

8 Steps to Implementing Church Background Checks into your Christian Volunteer Programs and Church Volunteer Handbooks

Imagine your worst-case scenario. You discover one of your youth ministry volunteers hid a history of sexual abuse and you never knew about it—until it was too late. You didn't think it could ever happen—at least not at your church. According to GuideOne insurance, in a typical year statistics show that one in 100 churches will experience an allegation of sexual misconduct.

The days of thinking that nothing like this could happen at your church have long since passed. Churches weren't asking these questions just a few years ago. But recent attention to clergy sexual misconduct has forced the church to not only ask the questions, but to act with diligence to protect the people it serves. Paul warned the Ephesians to “have nothing to do with the fruitless deeds of darkness, but rather expose them.” [Eph. 5: 11] Background checks have become the new screening tool of the church to expose the darkness.

A survey conducted by Church Law and Tax Report found that church volunteers commit 50 percent of all incidents of sexual abuse in churches, paid staff commit 30 percent, and other children commit 20 percent. Many risk-consultant professionals agree that the church is now the pedophiles' last refuge because screening doesn't exist in many churches. In a recent Barna study sponsored by GuideOne, only 57 percent of the pastors who were polled said their church conducts background and reference checks on those who work with children and youth. Failing to screen out a potential predator may not only bring harm to those in your care but also cause damage to your reputation in the community, in addition to the financial strain of a potential lawsuit. (The average jury award for negligent hiring is more that \$8,000,000.)

The courts describe an organizations screening responsibility as “due diligence”, meaning you did everything expected in the screening process to demonstrate you weren't negligent in placing someone in a position where he or she could harm another person. This would apply to those who work with vulnerable groups, such as children, youth, the elderly, and the disabled.

So how do you implement the process of background checking? Here are some steps to get started:

Step 1. Create a written policy. The words, “We've never done it that way before” are heard in every organization—including the church. That expression indicates that people need time to

accept new ideas and methods of operation. Implementing a risk management process, which includes background checking, must start with a policy that is written and accepted by the staff and leadership of the church.

If you don't have a written policy—write one! It should explain the rationale for doing a background check and which volunteer positions will be checked. Have the policy accepted and approved by your church governing board and incorporate it into the staff handbook—for paid and unpaid workers.

Step 2. Determine whom to check. Realize that not every volunteer in your ministry requires the same scrutiny. Mrs. Jones who updates the attendance records from her home, or the 80 year old shut-in who helps with craft cut outs, probably don't need their criminal backgrounds checked. But if the volunteer position involves making contact with children, youth, or others who are vulnerable, use the strictest screening procedures you can realistically implement. You may also want to consider screening cleaning staff, vendors, and contracted workers who have access to your building.

Determine if you operate any programs that require mandatory screening. You may need to check with a local attorney as these laws vary from state to state and can change at any time. Many states require a criminal background check on staff if you operate a school, preschool, daycare program, health care program, professional counseling center, or program that requires a license or uses licensed professionals. Your insurance provider may also require background checks in order for you to carry standard liability coverage.

Step 3. Include screening requirement in ministry descriptions. Once you've established which positions require a background check, add it to the ministry description. A written ministry description in itself is a risk management tool because it can state the qualifications needed to get the job done. Clearly indicate that a criminal background check is required to serve in the position. Not only does this help manage the risk—it contributes to the culture changing by stating your expectations up front.

Step 4. Start at the top. When implementing a new policy at church, many leaders use the approach: “Do what I say, not what I do”. This doesn’t fly when it comes to checking someone’s personal background or driving record! Instead, lead by example. Pastors should head up the line for a background check, the other paid staff members should follow, and then the volunteers in leadership positions.

After your top leadership level has been checked you can begin with the other volunteer positions you’ve identified as potential areas for liability. The higher risk positions often include: (1) those who work with children, youth, senior citizens, or the developmentally disabled; (2) counselors; (3) drivers; and (4) individuals with financial responsibilities. The risk increases when they serve regularly or without close supervision.

Step 5. Consider your budget. If you’re doing a large number of background checks to get everyone on board you may need to phase in the process to manage your budget. A background check can cost from \$5 to \$50 depending on the company you use and items included in the search. Search options may involve identity checking, criminal records, motor vehicle reports, education verification and more. “Shepherd’s Watch”, a screening program offered through Group’s *Church Volunteer Central*, and *SafeChurch* offers discounted national background checks for \$9.00. So determine the type of search required for the position and shop around for a company that offers what you need—at a price you can afford. [SEE SIDEBAR ON SEARCH OPTIONS.]

Step 6. Do your research. Confused about selecting a background-checking provider? Like buying a car, you need to understand the product. Here are some important items to examine as you compare companies:

A. Data

How does the provider gain access to and deliver background check information?

Technological advances now make it possible to search a database with national coverage. With today’s transient society the goal of a check is to provide the largest coverage possible. However, reporting practices vary for each state, and county, with no guarantee that all felony and misdemeanor convictions are reported from each law enforcement agency. Therefore look for a firm that offers a multi-court criminal search, including as many registries as possible, rather than just searching within your own state or county. Be sure the provider manages, maintains, and updates the data rather than

buying it from another vendor. Data should be reliable and accurate. Ask about the accuracy rate in the reporting and the correction rate on reinvestigations. You want reliable service that you can trust.

B. Turnaround Time

How does the provider manage turnaround times for the searches ordered? Many database searches are fulfilled instantly so you don't need to wait 24 hours to have the report returned. For onsite county checks or other types of reports you'll want to have a "time service estimate" based on the actual history for the county being searched. Some providers offer an order tracking service in which every 'milestone' is documented to let the user know where they are in the fulfillment process. New technologies are now allowing the possibility of accessing court data in real time.

C. Legal Compliance

How does the provider ensure that they are up to date and compliant with all the various state and federal laws that pertain to background screening? Some states have laws limiting how far back you can go in searching for records. For example, California has a seven-year limit while Georgia has no limitations. Littler Mendelson, the nation's largest firm specializing in labor and employment law, has partnered with LexisNexis Risk & Information Analytics Group to provide updates and industry alerts when new laws or regulations impact background screening. The most important consideration in selecting a company is to determine whether they use legally compliant data and processes to do the actual checks for your organization. "Inaccurate or incomplete information can create confusion, legal liability and, in the case of violence or sex offenses—heartache. Use a trusted partner in this important effort." states Kim Kerr, vice-president and general manager of LexisNexis.

D. Service & Support

A background check company needs to do more than just provide a report—they need to provide support services to assist you in the process. Will you have access to a "live advisor" in case you have questions? Do they have customer service to assist with access to the site? How are the reports delivered and stored in their system? Many companies provide online access of the reports so you can retrieve information and keep an online record of your files. Buying the cheapest product won't do you any good if you don't have the support services that help you with the information.

Common Screening Services

Type of		
---------	--	--

Check	What it Includes	Suggested Position
Identity	This is done electronically and almost instantly through a series of database checks.	All candidates
Criminal	This is done at the Federal, state and county levels—all of which maintain separate records. National Criminal Search is an online database that can identify records that need additional research. For complete legal coverage, however, you would need to go to the source documents and not use databases that can become outdated quickly.	Volunteer
Civil	Civil records are also kept at the county level. Currently no connection exists between record departments. For complete legal coverage, you would need to go to the source documents and not use databases that can become outdated quickly. Civil records give a complete picture of possible employment-related lawsuits for anyone considered for a supervisory position.	Pre-Employment screening
Employment	Previous employers are called to verify titles and salary. On average, 33% of applicants misrepresent their work history.	Pre-Employment screening
Education	Verification of education levels and degrees. Conducted in person with the learning institution.	Pre-Employment screening
Licensing	Verification of professional licenses. Conducted in person with the licensing board.	Positions requiring licensing
Motor Vehicle	Driving records can be released to appropriate consumer reporting agencies with a signed release.	Positions requiring public transportation
Credit	Credit records can be released to appropriate consumer reporting agencies with a signed release.	Positions requiring financial responsibility
References	Conducted in person to verify work habits and skills.	All Candidates

Step 7. Work your plan. Marlene Wilson, author of Group's *Volunteer Leadership Series*, has said, "Where risk management is concerned, talk is a great place to start, but action is required." So once you've made your plan—work your plan. Be consistent in whatever protocol you establish. Realize that change is to be expected. Technology and the law drive what's prudent and customary; new standards appear with amazing frequency.

7. Keep Records. Now is the time to establish a paper trail. Document every screening effort. Typically, one question raised in court is whether your church has met 'due diligence' in the screening process. A file on every volunteer will show this to be the case. According to the Fair Credit Reporting Act a signed consent form is required in order to run a background check. Keep the consent form, background check report, and other documents in your files, and keep files secure.

As you begin a screening process you'll need to establish a record keeping system of who's been checked—and the results. Many volunteer management software programs now have a place to input this information, which would include date of check and result. An excel spreadsheet or a good paper filing system can also serve this purpose.

You'll never have a 100 percent guarantee that conducting background checks will prevent all bad things from happening at your church—but it will help to reduce the risk. Make safety a priority in your church—as Paul warned the Ephesians—and reap the benefit of a secure and caring community.