada and the United States have established that **the legal systems are beginning to treat volunteers as employees, making them subject to the same legislation and standards that apply to paid workers.** (see Lorraine Street, 1996: 15.1-15.7; Peter J. Eide, 1995.)

Therefore, volunteers need to be managed in many respects as if they were paid staff. Volunteers require organizational systems and professional management practices. Hence, the same principles of screening that apply to paid staff often apply equally to volunteers.

“In light of the rapid growth of the nonprofit sector and its important role in every community and in the national economy, it is likely that courts and agencies gradually will extend coverage of employment laws and regulations to volunteers. To the extent that a volunteer relationship resembles that of an employment relationship, it is likely that the spirit and intent, if not the letter, of employment laws will be found applicable.”

(Peter J. Eide, 1995: 359)

There is, however, a fundamental difference which characteristically distinguishes the process of hiring paid staff from the process of recruiting and placing unpaid (volunteer) staff. Typically, when hiring for a paid position, the employer is faced with both the luxury and the headache of having many more candidates than available positions. The objective is to refine the list of applicants and select only the best for the position(s). It is this search for only the best which characterizes the process of hiring paid staff.

In contrast, administrators of volunteer resources often find themselves with too few applicants to fill available positions. In this circumstance the objective is more likely to be to weed out the inappropriate candidates, and accept the rest. This does not imply that volunteer resources departments are perpetually accepting sub-standard or barely qualified candidates. Minimum standards establish clear boundaries which should never be breached.

This fundamental difference between paid and unpaid human resources management manifests itself in a variety of forms throughout the hiring and selection process. To illustrate, the human resources professional who is hiring for a paid position needs tools help to review and rate the relative assets of possibly hundreds of applications in order to create the short list of three to five candidates who will be offered an interview. In contrast, the administrator of volunteer services requires a tool that helps to identify evidence of clear inappropriateness among candidates. All other candidates will continue through the screening process until either a) evidence arises to disqualify them, or b) they emerge from the other end of the process as “acceptable” and are offered a volunteer position.

CHAPTER ONE:

THE PRINCIPLES OF SCREENING

Conceptualizing Screening: Perception Shapes Behaviour

How a situation is perceived will shape how one responds to it. One might see an object with four legs, a seat, and a back, understand it to be a chair, and therefore sit on it. One might see the very same object being wielded above a person's head in a menacing fashion, perceive it as a weapon, and run from it. How screening is conceptualized shapes how screening is operationalized.

Because there is a tendency to think of human service delivery, and in particular, the volunteer component of that service, in the context of nice people doing good deeds, an extra effort may be necessary to acknowledge that there are dangerous candidates out there. Denial has no place in screening system design.

This is not to say that the not-for-profit sector or the volunteer world is extensively populated by dangerous and nefarious characters intent on doing harm to the weak and defenceless. On the contrary. But it is equally inaccurate to think that there are no dangerous characters targeting the voluntary sector, and in particular, volunteer work, as an open access point to particularly vulnerable people. A failure to detect critical information in the screening and selection process that results in the placement of an otherwise excellent candidate in the wrong job can also have disastrous consequences.

Screening needs to be constructed to ever-higher standards. The reliability, trustworthiness, skills and qualifications of both paid and unpaid staff are so critical, and the work that volunteers are now being asked to do is so important, that there can be no substitute for careful, effective, and at times, rigorous, screening procedures.

"It is a sad truth that individuals who prey on the vulnerable often seek out opportunities in the voluntary and public sectors, as paid or unpaid staff, looking for positions which provide significant access to the person and property of such individuals."

(Lorraine Street, 1996: 1.4)

"Denial has no place in screening system design."



"...there can be no substitute for careful, effective, thorough, and at times, rigorous, screening procedures."

The Ethic Of No Surprises

It is recommended that organizations adopt a “full disclosure policy” regarding screening. Such a policy specifies that candidates have the right to know (and will be informed) at the outset of the application process, about minimum qualifications, automatic disqualifiers, and all screening procedures that will be deployed with respect to any position for which they apply. It simply is not fair for candidates to invest time, effort, and sometimes resources, in an application process only to find out part way through that a minimum qualification for the position eliminates them from further consideration, or a screening mechanism to be used will reveal information that will automatically disqualify them.

Consent

No line of investigation should be launched without the full knowledge and informed consent of the candidate. Best practice recommends that explicit, written consent be obtained from candidates before any line of inquiry is launched, including verification of application/ résumé information, qualification checks, reference checks, police record checks, credit bureau checks, and driver’s record checks.

Confidentiality

Any information collected from any source in the screening protocol should be considered strictly confidential and protected thoroughly by policies and procedures that define storage, accessibility, and disposal.

The Right To Know Results

Candidates have a right to know the results of screening inquiries and this suggestion is particularly germane to negative information. Discuss the findings with the candidate and give him or her a chance to explain. There may be legitimate reasons for discrepancies that are not immediately apparent or that may be legitimately beyond the control of the candidate.

Who Will Pay The Costs Of Screening?

As screening becomes more complex and more rigorous, the costs escalate. Not only will an organization be required to allocate substantial staff time to the process, but there are increased hard costs associated with screening these days, including:

- long-distance charges incurred through verification checks, qualification checks, and reference checks
- fees associated with police records checks, driver's records checks, credit bureau checks, and medical tests

When hiring paid staff, employers often require candidates to bear part or all of the hard costs generated in the screening process. Some not-for-profit organizations also require volunteers to bear part or all of the hard costs generated in the screening process.

For volunteer applicants, the decision about who should pay is as much a matter of general organizational philosophy and the specific values and beliefs the organization holds regarding volunteer involvement as it is a matter of financial management. Some of the questions that organizations might ask themselves in developing their position on screening-related costs include:



- Is it appropriate for volunteers to pay for the opportunity to apply to be a volunteer?
- Will some volunteers be deterred or prevented from pursuing volunteer work because of screening-related costs? Are volunteers in plentiful enough supply to accommodate such deterrents? Is it ethical or consistent with the organization's mission to put volunteer involvement out of reach of some candidates who are economically disadvantaged, or conversely, make volunteering accessible only to those who can afford the related costs?
- Is it economically viable for the organization to cover screening-related costs, at minimum, for applicants of limited or fixed incomes?
- **If the organization cannot locate, or will not allocate, the resources necessary to appropriately and responsibly recruit, screen, train, place, and manage volunteer involvement in its operations, should it involve volunteers at all? Should it limit the size of its volunteer corps to a scale that it can adequately finance?**



1

Negligent Hiring

Negligent hiring is a relatively recent legal phenomenon affecting all employers of paid and unpaid staff.

The underlying premise of negligent hiring is vicarious liability: that employers are responsible for crimes or accidents committed by employees against other employees, customers, clients, visitors, and the general public. Employers may be found liable if they know, or should have known, that a person was clearly unqualified, dangerous, or posed a threat to him or herself or others.

“An employer has a duty to exercise reasonable care when hiring employees who, if incompetent or unreliable, might cause a risk of injury to the public.” (Robert W. Wendover, 1996: 34)

Vulnerability to allegations of negligent hiring is greater in positions where the employee has the opportunity to endanger others, including positions:

- from which the employee has contact with others in isolated or unsupervised settings
- in which the employee drives
- that involve access to private homes
- that involve access to children, seniors, or any other vulnerable group



Key
Concept

Employers have a duty to make a reasonable investigation of an applicant’s fitness before accepting him or her into the position. The best defence against an allegation of negligent hiring is comprehensive screening.

“An organization can be held liable for selecting and retaining an employee or volunteer who is incompetent or unfit. The determination of whether a hiring decision is indeed ‘negligent’ rests on what the organization knew, or should have known, when making its selection decision. The courts ask whether, given the circumstances, it was reasonable to select that individual for the position.”

(Penny M. Jackson, et al., 1997: 44)

An organization can be exposed to additional risk directly to itself, as a result of negligent hiring. As John Patterson states, “If you become aware that someone has committed theft or embezzlement in the past and still select that person for a financial position, your organization’s fidelity bond may not cover losses caused by that person’s actions.” (1994: 3) Therefore, organizations should screen reasonably thoroughly not just to avoid litigation, but also to protect themselves, their clients, and their personnel from other perils.

Limitations To Screening Intensiveness

The organization's mission and/or other organizational variables may limit the extent to which it wants to, or is able to, preclude certain individuals from employment or volunteer involvement. For example:

- An organization that works in the criminal justice system may deliberately set out to recruit paid and unpaid staff who have come into conflict with the law. Ex-offenders may have the most appropriate background to work with at-risk youth.
- Persons who have survived their own ordeal with the mental health system may be ideal candidates to facilitate self-help groups of other survivors.
- Persons who have caused harm to themselves and/or others because of drunk driving may be excellent public education officers to provide testimonials regarding the consequences of such behaviour.

Some organizations will have screening limitations embedded in their constitution. For example, organizations that have politicians, dignitaries, or representatives of other organizations appointed to their boards by outside bodies may find themselves in an awkward position if they decide to implement, for example, reference checks, credit bureau checks, and/or police records checks on all incoming board members. This is not to suggest that any appointed member should be exempted from the screening protocol, but rather, that organizations may need to resolve certain internal or structural conflicts before the same standards can be applied to all.

Conditions such as these create a unique context for the screening enterprise. Each organization needs to work within its own parameters, its own values system, and its own way of doing business.

It is recommended, however, that barriers and limitations to otherwise reasonable and appropriate screening policies be carefully scrutinized for their implications for safety, program effectiveness, and risk exposure.



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"Organizations that are required to accept higher levels of risk to achieve their mission frequently off-set those risks through steps designed to lessen the opportunities for sexual abuse to occur. These risk management strategies are referred to as mitigation measures."

(National Collaboration For Youth, 1997: 7)

Each organization must consider carefully its screening and placement processes in light of all existing risks. It must stay alert to the dangers it chooses to live with, and those that can be reduced either through screening and exclusion, or through any number of other techniques such as position modification, increased supervision, or more thorough evaluation measures.

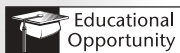
Screening Committee And Board Volunteers

While many organizations are working hard to increase screening standards for paid staff and direct service volunteers, there continues to be a significant lag in standards-upgrading in the recruitment and screening practices for board and committee volunteers. In a pervasive pattern that defies logic, it is often the volunteers who have the greatest authority, are delegated the most power, and make the farthest-reaching decisions, who are subject to the most ill-conceived recruitment practices and the most sub-standard (and even sometimes non-existent) screening practices.

"...many boards place themselves above the rules that they apply to all other agency staff, paid and unpaid."

In what appears to be a form of elitism, many boards place themselves above the rules that they apply to all other agency staff, paid and unpaid. Some board members are wont to either ignore basic recruitment/placement principles in board development, or react with indignation at the very suggestion that the background and qualifications of board members be investigated with the same reasonable thoroughness as is applied to their own employees.

It is true that an increasing number of boards have upgraded both the minimum qualifications for board positions and the screening practices used to assess those qualifications. But some boards still rely on the "who's who," "who do you know?" and "old-boy" networks to fill board vacancies, and accept new members solely on the recommendation of existing board members or their friends, bypassing broader-based recruitment strategies, and solid qualification-checking mechanisms.



It is recommended that executive directors and board members consider carefully the screening information throughout this manual. It applies equally well to board and committee volunteers. It needs to be applied equally throughout the organization.



TAKE A MOMENT: SCREENING POLICY REVIEW

Take a moment to review your organization's current screening policies and practices as they pertain to all organizational personnel, including paid staff, direct service volunteers, and committee and board volunteers.

In particular, compare standards and look for inconsistencies in practice. Make some notes here on what you find:

If you find disparities in standards, ask yourself whether they are justifiable on rational and legally defensible grounds.

Are there some things that could be done to bring uniformity in screening standards throughout your organization? If yes, make a note of some strategies here:

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Screening For Short-Term Positions And Special Events

When the duration of a position is short, as is the case for many special events and special projects, a dilemma can emerge since the duty to screen carefully exists regardless of the duration of the placement. In such cases the principle of “value added” can break down: the candidate’s tenure in the position is so short that the cost of involving him or her may be greater than the return he or she will represent to the organization.

The dilemma is that a court is not likely to say, “We excuse you for accepting this paedophile into service because we understand he was only scheduled to work a weekend for your organization.”



Be careful not to lower standards because the position is short term. Instead, recognize that the full solution to these dilemmas is not always confined to screening. **Assess the position carefully, identify specific perils and key vulnerabilities, and look for alternate risk control options.**

Ask questions such as:

- Which positions involve the greatest risks, such as working one-to-one with vulnerable persons, driving, serving alcohol, or handling money?
- Can the position be modified to reduce the risk and thereby diminish the screening requirements?
- Can additional supervision or frequent spot checks be delivered by long-term (known) staff members in areas, or during times, of greatest risk exposure?
- Can short-term personnel be teamed as “buddies” with long-term (known) staff members?
- Can parents or family members of clients be mobilized to assist? While not guaranteed to be risk-free themselves, family members can be a good supplement to the special event labour force, and they can be taught in advance to know what kinds of harmful or inappropriate actions to watch out for.
- Can the work of short-term personnel be confined to a location in which there are always others present?

Such risk management techniques can sometimes supplement screening mechanisms to the extent that the organization's duty of care is satisfied and the risks are tolerable.

However, when the need to screen thoroughly to prevent harm is so great that you find yourself wondering if the event is actually worth it, be prepared for the answer: "Sometimes it isn't." Be prepared for the same answer to the question, "Is volunteer involvement the most cost-effective human resource strategy in this circumstance?" The cost of effective management sometimes outweighs the value of the volunteer contribution. When this is the case, accept it. **Be prepared to acknowledge that volunteer involvement is *not* the most appropriate or cost effective human resource option for all positions.**



Whose Staff/Volunteers Are They? Personnel "On Loan"

Cooperation and collaboration are pervasive themes in the not-for-profit sector. Organizations increasingly pursue opportunities for joint efforts and cost-reducing shared resource ventures. This sometimes results in the personnel of one organization working for another organization. A similar circumstance is created when human resources of one organization are "lent" to another organization for a special event or project. For example, service clubs frequently mobilize their members into service at special events and fundraisers sponsored by other organizations; corporations "loan" executives to not-for-profit organizations, and grant release time to employees who volunteer in the community.

Important policy questions arise in such circumstances:



- Whose staff/volunteers are they when they are working the event?
- Whose policies, standards, and rules apply to them?
- Were they screened, and if so, to what standards?

Case In Point: Screening “Loaned” Personnel

Consider the situation of a special event - a picnic, perhaps - in which children with developmental disabilities who are the “clients” of a particular organization are brought together at a local park for a special celebration in an afternoon of fun activities. Because all of the children are gathered at one time, the organization’s regular number of carefully screened service volunteers is insufficient to support, keep track of, and care for all of the children on the day of the event. The administrator approaches a local service club for assistance and the service club is happy to oblige. They mobilize 25 of their members to show up at the start of the event, and work for the afternoon.

The sponsoring organization has clear screening policies that require comprehensive screening of all staff members who work directly with children. The policy was designed with long-term positions in mind and is silent regarding short-term positions.

The service club does not “screen” their members at all, at least in the sense that we are considering screening here.

We lament the fact that our society has become such that we even need to think about these things, but we have no choice. We must think long and hard about exposing vulnerable clients in an uncontrolled environment to agency-recruited personnel who have not been screened to normal standards.

There are no easy solutions to this Case In Point. Many of the strategies suggested above for the “short-term and special events” positions might work here. **At minimum there must be an understanding between collaborating organizations about whose personnel they are while they are on duty; who has done what screening; whose policies, rules, and standards of performance apply; who has the authority to monitor performance, enforce rules, and recommend improvement in performance; and who is accountable should something go wrong.**



POLICY

Screening On Line Volunteers²

With growing popularity of the internet has come a proliferation of “virtual volunteering” - volunteers volunteering their time, expertise, and knowledge on line. On line volunteers ought to be screened up to the same standards that apply to other volunteers, and the same process ought to apply. Consider the responsibilities and risks associated with the work on line volunteers will be asked to do. Will they work exclusively with agency staff, performing administrative functions, for example? Or will they be placed in positions that provide access to confidential information or vulnerable clients?

All screening techniques apply equally well to on line volunteers. Where appropriate to the demands of the position, on line volunteers can be required to complete an application form, submit to reference checks, police records checks, credit bureau checks, qualifications checks, and so on. On line orientation can be used as a screening device in which volunteers are required not only to read the orientation material, but to respond to tasks, exercises, and even tests, where appropriate.

Where the work to be done warrants it, on line volunteers can be required to come on site for a personal interview. Face to face interaction provides the organization with the opportunity to assess attitudes and presentation styles, and to pick up on other cues that might not be obvious at a distance or through electronic media.

In some projects, corporations encourage employee volunteering on line and the corporations themselves do the screening. For example, Hewlett Packard sponsors an on line mentoring project among its employees and the company guarantees that all of its employee volunteers have been screened appropriately for this kind of work. Mitsubishi operates a similar project in which its employees volunteer on line with a camp. The company has assumed responsibility for appropriate screening of its employee participants.

Keep in mind that on line volunteering can be managed for risks in many of the same ways that in person volunteering can be. The workers can be supervised and their work can be evaluated. Interactions can be monitored periodically or continually. An on line mentoring project operated out of the University of Texas, for instance, is set up so that the “subject matter experts” (volunteers) and the students communicate with each other through a continually monitored exchange route which deters inappropriate transactions, and facilitates early detection.

²Appreciation is extended to Jayne Cravens who manages the Virtual Volunteering Project at Impact Online for her expertise and assistance with this topic. For more about virtual volunteering, contact www.serviceleader.org/vv/

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Electronic communication from one's own home opens participation in paid and unpaid work to many for whom transportation, time, disability, or other limiting factors might have otherwise presented insurmountable barriers. While the setting and the form of interaction may vary from those of on site or in person activity, screening considerations remain "virtually" the same.

Mandated Service Workers, Students, & Workfare Participants

Here are three other special categories of workers that generate specific screening considerations. Individuals are referred to community service work as an alternative to traditional sentencing in the criminal justice system. Students perform work in the community as part of their credited curriculum. Under programs called by various titles such as "workfare," and "welfare reform," welfare and other social assistance recipients are allowed, encouraged, or compelled (depending on the jurisdiction) to participate in community service work as a condition of receiving either their regular transfer payment or a "top up" over and above the regular payment amount.

Questions arise regarding such workers:

- How are these categories of workers to be screened?
- Should they be subjected to the same rigors of screening that apply to other candidates in similar positions?
- Who is responsible for implementing the screening?
- Who will pay for the screening?
- Should matters of confidentiality take precedence over the demand for screening?

**TIP**

Best practice recommends that screening protocol be uniformly applied to *all* categories of workers in any given position, regardless of the mechanism through which the workers have been referred. Because a worker has been referred from the court system is no reason to lower screening standards. The status of the worker as a student or a workfare participant provides no guarantee of appropriateness or acceptability. Where the referral process precludes appropriate screening, e.g., where a student placement is of insufficient duration to warrant the screening typically conducted

on candidates in the position for which the student has applied, then the organization may be well-advised to place the worker in a less demanding position for which the screening protocol is less rigorous.

The general rule is that organizations elevate their own liability exposure and the risk exposure of their clients whenever appropriate screening standards are not met.



Screening Internal Applicants

Whether candidates are external to the organization, or already engaged in some other capacity in the organization, they all should be treated the same at every stage of the screening process. **Consistency and equity are two key legal and ethical principles that should pervade all aspects of the screening protocol.** They prescribe that the same process be applied uniformly to all applicants. **Make no exceptions, even for those candidates you know well or who have given long time service to the organization in another capacity.**



If the position applied for normally requires different or additional screening mechanisms than an internal candidate was subjected to for the position(s) she or he has held to date, then the candidate must be subjected to those screening mechanisms. **Standards should never be lowered.**



When an internal candidate applies for a new position and it has been a long time since his or her last, or initial, screening, the organization may choose to update the candidate's suitability status by repeating some or all of the mechanisms that the new position calls for. For example, if a current employee applies for a position of trust and it has been a considerable time since that employee was screened, then it may be wise to repeat the screening mechanisms that the new position calls for, including an updated police check, a reference check (in this case family and/or character reference checks make most sense), a driver's record check (has the driving record remained acceptable since the last hiring?), and/or a qualifications check (is the licence to practice still in effect?).

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TAKE A MOMENT: SCREENING INTERNAL APPLICANTS

- YES** **NO** *Does your organization have a policy on screening internal applicants?*

- YES** **NO** *If yes, does it specify uniformity in screening standards between internal and external candidates?*

- YES** **NO** *Should it?*

Make a few notes here if action might be necessary to develop or review this kind of policy in your organization.

Grandfathering: Increasing Screening Standards For Current Staff

Organizations are being required to conduct increasingly thorough investigations of candidate suitability, even for positions that have not substantively changed.

As a result, the question often arises: what about current staff, paid or unpaid, who were subjected to the lower screening standards that were in effect when they were accepted into their positions? Should those current staff now be subjected to the new standards, or should the organization apply its increased screening standards only when hiring new applicants?

There are convincing arguments on both sides.

One argument posits that since past performance is often deemed to be the most accurate predictor of future performance, the organization already possesses an excellent (if not the best) source of data regarding the suitability of its current employees. Additional screening mechanisms might be considered redundant. In addition, there is the potentially enormous expenditure of time and money required to re-screen all current employees in positions for which the screening protocol has increased. For some national organizations, the cost might amount to hundreds of thousands of dollars. Staff morale may be diminished among current staff who feel personally affronted by the application of what feels like an intrusive screening mechanism after they have demonstrated years of organizational loyalty and exemplary service.

The other argument goes like this: assuming that the new screening standards have been raised to a level appropriate to current standards for the work in question, the organization would have great difficulty defending the application of lower standards, including to current staff.

Case In Point: Grandfathering

Consider this: police records checks are part of the newly instituted screening protocol for all staff members who work directly with vulnerable clients. All new recruits are subjected to the updated protocol but the organization decides not to conduct a police records check on current staff. It turns out that a current staff person has a criminal history of abuse that would have been grounds for dismissal if the check would have been run. That staff harms a client at some point in the future.

In a supreme example of the absence of absolutes, the only reasonable advice here is that every organization must find its own best practice. Agencies might craft their own position by answering these questions:

- **With what degree of risk is your organization prepared to live?**
- **Can the members of your organization tolerate the risk of not setting the same reasonable standards for all employees?**



- **If the decision not to screen all current staff at new standards causes a failure to detect someone who eventually does harm, will the organization still be comfortable with the decision as the best one at the time?**
- **Are the resources saved from not screening current staff at new standards better expended in other ways that will demonstrably increase quality of service or clearly contribute to increased safety and well-being of clients?**

For those who wonder whether an employer (of paid or unpaid staff) has the *legal right* to increase the standards of screening in the presence of an existing employment contract that specified lower standards when it was agreed to, the short answer is “yes.” If the new standard of screening is clearly and defensibly related to, and justified by, the requirements of the position (and not, for example, instituted by the employer merely to provide grounds to get rid of a current employee(s)), then the employer has the right to require current employees to meet the new screening standard.

If a current employee does not meet the newly established higher standard, the employer has the right to take an appropriate action up to and including dismissal.³ The employee, in turn, has the right to seek whatever remedy would have been available to him or her as a consequence of dismissal for other grounds, i.e., separation compensation.



TAKE A MOMENT: POLICY ON GRANDFATHERING

YES **NO** *Take a moment to review your organization’s current screening policies and practices. Do they specify whether new screening standards should be applied to current staff (already in the position(s) for which the standards have just increased)?*

YES **NO** *Should they?*

If the policy indicates that current staff must meet new screening standards, does the policy specify what action the organization will take if current staff refuse to participate in the new screening mechanism? Does the policy specify what action the organization will take if a current staff who participates in the new screening mechanism fails to meet the standard of acceptability?

Make some notes here on what you find, adding suggestions for policy change if necessary. _____

³ Collective agreements can complicate this process. If your setting is unionized, check the collective agreement on this and other related dismissal matters.

In the case of volunteers working, by definition, without remuneration, a monetary remedy is unavailable, although tact and discretion would be paramount to avoid potential action for defamation.

Be certain that all personnel within the same position are subjected to identical standards. Selective application of any protocol is discriminatory and exposes the organization to legal action.



Legal Principles In Screening: How Thorough Is Thorough Enough? How Much Is Too Much?

The essential screening question at the heart of all screening protocol design is this: *How is an administrator to determine with any certainty just how to screen for any given position?*

Should the screening protocol include a police records check? Should it include reference checks? If yes, how many, from whom? Is it sufficient to take notes from reference checks done by phone, or should the referees be asked to sign off on notes taken from the phone conversation with them? If candidates say they have a certificate in early childhood education, is it enough to believe them, or should they be asked to show the original and permit a copy to be kept on file?

Screening appropriately and thoroughly will, in most cases, mean finding a fine legal balance point between:

Screening adequately to protect the well-being of clients, other personnel, the general public, and the organization itself

Respecting the legitimate rights of applicants



Screening too much or too little can result in real injury and loss, in addition to very expensive and time consuming legal action.



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Unfortunately there are no definitive rules about how thorough is thorough enough without being too intrusive. No one can say with any certainty or authority: “With staff members doing this kind of work, with this kind of consumer, in this kind of setting, with this kind of supervision and support, here are the specific techniques that must be used in the screening protocol.” Much remains a matter of circumstance, judgement, and which lawyer is consulted for advice!

There are, however, two general sets of legal rules that bear on screening decisions. The first set of rules pertains to the legitimate legal rights of the individuals being screened. The second set pertains to the organization’s responsibility to screen thoroughly enough to protect volunteers, clients, staff, and the general public from harm as well as the organization and its personnel from liability.

The Legal Rights Of Candidates

For the most part, the legal rights of candidates that pertain to screening are those protected by Human Rights legislation.

While most of the legislation that influences screening is set provincially, and varies from province to province, (and state to state) human rights legislation essentially prohibits discrimination with respect to employment (among other things such as contracts, accommodation, services, etc.) on a number of specific grounds such as race, colour, ethnicity, gender, sexual orientation, and so on.⁴ **It is recommended that all screening protocol comply with human rights legislation, even in locales where volunteer work is not explicitly covered by the legislation.**



TIP

“Job-relatedness is the one consistent theme in every law that affects recruiting and hiring. It is the most important concept for you to understand if you want to avoid discrimination. A job-related decision is based on objective criteria that are directly linked to doing the work that needs to be done. Your decisions should be based on objective information that allows you to reasonably predict whether a candidate will be successful on the job.”

(Mike Deblieux, 1996: 45)

The fundamental legal principle of all human rights legislation and anti-discrimination in employment legislation is the prohibition of employers from rejecting a candidate because of any characteristic not directly related to the work that he or she is applying to do.

⁴ Organizations are advised to investigate the legislation in their own province/state for the specific grounds that apply. National organizations that deliver programs in more than one jurisdiction will need to ensure that their policies are adjusted to comply with all relevant legislation where services are delivered. For an overview of human rights and other types of legislation in Canada that pertain to screening, see Lorraine Street (1996). For an overview of human rights legislation that pertains to screening in the United States, see Robert W. Wendover (1996); Mike Deblieux (1996); John Patterson (1994); James D. DeWitt (1997).

Most administrators are familiar with this legislation, and understand that for both legal and ethical reasons, screening policies should comply with it. But many do not understand that the above prohibition is only one half of what the legislation says.

If we cannot use the variable of a candidate's age in the selection process, how do we avoid an accusation of discrimination from the 13-year-old applicant not considered for the position as the new board chair? How might we avoid legal action for discrimination from the male candidate who is not accepted as a volunteer in the shelter for abused women even though he appears to meet the minimum requirements of the position?

The answer lies in the other half of the legislation, which reads: *unless it's a bona fide (in good faith) occupational requirement (BFOR).*

If gender, physical ability, age, or any other characteristic is a bona fide requirement of the position, it is a legitimate line for inquiry in the screening process, and can be considered in the screening decision. Whatever is outside of the requirements of the position is out of bounds to the screening process.

To illustrate, when screening candidates for the volunteer gardener position at the local day care centre, asking about a candidate's expertise and experience handling money, or checking a candidate's credit bureau rating would not only be inappropriate, it could possibly be construed as an invasion of privacy. The reason is simple: there is no connection between that line of inquiry and the bona fide occupational requirements in a gardening position. In contrast, ensuring that gardener candidates have the physical strength and stamina to rake leaves, turn sod, or mow grass in extreme heat, would be entirely appropriate, if the position entails those duties, in those conditions.

Asking about a candidate's experience handling other people's money, and conducting a credit bureau check might be entirely appropriate as screening mechanisms for the position of treasurer of a board of directors, or the position of bookkeeper for the local theatre troupe.

"If you have any doubt about a specific job qualification that some might consider to be discriminatory in nature, and how to determine whether applicants can meet that job qualification, then be certain to seek your organization's legal counsel for their advice."

(Richard S. Deems, 1994: 42)

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The BFOR's establish what should and should not be investigated as part of the screening process. The requirements of the position dictate the legal boundaries of the screening process, including what questions can be included on the application form, what questions can be

asked in the interview, what topics can be discussed with references, etc., and on what basis the final hiring decisions can be taken.

"When an injured party begins scrutinizing your conduct, it is too late to conform to the applicable legal requirements." (John Patterson, 1994: 6)

Robert W. Wendover (1996:26) offers sage advice to those who seek to exclude candidates on the basis of position requirements:

"BFOR's have been narrowly interpreted by the courts and are a rare form of defense in a discrimination suit. The best advice concerning exceptions to the antidiscrimination laws is to assume there are no exceptions. Approach each hiring requirement as if all individuals are eligible, regardless of [characteristics protected by law]."



HERE IS A KEY LEGAL BOUNDARY AROUND SCREENING:
The screening protocol for any position must be directly connected to, and indeed is determined by, the bona fide occupational requirements.



TAKE A MOMENT: COMPLIANCE WITH HUMAN RIGHTS LEGISLATION

Both federal and provincial (state) legislation prohibits discrimination in hiring. What does and does not apply to volunteering varies by jurisdiction.

Take some time to investigate the specific details of legislation where your organization operates. Since not all regulations apply equally to paid staff and volunteers, make sure you ask about volunteers' rights specifically.

Summarize your findings here: _____

Remember that even if human rights legislation where your organization operates does not explicitly apply to volunteers, the principles of equity, fairness, and non-discrimination are the ethically correct choices for every screening protocol.

Now, examine your organization's current screening practices:

- YES** **NO** *Have your employment ads and recruitment messages used appropriately non-discriminatory language?*
- YES** **NO** *Does the application form contain questions prohibited by law?*
- YES** **NO** *Do staff who screen paid and unpaid staff members know what they can and cannot ask in interviews?*
- YES** **NO** *Is there a standardized Telephone Reference Check Form to guide both screeners and referees from straying into prohibited territory?*
- YES** **NO** *Is screening information sufficiently documented to provide a basis for defence against an allegation of discrimination?*

Make some notes here if action is required to ensure that legal compliance and equity pervade all screening activities in your organization. _____

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Screening Is Not A Euphemism For Discrimination

While screening is an admitted mechanism for exclusion, screening should never exclude anyone just because he or she does not fit the screener's notion of the "ideal" candidate.

Ideas or beliefs should not be used to screen applicants out, unless a particular approach, philosophy, or belief system is integral to the way the work is to be done and therefore constitutes a bona fide occupational requirement. Even then, one must be cautious to separate a candidate's personal beliefs from his or her ability to perform the position as described. One might be totally repelled by the practice of tobacco smoking but still be able to volunteer on the rehabilitation wing which requires, among other duties, helping patients get to the smoking room. *Conduct* should be the basis for exclusion. (John Patterson, 1994: 14)



The underlying principle here is that “difference” or “diversity” should never be considered a disqualifier. Screening thoroughly is not a licence to discriminate, nor will it be found so by a court of law.



TAKE A MOMENT: INCLUSIVITY

How inclusive are your recruitment and screening practices?

- *Take a walk around the neighbourhood(s) in which your organization delivers services. Identify the cultures and communities represented there.*
- *Consider the consumers who use the services of your organization. How diverse are they?*
- *Now consider your staff and volunteers. Is your volunteer/staff corps as diverse as the people in your neighbourhood or the clients you serve?*
- *Do your recruitment activities demonstrate a willingness to be inclusive? How open are you to considering how the work might be done differently? Where do you advertise? What mechanisms do you deploy to convey your messages? What language(s) do you use?*
- *Are your screening practices, even unintentionally, discriminatory? What accommodations are you willing to make and how widely have you publicized them?*
- *Do you conduct anti-racism or anti-oppression training in your facility before you recruit staff members from diverse backgrounds, or do you expect candidates from diverse backgrounds to do all of the adapting (in which case, what is the point)?*

Make some notes here if action is required to make your hiring practices more inclusive. _____

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“How thorough is ‘thorough enough’? What will the courts consider to have been adequate screening if a staff member you screen and accept today intentionally harms someone while on duty for your organization three years from now?”

Screening Thoroughly Enough

Determining how thoroughly personnel should be screened to satisfy the courts in the event that something goes wrong and a subsequent allegation of negligence results is perhaps the most difficult personnel-related assessment any administrator will face. There are no absolutes and very few guidelines.

Human rights legislation sets legal boundaries around screening inquiries and suggests which screening devices might not be appropriate. Human rights legislation neither specifies which types of screening devices should be deployed nor identifies how thorough the screening protocol should be.

In constructing screening protocol, administrators must select not only those screening devices they believe will identify the appropriateness of applicants, but also those screening devices they believe the courts will consider to have been reasonable if a candidate ends up doing harm on the job.

The administrator who chooses not to pursue all reasonably appropriate lines of inquiry, or who fails to detect indicators of unsuitability in applicants risks not only sub-standard performance from the staff he or she hires, but, indeed, may endanger the well-being of consumers, staff, and others connected to the organization, as well as expose the organization to liability.

How Thorough? The Duty Of Care

There is a general principle in civil law called the *duty of care* which speaks to legal responsibility. The duty of care requires the organization to do everything it reasonably can to deliver its programs and conduct its affairs in a safe, adequate, and well-managed manner. Organizations must tend to the safety and well-being of persons in their care as well as to that of their staff, volunteers, and the community in general.

Since the duty of care requires organizations to take reasonable steps to protect others from harm, organizations have a legal, as well as an ethical, responsibility to screen and place carefully all of the paid and unpaid staff they engage. Where an organization's clients are vulnerable, there is a correspondingly greater burden to protect them from harm (Lorraine Street, 1996: 1.5) and, since many not-for-profit organizations exist to provide services to people who are vulnerable, **the trend is toward more sophisticated investigation of the applicant's background and qualifications** (John Patterson, 1994).

Ignorance is neither morally nor legally defensible. **The organization that fails to screen thoroughly enough, that fails to pursue information that was available, runs the dual risk of harm to clients and legal action alleging negligence.**

Create Proof

If a legal action alleging negligent screening practice is brought against an organization, the organization will be faced with the task of proving that it was not negligent, that it acted with reasonable care in its screening practices. **It is not sufficient to be thorough; one must be able to prove thoroughness.**

The best practice model dictates that organizations create proof that they have exercised reasonable diligence.

DUTY OF CARE

"Standard of behavior required by a nonprofit board member or officer in making decisions. The standard is to use the level of care that a reasonably prudent person would exercise in a similar situation."

(Peggy M. Jackson, et al., 1997: 60)



Documenting The Screening Process

Employers of paid and unpaid staff should have protocol in place to a) prevent discrimination from occurring, and b) provide a solid basis from which a defence can be launched in response to any legal action.



Documentation of the screening process and all of its related actions is critical to both, but collection and retention of private or confidential information (about applicants, employees, or clients) generates a burden to protect and limit access to such information. **While there is a good deal of regional variation, protection of privacy legislation is increasingly prevalent and increasingly comprehensive. Hence, the penalties for breaches are greater than at any time in the past.**

Advice varies on how long hiring- and screening-related documentation should be kept, from a minimum of three months to a maximum of seven years (Business Owner's Toolkit, 1998: 2). Robert W. Wendover recommends immediate destruction of all extraneous written commentary after the selection has been made, citing the following rationale:

"More than one employer has gotten in trouble by writing down something that might appear to be discriminatory,... simply to help keep the applicants straight in her mind. While an innocent comment, it can be costly to defend." (Robert W. Wendover, 1996: 127)

The increasing legal obligation to safeguard confidential information means that organizations must strike a balance between keeping sufficient information long enough to create a defensible position against the possibility of a discrimination or negligence claim, and the effort and cost associated with secure storage and continuous vigilance against unauthorized access to, or use of, confidential information. Since legal action such as allegations of abuse might not be launched for years or even decades after the alleged incident of harm, prevailing advice recommends retention of screening documentation for ever-longer periods. Once you destroy screening documentation, you destroy the basis from which to defend your screening decisions.



TAKE A MOMENT: DOCUMENTATION

Take a moment to consider the documentation policies and practices in operation at your organization. Ask these questions:

- YES** **NO** *Is documentation in place that defines your organization's screening protocol?*
- YES** **NO** *Is concrete documentation created and retained to prove that protocol has been followed?*
- YES** **NO** *Is documentation retained by the organization for long enough to enable a defence against allegations of discrimination or negligent hiring?*
- YES** **NO** *Is the confidential information gathered through all your organization's hiring and screening activities stored in a secure location?*
- YES** **NO** *Is access to confidential information appropriately limited by policy?*
- YES** **NO** *Does the policy specify when and how confidential information is to be destroyed?*

Make a few notes here if action is necessary to increase standards pertaining to screening documentation. _____

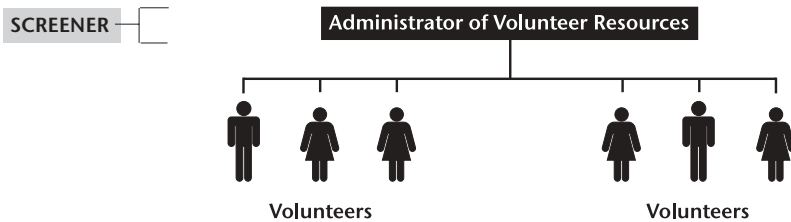
1

Who Should Screen?

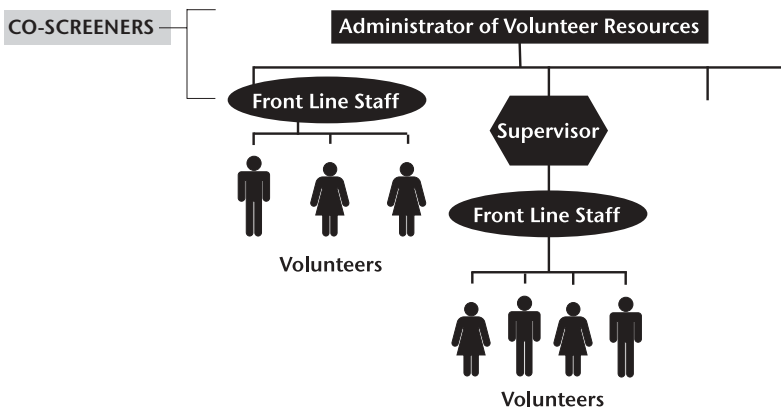
Who should conduct the screening varies depending on the size, complexity and structure of the organization, on staff resources and supervisory systems, and on a broad range of organizational quirks and cultures that may bear no other logic than “this is how we do things around here.”

Often, decisions about who should screen are more clear when hiring paid staff. The matter can be more complex in volunteer services. Here are some general guidelines for making this decision as it relates to volunteer screening.

In a small organization that has a simply structured volunteer component, and in which there is an administrator of volunteer resources who directly oversees and/or supervises most volunteer activity, the administrator of volunteer resources would be the most likely person to lead the screening and placement process.



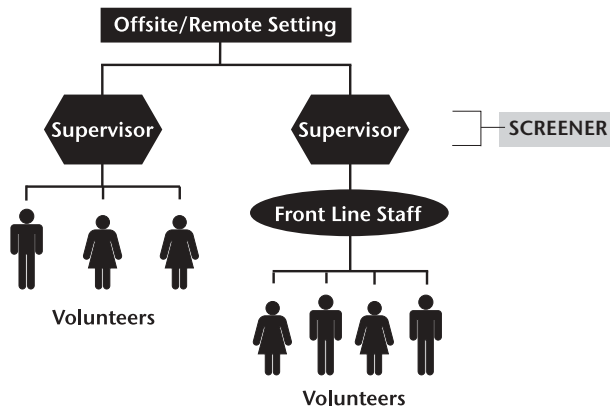
If the successful candidate is to be placed under the day-to-day supervision of another person, the latter might be involved in some aspects (e.g., application short-listing, interviewing) of the screening process.



If the successful candidate is to become an integral member of a working team, one or two delegates of the team might sit in on an interview, along with the administrator of volunteer resources or whomever will make the final decision.



Where the candidate will work off-site or in a department some distance from the administrator of volunteers, and/or report primarily or solely to a third party (supervisor or department head), then the latter might take the lead in the screening process. While the administrator of volunteers would probably establish overall screening policy, and perhaps even develop screening protocol for each position (in consultation with department or site staff), and while she might also sit in on the interview or consult on the final decision, the majority of the responsibility and final decision making authority might best rest with the site/department supervisor.



1

If orientation, training, and/or probation are included as part of the screening protocol, trainers, supervisors, and even peers might be invited to have input into the final acceptance decision. They will be in a position to observe the candidate's manner, attitudes, interpersonal interactions, and skill levels.

**TIP**

The person who has final hiring authority should at minimum, be involved in the interview(s) and conduct the reference checks; additionally, that person should review carefully the results of all other selection activities.

**REMEMBER**

Do not forget the possibility of involving other volunteers, consumers, or board members in the screening process, where appropriate.

The above are guidelines only. Each organization will appoint to the selection process those personnel best suited to the task.

**CAUTION**

Be certain that all persons who are involved in the screening process are trained thoroughly in how to implement the components in which they participate. At minimum, be certain everyone clearly understands human rights legislation and the principles of equity and consistency as they apply to screening. Remember that some staff who will supervise volunteers may have no experience hiring or screening (paid or unpaid staff). This situation can be made even more complicated when an inexperienced supervisor underestimates the significance of screening as applied to unpaid staff ("What's the big deal? They're just volunteers!") The last thing any organization needs is an unskilled screener blundering through the process, minimizing the magnitude of risk that volunteer involvement can generate, exposing the organization to allegations of discrimination or negligent hiring.

"What's the big deal? They're just volunteers!"

An initial investment in screener training may save a good deal of lost time and turmoil, as well as the anguish and expense of litigation. The following checklist, adopted from *Hand-Picked* (Robert W. Wendover, 1996: 14), can serve as a guide to the training topics that should be covered with the staff to whom various components of the screening process will be delegated.

SCREENER TRAINING CHECKLIST



- LEGAL ASPECTS OF SCREENING**
 - *relevant legislation*
 - *prohibitions*
 - *defining and operationalizing consistency and equity*
- REVIEWING RÉSUMÉS AND APPLICATIONS**
 - *what to look for*
 - *how to standardize the assessment*
- INTERVIEWING**
 - *basic skills*
 - *what to ask*
 - *what not to ask*
 - *assessing performance*
- CHECKING REFERENCES**
 - *what to ask and how to ask it*
 - *what not to ask*
- THE BASICS OF RECORDS CHECKS**
 - *police records checks; credit bureaus checks; driver's record checks*
 - *how to launch*
 - *how to interpret results*
- VERIFYING QUALIFICATIONS**
 - *spotting impostors*
 - *the list of qualifications to check*
- DANGEROUS GROUND AND COMMON PITFALLS**
 - *the risks in screening*
 - *where the boundaries are*
- MAKING THE DECISION**
 - *double-checking equity*
 - *weighing and evaluating information and legislative compliance*
- DOCUMENTATION**
 - *what to record*
 - *what not to record*
 - *storage*
 - *destruction*

1

Conditional Offers Of Acceptance

There may be circumstances under which the organization prefers to, or is compelled to, make a conditional offer of acceptance to a candidate. Conditional offers might be considered:

- when there is a significant delay in obtaining an important piece of background information (e.g., there is a long wait for police records checks) and delaying acceptance of the candidate for that period of time may either deplete motivation, or result in a candidate looking elsewhere for more immediate employment
- when the candidate is currently employed and does not feel comfortable naming his or her current employer as a referee until the position being applied for is offered, and the hiring organization is unwilling to confirm acceptance until a satisfactory reference has been received from the current employer
- when a specific type of screening inquiry will reveal confidential information that could make the hiring organization vulnerable to an allegation of discrimination (e.g., driver's licences include birth dates), and yet that line of inquiry is a mandatory component of the screening protocol



In situations such as these, a conditional offer of acceptance may be the best option available to both the hiring organization and the candidate. **The organization must exercise caution, however, in how the conditional period is handled.** For example, if a candidate is hired on a conditional basis, pending the receipt of an acceptable police records check, and in the intervening period the candidate is placed and assigned regular duties with no extra precautions to compensate for the absence of the pending information, organizational risk exposure is significantly increased. Imagine the scenario where such a candidate is placed in a position with easy access to vulnerable persons, and two or three months later the organization finds out the candidate in question has a criminal record involving violence, or abuse, or fraud, or ...

**TIP**

Best practice recommends avoiding conditional offers of acceptance (Robert W. Wendover, 1996: 35). **Wherever possible, acceptance should not be confirmed until all screening is complete.**

If a conditional offer is unavoidable, there are a number of precautions to help manage risk during the conditional period. For example:

- assign a subset of duties that involve minimal risk
- team the candidate with an experienced volunteer or paid staff member
- ensure that the candidate has no isolated or one-on-one access to any vulnerable person
- institute unannounced spot checks on performance

Consider any number of the other position modification techniques that can be used to limit or manage risks (see CHAPTER THREE: Screening As Risk Management).

The Importance Of Policies About Screening

There is nowhere in a not-for-profit organization where policies are more critical than around the screening process.



Policies serve many important functions. For example, they define expectations, delineate rules, establish boundaries, create a basis for accountability, and contribute to consistency and continuity.



In addition, policies serve a dual risk management function by a) helping to prevent harm (through rules and expectations), and b) reducing liability exposure (by constituting concrete proof of risk reduction strategies and sound personnel management).

Policies set the context for screening by articulating key values that will guide the screening process. Policies embody and reflect compliance with legislation and relevant regulations.

Policies and their related procedures define protocol and guide actions. And since screening decisions almost always involve some measure of judgement, if not leaps of faith, policies place some parameters around decision-making.

Without policies, administrators have no guidelines and, in effect, no protection. Accepting a candidate who later does harm can spell tragedy and spawn expensive and anguishing legal action. Rejecting a candidate can generate allegations of discrimination and expensive and anguishing legal action.

1

When policies are written and approved, and *when the administrator acts within the parameters of organization-approved policy* then a) the administrator has a clearer understanding of what is expected by the organization, and b) there is a greater likelihood that the organization will stand behind the administrator's actions and decisions in the event that a screening decision turns out badly.

Screening is an imprecise process that often entails a measure of risk in decision-making. The last thing an administrator wants to experience is being out on the end of a very thin limb, having made a difficult screening decision, and looking back to see the organization with a saw in its hand, ready to "cut their losses" by sawing through the branch.

Policies, therefore, protect candidates, protect the organization, and protect the persons who conduct the screening and make the selection decisions. Without policies, the risk of harm and the exposure to liability are enormous.⁵ Policies are truly indispensable.

⁵ For more on policy development, see my 1993, 1995, 1996, 1997b publications.



TAKE A MOMENT: POLICIES ABOUT SCREENING

We have discussed the critical importance of policies and procedures in screening.

- YES** **NO** *Does your organization have a policy on screening?
... If not, can you write a rationale for developing such a policy?*

- YES** **NO** *If your organization has a policy on screening, is it current?*
 YES **NO** *Has it been reviewed within the last year?*
 YES **NO** *Is it accompanied by clear procedures?*

How might your policy on screening be improved?

- YES** **NO** *Is there a clear record of organizational approval for the screening policy?
... If not, make a plan for obtaining board approval for the screening
policy as soon as possible.*

1

CHAPTER TWO:

THE SLIDING SCALE OF SCREENING

The Sliding Scale Of Screening

What should an organization's screening protocol look like? How does an administrator decide what specific screening devices should be used?



HEREIN LIES THE FUNDAMENTAL PREMISE OF SCREENING PROTOCOL DEVELOPMENT: *The specific set of screening devices to be deployed must be determined by the demands - the bona fide occupational requirements - of the position.*

Pursuing information not related to the position risks allegations of discrimination and invasion of privacy. Not pursuing information related to the position brings the risk of sub-standard performance, danger to clients, and allegations of negligence. The only way to determine what screening devices should be used is to consider very carefully the nature and demands of the work that staff members will be asked to perform.



THE SLIDING SCALE OF SCREENING: *The nature and extent of screening should be determined by the characteristics and demands of the work to be done.*

The more demanding, complex, risky, responsible, dangerous, direct the work, the more thorough the screening protocol should be. For example:

- *If staff members are to work with children or other vulnerable populations, perform physically or intellectually challenging functions, or engage in any otherwise risky or demanding work, screening must be correspondingly more thorough.*
- *If staff members are to roll bandages, hand out programs, or stuff envelopes, the screening protocol can probably be minimal.*

How does one determine the relevant nature and characteristics of the position? The key elements of each position need to be assessed.

2

Position Assessment

“Vulnerable populations include those individuals who, because of their age or physical or mental impairments, are at risk for abuse, coercion, or intimidation by another. These populations include but are not limited to children, the elderly, individuals with developmental or physical disabilities, and persons recovering from substance abuse.”

(Peggy M. Jackson, et al., 1997: 44)

John Patterson (1994) suggests three broad categories of assessment to determine the screening requirements of a position:

1. the vulnerability of the client
2. the requirements of the position
3. the nature of the relationship between the staff member and client

Each is examined below.

Position Assessment Factor No. 1: The Vulnerability Of The Client

Assess the vulnerability of the clients/participants/students/consumers with whom the staff member will directly work or come into contact. Consider factors such as:

- | | |
|--|--|
| <input type="checkbox"/> emotional/physical ill health | <input type="checkbox"/> disability |
| <input type="checkbox"/> age | <input type="checkbox"/> dependence |
| <input type="checkbox"/> maturity | <input type="checkbox"/> powerlessness |
| <input type="checkbox"/> isolation | <input type="checkbox"/> _____ |
| <input type="checkbox"/> history of abuse | <input type="checkbox"/> _____ |
| <input type="checkbox"/> language and communication skills | |



The more vulnerable the clients, the greater the obligation on the part of the organization to attend to their well-being, and that means more thorough screening.



In some cases the “client” with whom the volunteer or paid staff works is the organization. For example, members of boards of directors, and administrative volunteers such as bookkeepers, fundraisers, and so on, all serve the organization. In such instances, consider the vulnerability of the organization to exploitation, criminal action, or any other form of abuse.

Position Assessment Factor No. 2: The Requirements Of The Position

The requirements of the position establish minimum qualifications and the subsequent legal basis to screen. Comprehensive identification and documentation of the requirements of the position are fundamental to the screening process, its fairness, and its legality.

It is recommended that a three-step position assessment process be followed that includes completion of the following tools:

- **Step 1: The Position Audit Checklist**
- **Step 2: The Position Assessment Checklist**
- **Step 3: The Position Assessment Bar Graph**

The position assessment process proposed here may seem cumbersome or intimidating. Do not be put off by the terminology or the degree of detail. While the process does take time, it is straightforward and the tools and checklists that follow make it easy. Most important, doing the ground work generates a screening protocol that is more comprehensive and defensible down the line.

Step 1: The Position Audit Checklist

The first step is a general position audit that defines the main features of the position and its bona fide occupational requirements. The position audit is not a difficult or scientific exercise. It simply involves identifying and documenting the central characteristics of a position. The position audit can be done in point form, and the Position Audit Checklist provides a guideline for completing the process. When the position audit is done, use its results to prepare the written position description, making certain to identify all of the specific requirements of the position. Do not forget the “soft” requirements such as ability to relate to others, ability to work as part of a team, ability to lead, ability to take direction, ability to work independently, ability to plan work and meet deadlines, etc. Itemizing such requirements in the position audit and the position description prompt specific lines of screening inquiry, and provide the basis for accountability once the candidate has been accepted into service.

Remember to itemize the full range of duties associated with each position. Are there some duties that occur only occasionally, but that are riskier than regular position-related activities? The principle is to prepare for the most demanding elements, even if they occur less frequently.



2

POSITION AUDIT CHECKLIST



CONDUCT AN AUDIT OF THESE ELEMENTS*

- position duties, including complexity, responsibility, and degree of risk (to the volunteer, client, staff, agency reputation and financial well-being, property, and general public)
- product, outcome, and decision-making responsibilities
- tools services and/or accommodations required to complete the duties
- thoroughness and frequency of supervision
- interactions between the candidate and persons inside and outside of the organization
- time allocations and requirements
- formal training required
- skills necessary (including technical, interpersonal, organizational, and problem-solving)
- evaluation measures and mechanisms

*Adapted from Robert Wendover (1996: 47-51)

Step 2: The Position Assessment Checklist

When the position audit is complete and the position description written, you are ready to move on to a more detailed review of position characteristics that will inform the screening process. **Remember that the sliding scale of screening requires that the greater the demands of the position, the more rigorous the screening ought to be.** Hence, this second, more intensive, step generates a detailed inventory of position demands and position-related risks that will merit specific attention in screening.



REMEMBER

John Patterson (1994) pioneered the area of volunteer position assessment. Below, Patterson's work is extended to a wide range of position elements which are arranged, in the Position Assessment Checklist, in a ready-to-use format.

The Position Assessment Checklist is a lengthy and detailed instrument but do not be intimidated by it. It is presented as a series of questions to be responded to in sequence. Consider each question in turn, and make notes in the space provided down the right margin or on a separate page. The primary value in completing the Position Assessment Checklist is the process that it entails. It generates a detailed inventory of position demands and risks that must be addressed in the screening protocol design. The final position assessment product will point to the specific kinds of information that should be sought in screening inquiries. The completed Checklist leaves important documentation behind which verifies efforts at risk identification and management in screening protocol design.

POSITION ASSESSMENT CHECKLIST



POSITION _____ DATE _____

FOR EVERY POSITION, CONSIDER THESE QUESTIONS:

NOTES

DEGREE OF SUPERVISION

- how well are staff supervised: formally, thoroughly? _____
- are they continually or regularly observed while at work? _____
- is feedback on performance frequently sought by the supervisor from co-workers and/or clients? _____

DEGREE OF ISOLATION

- do staff work off-site? are they located in a different office from the supervisor? in a remote setting? in a car? _____
- do staff have unsupervised contact with a vulnerable client? _____
- do clients ever visit staff members' homes? _____
- do staff ever visit clients' homes? is there an opportunity for staff to gain unsupervised access to the client's possessions? _____
- who else might be in a position to have contact with the client while the client is with the staff? _____

DEGREE OF PHYSICAL CONTACT

- does the position, by definition involve physical contact between staff and the client/participant such as with a coaching position where the coach might need to physically demonstrate or position a player? _____
- is there a rehabilitation component to this position in which staff are required to mobilize limbs or physically support the movements of patients? _____
- does the position involve working with young children in a setting where touching, hugging, lifting, toileting, etc. are not only inevitable but intrinsic to the position? _____
- is this a residential setting for clients that presents greater opportunity or likelihood for physical proximity? _____
- does the position involve helping clients change clothes, bathe, or accomplish other personal activities? _____

POSITION ASSESSMENT CHECKLIST (cont'd)



DEGREE OF PHYSICAL DEMANDS

- does the position require extreme physical exertion, significant physical strength, or endurance? _____
- is a specialized physical ability or skill required to successfully fill this position, such as helping a consumer transfer from wheelchair, athletics; sports coaching; operating a chain saw? _____
- might the position subject the staff to extremes of heat or cold? _____
- is this a position in which staff will experience stress, emotional strain, burnout? _____

DEGREE OF TRUST/DEGREE OF TEMPTATION

- will staff have access to confidential client or organizational information? _____
- will staff be expected to handle or manage the organization's or the client's funds? _____
- will staff come into regular contact with other financial instruments or resources such as a cheque book or donations in the mail? _____
- are staff working at a fundraising event (e.g., bingo, charity casino, carnival, garage sale) where cash transactions are commonplace? _____

DEGREE OF RISK INHERENT IN THE TASK OR ENVIRONMENT

Assess a range of risks, including those to people, to property, to financial assets, and to the reputation and public trust of the organization.

- does the position involve transportation of clients, and in particular, vulnerable clients? _____
- is there heightened potential for staff to come in contact with bodily fluids, infectious diseases? _____
- does the position require assumption of personal safety or liability risks such as in fighting fires, working on construction sites, disaster response, search and rescue work? _____
- is there an element of personal liability involved as with members of a board of directors for an organization faced with a funding shortfall? _____
- does the position require the operation of potentially dangerous equipment or vehicles such as tractors, power tools, motor boats, snow blowers? _____
- does the environment in which the work takes place necessitate exposure to toxic substances, poor air quality, smoke, loud noise, extreme heat or cold? _____

POSITION ASSESSMENT CHECKLIST (cont'd)



DEGREE OF EMOTIONAL DEMANDS

- does the position take place in a fast-paced, demanding, noisy, or otherwise intrusive environment? _____
- will staff typically experience emotional stressors such as loss, grief, or bereavement? _____
- is there inherent danger involved in the position that will wear on emotional endurance over time? _____
- are there extreme standards associated with the work that create high burnout conditions? _____

DEMANDS FOR KNOWLEDGE

- is specific knowledge required to fulfill this position? _____
- is the required knowledge widely available in the general public, or confined in a narrow population of experts? _____
- what level of knowledge in the specified field is required to complete the position? _____

DEMANDS FOR SKILL/EXPERIENCE

- is a specific skill or skill set required to fulfill this position such as computer programming, research, fundraising, graphic design, professional or technical ability, machine or equipment operation? _____
- is the required skill widely available in the general public, or confined to a narrow population of specifically trained experts? _____
- what degree of skill is required to complete the position? _____
- do candidates need to have specific experience to fulfill this position? _____

OTHER POSITION DEMANDS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2

Position Assessment Factor No. 3: The Nature Of Contact With Clients

What is the nature of the relationship between staff and the people with whom they work? How direct is the relationship? What is the nature of the contact? Patterson (1994: 4) borrows on the work of the Minnesota Department of Human Services and advises administrators to assess what is called the “intensiveness” of the relationship by asking questions such as these:

- Will the staff member spend solitary time with clients?
- How much dependence does the relationship involve between the staff and the client? Is this, for example, a friendly visiting or companionship position in which the relationship might grow intense and somewhat exclusive?
- What is the frequency of contact between the client and the staff member and how much time do they spend in each other's company? A server with a meal delivery program might see a client four times each week, but only for three or four minutes each time. Contrast that with a camp counsellor who spends 24 hours a day with children on a week-long canoe trip in a wilderness environment.⁶
- How long is the relationship expected to last? In some positions, the ideal staff/client match could last a decade or more.
- How vulnerable is the client?

The degree of intensiveness in the relationship between staff and clients can dramatically affect the degree of thoroughness required in the screening protocol. **Intensiveness is an indicator of the trust inherent in the position, and the higher the degree of trust, the more thorough the screening ought to be.** When intensiveness is high, specific screening tools that illuminate candidates' trustworthiness become critical components of the screening protocol.



TIP

⁶ For a more detailed discussion of risk factors related to child abuse and the mitigating measures youth-serving organizations might implement, see *National Collaboration For Youth, 1997*.

All of the above position assessments will influence screening tool choices. Remember the underlying premise is this:

THE SLIDING SCALE RULE:

The thoroughness of the screening process should increase with the demands of the position, including the vulnerability of the client, the nature and requirements of the tasks to be assigned, and the intensiveness of the relationship between the staff and the client.



Step 3: The Position Assessment Bar Graph

Now that you have conducted the position audit, written the position description, and completed the detailed Position Assessment Checklist, it is time to conclude this position assessment process by identifying the elements of the position that will have a direct impact on the selection of screening tools. The Position Assessment Bar Graph permits you to summarize all of the position-related demands and risks that you have identified and collected about the position so far, and summarize them in one place. More importantly, the Position Assessment Bar Graph allows you to simply and graphically chart *extent of risk* by recording *how demanding* the position is in relation to the position elements you have catalogued throughout the previous tools.

The Position Assessment Bar Graph is easy to use. Based on your notes from the Position Assessment Checklist, review the list of demands and risk factors listed down the left side of the Bar Graph. Using your best judgement, rate on a scale of 0 to 10, how demanding the position is in connection with each factor by drawing a horizontal line from left to right - out to the extent of demand each factor represents. (Note the scale from "0" to "10" along the bottom and top of the Bar Graph.)

Any risk factor on the list that has no relevance to the position in question is marked with an "X" in the N/A column, receiving a rating of zero. Feel free to add to the bottom of the list any risk factors that you have identified that are not on the list, or use the blank form on page 60 to create your own matrix with a custom list of risks that are most frequently associated with work in your organization.

SAMPLE

POSITION ASSESSMENT BAR GRAPH

POSITION: _____

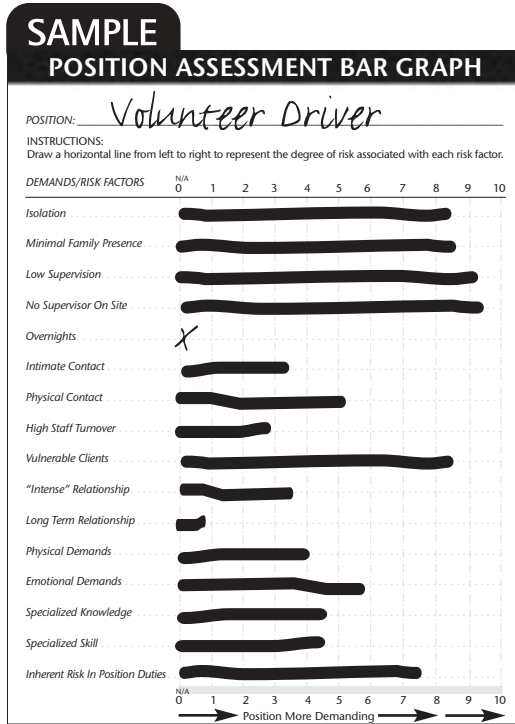
INSTRUCTIONS:

Draw a horizontal line from left to right to represent the degree of risk associated with each risk factor.

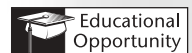


Examine the sample Bar Graph below that has been completed for a volunteer driver position. This sample is included simply to demonstrate how the Bar Graph can be used to provide a quick profile of position-related demands and risks. In this illustration, think of volunteers driving patients to and from cancer treatments at an out-of-town facility. Notice how some position elements are very demanding and/or risky, while others represent very little risk. Some of the implications for screening are immediately apparent from a quick scan of the sample Bar Graph.

For example, notice the degree of isolation, the absence of others at the worksite, the degree of client vulnerability, the absence of an on site supervisor, the infrequency of supervision, and the inherent risk in the work to be done (driving can be a very risky activity). The Bar Graph also points clearly to the physical demands (transfers, stamina, long periods of concentration, perhaps in bad weather) and the emotional demands of the position (patients are very sick, perhaps acutely ill from their treatments, and they are sometimes alone with the volunteer for hours at a stretch during transit). All of these factors have clear screening implications. They point to specific lines of inquiry that should be pursued when screening candidates for positions such as this.



The Position Assessment Bar Graph is not a scientific instrument. Do not agonize over assigning specific scores. The Bar Graph is meant to be a one-page summary device that quickly and graphically portrays the results of your detailed position assessment work and clearly points to lines of inquiry that ought to be integral to screening protocol. **It can be a useful tool in demonstrating to agency administrators the need for care and thoroughness in the screening protocol.**

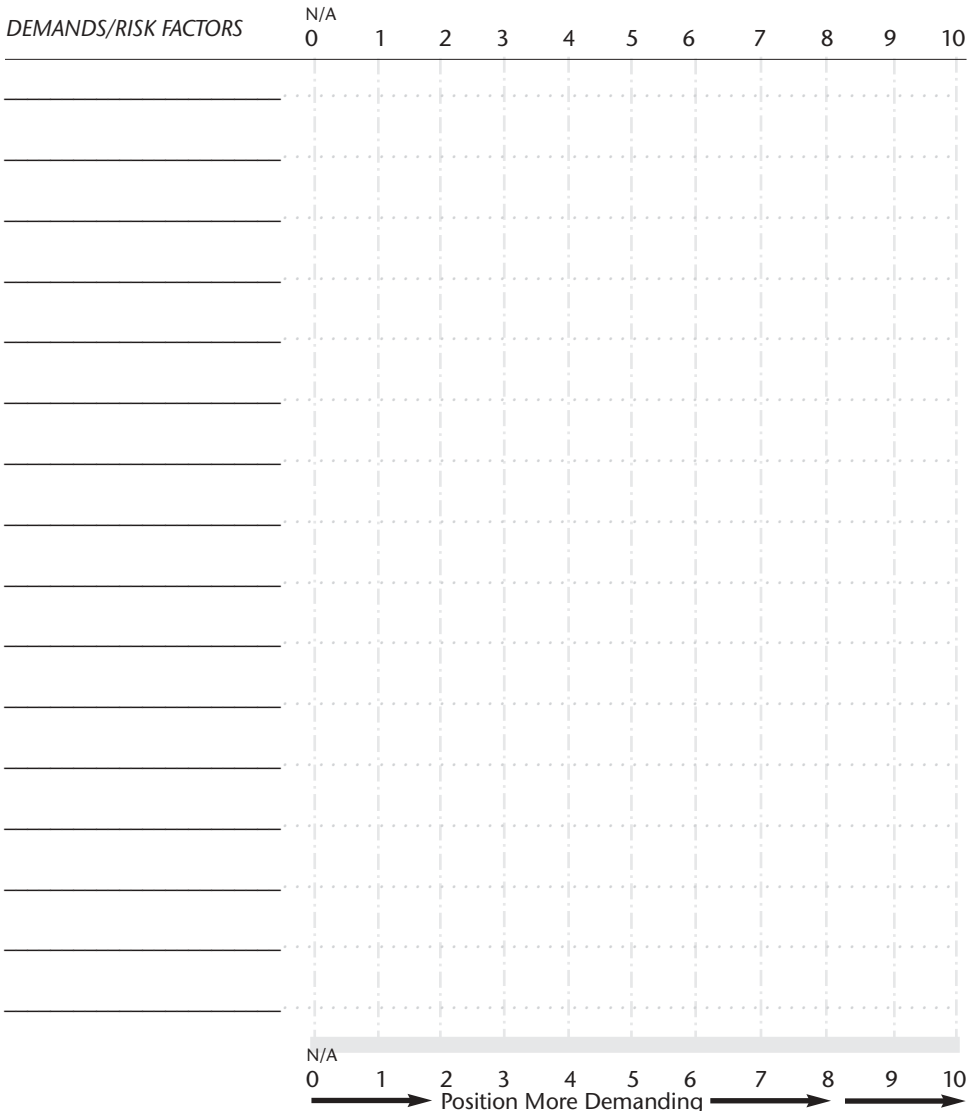


CREATE YOUR OWN POSITION ASSESSMENT BAR GRAPH

POSITION: _____

INSTRUCTIONS:

Draw a horizontal line from left to right to represent the degree of risk associated with each risk factor.



CHAPTER THREE:

SCREENING AS RISK MANAGEMENT

The Relationship Between Screening & Risk Management

By this point, some readers will be growing impatient in their search for specific information about screening tools, maybe even wondering why they are being made to wade through so much other material first. In organizing this guidebook, I have debated about how much detail to include, and about the order in which chapters should be presented. In earlier drafts, the chapter on screening tools was located here, but the final decision has been to make readers wait one more chapter before reaching the specifics about screening tools. The decision has been based on what so many administrators of volunteer resources and executive directors have described about their organizations' response to position-related risks. It seems that many organizations try to address risks by simply adding on more screening tools a) without considering whether the additional screening tools are appropriate to the position in question, or worse, b) without recognizing that the risks in question cannot be resolved by any manner or quantity of screening.

Since screening is not foolproof, and since many position-related risks are dealt with much more effectively through techniques such as position or environment modifications, the knee-jerk reaction that piles on inappropriate or ineffective screening tools can be both costly and potentially risk-increasing rather than risk-reducing. Therefore, this chapter on screening as risk management has been inserted to encourage readers both to be realistic about the limitations of screening, and to make good use of a broader range of risk management techniques that, *in combination with screening*, work to reduce position-related risks to a tolerable level. Screening, alone, is rarely the complete answer.

"Even the most thorough screening cannot provide the organization, the children served by the organization, nor their parents with complete assurance that a child molester will not infiltrate the organization. Appropriate screening, therefore, can only be part of an organization's overall child sexual abuse prevention strategy."

(National Collaboration For Youth, 1997: 19-20)

3

To begin, let's review two fundamental realities about screening:

Screening is as much a function of risk management as personnel management. First, we engage in carefully constructed, comprehensive screening processes as much "to keep the bad apples out" as to ensure that the best candidates are located and placed. Second, no screening protocol is ever foolproof, no matter how thoroughly or rigorously it is conducted. Inappropriate or harmful persons can slip through even the most comprehensive screening protocols, and initially good candidates can turn bad at a later date. Remember there is a first time for every kind of abuse.

Position Modification

The best practice suggested in this chapter involves an interplay between position modification and screening. Position modification and screening, together, are mutually reinforcing. Neither technique, by itself, is sufficient. In the right combination, they help to keep safety in balance.

Start by carefully assessing the requirements of the position. Use any or all of the tools provided in the previous chapter, including the Position Audit, the Position Assessment Checklist, and the Position Assessment Bar Graph.

Position Demands and Risks



In positions where minimal risks and vulnerabilities are identified, it may be possible to achieve an acceptable measure of safety by moving directly to the selection of screening mechanisms appropriate to the position.

Position Demands and Risks

Screening



In positions where risks and vulnerabilities are high enough to cause some measure of discomfort, the first step should be to try to modify the position to eliminate or, at least, reduce risks. The aim is to achieve a greater degree of safety in the position itself. The following two *Cases In Point* illustrate the position modification process.

CASE IN POINT: POSITION MODIFICATION FOR YOUTH LEADERSHIP

Consider a position in a youth recreation and leadership program that requires volunteers (or paid staff) to work directly, one-to-one, with children aged seven to eleven. By definition, this kind of position entails risks - for the children, for the volunteers, and for the organization. So think through what those risks might be. Concern for the suitability and trustworthiness of the volunteer is only one of many issues that might be identified, although it is tempting to think that an intensive screening process is the answer to most, if not all, position-related risks.

Rather than leaping immediately to a screening solution, think first about how the position might be modified. What measures can be used to increase safety and thereby achieve a more tolerable level of risk? One-to-one interaction may be a crucial component of the program, but must the volunteer interact with the child with no one else in the vicinity? Probably not.

- *Is it possible to modify the position or the environment in such a way as to ensure that the volunteer-child interaction takes place in a safe setting?*
- *Could they meet together at the organization's facility, and/or when and where other volunteers are connecting with their little buddies, and/or in the child's home in the presence of a parent, and/or in a recreational setting where parents, staff, or other volunteers are continuously present, and/or ...*

Position and environment modifications such as these not only decrease the risk of inappropriate or abusive behaviour on the part of the staff, but they compensate for some of the uncertainties about candidate appropriateness that always linger, even after the most intensive screening processes. They generate additional benefits such as:

- *diminished likelihood of false allegations of abuse*
- *a greater measure of physical safety for staff and children through the creation of a more controlled environment*
- *a greater assurance of appropriate emergency response in the event that a child is injured in an organization-sponsored activity*

This is not to say that screening is not important. On the contrary! But screening is not the only (or even first) solution to position-related risks.



CASE IN POINT: POSITION MODIFICATION FOR FRIENDLY VISITOR

Consider a friendly visiting program that links volunteers, one-to-one, with lonely and isolated seniors. Companionship and supportive relationships are the goal. In conducting the position audit, the administrator of volunteer resources will need to envision the kinds of activities that the volunteers and clients might do together. What kinds of activities are within bounds? What kinds of activities should be ruled out of bounds? For example, is it acceptable for the volunteer:

- *to transport the senior ... anywhere?*
- *to take the senior sky-diving?*
- *to take the senior on a two-week family vacation to the Caribbean?*
- *to do banking for the senior?*
- *to accept gifts from the senior?*
- *to agree to be the Executor of the senior's will?*

There is no doubt that screening will be important in positions such as this one, but screening should not be the organization's sole line of defence. In this example, policy development would be a critical device to establish rules, expectations and parameters. Careful training would help volunteers understand the boundaries of the position and the importance of compliance. In the case of transportation, if driving the senior is to be defined as an acceptable dimension of the position (e.g., they go shopping together; they go to pick up the dry cleaning; they just go for a ride together; etc.), then the organization should probably respond to driving-related risks by adding at least some driving-related elements to the friendly visitor screening protocol, (e.g., proof of driver's licence, driving record check, insurance verification, and/or vehicle safety inspection). The other alternative is to modify the position and prohibit volunteers from driving their seniors. Travelling together by public transit might be defined as within boundaries, but travel in the volunteer's own vehicle would be prohibited.

The lesson is this: Do not rely on screening as the only, or even primary, solution to position-related risks and vulnerabilities. Screening is always limited and provides no guarantees. It is far better to make the position as safe as possible than to try to bolster an unnecessarily risky position with additional screening efforts.

Risk Mitigation

Without moving into a full-fledged discussion of risk management, which is beyond the scope of the present guidebook, let us explore in a brief way how position-related risks can be mitigated to reduce the pressure on screening protocol.

Following is a sample Risk Mitigation Worksheet that can be used to list identified tools and plan risk reduction strategies. The first Worksheet is partially completed to illustrate the process. A blank worksheet follows that you can copy and use with each position in your organization.

From the tools itemized in the previous chapter, list in the left column the risks that have been identified for any given position. Now consider how each of those risks might be lessened. Consider altering the position itself, the environment in which the position is conducted, or other strategies that will serve to reduce risks to a more tolerable level.

SAMPLE

RISK MITIGATION WORKSHEET

RISK FACTOR	MITIGATION OPTIONS • MITIGATION OPTIONS		
	Job Modifications	Environmental Modifications	Other Risk Reduction Techniques
<i>isolation</i>	<ul style="list-style-type: none"> * have staff work only in pairs, teams, or groups * assign a "buddy" (experienced staff member) 		<ul style="list-style-type: none"> * implement a probation period including extra supervision * solicit client feedback regularly
<i>low supervision</i>	<ul style="list-style-type: none"> * have staff work only in pairs, teams, or groups * assign a "buddy" (experienced staff member) 	<ul style="list-style-type: none"> * restrict work to on-site where others are in vicinity 	<ul style="list-style-type: none"> * increase parental involvement in activity * implement unscheduled monitoring visits
<i>high degree of risk in tasks</i>	<ul style="list-style-type: none"> * increase minimum qualifications for the position 	<ul style="list-style-type: none"> * implement frequent equipment inspections 	<ul style="list-style-type: none"> * clearly define performance standards, and enforce * increase orientation and training * increase supervision

RISK MITIGATION WORKSHEET

<i>RISK FACTOR</i>	<i>POSITION:</i> _____ <i>MITIGATION OPTIONS • MITIGATION OPTIONS</i> <i>Job Modification Environment Other</i>

3

Balancing Risk In Screening Protocol Design

When the risks and demands of the position have been established and the position has been made as safe as possible, it is time to draft the screening protocol. “Drafting the screening protocol” simply means choosing the set of screening tools that will be used to screen for the position, based on the demands and risks of the position.

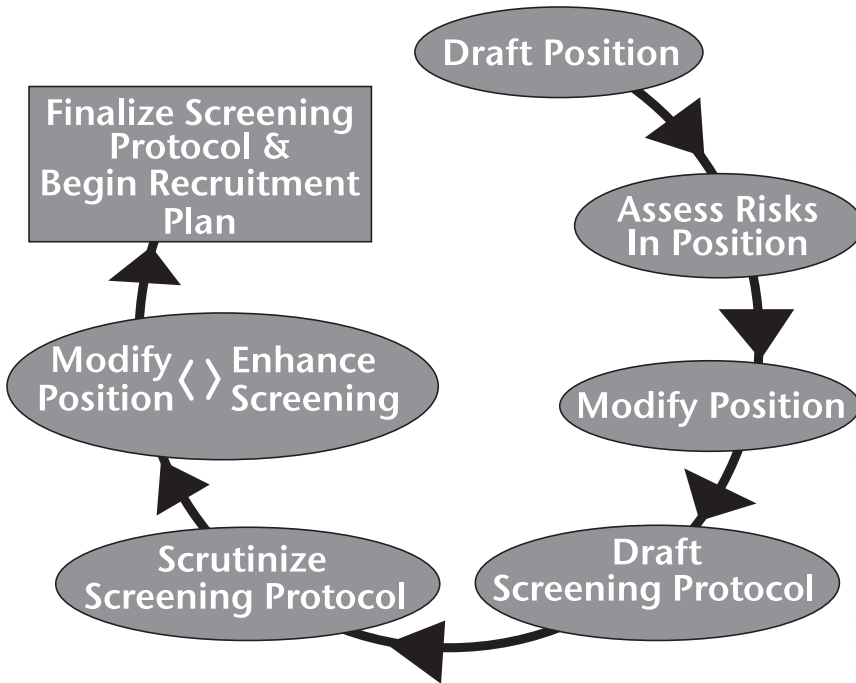
When the screening protocol has been drafted (the next chapter describes screening tools and helps with choices among them), it is important to pause and study the protocol you have created. Ask yourself these questions:

- In light of the responsibilities that will be assigned to the candidate(s), does this screening protocol seem sufficient?
- Does it look like it will provide the kinds of information about candidates that the position calls for?
- Will you feel reasonably comfortable with your selection decisions based on the information you plan to collect through this set of screening tools?

If you answer “yes” to these questions then proceed with recruitment, screening, and placement activities.

If you answer “no” to any of these questions, then additional steps might be in order. For example, if you suspect that the draft screening protocol will not generate certain types of information that you think would be important in the selection decision, are there other available screening mechanisms that could be added to the protocol that would make it thorough enough to proceed? If there are no other appropriate screening tools to add to the protocol, or if you rule out additional tools on the basis that they are too costly, too cumbersome, or too intrusive, then it might be necessary to go back a step and re-examine the position. Ask yourself, given the limitations of the screening process, are there further position modifications that should be incorporated to address the deficits you have identified in the screening protocol?

**THE PROCESS OF RISK MITIGATION
IN SCREENING PROTOCOL DESIGN**



Let's recap the steps outlined so far:

- draft the position
- assess the position and identify position-related risks and demands
- if necessary, mitigate risks through modifications to the position, its environment, etc.
- draft the screening protocol
- scrutinize the screening protocol for deficits
- modify the screening protocol and/or further modify the position to reach a desired degree of safety for the position
- finalize screening protocol and begin recruitment plan

3

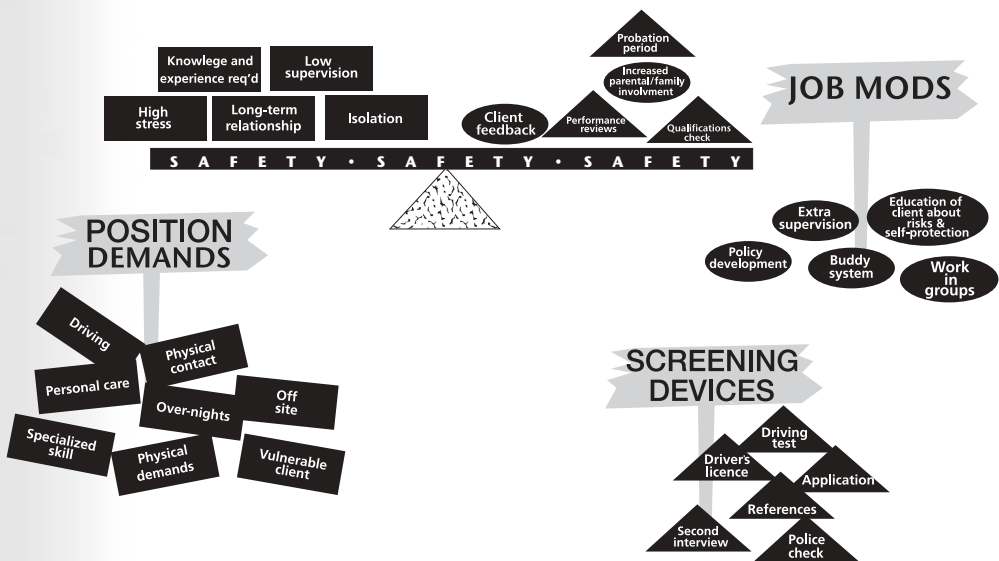
This back-and-forth strategy among position assessment, position modification, and screening tool selection illustrates that two distinct sets of tools exist for the administrator to apply. One set of tools allows modifications to be made to the position and its environment. The other set of tools is comprised of the full range of screening devices currently available. **The tools in each set complement each other, and they work in tandem to control risks. The administrator must select from the two sets a custom combination of tools that reduces position-related risks to a tolerable level - that puts safety back into balance.**



BALANCING RISK FACTORS: POSITION DEMANDS AND SCREENING DEVICES/JOB MODIFICATIONS

DEMANDS OF THE JOB

SCREENING AND/OR JOB MODIFICATION



The objective is to keep safety in balance and risks under control. The risk management process described in these steps is a synergistic one in which the deployment of the three mutually reinforcing techniques of position assessment, position modification, and screening device selection allows an organization to create the safest possible circumstances in which its work can take place. Beware the knee-jerk reaction which simply piles on more screening tools in response to the identification of position-related risks. For example, conducting a police records check on all employees, regardless of their responsibilities, is an overly simplistic response that ignores both the limitations of police checks and the complex nature of the risk management process.

“... conducting a police records check on all employees, regardless of their responsibilities, is an overly simplistic response that ignores both the limitations of police checks and the complex nature of the risk management process.”

3

CHAPTER FOUR:

SCREENING TOOLS

The Screening Tool Selection Process

Screening should not be conceptualized as a single task activity. A full range of screening tools is available to administrators of both volunteer and paid human resources.

Every screening tool brings advantages and limitations. Each tool allows the administrator a limited window on a specific aspect of a candidate's qualifications and character.



No single screening mechanism, alone, can reveal complete or sufficient information on which to base the selection decision.

The challenge for every administrator of paid and unpaid human resources is to put together the appropriate set of screening tools that, together, provide enough of the right kind of information to generate the final selection and placement decision.

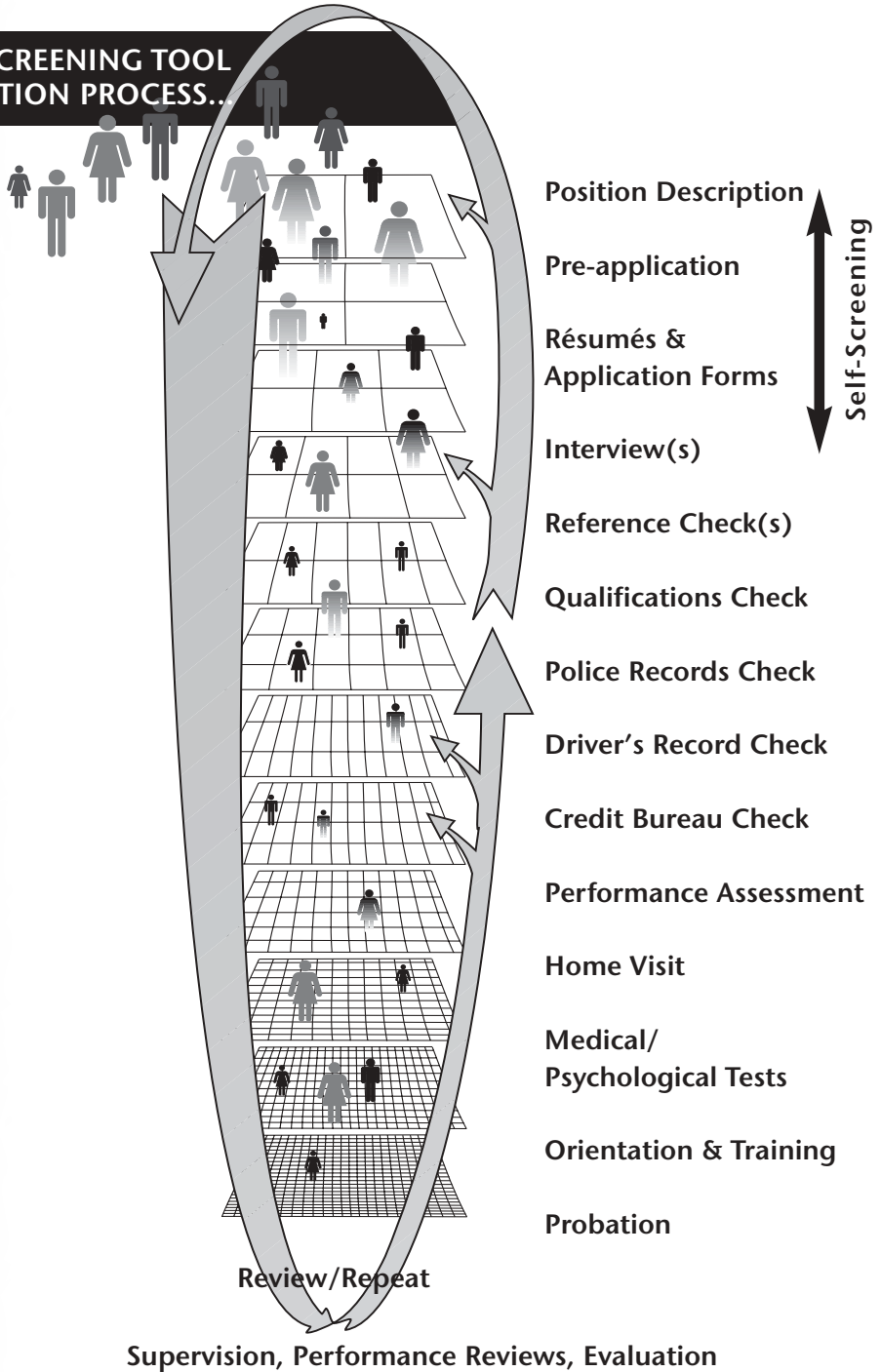
The requirements of the position will, for the most part, dictate what you will need to know about applicants to make the selection decision. The kind of information you need to know will dictate the constellation of screening tools that should be used.

Consider the Screening Tool Selection Process Diagram on page 74. It illustrates the overall process of screening tool selection.

“Regardless of the intensiveness and thoroughness of the screening process, a leap of judgement will still be required regarding whether a volunteer is qualified and appropriate for the position. In this sense, there are no foolproof devices, and no device comes with a guarantee. The challenge is to do as much as is possible, reasonable, ethical, appropriate, and legal, to achieve an organizational comfort level with information gathered and decisions taken.”

(Linda L. Graff, 1997a)

THE SCREENING TOOL
SELECTION PROCESS...



Debriefing The Screening Tool Selection Process Diagram

- Notice that there is a broad range of tools available. While this list is not exhaustive, 14 of the most widely used and easily accessible tools are found on it.
- The list of tools should be considered as a “menu” from which one chooses the proper sub-set for each position. No organization is likely to deploy all of the tools. The challenge is to select the proper set of tools for each position, based on the demands of the position.
- Notice that the mesh on the screens becomes finer in each successive screen. This indicates that the tools are listed in a general order from the least-intrusive measures at the top, to the most-intrusive measures at the bottom. It is suggested that they be applied in a similar order. That is, when the tools have been selected, implement them in an order from least-to-most intrusive, and least-to-most costly.

There are exceptions to this rule. For example, T.B. testing is a prerequisite for workers in settings such as hospitals and day care centres. Since a positive T.B. test would be an immediate disqualifier from service, it is a screening device that ought to be applied sooner rather than later. Why waste time on more intensive, costly screening procedures such as interviews and reference checks if the T.B. test, when done early, provides advance notice of unacceptability?

- The earlier tools are particularly useful as self-screening mechanisms. By providing sufficient detail to candidates about the demands of the position and its associated minimum qualifications, and about the organization, its mission, and the conditions of the working environment, candidates are able to make an initial determination about whether they believe themselves to be suited to the position. The more detail that can be shared early with candidates, the greater the likelihood that significant numbers of the inappropriate or unqualified will rule themselves out.
- At the bottom, the diagram connects to the supervision, performance review, and evaluation functions of program/personnel management to emphasize the point that initial screening provides no guarantees about the ongoing suitability of candidates. It must be supported and extended by additional measures that provide continuous feedback on performance and suitability.

4

- As the large arrow moves down the left side of the list and circles back up the right side, it is interrupted to represent the possibility of repeating tools on the list since certain screening mechanisms can be repeated, either in the initial screening protocol, or as part of an ongoing-screening process. For example, it is possible to ask candidates to provide the names of additional referees if the first set are unreachable, or if the first referees are unable or unwilling to provide sufficient information about the candidate. Similarly, it is possible to build into any screening protocol more than one interview, more than one form of qualification check, and/or more than one type of performance assessment. It is also possible for organizations to repeat some of the initial screening devices, either to ensure that staff members continue to be qualified for the position they hold, or to inform decisions about transfers and promotions of current staff members to different positions in the organization.
- Ultimately, the arrow circles around and joins to the point of its own beginning. Screening, when understood in the context of risk management, never ends. There are always new candidates to be screened, and there are always current staff members who need to be monitored.

The Tools

Different sets of tools should be used for different positions. Fourteen of the most readily available and widely used are reviewed in this chapter.

	<u>TOOL</u>	<u>PAGE NUMBER</u>
1	<i>Position Descriptions</i>	78
2	<i>Pre-Application Devices</i>	80
3	<i>Résumés and Application Forms</i>	82
4	<i>Interview(s)</i>	90
5	<i>Reference Checks</i>	98
6	<i>Qualification Checks</i>	113
7	<i>Police Records Check s</i> <i>(Criminal Records Check)</i>	115
8	<i>Driver's Record Checks</i>	117
9	<i>Credit Bureau Checks</i>	118
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11	<i>Home Visits</i>	121
12	<i>Medical/Psychological Testing</i>	122
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15	<i>Other Tools</i>	125

4

1. Position Descriptions

“The expectations of the position form the basis upon which qualifications (BFOR’s) for the position are determined, and they also form both the legal and ethical foundation - for the screening process.”

Written position descriptions - for paid and unpaid staff - are powerful risk management tools, as well as being the personnel management tool they have usually been understood to be. A written position description defines what the staff member is supposed to do, and the parameters around those duties.

The duties specified in the position description guide both the *nature* and *extent* of screening required. Here is how we define “bona fide” in human rights terms. For example, if the position calls for the candidate to work directly with clients, the areas on which to screen may include:

- how well the person relates to others
- indicators of abusive behaviour
- the candidate’s ability to relate to persons of diverse cultural or racial background



REMEMBER

Remember that if a position calls for these kinds of skills and background, then the requirements should be clearly and thoroughly outlined in the position description.

The demands of the position also have implications for the extensiveness of the screening process to be applied. For example, if the staff member is to have contact with clients only in group settings under direct supervision, the screening may be less exhaustive than if the position requires the staff member to visit isolated clients in their own homes. If the gardener’s assistant will never be expected to operate a chain saw, a power take off, or a backhoe, and if he or she will never be in a position to spend time alone with clients in an isolated area of the grounds, then screening may need to go no further than assessing relevant knowledge (does the candidate know the difference between a canna lily and a dandelion?) and physical ability (does the candidate have the physical strength and stamina to use tools such as shovels and rakes for two to three hours at a time?).



TIP

It is critical that the specifics of the position and its minimum qualifications are outlined in the position description. If a position on the board of directors requires good decision-making abilities, the position description should ask for more than Tuesday night availability.

Remember to specify the “softer” position requirements, including:



- ability to relate to people
- ability to adapt to change
- ability to work as a team member
- ability to work independently
- good work habits such as punctuality, dependability, honesty, open communication, and so on
- ability and willingness to support the mission of the organization
- collegial respect⁷

Because the position description provides the legal basis for screening inquiries, there must be a clear and defensible continuity between what the position description specifies and the types of screening techniques applied in the selection and placement process. Screening more or less intensively than the position description calls for can be dangerous and illegal.

The position description is the written proof you may require to successfully defend screening decisions. As Robert W. Wendover says, “While there are no specific legal requirements for having these documents, organizations unable to produce descriptions of the jobs in question face an uphill battle in wrongful discharge and discrimination suits.” (1996: 46)⁸



No hiring or screening process should begin without a current, comprehensive position description in place. While it is difficult to define with any certainty the full list of screening tools that ought to be used for any given position, it is reasonable to suggest that the position description is a minimum standard for every screening protocol.

⁷ Including these kinds of details in the position description also establishes the ground work for any performance correction or disciplinary action that might be required at any point in the future. When you clearly articulate what is expected from the outset, you establish the basis for accountability in the future.

⁸ For more on how to develop position descriptions, see: Carla Campbell Lehn (1998); Steve McCurley and Rick Lynch (1996); Shirley Jenkins (1997); Marilyn MacKenzie and Gail Moore (1993); Robert W. Wendover (1996); and Jeffrey L. Brudney (1995).

4

2. Pre-Application Devices

Helping prospective staff members to screen themselves out is the most effective and humane screening device available. Whatever can be done early on to help applicants understand the nature of the work, its demands, and the essential nature of the working environment will go a long way to reducing the number of inappropriate applications in the first place, and the number of candidates to whom the manager will have to say “no.”

Here are three examples of pre-application screening devices.

Recruitment Publicity - Screening begins before candidates even make contact with an organization. How the work of the organization and its staff members is portrayed, how the position is advertised, how detailed the information is about minimum qualifications, all help prospective candidates to determine whether a position sounds attractive, interesting, and appropriate.



TIP

If personnel are to perform important, demanding, or risky work, then position requirements must be portrayed accurately in recruitment publicity. This is not intended to discourage good candidates from applying, but rather to help inappropriate candidates to screen themselves out.

First Contact - At the time that a candidate contacts your organization about volunteer or paid work, the first message she or he receives can be a powerful screening mechanism.

Consider these two messages from the organization’s receptionist:

“Hello, Acme Home Support Agency.

Oh, gee, thanks for calling. Yes we are looking for new friendly visiting volunteers.

In fact, we’re running our volunteer orientation session this week and I know it isn’t full yet.

Are you available to join us at 7:00 Thursday evening?

I’m sure the Volunteer Coordinator would be delighted to have you involved in the program.”

“Hello, Acme Home Support Agency.

Thank you so much for your interest in our friendly visiting program. Our volunteers do such important work for seniors in our community. Have you ever had any contact with our organization before?

No? Well, let me give you a bit of information about the position. That will give you a better idea of how we do things around here, and what the position entails ... before you go to the trouble of starting the application process. Sometimes we find it necessary to decline the offer of volunteer time from applicants whose skills and talents don’t quite match what we are looking for.

The reason that we carefully consider every volunteer application is to make sure that Acme provides the very best service possible to every senior we work with. I am sure that you would want to make sure that we did the same if one of your family members was receiving service from us, wouldn’t you? ...”

The message about how the organization values its paid and unpaid staff and their work starts here. It is important to be clear about what the agency's needs are, whether applications are being accepted (and if not, other agencies that applicants may contact, including the local Volunteer Centre), what the application process is, and what the next step should be.

The requirements of the position should never be minimized or undersold. It is tempting to do so to avoid scaring away prospective candidates, and in particular, volunteers, but full disclosure is always the best practice for three reasons:



- Clarifying the importance of the work and the significant responsibilities placed on staff simply reveals the truth.
- Masking or diminishing the seriousness of the employment contract (with either a paid or an unpaid staff) does a disservice to all.
- If expectations are not articulated, how can staff members be expected to meet them?

Of course it is important to find a balance between being truthful and comprehensive in the description of position-related duties from the very start, and overstating the demands to some who would have been excellent volunteers or paid employees but who inaccurately conclude they can not handle the work. It may help to explain to candidates that the standard of care has increased recently, and help them understand why screening has become so important to the mission of not-for-profit organizations and the well-being of their clients.

Applicant Response Letter - When screening for volunteer positions, follow up on all first contacts with a response in writing. To all who express interest, send a brochure about the service and a description of the position that includes minimum requirements. Be sure to indicate that acceptance as a volunteer with the program is not automatic, and that the screening process is an occasion for mutual assessment.



For applicants to both paid and unpaid positions, provide full information about the screening procedures that will be followed. The general rule here is one of "no surprises." All candidates should know precisely what the screening protocol will involve before they begin any part of it.

4

3. Résumés and Application Forms

Résumés and application forms are screening tools through which candidates provide basic information about themselves and their qualifications. The two tools are used interchangeably in some settings, but typically, the résumé is deployed in professional- or executive-level positions, while application forms tend to be used for skilled, semi-skilled, or labourer positions.

The résumé is structured and completed to the style of the candidate's choosing whereas the application form requires information to be provided by all candidates in a uniform manner. The résumé therefore permits greater creativity, but candidates using the résumé format have a greater leeway to leave gaps and hide unfavourable facts. The consistency in data reported across application forms makes them easier to compare with each other.



TIP

Organizations have a choice between the two forms of basic information collection. **The organization that designs its own application form can define precisely what information it wants and in what format that information should be presented.** Most volunteer departments use the application form as the preferred method and this is the mechanism concentrated on in the remainder of this section. The details regarding assessment and the development of a standardized rating protocol apply to résumés equally well.

It is advisable for organizations to collect an application form from every applicant which then becomes the cornerstone of every staff member's "personnel file" with the organization.

There is a wide range of information that can be obtained through the application form. Following is a menu of information categories that can be included on an application form.

Organizations should choose carefully from the following list only those items of information that are clearly required by each position.

- **identification** - name, address, phone number, etc.
- **qualifications** - skills, education, training, licence, driving/accident record

- **equipment/vehicle** specifications
 - computer - operating system, IBM/Apple, etc.
 - car: year, make, model, ease of entry, carrying capacity; insurance information such as type and limits of coverage, company name, broker
- **medical conditions** that may affect ability to perform position requirements⁹
- **availability** - day of week, time of day, frequency, length of shift
- **preferred working conditions or limits** (e.g., likes working with children; does not want to work with children; likes working outside; prefers inside work; likes to work alone; is pursuing volunteer work to meet and socialize; feels comfortable driving on highway/country/city roads in bad/only good weather; will/not drive at night)
- **reason/motivation** for seeking volunteering/employment in this organization
- **how** the applicant heard of the position
- relevant paid and unpaid **work history**
 - include dates of service, description of duties, name of employer and immediate supervisor with addresses and telephone numbers to facilitate verification
- **other relevant skills** (e.g., C.P.R., first aid, driver education, defensive driving, etc.)
- **background** - any other relevant experience that relates to the position in question
- **references** - best practice suggests wherever the names of referees are requested, one must also require the candidate to provide explicit (signed) permission for the organization to actually contact those referees in connection with the current application (more on this later)
- **authenticity** - a signed statement indicating that the applicant certifies that the information provided is true and complete

⁹ Human Rights legislation in most jurisdictions throughout North America contains prohibitions regarding discrimination on the basis of disability. Be certain to check the legislation that bears on the work of your organization and make sure questions in the application form are in compliance with all Human Rights provisions in your area.

4

- **authorization to verify** - a signed statement indicating that the applicant grants permission to the organization to verify the information included on the application form
- **signature and date**

Please note that not all agencies will seek all of these types of information; not all of them will be relevant to all positions. Some information-gathering may wait until the personal interview, or be obtained on separate forms (insurance, medical, references, etc.).

SAMPLE

PERMISSION TO CONDUCT REFERENCE CHECK

I _____ (applicant), hereby authorize _____ (hiring organization) to solicit a personal professional family reference from _____ (names(s) of referee(s)) in connection with my application for the position of _____.

I hereby authorize the above named referee(s) to provide a reference in connection with my application for the position of _____ with _____ (organization), and release them from any liability in regard to same.

Signature

Date

SAMPLE

VERIFICATION STATEMENT

I hereby certify that all information included in this application form is true and complete.

I understand that incomplete applications will not be considered, and that providing false information is grounds for immediate disqualification from the application process, or even immediate dismissal if the falsehood is discovered after hiring.

Signature

Date

SAMPLE

PERMISSION TO VERIFY CONTENT

I _____ (applicant), hereby authorize verification of all statements herein and release _____ (organization) and all others from liability in connection with same.

Signature

Date

Since many human resource departments and almost all volunteer programs use the application form method, you should not have to develop yours from scratch.¹⁰ Ask other administrators to share their forms. Compare designs, wording, and question order. Choose what best fits your current needs. It is much easier to cut and paste from a range of samples than it is to start from scratch.



Check the application form for prohibited information. Do not ask questions that could generate prohibited information. For example, the requirements of the position may make it necessary to know if candidates have completed high school, but asking for the date of high school attendance or graduation would allow you to estimate the age (within a year of two) of almost all candidates ... and dates of high school attendance are immaterial to the bona fide requirements of most positions.



Lorraine Street (1996: 3.26) suggests that questions on any application form should meet the following conditions:

- what you are asking for is reasonable given the position in question
- the information is being sought in good faith, and not in order to discriminate
- what you are asking about is rationally connected and essential to the duties of the job

It is recommended that draft application forms be reviewed by legal counsel (and the Human Rights Commission, where they are willing to provide such a service) to ensure compliance with all relevant legislation.



¹⁰ There are four different sample application forms in John Patterson's *Staff Screening Tool Kit* (1994: 34-36). See also, Steve McCurley and Rick Lynch (1996), and Susan Ellis and Katherine Noyes (1990) for other sample application forms.

4

Reviewing Application Forms

Impartiality is perhaps the most important factor in the process of assessing information gathered via application forms. An objective assessment of each application, measured against the bona fide requirements of the position as outlined in the position description, is the goal.

Check first to see that all pertinent information is supplied. Depending on how exacting you wish to be at this stage of the screening process, you might define incomplete application forms as automatically disqualified (in which case, notice to that effect should be clearly posted in the application form instructions). Alternately, you might highlight missing data for clarification and/or collection at a later point of contact with the candidate.

Robert W. Wendover (1996) lists three specific things to look for while reviewing application forms:

- clarity: cleanliness, legibility, and organization of responses
- ability to follow instructions: does the information provided actually answer the question? are all necessary sections completed?
- accuracy of information: do the dates check out? are the answers in the right places? are there spelling or grammatical errors?

Application Form Rating Tool



In order to standardize your own review process, and to ensure uniform documentation of your assessments, development of a rating tool for each hiring sequence is highly recommended.

Developing a rating tool does not have to be scientific or arduous. Base the rating tool squarely on the bona fide requirements of the position in question. Pull from the position description the key qualifications being sought and list them on the rating form. Develop a simple numeric scale (see the samples below). To increase impartiality you might consider assigning an identification number to each completed application form. Candidates are identified only by their number on the rating form. Proceed to rate each completed application form consistently against each of the qualification variables, assigning a rating for each.

APPLICATION RATING FORM

SAMPLE

POSITION: Volunteer Driver (with seniors program)

INTERVIEWER(S) _____ DATE: _____

INSTRUCTIONS: Rate the candidate on each qualification variable, using the following scale:
 0 = not acceptable for this position 2 = barely meets expectation 4 = exceeds minimum expectation
 1 = below expectation 3 = meets minimum expectation 5 = outstanding

Applicant ID#	Drivers Licence	Driving Experience	Previous Vol'r Experience	Work With Seniors	(Bonus)	Total

APPLICATION RATING FORM

SAMPLE

POSITION: Volunteer Computer Trainer

INTERVIEWER(S) _____ DATE: _____

INSTRUCTIONS: Rate the candidate on each qualification variable, using the following scale:
 0 = not acceptable for this position 2 = barely meets expectation 4 = exceeds minimum expectation
 1 = below expectation 3 = meets minimum expectation 5 = outstanding

Applicant ID#	Education	Computer Experience	Training Experience	Work With Children	Previous Vol'r Experience	(Bonus)	Total

The samples illustrate how the rating form can be customized to the unique requirements of the position. The “Bonus” column allows the screener to assign bonus points for additional factors about any of the candidates that might make them especially qualified for the position.

When the rows are totalled for all candidates, the sum in the right hand column represents a reasonably objective assessment of the relative qualifications of the candidates.

4

The rating form is particularly useful when the screener is faced with the task of choosing, from among a large number of candidates, a single (or small number of) successful candidate(s). However, even where the administrator is seeking multiple candidates for a single position, the rating form is a useful mechanism for prompting objectivity and recording assessments and impressions from the application forms in a consistent manner. It allows the rater to quickly identify candidates who do not meet minimum qualifications, and to record the basis for such assessments in the event that a candidate asks for feedback about the decision, or the selection decision comes under scrutiny.

Application Form “Red Flags”

Different objectives operate in the application review process, depending, in large part, on the number of applicants and the number of available positions. When the objective is to hire a small number of candidates (or perhaps only one) from a large pool of applicants, the reviewer will concentrate on finding the small number of applicants who will be “short-listed” to move on to the next step(s) in the screening process. For most volunteer positions, where there are often fewer applicants than available openings, the objective is to rule out the obviously unqualified candidates and “long-list” all the others who will move on through the next step(s) in the screening process.

No matter which of these objectives is in play, the application reviewer ought to be vigilant for what are called application form “red flags.” These are elements detected in the review of application forms that suggest something is awry. Red flags come in many varieties, ranging from nebulous indicators to some very clear signals for concern:

- applicant's choice of terminology
- barely discernible patterns in work histories
- unusually extensive and exclusive involvement in children's activities
- criminal convictions for offenses directly related to the work being applied for
- inconsistencies among the pieces of information provided on the application form

Red flags are not synonymous with automatic disqualifiers. Red flags are causes for concern that constitute grounds for further investigation.

The National Collaboration For Youth (1997: 15) suggests that inconsistency should be considered a red flag. Inconsistency might be detected within the application form, or between what information is supplied on the application form and other data collected in subsequent screening inquiries.

“Red flags are causes for concern that constitute grounds for further investigation.”

John Patterson (1994) suggests other important red flags. Gaps in time not accounted for on the application form should cause the reviewer to investigate further through other screening devices. Gaps may simply represent time taken for personal pursuits or for child rearing, for example. Gaps might also represent periods of incarceration, institutionalization, or employment not listed because of terminations, poor performance, or worse.

Frequent, unexplained moves should also catch the attention of the reviewer. Patterson says, “Individuals who move from community to community without apparent explanation may be leaving a trail of debt, criminal activity, or child abuse.” (1994: 29)

Patterson also advises application reviewers to look carefully at the kinds of “avocational interests” (hobbies, community activities, volunteer history) listed by applicants. He says, “Involvement in age-appropriate hobbies and community activities suggest emotional maturity. Over-investment in children’s activities - youth groups, sports, Sunday school teacher - to the exclusion of social activities with other adults *may* indicate an unhealthy compulsion to be around children.” (1994: 29)

None of these factors, alone, is cause for disqualification. Each is sufficient to justify further inquiry in subsequent screening mechanisms such as interviews, reference checks, employment verifications, and qualifications checks.



4

4. Interview(s)

“... there are certain kinds of questions that you simply should not ask during the interview. If you do, the applicant can later claim that he or she was not hired because of something other than a BFOR. At all costs, you want to avoid any accusation of exercising bias or discrimination in your hiring practices. This involves being aware of related kinds of questions that may be construed by others as intended to gather information that has nothing to do with a person’s qualifications.”

(Richard S. Deems, 1994: 39)

The personal interview has traditionally been the cornerstone of most screening processes. While a personal interview may not always be possible or practical in the selection of volunteers for some of the shorter term and/or special events positions, most volunteer and (paid) human resources departments will include personal interviews in the screening protocol for most positions.

The personal interview allows a face to face interaction, often the first opportunity for the candidate and selection personnel to meet. The interview allows the interviewer to pick up on all sorts of verbal and non-verbal cues, assess manner of personal presentation, style of relating, verbal communication skills, and non-verbal communication characteristics. The interview permits an in-depth exploration of position-related attitudes, perspectives, and issues. Here too is a chance for a truly mutual exchange. This is an important opportunity in the screening process since, to this point, the agency has typically been doing all of the asking. Here, finally, is the opportunity for candidates to check out the site, the organization, its setting and culture, and to obtain whatever other information they might need to make their own decisions.

Keep in mind that while the interview is a screening mechanism, it is also part of the recruitment process. **Do not become so focussed on your own information needs that you neglect the needs of the interviewee, or miss the opportunity to extend your recruitment objectives into the interview setting.** Remember to be welcoming and warm.

**TIP**

While a lengthy discussion about how to conduct a proper interview is beyond the scope of the present chapter, a few key thoughts about the personal interview are offered below to guide a lawful and fair application of this important screening device. For more information on interviewing, see Richard Deems (1994); John Patterson (1994); Robert W. Wendover (1996); Lorraine Street (1996); Steve McCurley and Rick Lynch (1996); and Roy Crowe (1994).

Human Rights Prohibitions

The same anti-discrimination prohibitions that apply to the application form and other screening mechanisms apply equally to the interview situation.

- **Do not** ask about anything that is not directly related to the bona fide requirements of the position.
- **Do not** ask about anything that pertains to human rights restrictions such as age, gender, disability, sexual orientation, marital status, and so on unless these are directly related to candidates' ability to complete the position they have applied for.
- **Do** ask only those questions that assess the position-related skills and qualifications of the candidate.

Be aware that it is much easier in the context of the interview situation to wander into prohibited grounds unintentionally. For example, one might innocently comment on an interesting accent detected in the speech patterns of a candidate ... and be misinterpreted as digging for ethnic origin. Following is a sample list of questions that might inadvertently lead an interviewer into unlawful territory.



- **Do not** ask about birthplace or residence. Doing so opens the interviewer to an allegation of discrimination on the basis of place of origin, ancestry, ethnicity.
- **Do not** ask about skin colour, eyes, hair, distinguishing physical characteristics, mother tongue, or the origin of a name. The answer might reveal ancestry or ethnicity.
- **Do not** ask about a candidate's maiden name, or the name or address of a spouse, child, or relative. The answer might reveal marital status or sexual orientation.
- **Do not** ask about religious holidays observed by applicants. The answer might reveal religion or creed.
- **Do not** ask when a candidate started, attended, or finished high school. The answer may identify age.

While the above list of precautions is far from exhaustive, it illustrates how naive, or even well-intentioned, conversational gestures might be interpreted by applicants as discriminatory.¹¹ The age-old interviewing technique that recommends development of rapport with the candidate, putting him or her at ease through early small talk and informality, can easily lead an interviewer into dangerous territory. One cannot predict how such informal chitchat might be perceived by the interviewee.

¹¹ For a more detailed listing of prohibited questions, see Richard S. Deems, 1994: 39-41.

4

Consistency

The art of interviewing has been extended and refined in recent years. By all means be courteous, friendly and welcoming, but do not deviate from questions which have been carefully scripted in advance, and which will be asked uniformly of every candidate for the position. Probe responses, history, skills, and qualifications when necessary to elicit details, but only as they pertain to the requirements of the position being applied for.

Position-Specific Questions

The art of interviewing has been extended and refined in recent years with the development of specific lists of questions designed for specific types of positions. These lists are valuable resources to interviewers who want to be precise about their investigations. For examples of interview questions tailored to specific positions, see:

Lorraine Street The Screening Handbook (1996: 3.29)
questions for positions of trust with vulnerable clients

John Patterson Staff Screening Toolkit (1994)
pages 38-39:.....questions for candidates who will work with children
pages 39-40:.....questions regarding candidates' personal prejudices
page 41:questions to ascertain criminal history
pages 41-42:.....questions to ascertain driving history

Robert W. Wendover Hand-Picked (1996)
pages 222-32:..questions for non-supervisory positions regarding:

- the position they are applying for
- applicants' work experience
- communication skills
- applicants' leadership/management potential
- problem-solving and decision-making skills
- conflict and persuasion skills
- personal traits
- education and training
- personal motivation

pages 233-249:.....questions for supervisory & management positions regarding:

- the position they are applying for
- communication skills
- education and training
- personal motivation
- applicants' leadership/management potential
- problem-solving and decision-making skills
- budgetary and fiscal management skills
- supervisory and management skills
- discipline and termination skills
- applicants' work experience
- conflict & persuasion skills
- personal traits
- hiring skills

pages 250-256:..questions pertaining to sales positions

Maintain Perspective

Keep the significance of the personal interview in perspective. Granted this is an opportunity to obtain more information, and different kinds of information than will have been gathered to date, but **remember that the interview is just one element in a much lengthier and more complex screening process.** Do not use it as the sole basis for applicant selection. As Patterson (1994: 37) cautions:

“Keep in mind the interview represents one brief exposure to an applicant who may not have developed good interview skills or may just be having a bad day.”



Consider Adaptations To Diversity

Your willingness as an employer to make reasonable accommodations to the needs of candidates of diverse backgrounds or who have a disability may open up an entirely new pool of excellent candidates. Since the interview is typically conducted face to face, organizations should consider what they can do to increase comfort and accessibility for candidates from diverse backgrounds or who have specific accessibility or accommodation requirements.

It is best to be prepared in advance by collecting information and increasing your own skill and comfort levels in the areas of cultural sensitivity, language barriers, diverse social norms, and culturally-based non-verbal communication patterns.¹² Consider what accommodations might be possible such as scheduling interviews in accessible locations, or providing information in large print or on tape. Would you be willing to change the interview room layout to accommodate a sign language interpreter or a person in a wheelchair, or to increase the lighting to assist a candidate with a visual impairment? Local multicultural organizations and those that serve people with disabilities will be able to provide good advice about making interviews accessible and identifying your own cultural biases. Make sure that the accommodations you are willing to make in the interview are available on an ongoing basis on the job.

Mutuality

A good personal interview is a two-way process. It is the primary opportunity for mutual exchange and mutual screening. Do not become so focussed on the organization's need for information that the needs and rights of candidates are ignored.



¹² The Big Brothers/Big Sisters of America publication, *Pass It On*, (1992) is an excellent resource on cultural sensitivity in volunteer recruitment and involvement. See also, Diane Fisher (1991), Kathy Strachan (1991), Robert Pyle (1997), and Janet Lautenschlager (1992).

4

Apply A Range Of Interview Formats



TIP

Do not limit the potential of the interview by thinking of it only in terms of a one-to-one encounter. There are different interview models available:

- first interview - the interviewer and candidate only
 - interview team and the candidate
 - interview team and a group of candidates
- second and subsequent interviews with any of the above variations
- second and subsequent interviews with different organization representatives than in the first interview



TIP

Each of the above options offers its own opportunities and limitations. Each allows a different angle on candidates' qualities. Consider designing an interview protocol that mixes these models at various stages of the screening process. Do not limit your options!

Take Notes

It is recommended that you take notes during the interview to document what you learn from the candidate. Should you ever be called upon to justify why you have declined the application of a candidate, or chosen one candidate over another, your interview notes may be invaluable. **Beware what you write down.** Anything that might be interpreted as discriminatory can constitute a risk exposure. As Mike Deblieux (1995: 53) recommends:



"Make sure that your notes reflect the actual information the candidate gives you. ... your notes can show why you selected one candidate over another. Your best defence in a discrimination case is to show clear, position-related reasons why you picked one candidate over others. Your notes can be invaluable in making this point."

Rating Tool

A rating tool for assessing interview performance is recommended for all of the same reasons that a rating tool was suggested for the application review process. It encourages objectivity, it facilitates choices, and it leaves an excellent paper trail in the event that candidates request feedback, or outcomes are questioned after the selection has been made. To develop an interview rating tool, carefully review the qualifications as outlined in the position description. Choose which qualifications should be investigated using the interview mechanism.

SAMPLE

INTERVIEW RATING FORM

APPLICANT: _____ POSITION: *Volunteer Driver*
 INTERVIEWER(S) _____ DATE: *(with seniors program)*

INSTRUCTIONS: Rate the candidate on each qualification variable, using the following scale:
 0 = not acceptable for this position 2 = barely meets expectation 4 = exceeds minimum expectation
 1 = below expectation 3 = meets minimum expectation 5 = outstanding

Qualification	Rating	Interviewer Comments
<i>driving experience</i>		
<i>previous vol'r experience</i>		
<i>work with seniors</i>		
<i>personable</i>		
<i>verbal communication</i>		
<i>knowledge of the area</i>		
<i>reliability</i>		
<i>availability</i>		
TOTAL		

SAMPLE

INTERVIEW RATING FORM

APPLICANT: _____ POSITION: *Volunteer Computer Trainer*
 INTERVIEWER(S) _____ DATE: _____

INSTRUCTIONS: Rate the candidate on each qualification variable, using the following scale:
 0 = not acceptable for this position 2 = barely meets expectation 4 = exceeds minimum expectation
 1 = below expectation 3 = meets minimum expectation 5 = outstanding

Qualification	Rating	Interviewer Comments
<i>education</i>		
<i>computer experience</i>		
<i>training experience</i>		
<i>previous work w/children</i>		
<i>previous vol'r work</i>		
<i>presentation style</i>		
<i>communication skills</i>		
<i>can prepare lessons at home</i>		
<i>ability to work independently</i>		
TOTAL		

4

Use these categories as the headings for the Interview Rating Form as illustrated in the samples on the previous page. There may be a great deal of similarity between the items you look for in the application form review and the characteristics you assess in the interview, although the interview will allow assessment of many additional presentation and interaction variables.

If certain qualifications are significantly more important than others, e.g., driving experience for a volunteer driver position; computer/ training skills and experience with children for a candidate who will train children in computer use, then it can be useful to assign a weighting to each variable to represent its relative importance. As the following sample illustrates, the most critical qualifications are assigned a weight of “3,” less important qualifications are assigned a weight of “2,” and the least important qualifications are weighted at “1.”

SAMPLE

INTERVIEW RATING FORM

APPLICANT: _____ POSITION: _____

INTERVIEWER(S) _____ DATE: _____

INSTRUCTIONS: Rate the candidate on each qualification variable, using the following scale:
 0 = not acceptable for this position 2 = barely meets expectation 4 = exceeds minimum expectation
 1 = below expectation 3 = meets minimum expectation 5 = outstanding

WEIGHTING SYSTEM: MOST Important Qualifications X 3;
 LESS Important Qualifications X 2; LEAST Important Qualifications X 1.

Qualification	___Rate	X Weight	= Total	Interviewer Comments
TOTAL				

To complete the form, the interviewer rates the candidate on each qualification variable, then multiplies the rate by the weight to obtain the total for each variable.

If there is more than one interviewer, each should have her or his own form. The scores for each candidate can be compared among interviewers, and summed to obtain a combined total. Additional commentary is useful. In fact, the interviewer may choose to concentrate on documenting candidate responses during the interview, and complete the rating form immediately after the interview is completed.

Be certain to retain the rating system documentation at least until the successful candidate(s) is(are) engaged with a signed contract (yes, even for volunteers), and the unsuccessful candidates have been notified of the selection results. While retaining screening-related documentation always brings a burden of responsibility for its secure storage and controlled access, best practice recommends retention of the rating documentation at least until one might reasonably believe that no allegation of discrimination is forthcoming.



Before you close the interview, make sure:

- the candidate has provided reference check information
- you have obtained all necessary signatures on permissions to verify application form data, check references, and/or conduct any further background checks such as credit bureau checks, police records checks, or driver's record checks
- the candidate is informed of the next steps that will be launched in the screening process and a time line regarding when they can expect to hear from you

4

5. Reference Checks

Reference checks are a fundamental feature of most screening protocols and are possibly even more critical today to comprehensive screening than at any time in the past (Peta G. Penson, 1996: 1). The reference check provides the opportunity to verify key components of the information candidates have supplied about their experience and qualifications. Since there is a greater burden on organizations to ensure that candidates are qualified and suitable for

"The single best predictor of a candidate's future job performance is his or her past job behavior. ... And hiring decisions based on actual behavior are far more accurate than those based on gut feelings."

(Richard S. Deems, 1994: 9)

the positions into which they are hired, and since past performance is an important indicator of future performance, the reference check has become a cornerstone of most screening protocols.

As with all screening tools, the reference check embodies certain limitations, including the possibility that referees will not provide complete or fully candid information. But gathering several references, particularly when the different types that are reviewed below are used in combination, can often reveal extremely useful, and sometimes surprisingly candid, details.

There are three different types of references you can use alone or in combination when designing a screening protocol:

Professional References: These references are provided by referees who have known the candidate in a work (paid or unpaid) capacity. Professional references are most useful when provided by someone who had direct and regular contact with the candidate, rather than by someone from the personnel department whose knowledge of the candidate has been gained by reading his or her personnel file. Other referees can add valuable information. For example, if the candidate will supervise others, it might be useful to request a reference from someone who has reported to the candidate in a previous working environment. If team and peer relationships will be important, references from previous peers can contribute to the overall sense of qualification and fit. There may be situations where references from prior clients could provide the most pertinent job performance information.

Unfortunately, many employers have recently developed policies about providing references that limit the information revealed to position, dates of tenure, responsibilities, and sometimes salary details (Mike Deblieux, 1996: 55). This is known as the *name, rank, and serial number approach*. Fearing legal action from candidates for defamation (the communication of false information about another person), or invasion of privacy (disclosing private facts about another or placing another in a false light), increasing numbers of employers are refusing to provide substantive information about employee performance. As Robyn E. Blumner remarks, “it doesn’t seem to matter that very few employers have ever been sued for what they said during a reference check.” (1996: 1)

The unfortunate part of this increasingly common practice is that a refusal to provide job performance-related details hampers both candidates’ capacity to prove their suitability in the application process, and employers’ capacity to assess candidate suitability. “In a ‘what goes around comes around’ way, it’s in the interest of business to nurture a culture of giving references, since past performance evaluations are an important tool in matching the right applicant to the job.” (Robyn E. Blumner, 1996: 2)

Many states in the United States have adopted legislation to immunize employers that provide references for former employees. Such legislation generally requires that the employer act in good faith and provide only truthful information. It provides no guarantee against litigation.

In a related and even more recent pattern, a new kind of lawsuit may apply some counter-pressure to reinstitute narrative references.¹³ Employers who give neutral or incomplete references for a potentially dangerous or unstable employee may find themselves being sued (Robyn E. Blumner, 1996: 2). Courts have begun to uphold allegations of providing negligent references or omitting critical information when providing references (Robert C. Goldberg, 1998: 3).

¹³ Patricia Pollack (1997: 2) reported on the *Randi W. v. Muroc Joint Unified School District* case in which the California Supreme Court ruled that employers that write letters of recommendation for former employees may not omit negative information regarding qualifications and character if there is a foreseeable risk of physical injury to the prospective employer or third parties. The Supreme Court found that former employers could be liable to the plaintiff for negligent misrepresentation and fraud, based on their affirmative false statements.

“The writer of a letter of recommendation owes to prospective employers and third persons a duty not to misrepresent the facts in describing the qualifications and character of a former employee, if making these misrepresentations would present a substantial, foreseeable risk of physical injury to the prospective employer or third persons.” (Quoted in Scott, Reilly and Whitehead, 1997: 1)

In an article sponsored by Scott, Reilly and Whitehead the interpretation of the court’s finding in this case offers an important clarification: “Although the former employers could have said ‘no comment,’ or declined to give a recommendation, once they decided to provide information, they had a duty to be truthful and provide all of the relevant facts, given the potential risk of physical harm.” (1997: 1)

4

Personal/Character References: In this form of reference check the referee is typically someone who has known the candidate for some time and is in a position to speak to the candidate's character, other position-related personal characteristics, and general appropriateness for the position. Potential sources of character references would include, for example, teachers, religious leaders, physicians and neighbours.

Family References: References from members of the candidate's family have traditionally been considered inappropriate and worthless.

**TIP**

Current wisdom suggests reconsideration of this screening device. Family members are in a position to know things about a candidate that no one else has had an opportunity to experience. (Remember it was the Unibomber's brother who was in a position to identify the culprit when years of intensive investigation by multiple law enforcement agencies came up empty-handed.) When such knowledge pertains to position-related characteristics, it can prove invaluable.

Current wisdom further suggests that family members, more than anyone else, may have a personal interest in the success of the candidate. They do not want the candidate to be placed inappropriately or in a position from which they can do harm. This factor may compel family members to be more candid than other referees. The fact that family members are least likely to be concerned about an allegation of defamation by the candidate may free them to say more rather than less than other referees.

Selecting Reference Check Tools

Choose the number and type of reference checks to be deployed based on the requirements of the position and the kinds of candidate characteristics that need investigation.

**TIP**

Give guidelines to applicants regarding the type and number of references they will need to supply in the application process rather than leaving the decision about number and type of referees entirely up to candidates.

Be certain that reference checking protocols and practices are reasonably thorough and reflect a genuine goal of gaining real information, not just checking off a box that the task has been done. (Peta G. Penson, 1996: 2)

When To Check References

Since checking references can be a time consuming task, references are normally checked near the completion of the screening process when the list of final candidates has been narrowed to a small number. It is suggested that references be checked after the candidate has been interviewed (University of California, Berkeley, 1996: 1). Checking references before interviewing may create false expectations in the candidate regarding his or her acceptance into the position, and having reference check information in advance of the interview may impair the interviewer's capacity to assess the candidate's interview performance objectively. Further, information and impressions received in the interview context will generate specific questions that the screener can subsequently pursue in more detail with referees during reference checks.

Obtain Written Permission

Be certain that the candidate's written permission to contact referees is obtained in advance. See the sample on page 84. The mere inclusion of the name of the referee on an application form or résumé does not constitute permission to contact (John Patterson, 1994; Penny M. Jackson, et al., 1997).



Written Letters Of Recommendation

Some candidates will supply written letters of recommendation either in addition to the names of referees, or as a substitute for the names of referees to be contacted directly for the reference check.

While written letters of recommendation constitute one more piece of useful information in all that you will amass in the screening process, they should not be viewed as a substitute for an active reference checking process.



There is nothing wrong with a candidate naming the author of such a letter as a referee for a comprehensive telephone reference check, but even where the author of the letter of recommendation is not named for a reference check, it is useful to contact the author (with the candidate's permission, of course) simply to verify the authenticity of the letter and the accuracy of the claims made therein.

4

Reference Check Formats

There are at least three formats for the reference check: telephone, written, and e-mail.

The telephone reference check is the most highly recommended format. It allows a personal contact between screener and referee. It can be launched immediately. It allows in-depth probing and exploration of pertinent position-related information. It allows for the development of a rapport between the caller and the referee, thereby generating in the referee a sense of responsibility for the efficient and safe operation of the caller's organization. The telephone reference check allows the referee to offer hints and cues through pauses, tone, and emphases that are impossible to communicate in writing. Referees are more likely to speak freely by telephone than they are to commit comments to paper, even when they know that the caller is taking copious notes on what is being said by telephone.

In contrast, the written reference check, normally operationalized through a stock form sent to the referee for completion, is much slower and completely un-interactive. Completion of the written form commits the referee indelibly to his or her opinions, and negative comments are likely to appear more disparaging in writing than in voice. There is always the problem of getting the referee to complete and return the reference form in a timely fashion. Written reference checks can be requested and completed through e-mail, potentially speeding the transfer of information, but the absence of personal interaction and the need to commit the opinion in writing remain significant limitations on this format.

Confidentiality In Reference Checks



Any information collected from any source in the screening protocol should be considered strictly confidential and protected thoroughly by policies and procedures that define storage, accessibility, and disposal.

Wherever possible, do not promise confidentiality to the referee.

That is, do not promise a referee that you will not reveal her or him as the source of information about the candidate.

If an organization promises to safeguard the source of reference information (and this is particularly pertinent to negative information about a candidate which ultimately influences the decision to not accept the application), it may be forced at some time in the future to either break that pledge of confidentiality, or justify a not-to-hire decision without apparent grounds. Either

way can mean trouble. But while the ideal is to receive a complete and truthful reference each time, the reality is that some referees will only reveal pertinent details under a pledge of confidentiality.

When a referee insists on a pledge of confidentiality, explain the dilemma that such a pledge would create for you and reiterate the importance of the reference check to the well-being of clients. If the referee still refuses to speak without a promise of confidentiality, determine whether another referee might be available, from whom you might be able to receive complete and truthful details. If not, you are faced with a difficult choice between what is best for the referee (confidentiality) and your organization (upholding a promise of confidentiality once given), and on the other hand, what is in the best interests of clients and the quality of service delivery. **Recognize that this dilemma will never be resolved to a win-win outcome, and choose carefully between the options.**

If you do promise confidentiality, make sure that you alert the referee that you reserve the right to discuss the substance of their comments with your supervisor. In doing this, you create a small safety zone around your own decision-making by preserving the option of obtaining direction from your supervisor regarding what to do with the confidential information you receive.

Here is a critical point on which every agency needs clear policy: will you or will you not promise confidentiality to a referee in order to obtain essential position-related information? This policy question is as much a matter of organizational mission and values as it is a matter of hiring/screening, or even risk management. Either way, the person conducting the reference check needs to be clear on what the organization's position is, and have confidence that the organization will support his or her action when policy is complied with.



"Everyone has a right to protect their reputations from falsehoods, and their private lives from public scrutiny. Even if your organization has a legitimate need for sensitive information, inaccurate recording or release of that information is likely to result in a lawsuit."

(John Patterson, 1994: 100)



4

How To Conduct A Telephone Reference Check

Here is a list of suggestions on how to successfully check references.¹⁴ Select from among them, those that could improve your organization's current reference check protocol.

In Advance

- Two key principles should pervade all reference checking procedures. First, the substance of the conversation should be job related. Second, the questions should be consistent for all candidates. Certainly it is permissible to pursue the specific details of each candidate's background, and to clarify anything that catches your attention, as long as the conversation stays within the boundaries of BFOR's, but uniformity of questions creates equity in the process.
- Plan thoroughly and listen carefully to referees' input. Employers are increasingly wary of lawsuits and reference providers are more cautious than ever about saying anything directly negative (Peta G. Penson, 1996: 2). Structure questions carefully and listen equally to what is *not* being said.
- The person responsible for making the final hiring decision should be the person who checks references.
- Design questions that elicit the supervisor's observations and personal assessments of the applicant's work behaviours.
- Ask for references from more than one source, and combine types of reference checks so that you obtain the kinds of information relevant to the demands and risks of the position.
- If a referee is unavailable within a suitable time frame, or unwilling to provide sufficient details, ask the candidate to provide an acceptable substitute. The substitute referees may not meet the original criteria (e.g., current/previous supervisor), and the screener will need to exercise personal judgement to determine the acceptability of the substitute (University of Toronto, 1996: 2).
- Refusal by a referee to provide a reference (even the most scant of details) may be a red flag to investigate further.

¹⁴ Some of the material in this section is adapted from James M. Elliott and Ray T. Fortunato, 1981.

Conducting The Call

- Introduce yourself immediately, identify your position with your organization, and state the purpose of your call.
- Determine whether the referee is free to discuss the situation at this time and offer to call back at a more convenient time if necessary; be persistent.
- Let the referee know that you have obtained written permission from the candidate in question to contact this specific referee regarding this specific position; offer to fax a copy of the permission form to the referee for his or her own files.
- Try (wherever possible) not to promise confidentiality; never reveal to a referee information provided by another referee.
- Try to establish rapport with the person you are calling. Describe the work of your organization and the position you are screening for. Is there some way that they, or a friend, or a member of their family is connected with your organization? Maybe they know someone who has worked for your organization or in a similar setting? The referee will have a greater inclination to provide full information about the candidate if she or he can see a connection to the mission of the organization and feel some responsibility for the well-being of its clients and staff.
- Verify employment terms (dates, position, responsibilities, reason for leaving). Be sure to ask the referee if employment was continuous throughout the term of employment to ensure that there was no unaccounted for period.
- Begin with general questions such as: "How do you think the applicant would fit into our vacancy?" Move on to more specific questions (see the Telephone Reference Check Form, Page 109 and the Inquiry Areas Checklist, Page 111).
- Ask open-ended questions and avoid leading questions.
- Let the referee talk freely for as long as he or she wishes, without interruption; often a comment or question from you at the wrong time will shut off further information.

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- Follow up and probe when you feel the referee is reluctant to discuss certain areas. Explain why you are pursuing specific items, reiterating how they connect to your assessment of the candidate's ability to perform the position.
- Take copious notes of your conversations.
- Listen for cues in the referee's responses - pauses, hesitancy, overly cautious language; these may be signals to probe further or find another way to ask the question.
- Ambiguous answers are not uncommon; probe as much as possible, and feed back to the referee what you think you have heard, asking whether you have fully understood what he or she has been trying to communicate.
- Double check the reference check form to make sure all of the questions have been posed.
- Be sure to thank the referee for her or his help.

Other Tips For Successful Reference Checks

- Be consistent; if you check references for some candidates, do not accept a different candidate without checking references. Ask the same basic set of questions about all candidates for each position. Do not omit some of your questions on the second or third check because of what you heard in the first one or two. Never lower your standards. Be aware, however, that repeating the same questions over and over with no variation or probing of the specifics for individual candidates may lull you into expecting formula answers and encourage you to rush through the list of questions. Penson (1996: 2) advises to "treat each reference call as if it were the only one you are making." Give the same consideration to the information you collect about all candidates. Disqualifiers should be evenly applied.
- Off the record comments (comments not for attribution) place the reference checker in an awkward situation in the same way that a promise of confidentiality does. Exercise caution in consideration of such input.

- If faced with a referee who refuses to provide more than the name/rank/serial number details, there are a number of techniques that might encourage a more cooperative response:
 - validate concerns about the perils of providing reference checks and reaffirm that they should not provide (and you do not want to hear about) non work performance-related information
 - reiterate that the candidate has provided written permission to solicit this reference
 - offer to fax a copy of the written permission to the referee
 - suggest that the referee call the candidate directly to reconfirm permission to give the reference
 - remind the referee of the importance of candid reference check information to the selection process and to the ultimate safety and well-being of clients and others connected to the candidate's duties in your organization
 - failing all else, try this final approach: *"As I have said, your input is a vital component of our selection decision. If you are aware of some problem with this candidate which could pose a substantial risk of harm and you are unable to provide details, please, at minimum, alert me to the existence of the concern."*
- If a referee named by the candidate refuses to provide more than the name/rank/serial number details, the candidate can be asked either to call that referee to encourage release of information, or to provide the name of another referee who will be able to provide sufficient information on past performance to facilitate the current hiring decision; remember to obtain written permission to contact additional referees.
- Always remember the source of the information you solicit. Perception shapes the details.
- Disregard and do not document any information about which the provider does not have first hand knowledge, or which is unrelated to the requirements of the position.

4

Obtain A Reference From The Current Employer

Not obtaining a reference from a candidate's current employer places the hiring organization at a distinct disadvantage although it is understandable that candidates often do not want to divulge to a current employer their desire to change positions. With volunteering, there is typically less of a problem in contacting a candidate's current employer since volunteer work would not likely interfere with the candidate's paid employment. There would be very few legitimate reasons for a volunteer to not provide a current employer as reference source.

Candidates who are already employed are in a more awkward position with respect to naming their current employer as a referee for the new position. **Nonetheless every effort should be made to solicit a reference from the current employer.** If this presents problems for the candidate, that reference check could be delayed, and the position offered conditional upon obtaining a satisfactory reference from them. **If the candidate still balks, this might constitute grounds for disqualification (a fact that all candidates should have known at the start of the application process). At least, it should be viewed as a red flag to investigate further.**



Documenting Reference Checks

Documenting your reference checking activity will place your agency in a much more defensible position in the event of a discrimination or negligent hiring claim. Also document all efforts to obtain reference checks, including, if any, a referee's refusal to provide a reference, a referee's refusal to provide more than position title, dates of tenure, and position responsibilities, or a referee's refusal to answer any specific (position-related) questions.

Do not discard records of your reference checks on unsuccessful applicants. Since they are considered part of the records having to do with hiring, you should keep them on file in the event of a discrimination claim (Business Owner's Toolkit, 1998: 2).

The following sample Telephone Reference Check Form serves as a model for tracking key reference check data.

SAMPLE

TELEPHONE REFERENCE CHECK FORM

Applicant's Name _____

Position Applied For _____

YES NO Written Permission To Contact On File

Referee _____ Position/Title _____

Organization _____ Relationship To Candidate _____

Phone No _____ Fax No _____

Date(s) Of: Attempts To Reach _____ Conversation _____

Referee Unable/Unwilling To Provide Reference

- Introduce yourself and purpose of call
- Verify the referee's current and past relationship to the candidate, and the length of time they have known the candidate
- Verify employment information already provided by candidate (e.g., dates of employment, positions, responsibilities, reason for leaving).
- Explain the position
- Ask specific questions:
 1. Would you comment on candidate's qualifications for this position?
 2. Could you describe the primary responsibilities in the position(s) candidate held with your organization?
 3. On what activities did candidate spend most of her/his time?

...continued

SAMPLE

TELEPHONE REFERENCE CHECK FORM

4. What criteria were used to evaluate candidate's performance?
5. Were you satisfied with the results?
6. Can you give me an example of how candidate handled unfavourable feedback?
7. Can you tell me about candidate's strengths/skills?
8. candidate commented on strengths/ accomplishments/ awards etc. during his/her time at your organization. Could you comment on/describe (etc.) that?
9. Can you comment on where candidate's skills/performance could be improved?
10. Has the candidate ever demonstrated any temperament or personality traits that you believe might cause a problem in the position for which they have applied?
11. The position being applied for will require the candidate to _____
Please could you respond to some specific questions about candidate's ability to meet those position requirements?
12. Can you describe the circumstances surrounding candidate leaving your organization?
13. Given what we have discussed so far, and based on the performance of candidate in his/her position(s) with your organization, would you recommend this candidate for the position for which they have applied?
14. Given the opportunity, would you rehire this individual? Yes No If no, why not?
15. Are there any other details you might be able to share with me about the candidate's work related characteristics that might help us in our selection decision?

- Thank the referee for her/his time and assistance

 Signature

 Date



INQUIRY AREAS CHECKLIST

Here is a starter list of qualities that you might ask referees to speak to:

- general work habits and characteristics*
 - dependability* *punctuality*
 - absenteeism* *trustworthiness, honesty, integrity*
- initiative, self-direction*
- assertiveness*
- patience, perseverance*
- leadership, supervisory ability*
- respect for others, ability to work as a team player, tolerance of diversity*
- interpersonal skills in the work environment*
- flexibility*
- ability to take direction*
- ability to manage multiple demands*
- customer service, and in particular, ability to handle internal/external consumer complaint*
- ability to handle unfavourable feedback*
- ability to be creative, problem solve, identify areas for improvement in agency service or operations*

4

When You Receive Negative Results

Keep in mind the range of biases that can influence the results of a reference check. Carefully weigh any negative information received against details collected from other referees and from other screening sources before making a decision. Weigh the comments against information received from the candidate at the interview.



As suggested earlier, **it is advisable that any negative information received from a referee be checked out with the candidate.** There may be legitimate reasons for discrepancies that are not immediately apparent or that may be legitimately beyond the control of the candidate.¹⁵ Discuss the findings with the candidate and give him or her a chance to explain. While it is inadvisable to check more references for some candidates than for others, a negative result on one reference check may justify additional reference checks for that candidate. Discuss the situation with the candidate and obtain his or her permission.



If the information collected through the screening process recommends offering a position to the candidate even though you have obtained negative results from one referee, **remember that you can alter the conditions of the position to compensate for some degree of uncertainty in the selection process.** For example, team the new candidate with an experienced volunteer or paid staff. With the candidate's knowledge, ask the experienced person to monitor performance in the area(s) of the negative reference check. Ask supervisors to pay particular attention to those areas, and conduct informal and maybe even unannounced checks on performance for the first period of tenure. (See "CHAPTER THREE: Screening As Risk Management" for more ideas.)

¹⁵ This advice has been reinforced by several participants in my workshops who have disclosed that they had been sexually harassed by previous employers or supervisors. Because they launched complaints, they fully expected references from harassers to be less than glowing. However, since the position was an important element of their employment history, and/or since not listing the position for a reference would have left an obvious hole in their employment record, they felt compelled to list the position and the referee in their application efforts. It is only when a prospective employer gives them an opportunity to explain the less-than-glowing reference that they feel released to speak of the incident.

6. Qualifications Checks

Qualifications checks are often overlooked, but they should be considered essential in most screening protocols.

A qualifications check simply involves obtaining proof of a qualification(s) claimed by a candidate. Many human resource professionals - whether hiring paid or unpaid staff - simply accept as truth all candidate claims regarding all kinds of qualifications. Candidates are simply believed when they claim to have technical or academic qualifications, licenses, and so on.

Best practice dictates that when a specific qualification is essential to the position, and the candidate claims to have the qualification, the screener should ask for proof. Here are some examples:

- Ask for a transcript of marks; contact the educational institution and confirm the major or program of study, and ask if the candidate actually graduated.
- Ask to view the original degree or certificate and make a copy of same for the candidate's personnel file.
- Ask to view the candidate's driver's licence & make a copy for the file.
- With the candidate's permission, confirm the nature and extent of his/her auto insurance coverage.
- With permission, contact the candidate's professional association, school, or learning centre for confirmation of qualifications and/or membership in good standing.

This is a simple, unintrusive, and probably too often overlooked screening tool.

Beware the unsought information you might uncover in a qualifications check. For example, asking for a transcript of high school marks might very well reveal a candidate's age (within a year or two) since most people attend high school within narrow age parameters; similarly, a driver's licence contains the driver's age. The point here is that it is not the act of reviewing the transcript or the licence that is unlawful. It is what the screener might do with the typically prohibited information that comes into question (Robert W. Wendover, 1996: 26).





TIP

There are at least two solutions to such potentially difficult situations. First, ask the candidate to hide (cover-up, black-out) the prohibited information, like the age on his or her driver's licence. Alternately, offer the position conditional on the candidate providing the requested verification. If the document is furnished and all is in order, the position offer is automatically finalized.

7. Police Records Checks

Increasing numbers of agencies are using police records checks (criminal records checks; criminal reference checks) as one measure of candidate acceptability. These checks provide information on the individual's previous contacts with the criminal justice system.

Latterly, the severe limitations of the police records check have been acknowledged and more widely publicized.¹⁶ Yes, there are dangerous individuals in the world, and some of them actually target volunteer work as an easy access point to vulnerable populations. But, many have not yet been caught and therefore have no criminal record, and many others know only too well how to avoid detection through a criminal records check. **No organization should expect to turn up dozens of paedophiles, gerontophiles and convicted felons in the police records check component of candidate screening.**



Having said that, police records checks are still an important element in the screening protocols of many organizations. The very fact that an organization does police records checks can serve as a deterrent to some inappropriate or dangerous candidates. In some settings, police records checks have been made mandatory by legislation or by funders' requirements.

Perhaps the best reason to conduct police records checks as part of the screening protocol lies not so much in the fact that they provide reliable information about the acceptability or unsuitability of candidates. Rather, the most compelling reason for conducting police records checks these days is that if a police records check is not conducted on a staff member who ends up causing harm, the organization's degree of exposure to an allegation of negligence (and in particular, negligent hiring) is enormous.

Conducting a police records check, particularly in combination with several other screening devices, will go a long way to demonstrate that an agency has been prudent in its screening practices, even if a staff member does cause harm, injury, or loss at some point in the future.

Hence, the police records check is valuable as a risk management and liability reduction tool, in addition to its utility as a hiring and screening device.

¹⁶ See, for example, *Volunteer Ontario (1995)*, *Lorraine Street (1996)*, and *John Patterson (1994)*.

4

Current wisdom strongly recommends the use of police records checks whenever staff members work directly with (particularly vulnerable) clients, or whenever staff members are otherwise placed in positions of trust. A police records check should also be considered as an element of the screening protocol for any position where the candidate will:

- carry a weapon
- drive a vehicle owned by the organization
- have access to drugs or other controlled or dangerous substances
- have access to master keys/code words/passwords or other security control mechanisms
- have access to sensitive information
- fill a position that requires a police records check under funder contract, provincial/state or federal regulation/legislation
- be bonded because of access to money or valuables



It is critical that the results of a police records check not be relied on. In particular, beware false negatives. Use police records checks only in combination with other screening techniques.

Because the actual data set searched, the specific protocol required, and the kind of information revealed through police records checks vary from community to community and from police department to police department, administrators are advised to contact their own local police department to determine the process in operation in their vicinity.

There are usually costs involved in obtaining a police records check and since costs vary by locale, organizations are advised to maintain current information on related costs in their own area.



All candidates should be alerted to these and all other screening-related costs before they begin the application process.



Beware the unsolicited information you might uncover while implementing the police records check process. In many locations, the forms that launch the check require the candidate's birth date, and knowing a candidate's age makes the screener vulnerable to an allegation of discrimination on the basis of age. As recommended elsewhere, the solution may be to offer the position on a conditional basis, pending a successful police records check. If the police records check comes back satisfactory, the offer of acceptance is automatic.

8. Driver's Record Checks

Managers sometimes mistakenly assume that a police records check includes a driver's record check. This is not always so.



If driving a vehicle is part of what staff members will be expected to do in their position, whether an agency vehicle or their own vehicle is usually immaterial for screening purposes, it is advisable to investigate candidates' driving history for significant and relevant offenses.



Most of the laws that govern driving are a matter of provincial/state legislation and driver's records checks are typically launched through the appropriate transportation ministry.

Keep in mind that the driver's record check covers a limited period of the driver's history, and like police records checks, a) are accurate only up to the date they are conducted, and b) are not proof that past history is an accurate indicator of future behaviour.

Like all screening devices, the driver's record check has limitations, but it nonetheless constitutes one more piece of information to be considered in the overall selection process.



There may be costs involved in securing driver's record checks and all candidates should be alerted to these and all other screening-related costs before they begin the application process.

4

9. Credit Bureau Checks

Credit bureaus are private companies that collect enormous quantities of data on citizens. They collect information from sources such as:

- major department stores
- major credit card companies
- banks regarding loans and mortgages
- court records of law suits, charges, convictions, bankruptcies, and liens on cars and other property
- collection company files

Credit bureaus make it their business to know just about everything about what most people owe; they know one's precise financial position regarding debt and credit, and one's legal position in relation to finances.

Credit bureaus retain information on employment history, so they are helpful in confirming the accuracy of the employment history that candidates provide in the application process.

For a fee, and with the candidate's written permission, a credit bureau check can be supplied almost immediately.

The credit bureau check is most useful when screening candidates for positions that involve financial trust, including positions such as bookkeeper, treasurer, fundraiser, and collections and special events staff members who come into contact with significant quantities of cash or other hard to track proceeds.

**TIP**

As with other screening devices, it may be wise to share with the applicant himself or herself any negative information gathered through a credit bureau check. This not only provides candidates with the opportunity to explain their situation, but allows the manager the opportunity to ensure that the credit bureau has provided information on the right person.

There will be costs involved in securing a credit bureau check and all candidates should be alerted to these and all other screening-related costs before they begin the application process.

10. Performance Assessments

There are some positions that require very specific skills, abilities, or knowledge (e.g., typing speed and accuracy, computer skills, ability to lift a certain weight, driving, working with young children or persons with specific kinds of disabilities). In such cases it is entirely appropriate for the employer to ask the candidate to demonstrate his or her ability.

There are two different kinds of performance assessments: the test run and the observation period.

Test Run

The Test Run is a screening mechanism by which candidates are required to prove the skill or knowledge they have claimed to possess. The typing test is a classic example of the test run. Here are some others:

- have candidates demonstrate (to someone who knows enough about the skill to be an accurate assessor) that they can turn on a computer, find their way through the main menu, get to the specified program application, and do some actual work
- have candidates demonstrate (on a well/able person) their knowledge of how to transfer patients from a wheel chair to a car and vice versa
- take the grounds keeper applicants out to the garden and ask them to identify the plants, shrubs, trees, insects,
- ask the driver candidates to take you for a test drive in the vehicle (or type of vehicle) to be used on the job, in the city or highway conditions typically encountered on the job

Including a performance assessment in the screening protocol is not meant to suggest that skills cannot be learned in training, but if a candidate claims a certain knowledge or skill, the performance test allows measurement of both the skill level and the degree of truth of the claim.

4

The Observation Period

The observation period can be useful to assess the skills of applicants who will work with specific populations (e.g., youth, seniors, young children, persons with learning disabilities, persons with physical disabilities).

During an observation period the applicant is asked to work and interact with clients while being observed. Patterson (1994) suggests that one look for candidates with qualities such as these:

- realistic expectations of the capabilities of the clientele
- comfort/familiarity with clients and/or the setting
- sense of humour
- interest, warmth, enthusiasm, patience
- positive techniques to guide behaviour
- willingness to participate in all kinds of activities including those that are unpleasant, messy, or silly
- ability to comfort individuals who are distressed
- appropriate interaction with, and support of, other staff
- appropriate use of self in interactions

Impartiality is important in the evaluation of performance assessment results. Develop objective measures and rating systems in advance. Score the performance of all candidates in a uniform manner, ensuring, as always, that you are looking for, and assessing, only those skills and capacities related to BFOR's.

11. Home Visits

A home visit is a special kind of interview that might be used in instances such as:

- where the staff member is to engage in a close, long-term relationship with the client
- where it can be anticipated that the client might be taken home by the staff member (Big Sisters/Brothers, Leisure Buddies, mentoring programs, etc.)
- where it can be anticipated that the client might come in contact with members of the staff member's household and the latter therefore must be interviewed and/or screened

Home visits provide a sense of the living conditions of the prospective candidate and the setting into which the client may be taken, as well as an opportunity to meet and, to some extent assess, other individuals that the client may come in contact with in the staff member's home.

Lorraine Street (1996: 3.28) recommends that **where a home visit is deemed to be an appropriate screening device, organizations should, at minimum, interview every other person in the home over the age of 12, and should make a policy decision about the application of other screening tools to these individuals as well.**



John Patterson (1994), in speaking about home visits, offers an important caution. **Screening, by necessity, always involves some measure of judgement, but in perhaps no other screening device is the temptation to be judgmental as great as in the performance of a home visit.**



Patterson (1994:119) appropriately warns:

- A checklist should be designed in advance, and assessments made strictly on the objective criteria, again, always very clearly related to the requirements of the position.
- Interviewers must be particularly sensitive to the privacy rights of the candidate and his or her household members.
- The person doing the home visit must be carefully selected and trained to deploy this screening mechanism in an objective and sensitive manner.

4

12. Medical Tests

There are several types of medical tests that organizations have at their disposal, to be deployed when legitimated by the bona fide requirements of the position.

Agencies may consider any number of the following medical tests:

- immunization or proofs thereof
- medical certification of physical fitness to drive an automobile
- medical certification of fitness to operate other kinds of machinery or perform particularly arduous physical chores
- medical certification of hand-eye coordination, or fine motor coordination
- random drug testing

In some settings, such as in some AIDS-service organizations in the United States, and in many day care centres in Canada, T.B. tests are mandatory. In most cases the candidate will have to obtain the medical certification on his or her own and bring the results back to the organization for review. There may be costs involved in securing medical test results and all candidates should be alerted to these and all other screening-related costs before they begin the application process.

13. Orientation And Training

Acceptance can be delayed if more time or information is needed before the final hiring decision is made. This is particularly applicable in the volunteer situation, where provisional acceptance is granted while the volunteer completes the orientation and training program(s). This trial period offers the organization an opportunity to spend more time with the new staff member and determine what skills exist and can be acquired. It presents an opportunity to observe other characteristics such as interpersonal style, communication capabilities, and attitudes. In return, the new staff member has an opportunity to spend some time on site, meet other staff and volunteers, gain a sense of the organizational culture and, for volunteers in particular, gain a sense of what the organization's treatment of volunteers actually feels like.

This screening technique presents an excellent opportunity for more meaningful investigation and more mutuality in the screening process than many of the other techniques discussed so far.

To maximize the potential of orientation and training sessions as screening devices, include in them some of the following:



- role plays
- exercises
- values activities
- relating/relationship experience

Pay particular attention to demonstrated beliefs, values, biases, attitudes, and judgement as well as specific skills exhibited by the candidate.

If acceptance is delayed in this way while both the agency and the candidate check each other out, be certain that the candidate knows that the final acceptance has not yet been granted.

4

14. Probation

Conditional acceptance can be granted through a probationary period for staff members. This practice gives both the candidate and the agency an opportunity to test each other out in the real life setting. It allows either party the opportunity to change their minds within a certain period, without penalty, and with limited explanation.



As with orientation and training as screening devices, build in to the probation period special mechanisms to check performance, such as:

- a buddy system through which an experienced staff trains, monitors, and provides feedback about the new recruit
- more frequent and thorough supervision and monitoring during the probation period
- ongoing or additional training if either might make the difference between a candidate's suitability or non-acceptance

Position modification techniques may be necessary to mitigate risks while the candidate is on probation. Implement whatever safety measures are necessary to reduce risks to a tolerable level. (See CHAPTER THREE: Screening as Risk Management for more details.)

Other Screening Devices

The above list of screening tools is far from exhaustive. Included are only those mechanisms that are currently in widespread use, and that are relatively easily accessible to most not-for-profit organizations. There are other devices that agencies might consider, based on issues such as accessibility, cost, reliability of the method, and whether the demands of the position justify the degree of intrusiveness of the tool.

Child abuse registries are a mechanism that can be very useful to not-for-profit organizations and, in particular, to youth-serving agencies. They are omitted from the more detailed list above only because they are not widely accessible. That is, child abuse registries exist in only certain provinces/states/federal jurisdictions. Access to those that exist is sometimes limited to a very small number of selected types of organizations. Readers are advised to determine if such a screening mechanism is accessible in their own locale, and to periodically re-check on changes or developments regarding this tool. Where registries of this nature are available, they should be an integral component of the screening protocol for any position that involves work with children. Always keep in mind the geographic limitations of registries. They often cover only those transgressions that have occurred within specific geographical boundaries.

In certain, albeit rare, circumstances, organizations might consider personality inventories, written honesty tests, skills and aptitude tests, psychological tests, hand writing analysis, or certification of candidates' mental health as a prerequisite to acceptance. These screening techniques might be considered to be at the far end of the continuum, particularly with regard to intrusiveness. Their reliability as a determiner of performance in employment is often questioned. Their use should only be considered in the most special of circumstances.

There are other screening tools such as blood testing for prohibited substances, genetic screening, and even various forms of electro-mechanical devices such as polygraphs and psychological stress evaluators. These devices would rarely, if ever, be deployed with volunteers, but are appearing with increasing frequency in the screening toolboxes of private sector employers.¹⁷

¹⁷ For more information about these other forms of screening devices, see Robert W. Wendover (1996) and John Patterson (1994).

4

“Gut Feelings” And “Intuition”

They are impossible to define and yet most of us experience them. Triggers called “gut feelings” arise with some regularity among screeners. Variouslly called “intuition,” or “instinct,” screeners sense that something is “off,” or “not quite right” with particular candidates. It might be the feeling of the hair standing up on the back of your neck, or the troubling sense of uncertainty that nags at you when the interviewee leaves your office.

“Is it a legitimate cause for concern, or is it merely a reflection of discomfort with ‘difference’?”

What should you do when you experience misgivings of this nature? The first thing to do is to push yourself to identify precisely what triggered the sense of apprehension. Was it something in the candidate’s manner, choice of words, presentation style, body language, or attitude? If you can pinpoint the source of discomfort, then explore it. Is it a legit-

imate cause for concern, or is it merely a reflection of discomfort with “difference”? Be careful that discrimination against someone not similar to yourself is not in play.

The gut feeling can arise from other sources. Perhaps the source is a slight inconsistency among the data collected about a candidate.

Perhaps the source is the too careful choice of non-committal language from a referee. Maybe a sense of unease surfaces from a slightly less than convincing explanation of gaps in an employment record or frequent moves from community to community.

The recommendation is that gut feelings not be ignored (Lorraine Street, 1996; Robert W. Wendover, 1996; Steve McCurley and Rick Lynch, 1996). There is often some basis in reality for an intuitive sense of apprehension. Like other red flags, a gut feeling should not be grounds for disqualification but, instead, a cause to investigate further.

**TIP**

Get a second opinion. Ask a colleague or a supervisor to join you in a second interview with the candidate, or to re-check a reference. Think about how much you want to share with your assistant in advance. It might be better to say less about your misgivings and see if he or she picks up on what you sensed. She or he might be able to confirm or dispel your concerns.

“Do not be unsettled when this happens, even if you cannot absolutely define why you are getting a negative feeling about the potential volunteer; go with your instincts which, after all, you have been developing for most of your life.” (Steve McCurley and Rick Lynch, 1996: 61)

“Uncomfortable facts have to be uncovered. But better now than later.”

(Robert W. Wendover, 1996: 211)

When misgivings cannot be easily allayed, it may be necessary to ask the individual to undergo further screening. For example, an additional interview, extra reference checks, a performance assessment, or a probation period might provide enough additional information for the decision to become clear. Caution is advised, however. As Lorraine Street (1996: 3.37) says, “the organization must be careful not to discriminate against someone by asking more than it normally would, without a good reason.” Here is the basis for pushing hard to identify the source of unease. You may be called upon to defend it in the face of an allegation of discrimination.

As Lorraine Street (1996) elaborates, the situation may not be easily resolved. You may be faced with a difficult choice. You place a candidate you are still uncomfortable with, which may increase risks, and which will certainly increase the importance of all post-screening risk management mechanisms. You decline the application of a candidate on less than clear or defensible grounds which leaves the organization vulnerable to discrimination claims. Sometimes the choice comes down to what your gut tells you might be the best course of action in the best interests of clients and the organization’s mission, versus the most prudent legal option of non-discrimination.

Clearly a win-win outcome is unlikely in such a dilemma. The ethically right choice is probably to give priority to the well-being of clients, but either way, the screener will want to ensure that the organization supports the option she or he pursues.

4

Choosing Your Tools

Fourteen screening tools that are readily available to volunteer and human resources departments have been reviewed. No tool is foolproof; each comes with significant limitations. The task is to select from among the available options, that specific set of screening tools that will match the degree of risk and information needs of any given position.

Following is a “Screening Tool Selection Bar Graph” that will assist in screening tool selection. The Tool Selection Bar Graph is easy to use. It works just like the Position Assessment Bar Graph reviewed earlier, and in fact, should be considered a companion device to the latter. Review the 14 tools listed down the left side of the graph. Given what you now know about each of these tools, and given the demands of the position as already assessed in the Position Assessment Bar Graph for this position, rate the usefulness of each of the 14 tools. Draw a horizontal line from left to right for each tool - out to the degree of usefulness you assess. (Note the scale from “0” to “10” along the top and bottom of the Graph.) Those tools which have no utility or relevance to the position being assessed should be marked by an “X” in the “N/A” column.

Examine the Sample Tool Selection Bar Graph on page 131 that has been completed for a volunteer driver position. In this illustration, think of volunteers driving patients to and from cancer treatments at an out-of-town facility. This sample is included simply to demonstrate how the Bar Graph can be used to provide a quick profile of the usefulness of various screening tools. Notice how some tools emerge as very useful, while others have little or no usefulness for screening volunteer drivers. Implications for screening tool selection become immediately apparent from a quick scan of the sample Bar Graph.



Complete this exercise separately for each specific position in your organization.

What you create in the completion of this graph is a visual summary of the utility of all screening tools in relation to each position. It points to the screening tools that should be included and excluded from the protocol.

Obviously this is not a scientific instrument. Do not agonize over assigning specific scores. When this graph is used in conjunction with the Position Assessment Bar Graph, it can be of great assistance in screening protocol development. Of course, utility will need to be balanced against other screening protocol considerations such as the costs associated with each screening tool.

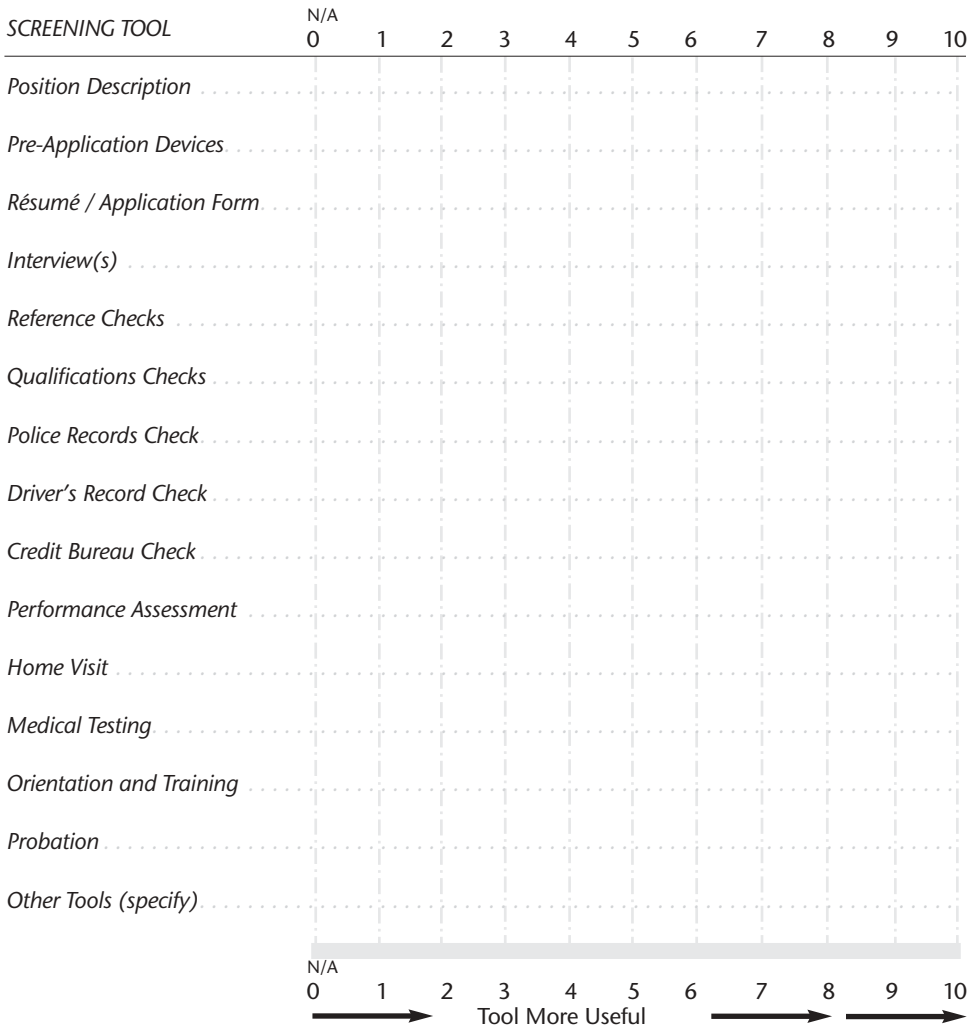
There are additional benefits to using these Bar Graphs. **If you find yourself in a position of having to explain or defend your screening protocol to a supervisor or board of directors and, in particular, if you are meeting some resistance to your recommended degree of thoroughness in screening, these two graphs can be valuable educational instruments.** They provide a quick visual overview of your assessment and they summarize your screening protocol decision-making. As a bonus, when you complete them for each position as the basis for screening protocol development, and you keep them on file, they constitute tangible proof of your sincere attempts to identify risks and prevent harm.



SCREENING TOOL BAR GRAPH

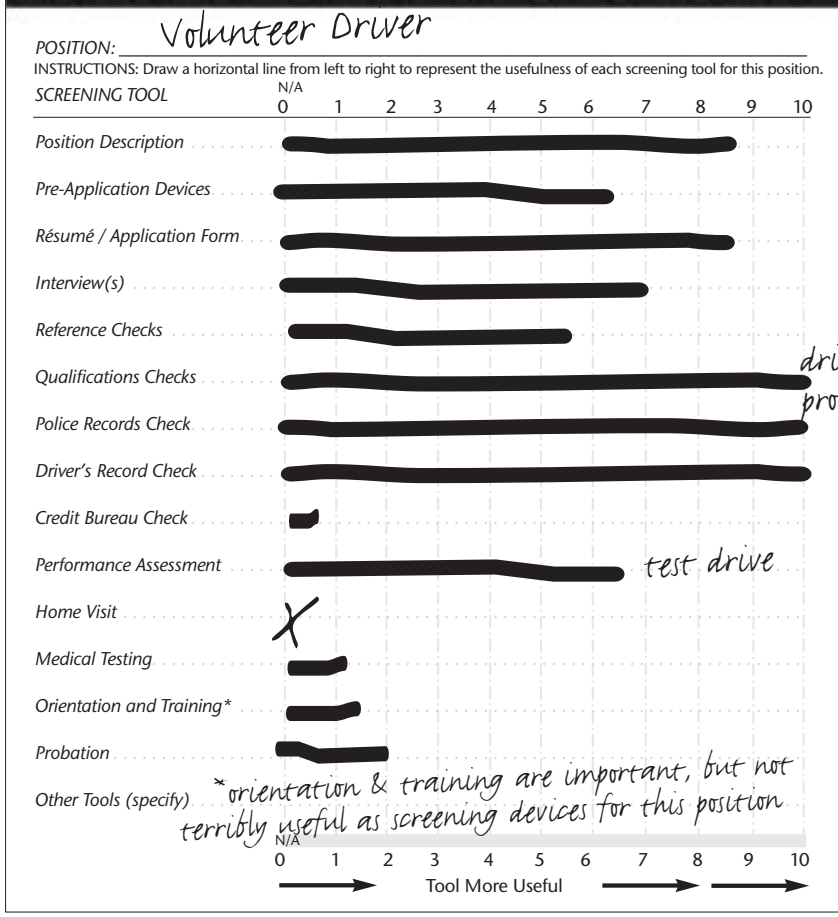
POSITION: _____

INSTRUCTIONS: Draw a horizontal line from left to right to represent the usefulness of each screening tool for this position.



SAMPLE

SCREENING TOOL BAR GRAPH



The Position Assessment Bar Graph and the Screening Tool Bar Graph should be updated regularly for all positions, taking into consideration changes in the position itself as well as changes in the standard of care that applies to the work of your organization. Be sure to review them before launching any new recruitment drive.

4

Assessing Results: What To Do With The Information You Gather?

The overall process of organizing and assessing the information gathered through all screening tools in a way that clearly generates the selection decision is often complex.



Remember, if hiring for a paid position for which there are many more applicants than position(s), the goal of the information assessment process is to find the one best qualified candidate. If screening for a volunteer position in which there are many openings, the goal of the information assessment process is to rule out those candidates that are unsuitable for whatever reason, and accept the rest for placement.



In either case, an orderly collection and sorting process will facilitate decision-making. **Consistency in decision-making is critical in the screening process.**

Following are five principles for information management & assessment.

- *The information you gather must be documented.* Write down all position-related details. Do not write down details that are not related to the position.
- *The more uniform the documentation methods,* the easier it is to assess the qualifications of candidates, both in absolute terms and in relation to one another.

Develop a checklist that itemizes every screening device to be deployed for each position. (A sample screening process checklist is located on page 136.)

Develop recording forms that standardize intake of information. The application form is an obvious example, but others such as the Telephone Reference Check form on pages 109 - 110 are also useful. Similar forms can be developed for the performance assessment, and the home visit.

- ***Impartiality is critical in screening.*** Assess information in a consistent and fair manner. Rating tools such as those suggested for reviewing application forms (see the samples on page 87) and interviews (see the samples on pages 95 - 96) are extremely useful to guide the sifting process. They constitute an excellent mechanism for rating the qualifications of individual applicants, and for assessing the merits of individual applicants relative to those of others. They leave proof behind of your efforts to objectively rate all candidates.
- ***Always keep an eye open for “red flags.”*** Red flags are signals to investigate further, and they come in many forms. For example, a candidate’s very narrowly defined preference for clients with whom he or she will work (e.g., 6- to 7-year-old boys of slight build from single parent families; seniors who live alone and who have very little extended family involvement) may signal a search for potential targets of abuse. Any inconsistency in information gathered either within one screening mechanism (e.g., between the information provided by two referees in the reference check mechanism) or between two mechanisms (e.g., the information provided on the application form versus the information that turns up in a qualifications check) should be viewed as red flags.
- ***Beware false negatives.*** The absence of negative information in the screening protocol, no matter how thorough, does not constitute assurance of suitability or harmlessness. For example, the absence of a criminal record does not necessarily mean that the candidate has no history of criminal activity. It may simply mean he or she has not been convicted. The possession of a valid driver’s licence does not constitute proof of excellent driving skills.

When all of the tools have been implemented according to the protocol, and when all the information has been gathered, documented, and sorted, the final decision is what remains.

Often choices are clear. One candidate emerges head and shoulders above the other applicants and is offered the position. Other times certain candidates clearly do not meet minimum qualifications, or for some other obvious reason prove to be unsuitable for the position for which they have applied.

4

However, in altogether too many cases, the final decision does not emerge clearly from the mass of information you have gathered. More than one candidate may be well-qualified for a single position, or a candidate may appear to meet minimum qualifications but not seem quite right for the clients he or she is seeking to work with. In instances like these, the administrator is ultimately required to exercise her or his best judgement and make the decision one way or the other. Leaps of faith are not uncommon, and while healthy skepticism is not necessarily a bad thing when it comes to screening, faith and confidence in human nature and in the generosity of the human heart surely still have a place in the human service system as well.



REMEMBER

Remember that risk mitigation strategies in the post screening environment are always available to buttress uncertain decisions.

Ongoing screening mechanisms such as supervision, performance reviews, program evaluations, and disciplinary action can all be used to get staff members up to speed and on track.

Creating Proof

Use of the tools in this guidebook automatically leaves a trail behind you of all of the efforts you have made to assess position-related risks and develop a screening protocol that is appropriate to those risks. Do not forget to document the next phase as well. Create tangible proof that you have actually followed the protocol you have developed. Fortunately, this is not arduous.

A simple checklist works well. When you have selected the screening tools that will be used, develop a checklist that simply lists the tools, in order of their deployment. Put a check-box beside each tool and create a space at the bottom for your signature and date. Make a copy for each candidate and attach it to the file that will develop for each candidate as she or he progresses through the screening process.

As each screening tool is completed for each candidate, check off the appropriate box. You can place a completion date beside the box if you want to record that detail. When all of the screening tools on the checklist have been completed, date and sign the checklist and attach it to the applicant's file. The checklist becomes a permanent part of the personnel file of all successful applicants. It creates proof that the full screening protocol has been implemented as planned. A sample Screening Process Checklist is located on page 136 as an illustration.

Any other documentation that you gather in the screening process should also be kept on file, e.g., the application form; notes on conversations with referees; proof of qualifications such as a copy of the driver's licence, or a copy of a transcript or academic certificate; documentation of the results of the police records check; etc.

SAMPLE



SCREENING PROCESS CHECKLIST

POSITION _____

APPLICANT _____

SCREENING ACTION

DATE COMPLETED

- position description revised* _____
- applicant response letter sent* _____
- complete application form received* _____
- personal interview conducted* _____
- references checked* _____
- conditional offer of hire accepted* _____
- proof of driver's licence obtained* _____
- proof of automobile insurance obtained* _____
- training program completed* _____
- contract signed* _____

Signature

Date

The advice to “document, document, document” that has traditionally applied to disciplinary actions now applies equally to screening. For those candidates who do not complete the screening process or who are not accepted, the checklist should still be filed with whatever screening documentation has been gathered, and retained for as long as your agency policy specifies that screening information is retained on unsuccessful candidates.

CHAPTER FIVE:

PUTTING THE PIECES TOGETHER

The Balancing Act: Putting The Pieces Together

Different positions have different requirements, producing the need for different types of information about candidates. Remember the assistant gardener and child care examples? An assistant gardener at a day care centre would be screened in a different manner than the child care staff member who works directly with the children inside the day care centre.

Only when the demands and requirements of each position have been fully assessed can the administrator choose the constellation of screening tools that will supply the necessary information to make selection and placement decisions.

The process requires a careful balancing of a number of considerations.

Given that the application of each screening device will take time, effort, and in some cases financial resources, the challenge is to carefully choose the right number and type of screening devices that will supply the appropriate kind of information needed, and no more.

the right type of information

time & expense of screening



5

Information sought must be related to the bona fide occupational requirements of each position. The balance here is between what the organization legitimately needs to know to make the selection decision, and candidates' right of privacy.

sufficient information

candidates' right of privacy



The third consideration in the choice of screening tools involves balancing the organization's need for sufficient detail to satisfy its duty of care (e.g., rule out dangerous or inappropriate candidates), against making the application process so complex and intrusive that prospective candidates simply decide not to bother.

sufficient detail

making the application
process too complex



Unfortunately, there are no absolutes to assist administrators in this complex decision-making process. Because standards are continually shifting, it is impossible to say with any certainty which set of screening tools is *the* right set for any given position. However, there are several clear guidelines that will assist in protocol development.

- Standards are generally increasing. At the present time, and in particular, in light of recent high profile cases of abuse by staff members in positions of trust, the expectation is that organizations will be much more thorough in their screening practices than might have been imagined as little as five years ago.

- The more complex and demanding the work required of staff, and the more vulnerable the clients and others with whom the staff will make contact while on duty, the more thorough and intensive the screening protocol must be.
- What is generally practised and considered reasonably prudent, appropriate, and sufficient in the field will to a great extent influence legal decisions about whether particular actions or inactions were suitably diligent or, on the other hand, negligent. It is recommended that managers regularly consult with their colleagues who work in similar organizations or who manage volunteers in similar positions.
- Also be advised that because standards in personnel screening are continually changing and, in general, increasing, it is critical that administrators keep talking with their colleagues about their screening practices, and keep up with the literature in the fields of volunteer and human resources management. Only in this way is it possible to stay current with best practice models.
- It is advisable to seek legal counsel from time to time regarding what the current standard of care is as it develops in case law across the country. Ask someone with expertise in not-for-profit law and/or employment law to watch for cases that might bear on the work of organizations such as yours, and for cases that establish new standards of care that will apply across the field.
- Remember to document all screening efforts. Leave behind a paper trail of all screening activities, and ensure that appropriate documentation is retained in personnel files.
- Never bluff. Any screening mechanism included in the protocol should be consistently and uniformly applied to all candidates. John Patterson (1994: 56) offers this rationale: “An injured party will claim that your organization acknowledged that it was reasonable to use this tool, and failure to do so was negligent.” It is hard enough to know what the standard is, but once you have established it for your own operations, fulfill it without deviation.

“What is generally practised and considered reasonably appropriate and sufficient in the field will to a great extent influence legal decisions about whether particular actions or inactions were suitably diligent, or on the other hand, negligent.”

Use the Pre-Screening Checklist (see page 140) as a planning device. It will lead you through the key steps in developing a screening protocol.

5

PRE-SCREENING CHECKLIST



	In Place	May Need Updating	Needs To Be Done
<i>Have you investigated the local, provincial (state), and federal laws that bear on screening in your locale (remember that the law may apply differently to paid staff versus volunteers)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Have you contacted other organizations like yours locally and further afield to obtain a sense of current standards in screening?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Have you obtained legal advice regarding the possible existence of legal precedents that might pertain to your screening protocol?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Do you have a comprehensive screening policy in place in your organization? Is it consistent with the mission and values of the organization, and in compliance with all applicable legislation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Has the screening policy been appropriately vetted by senior management? Has the screening policy been reviewed and updated recently?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Has an audit been conducted on each position which delineates position demands and all related risks and vulnerabilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Have you implemented all reasonable risk mitigation strategies to make the position as safe as possible and thereby reduce pressure on screening functions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Is a current and comprehensive position description in place for each position? Does it clearly outline the bona fide requirements of the position?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Have you ensured that all screening tools and all lines of inquiry to be pursued in the screening process for each position are defensibly based on bona fide occupational requirements?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Are all screening documentation systems (application form, interview/reference check questions, permission forms, selection criteria, etc.) prepared for use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Have all personnel who will be involved in the screening process been adequately trained regarding the legal prohibitions and ethical boundaries pertaining to screening?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Have all candidates been informed of the screening mechanisms to be deployed for the position in question?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Screening Checklists

Following are two sample checklists that might assist with the screening protocol documentation process. Note how the list of screening tools varies according to the nature of the position being screened for.

When the decision has been made regarding which screening tools to use for a specific position, create a custom checklist. Checklists like these produce three important benefits. First, checklists provide clear documentation of the full set of screening tools that need to be used in each position. Having a custom set of screening practices for each position demonstrates diligence in planning and management. Second, checklists serve as prompts to both complete all screening tasks and acquire all the necessary documentation for each task in the set. Third, when the screening is completed and the checklists filled in, they can be placed in each candidate's personnel file and become a permanent record of the screening protocol deployed.

SAMPLE

SCREENING PROCESS CHECKLIST

Volunteer Driver

POSITION _____

APPLICANT _____

SCREENING DEVICE	WHAT DOCUMENTATION ON FILE	DATE COMPLETED	INITIAL
<i>application form</i>			
<i>personal interview</i>			
<i>reference checks personal work</i>			
<i>valid driver's licence</i>			
<i>driver's record check</i>			
<i>auto insurance verification</i>			
<i>physician's verification of fitness to drive</i>			

SAMPLE

SCREENING PROCESS CHECKLIST



POSITION Camp Counselor

APPLICANT _____

SCREENING DEVICE	WHAT DOCUMENTATION ON FILE	DATE COMPLETED	INITIAL
application form			
personal interview individual group			
T.B. test			
reference checks personal work family member			
valid driver's licence			
driver's record check			
police records check			
probation			

On Saying “No”

Offering acceptance to volunteers and paid staff is the rewarding part of the screening job. While one must be thorough in constructing the offer of hire (yes, even with volunteers), one must exercise extra caution in constructing the message of rejection.

When a candidate has taken the time to contact your organization, initiate the application process, and go through sometimes rigorous screening procedures, it seems only fair that the organization extend the courtesy of a personal notification regarding the acceptance decision.

However, it is the commonly followed practice these days, at least regarding paid employment, not to notify candidates who are not selected for an interview. While a lamentable lapse in business etiquette, the practice is understandable on purely practical grounds. It *is* recommended that all candidates who get to the interview stage or beyond receive a personal message regarding the final selection decision. The situation may be different for volunteers. **Since we want to nurture the desire to volunteer in all applicants, it is recommended that all expressions of interest in volunteering be acknowledged. Even candidates who are inappropriate for the job for which they have applied can be encouraged to keep looking for a position better suited to their unique interests and talents.**



When screening for a position into which you hope to place more than one candidate, which is often the case in volunteer placements, unsuccessful candidates can be notified as soon as the decision has been made not to accept their application. When screening for a position for which only one candidate will be successful, wait until the successful candidate has accepted and has signed the offer of employment before notifying the unsuccessful applicants. This applies equally to paid and unpaid positions.

“While ‘rejecting’ another person who wants to help is never a pleasant feeling, try to remember that your primary obligation is to the safety and well-being of your clientele.”

(Steve McCurley and Rick Lynch, 1996: 61)

When it is not possible to speak personally to an interviewed candidate, immediately forward a personalized letter. You may want to consider sending such notices by registered mail. Do not keep people waiting (usually anxiously) any longer than necessary

5

TIPS FOR SAYING “NO”

Here are a few tips to help deliver the less than pleasant message to unsuccessful candidates.

- *Prior to notification, review your notes of the interview to remind yourself of the candidate’s positive features and those areas that needed further development.*
- *Be prepared with positive feedback about each candidate’s application details and interview performance.*
- *Communicate the strengths you identified. Let them know if you were impressed by aspects of their application, interview performance, or other positive qualifications.*
- *If truthful, note that you have been in the difficult position of having to choose among well-qualified candidates.*
- *Avoid giving negative feedback wherever possible.*
- *The most palatable message is one that focuses on the absence of a match between the candidate’s abilities and the specific requirements of the position in question. When the absence of a match is identified as the basis for non-acceptance, then the dignity and confidence of the candidate are more likely to be left intact.*
- *Be careful not to defame anyone by a comment such as: “We think you might be dangerous.”*
- *If pushed, you might try to turn a negative into a positive. Do not say: “You did not have enough computer skills.” Instead, try something like this: “You might consider enhancing your computer skills as an avenue for future development.”*

Re-Screening

Organizations are advised to consider repeating initial screening mechanisms on a regularly scheduled basis, when justified by the nature of the position and the risks that it entails. For example, it may be advisable to periodically repeat a police records check, a driver's record check, or a credit bureau check, particularly for volunteers and staff in positions of trust and/or when vulnerable clients are involved.

Remember, too, that when a volunteer or paid staff member changes positions within an organization, particularly if the new position has substantially different responsibilities, he or she may need to be subjected to a different set of screening mechanisms for the new position than was deployed for the initial/previous position.



Re-screening might be considered under conditions such as the following:

- A long-standing employee (paid or unpaid) in a less responsible position is applying for a transfer to an area for which he or she was not previously screened.
- It becomes necessary to re-interview and reassess an employee's skills, attitudes, judgement because the nature of his or her work has changed substantively; he or she is working with different clients; the values/principles of the agency have changed.
- The employee is engaged in very sensitive work so repeated police records checks and/or credit bureau checks might be in order on a regularly scheduled basis to be sure that nothing has been reported since the last screening was done.

PARTING THOUGHTS

Volunteering and volunteer work have changed dramatically in the last few years. So too have management practices in the not-for-profit sector as shrinking resources combined with increasing demands for service press administrators to search for new ways of doing business. One of the consequences has been increasing responsibilities assigned to volunteers and paid staff. With these have come increasing burdens of responsibility on organizations to manage well all the paid and unpaid human resources they have mobilized.

As paid and unpaid staff perform more sophisticated duties, and as they work more directly with increasingly vulnerable populations, there is a concomitant increase in the dual burdens of responsibility and liability on the organizations that deploy them.

As a result, screening needs to be ever more thorough to protect clients from harm, to ensure the safest and most productive experience for volunteers and paid staff, and to fulfill the legal and ethical responsibilities that require each organization to do everything reasonable for the safety and well-being of all those to whom it owes a duty of care.

Until very recently, screening was viewed as a single task activity that gets done and, in essence, forgotten. Best practice now dictates that screening be a multi-task effort that balances the sometimes competing factors of duty of care with candidates' rights. There is a wide range of screening devices available and fourteen of the most widely used have been reviewed here. The challenge for each administrator of human resources is to select the right constellation of devices, based on the bona fide requirements of each position that, in combination, generate reasonably sound and defensible screening and placement decisions.

As yet there are no definitive rules about which specific tools are appropriate and sufficient for each type of position. As a general guideline, the “sliding scale of screening” dictates that the nature and extent of the screening protocol will be defined by the work that the staff will be doing. The more demanding the position and the greater the vulnerability of the client, the more intensive and thorough the screening needs to be.

It is no longer sufficient to be appropriately diligent. One must also create proof that one has been so. Full documentation must be gathered and carefully stored in comprehensive personnel files for all volunteers and paid staff.

Screening has become as much an activity of risk management as it is an activity of human resource management and, while risk management is not, perhaps, the best reason to develop and implement carefully constructed screening protocol, it is, indeed, currently the most compelling.

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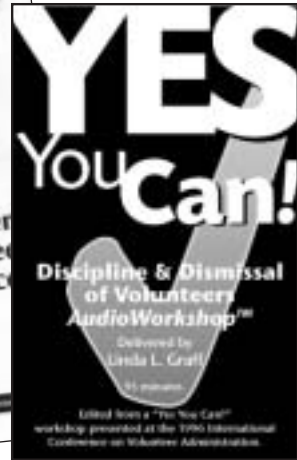
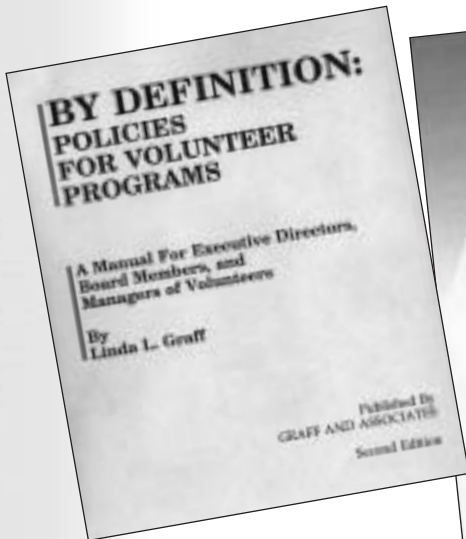
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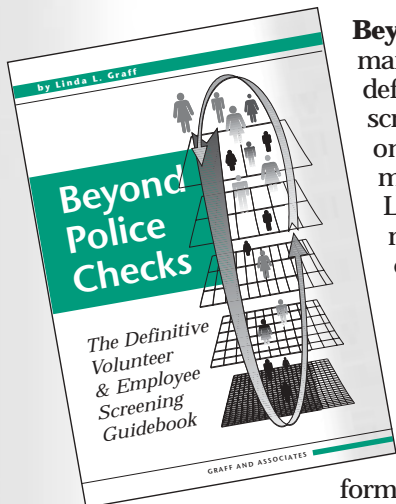
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Linda Graff has been working and consulting in the not-for-profit sector since 1980. She is a voluntary sector specialist, an impassioned advocate for the field of volunteer program management, and a dynamic and popular trainer.