

NOTES

Module 2

Screening Mentors



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Handout #1:

Session Goals

To understand what potential “risks” exist in the mentor-mentee relationship within the context of your particular program

- To develop a job description for mentors
- To explore tools you can use for effective screening
- To identify eligibility criteria for mentors that are appropriate for your particular program, and to develop strategies for screening in relation to those criteria

The Basics

1. The goal of the screening process is to separate safe and committed volunteers from those who are less suitable.
2. Within the context of that large goal, mentor eligibility requirements and screening procedures should be appropriate for each program’s mission, approach, and population served.
3. The screening process must balance the need for providing good “customer service” to potential mentors with the need for effectively screening them.
4. Screening procedures can seem daunting, but they are essential for fulfilling your mission and protecting the children and youth your program serves.

Handout #2: *Agenda*

Activity #1 Why Screen? (15 minutes)

Participants discuss reasons for screening potential mentors.

Activity #2 Writing a Mentor Job Description (30 minutes)

Small groups write job descriptions for mentors.

Activity #3 Screening Tools (15 minutes)

Participants discuss elements of the screening process.

Activity #4. Using the Tools: Screening for Suitability (30 minutes)

Participants identify qualities of an effective mentor and develop strategies for screening in relation to those qualities.

Activity #5 Using the Tools: Screening for Safety (25 minutes)

Participants explore strategies for ensuring, to the extent possible, that their program's mentors do not pose a risk to the safety of mentees (for example children and youth).

Activity #6 Now What? (5 minutes)

Participants identify next steps they will take when they return to their programs.

Handout #3: *Mentor Job Description*

Look at the sample Mentor Job Description in Handout #3A and #3B: “Role of a Mentor” – Example 1 & 2. (Often the protocols for mentors and expectations of their roles are included in a handbook given to prospective Mentors as soon as they express an interest. This assists self -selection (or self-withdrawal) as well as ensuring expectations are clear.)

General description of the program and of the mentor’s role:

Write a job description for your mentor program.

Mentor Responsibilities:

Mentor Qualities:

What this program expects mentors to do

Benefits of mentoring for mentors:

Handout #3A: Role of a Mentor – Example 1

This is a section of the Mentor Handbook given to mentors as soon as interest is expressed. More information on this handbook is available on: www.ieta.ash.org.au

Role of a Mentor from the Queensland Pilot Mentoring Projects, 2002- 2003.

What is a mentor?

A mentor is ANOTHER support person in a young person's life. A mentor and student usually have a one-to-one relationship that is an opportunity for both people to grow. There is an expectation within the program that Mentors will:

- Participate in the Mentor Training, interviews and processes within the specific Site Project before being matched with a student.
- Commit to the time and processes requested by the Project Officer within the project guidelines.
- Comply with the established philosophy, values and protocols within the Project Handbook.
- Support students in the activities designed by negotiation.
- Exercise a 'duty of care' for the student with all reasonable care being taken to ensure safety is maintained.

A mentoring relationship, between the mentor and student, is a structured, one-on-one relationship or partnership that focuses on the needs of the mentored student.

- It fosters caring and supportive working environment;
- It encourages individuals to achieve their fullest potential; and
- It helps an individual to develop his or her own vision for the future.

It is important that mentors are sensitive to the cultural needs of their respective students. Relative to their students, mentors will show greater experience, influence and achievement within a particular setting.



The roles of mentors include:

- Coaching: passing on vital information and skills; sharing expertise;
- Counselling: helping a participant work through their problems and issues by acting as a sounding board, and helping them see things from a different perspective;
- Facilitation: assist a participant through a particular learning path – offering guidance and support to create favourable conditions for learning to occur;
- Networking: utilizing existing informal channels such as community contacts and access to resources; and
- Keeping written records and reports as described in section 3.14 Written Records and as requested from time to time by DETYA or the Evaluation Team / Organisation contracted by DETYA.

Mentors in these pilots are not necessarily tutors, but may assist with course work minimally, and only where requested by students. **[NB Tutoring may change the relationship to a judgmental one, which should be avoided.]** Mentors should direct students requiring tutoring to the school, in particular the Aboriginal Tutorial Assistance Programme (ATAS).

Mentors will be subject to and/or required to:

- Undertake appropriate screening; (including Working with Children Check)
- Agree to be matched with a participant;
- Undertake induction training;
- Undertake skills development training;
- Meet with students weekly;
- Meet with supervisors monthly, or as required;
- Cooperate with the Service Provider's coordination and supervision requirements;
- Attend functions developed by the Service Provider for the purposes of advancing and assisting mentoring; and
- Achieve satisfactory closure of the mentoring relationship

Expected Values for Mentoring program participants

- All people will be treated with dignity and respect.
- The rights of all participants will be acknowledged.
- The personal property of all participants will be respected.
- No illegal activity (e.g. underage drinking or drug use) will be tolerated.
- All behaviour and activities will be non-discriminatory.
- Behaviour that could be considered harassment or misconduct is prohibited.
- Physical, emotional, sexual, verbal and racial abuse will not be tolerated regardless of humorous or malicious intent.
- Nothing should be done with, for, or to a student external to the individual program without first obtaining the proper informed consent from the Project Officer/parent/guardian.
- Mentors and students should respect ethical, religious, moral, political and cultural beliefs of each other and should be willing to refer back to the Project Officer should such issues seem likely to affect the Mentor/student relationship.

Duty of Care.

Both Pilot Mentoring Project Officers and the volunteer mentor have the responsibility to exercise “duty of care”. That is, they must take reasonable care to avoid actions or oversights that might reasonably be foreseen to injure others. Legal liability arises where, in the eyes of the court, an organisation or individual had been negligent. The specific Mentoring Project has a “duty of care” to volunteer mentors and young people. Mentors have a “duty of care” to the young people. Mentors will be provided with a photographic identification, which will provide them with evidence of their authorised participation in this mentoring program. When meeting with students it is a requirement that mentors will carry their identification with them, except in the case of Juvenile Detention Centres.



Protocols

- It is expected that mentors and students will meet weekly for between 1 – 3 hours, with times/venues being lodged beforehand with the Project Officer. Various sites will organise this differently as it suits the program within that site. This time commitment is a major consideration in your response to the invitation to become a mentor.
- Meetings with students outside the weekly-agreed meetings are encouraged but the Project Officer is to be informed prior to the meeting.
- No finances are available for activities within the individual mentoring relationships.
- Mentors will contact the Project Officer before inviting students to their own or other people's homes. The Project Officer may require a home visit prior to the event.
- Mentors and students will not speak to the media or make public comment on behalf of the Mentor Project without the permission of the Project Officer. All media inquiries should be referred to the Project Officer.
- Gifts should not normally be given or received (excluding very small gifts such as flowers, chocolates for birthdays etc). All gifts should be declared for registration by the Project Officer. Mentors may not lend money to students and are to be sensitive to the financial constraints of the student.

Handout #3B *Role of a Mentor - Example 2*

Excerpts from the James Cook University Policy and Procedures Manual for the Mentoring Program for University students.

Role of a Mentor in the James Cook University Mentoring Program, Cairns.

The James Cook University Student Mentor program matches new students (Mentees) with a Mentor who is a current student willing to share knowledge and experience. Mentors model the qualities necessary for successful completion of a graduate program. Mentors and Mentees will be matched according to discipline and interests each semester and will continue the mentoring process to the end of the first semester. Mentees will be encouraged to form a study group using the Mentor as a resource person. At the end of second semester, Mentees will "graduate" from the Mentoring Program, and the Mentee is encouraged to become a Mentor for the following year

Objectives of the Mentor Program

- Provide positive role models;
- Provide a framework for positive interaction between new students, Student Mentors and staff;
- Orientate new students to the University culture, together with the services and programs available to them;
- Enable new students to understand the challenges and opportunities of University and enhance opportunities for academic success;
- Encourage Student Mentors in the development of leadership and interpersonal skills;
- Impact positively on the attrition rates of first year students and ultimately all students of JCU;
- Have continual evaluation integrated into the program thereby continually improving the Mentor program.

Purpose

- Provide a sense of belonging within the University culture;
- Develop a stronger sense of academic community;
- Counter any initial feelings of isolation and/or anxiety;
- Help develop interpersonal communication skills for Mentors;

Benefits of Being a Mentor.

Mentoring is a two-way street, and the Mentee is not the only one who benefits from a mentoring relationship. The act of mentoring provides significant interpersonal and leadership skills development. Mentoring at University is linked to the Alumni network of working professionals. Finally, as a Mentor you are a member of the Mentor Program, which has been planned, implemented and developed by fellow students. It continues to be managed, evaluated and assessed, evolving as the University grows.

Mentor Qualities

- Demonstrate an ability to share knowledge, skills and experience with the Mentee;
- Listens well;
- Recognise and encourages excellence in others;
- Be sensitive to the needs of others;
- Offer support, patience, and enthusiasm;
- Expose the Mentee to new ideas, perspectives, and standards;
- Apply social justice principles in all facets of mentoring;
- Demonstrate tolerance and an understanding of cultural diversity.
- Serve as role models to students by providing support and information;
- Possess a positive attitude;
- Must be mature, responsible, and trustworthy;
- Display a genuine interest in the success of fellow students;
- Ability to prioritise academic life;

What does a Mentor DO?

- Greet new students on Orientation Day;
- Contact the Mentee on a regular basis, in person, by telephone or email on weeks 3, 6 & 9 in both semesters, or more often if required, to answer questions and help the Mentees understand the University process;
- Provide support and encouragement for the Mentee;
- Recognise and recruit new Mentors for the program;
- Positively promote the Mentor Program;
- Attend training and professional development seminars;
- Clarify, where necessary, University policy/procedures to new students;
- Support students in attaining computer skills needed for academic progress;
- Assist students in acquiring lecture/tutorial/workshop practical and research skills;
- Network and liaise with new students and faculty staff when necessary;
- Participate, and encourage participation, of Mentees in various semester events such as picnics, seminars, socials, games nights, academic and training workshops.

What Does a Mentor NOT DO?

- Mentors are not academic advisors, tutors, or counselors.
- Mentors are not there to be the Mentee's "parent" while at University
- Mentors do not pursue the Mentee socially.
- Most importantly, Mentors are not expected to know all the answers.

Handout #4: *Elements of the Screening Process*

The intake process has several important purposes.

These include:

1. Ensuring that potential mentors remain interested in, and excited about, becoming a volunteer in your program. (This applies particularly in programs where the mentor must apply for a Suitability Card or similar process in order to be matched with a young person under 18.)
2. Providing them with information they need for deciding whether they can and should make the commitment to become a mentor.
3. Screening potential mentors for suitability and safety.
4. Acquiring information about each applicant that will ultimately help in deciding on a “good” match if he or she becomes a mentor.

These purposes may not always work together smoothly. The key is to balance “good customer service” with appropriate screening.

Handout #4A: *Mentor Recruitment Process*

Which of these tools does your program use for screening potential mentors?

- | | | |
|---|------------------------------|-----------------------------|
| 1. Orientation session | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Written application | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Face-to-face interview | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Written references | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Reference checks by phone | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Reference from employer | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 7. References from friends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Children's Commission Suitability Card or relevant legislative requirement from your state | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Driving Record Check | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10. Home assessment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 11. Other: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |



Sample from Queensland Pilot Mentoring Projects, adapted from Cairns Youth Mentoring Scheme.

PROCESS TO RECRUIT MENTORS FOR MENTORING PROGRAM AT

STAGES	PROCESS	CONDUCTED BY	DATE
1. Apply to Mentoring Project Officer	Fill in forms – “3M - Information Sheet – Mentor”, and “Working with Children” form available on line at www.childcomm.qld.gov.au These completed forms are then to be forwarded to or collected by Mentoring Project Officer. Provide applicant with a copy of the “Mentoring Handbook”.	Mentoring Project Officer (Make clear to the volunteer mentor who the target group for this mentoring program will be, eg Year 8 and 9 Aboriginal and Torres Strait Islander students in the PLUs program at Bremer and Bundamba SHS.	
2. Interview	Applicant interviewed by 2 personnel. Questions to be in depth and the same for each person. Form “4M – Interview Questions”	Reference group member and Mentoring Project Officer. (Appropriate for one of the interviewers to be Indigenous)	
3. Working With Children Checks	Forms sent in bulk to Children’s Commission	Mentoring Project Officer	
4. One personal and one professional reference check	Referees phoned and series of questions asked. Questions to be same for each applicant and referee and to be recorded. “Form 5M – Reference Checks.”	Mentoring Project Officer	
5. Observation at training	Applicant is observed during training and discussion encouraged between ref group member and Mentoring Project Officer after each session. “Form 6M – Code of Conduct” “Form 7M – Talent Release.” “Form 10M – Certificate” “Form 11M – Confidentiality Form for Mentors.”	Reference group member, Mentoring Project Officer	
6. Support and Monitoring	“Form 8M – Determination of Success” table		

FINAL SELECTION WILL NOT BE DETERMINED UNTIL AFTER THE TRAINING IS COMPLETED. You will be advised by the Project Officer.

Handout #4B: *Screening Tools*

Mentor Orientation Sessions - A Sample Agenda

Length:

Number of participants:

Location:

1. Welcome

Describe benefits of mentoring. (You can support your points by creating an overhead of one or two key research findings about mentoring—see the next two pages of this handout for examples of these findings.) Emphasise the essential role that volunteers have in achieving these outcomes for children and youth.

2. Introductions

Have each person introduce himself or herself and say something about his or her interests, job, or family.

3. Program description

Include descriptions of:

- Program mission, including characteristics of children and/or youth served.
- Program goals, including number of matches, length of matches, frequency of mentor-mentee meetings, and desired outcomes for youth.
- Staff organisation and roles.

4. Why you should be a mentor

Have current mentors (perhaps with their mentees) discuss their matches and the rewards. Have a staff member discuss mentors' roles. Emphasize the benefits and fun of being a mentor. Give examples of mentoring relationships that have made a real difference to the children or youth in your program.

5. Why you shouldn't be a mentor

Have staff (and perhaps current mentors) discuss the time commitment— including both length of commitment and frequency of meetings—the importance of having realistic expectations, and the challenges mentors face in forming supportive relationships with the particular population of children or youth your program serves.

6. Volunteer application, screening, matching, and training

Describe your intake process. Outline your screening requirements and explain the reasons for each, focusing on the children and/or youth your program serves and the need to ensure that they have a positive and safe mentoring experience. Give a realistic sense of the length of time the screening process takes—one month? Three months? Describe any mentor training requirements your program includes, focusing on the benefits for mentors. Also explain your program's process for supervising and supporting matches.

7. Program ground rules

Describe your program's ground rules and the reasons for each. These might include, for example: limits on the types of allowable activities (for example, for community-based programs, no overnight stays for the youth at the mentor's home; for school-based programs, no meeting with the youth outside of school, except in school-approved group field trips); limits on giving gifts to the youth; and ground rules concerning the mentor's involvement with the youth's family. This is also an opportunity to talk about your program's confidentiality rules.

8. Questions and answers

Allow ample time for questions.

9. Snacks

Eating together may bring out facets of personalities other activities may not.

10. Materials

Have packets of materials available for attendees to pick up and take home.

Decide what you want to include in each packet—for example: a Mentor Handbook, which might contain job description, a recruitment brochure, an application form, information on program policies, an outline of screening requirements, and information about training sessions and ongoing support for mentors.

Some Important Research Findings

The studies cited below demonstrate the positive impact that mentoring can have on young people. You can use this information during your orientation sessions.

1. A 1995 study of Big Brothers Big Sisters of America showed that young people with mentors were:
 - 46 percent less likely to begin using illegal drugs than youth in the research control group, who were not matched with a mentor
 - 27 percent less likely to begin using alcohol
 - 52 percent less likely to skip school
 - 32 percent less likely to hit someone

The quality of the youth's relationships with their parents also improved. For example, the young people with mentors reported lying to their parents 37 percent less often than youth in the research control group.

2. A 1996 study from the Center for Intergenerational Learning at Temple University showed that young people who participated in Across Ages, an intergenerational mentoring project for high-risk middle-school students in Philadelphia, exhibited:
 - Less negative, disruptive classroom behavior
 - Better school attendance
 - Improved relationships with adults and peers
 - Positive changes in their knowledge, attitudes, and behaviors concerning substance use and related life skills

3. A 1993 Partners for Youth study revealed that, of 200 nonviolent juvenile offenders who participated in a mentoring relationship under the sponsorship of Big Sisters of Central Indiana, nearly 80 percent avoided rearrest.
4. The Quantum Opportunities Program, funded by The Ford Foundation from 1989 to 1991, focused on high school students whose families were receiving public assistance. The students who had a mentor were more likely than those who did not to:
 - Graduate from high school
 - Become involved in community service
 - Have fewer arrests
 - Enroll in college
 - Be hopeful about their future
5. In 2002, Child Trends, a Washington DC-based nonpartisan research center, published a synthesis of research findings called Mentoring Programs and Youth Development: A Synthesis. Dr. David DuBois and colleagues also published in an academic journal, a study that examined 55 studies and evaluations of youth mentoring. Finally, Dr Jean Rhodes published a book on the topic of youth mentoring titled, Stand by me: the risks and rewards of mentoring today's youth.

What do these sources tell us about the effectiveness of youth mentoring programs?

The Child Trends report outlines the following outcomes associated with youth mentoring as a sole intervention strategy or as one strategy of a multi-component program:

- Positive academic outcomes including better school attendance, increased chances of enrolling in higher education, more positive attitudes towards schools, and possibly improved grades.
- Prevention of youth risk behaviors including lower rates of substance use and abuse and lower rates of delinquency and violence behaviors,
- Enhanced social and emotional development including positive attitudes about the future and elderly, an increase in helping behaviors, better trust of and communication with parents, and better emotional support from friends.

Handout #4C MENTOR INFORMATION SHEET (Sample)

QLD PILOT MENTORING PROJECTS 2003

Please complete this form with as much detail as possible so that the most appropriate match can be made.

NAME: _____ (M/F) _____ D.O.B. _____

ADDRESS: _____

Phone No. H: _____ W: _____ EMAIL _____

I IDENTIFY AS ABORIGINAL or TORRES STRAIT ISLANDER. Please circle.

I WAS BORN IN A NON-ENGLISH SPEAKING COUNTRY _____ (Y/N)

(If yes, please name country) _____

THE LANGUAGE MAINLY SPOKEN AT HOME IS _____

I HAVE A DISABILITY _____ (Y/N)

IF YES, PLEASE STATE _____

I AM EMPLOYED/ UNEMPLOYED/ STUDYING/ RETIRED (circle)



OCCUPATION _____ COMPANY/SITE _____

OTHER OCCUPANTS IN MY HOME ARE: _____

I WOULD LIKE TO BE MATCHED WITH A MENTEE WHO (give examples of desirable qualities/personality/character etc) _____

MY HOBBIES AND INTERESTS ARE: _____

MY HOPE IS THAT THE RELATIONSHIP ACHIEVES _____

I BELIEVE THAT I CAN OFFER THE FOLLOWING SUPPORT TO MY YOUNG PERSON

I AM PREPARED TO DEVOTE _____ TO MY MENTEE

(NB this refers to time and please note the expectation is between 1 – 3 hours per week)

MY USUAL MODE OF TRANSPORT IS (eg own vehicle, bus etc)_____

I HEARD ABOUT THIS PROGRAM: _____

Please supply details of two referees - at least one professional:

1. NameR'shipPh. NO

2. NameR'shipPh NO

I understand that this is a voluntary role and as such no financial support can be given. I also understand that I am not obliged to pay for my young person's contribution to any activities, unless I choose.

..... **(Signature)**..... **(Date)**

This organisation collects personal information before and during the course of your attendance at this agency. The primary purpose of collecting this information is to enable us to provide you with a service and also for statistical purposes. We will safeguard this information and not disclose it to any other party except with your consent, unless we are required to by law. For further information about our Privacy Policy, please ask.

Handout #4D MENTOR INTERVIEW QUESTIONS (SAMPLE)

QLD PILOT MENTORING PROJECT 2003:

1. What is your understanding of mentoring?
2. What attracts you to working with young Indigenous people?
3. What do you think a young person will gain from a mentor relationship with you?
How do you hope your student will change because of this mentoring program?
4. How confident are you about these changes occurring?
 - Not at all
 - Somewhat
 - Very
5. Like any successful relationship, mentoring is a two-way process. What do **you** hope to achieve through a mentoring relationship with a young person?
6. What attributes make a good 'role model'? How do you think these attributes apply to you?
7. Can you give an instance in your life when you were effectively mentored?
8. What do you think will be the best thing about being a mentor?
9. What do you think will be the hardest thing about being a mentor?
10. Explain how you would deal with a circumstance where your student confided to you that he/she had been abused either physically, verbally, emotionally or sexually.
11. To your mind what constitutes good communication with a young Indigenous student?
12. If accepted as part of the program, what type of training and support do you think you need?
13. Do you have any concerns? How confident are you about handling any difficulties? Why?
 - Not at all
 - Somewhat
 - Very

ADDITIONAL COMMENTS:

Presentation

Capacity to listen

Communication Skills

Handout #4E MENTOR'S REFERENCE CHECK (SAMPLE)

QLD PILOT MENTORING PROJECT 2003.

(Insert name of site)

Name of Applicant

Name of Referee Date

Question 1. How long have you known for and in what capacity?

.....

Question 2. (Briefly describe the mentoring scheme) Can you please comment on the skills and characteristics which..... may have which might be considered suitable for mentoring Indigenous students in year 8 and 9, in (Site)

.....

Question 3. Nobody is perfect and everyone has aspects of themselves which they need to develop or modify. Could you please comment on areas in which..... may need to grow or develop?

.....

Question 4. To your knowledge is.....a person who thinks thoroughly about the commitment and consequences before embarking on a project?

.....

Question 5. How responsive do you think is to receiving feedback?

.....



Question 6. **How strongly would you recommend..... for this role?**

Not at all.....Recommend.....

With reservations.....Strongly recommend.....

Neither Yes or No.....Don't know/can't say.....

Question 7. **Would you feel comfortable having as a mentor for your children?**

.....

Question 8. **Is there anything else you would like to add or comment on?**

.....

Interview conducted by:.....

(Signatures) Date:

Comments from Interviewers. (NB More space is provided than is given here.)

Handout #5A Program Self-Assessment: Orientation Activity

Read and review current processes in light of this assessment tool.

Has our program developed an initial orientation for prospective mentors and mentees?

Does the orientation convey the mission, history, goals, and positive outcomes of our program?

Does the orientation clearly outline the responsibilities, qualifications, and rules for participating in the program?

Does it explain the next steps in the application/screening/training/matching process?

Does it “sell” the program by explaining the benefits of participation for both the youth and volunteers?

Does the content of the orientation fit in with our recruitment, screening, and matching procedure?

What does our program learn about prospective participants during the orientation sessions and what is done with that information?

From Foundations of Successful Youth Mentoring: A Guidebook for Program Development March 2003 - Northwest Regional Educational Laboratory and Office of Juvenile Justice and Delinquency Prevention

<http://www.nwrel.org/mentoring/pdf/foundations.pdf>

Handout # 5B Program Self-Assessment: Screening Process

Check your program against this assessment guide.

1. Does our program have a detailed, written screening procedure?
2. Is our screening procedure appropriate for our type of mentoring program?
3. Do we have a thorough understanding of our legal liability and responsibilities?
4. Does our screening procedure look at the mentor's suitability as well as safety concerns?
5. Does our program have a written policy on who we will accept or reject as a volunteer?
6. If so, is our screening procedure in accordance with that policy?
7. What are the tools/steps we use in our screening process?
8. Does our program have a written mentor job description?
9. Do we conduct face-to-face interviews with volunteers?
10. Is our staff properly trained in how to conduct interviews and assess the information gathered?
11. What questions do we ask during interviews? Have we standardized the interview in a written document?
12. What references do we ask for and what types of information do we hope to collect from applicants?
13. What parts of our screening process allow us to gauge an applicant's dependability, motivations, and suitability?
14. Does our program understand our state's process for conducting background checks?
15. Have we developed a list of disqualifying criminal offenses based on our eligibility policy, as well as potential mitigating circumstances for those transgressions not covered by the policy? E.g.: Drug offences, driving offences, child abuse? (This may be required in states where legislation does not require a suitability card.)
16. Who makes the final decision on acceptance or rejection?
17. Do we have a process for notifying a volunteer who has not been accepted into the program?

Handout # 6: *Screening for Suitability*

1. Research on mentoring programs has shown that:

1. It takes time for a mentor to establish trust with the youth and become a friend.
2. Mentors with the following qualities are far more likely to establish a trusting, relatively long-term relationship that makes a difference in the youth's life:
 - They do not expect to transform the youth's life nor to see rapid improvement in the youth's behavior.
 - They listen non-judgmentally. They do not lecture.
 - They respect the youth's desire to have fun and encourage him/her to participate in making decisions about what the pair will do and talk about.
3. Youth who were in matches that closed within the first three months had a significantly lower sense of self-worth and belief in their ability to succeed in school than youth who were never matched with a mentor. Thus, it may be better for youth never to be in a mentoring relationship than to be in one that ends quickly.
4. During the screening process, programs should be wary of volunteers who seem unlikely to be able to commit the time necessary for developing a relationship with their mentee. Programs should also be alert to applicants who seem to have personal qualities that might make it difficult for them to be effective mentors. It might be necessary to offer those applicants non-mentoring volunteer roles within your organisation or to screen them out entirely.

Sources: Item #3 is from "The Test of Time: Predictors and Effects of Duration in Youth Mentoring Relationships." A Public/Private Ventures working paper, by Jean B. Grossman and Jean E. Rhodes. The other items are from *Building Relationships With Youth in Program Settings: A Study of Big Brothers/Big Sisters*. 1995. Kristine V. Morrow and Melanie B. Styles. Philadelphia: Public/Private Ventures.)

Handout # 6A: Part 2: Screening for Suitability: Some Key Questions

(Refer here to Handouts # 4C, #4D, #4E – Presenters may provide varied examples of the following to support participants understanding.)

Written application: (Handout #4C: Mentor Information Form)

- What special issues does your program face in developing an application form that addresses the particular characteristics of the children and youth it serves, and the population of mentors you are trying to recruit?

Face-to-face interviews: (Handout # 4D: Interview Questions for Mentors.)

- Does your program have a written guide that staff use for interviewing?
- Do you use the interview to follow-up, as necessary, on information from the written application?
- Are the prospective mentors encouraged to ask questions?
- Do you let them know, during the interview, about any areas of concern regarding their eligibility?

Reference checks: (Handout #4E: Referee Checks for Mentors.)

- Do you conduct your reference checks by phone or by mail?
- What do you ask—and how do you ask?
- Do you use the references, at least in part, to double check on information the applicant has given you about himself/herself?
- Do you ask for references from specific sources, such as an employer or supervisor (for information on dependability and stability), a co-worker, a friend, or a neighbor?

Dependability:

- How do you gauge the applicant's ability to carry through on the mentoring commitment? Do you look at his/her history of following through on previous commitments, such as employment, school, relationships, or previous volunteer work?

Expectations for mentoring relationship and understanding of mentor's role:

- Do you ask applicants about their reasons for applying? (If so, are you attentive to whether their response focuses on children/youth and not on themselves?)
- Do you ask how they plan to spend their time with the mentee and about the kinds of activities they are interested in doing with him/her?

Interpersonal Skills:

- How can you tell if the applicant is reasonably tolerant and flexible? (Children and youth often test adults, and the mentor has to be able to move forward in the relationship despite its challenges. In addition, the mentee's lifestyle is likely to be quite different from the mentor's, and accepting these differences will be a key to a successful relationship.)
- Does the applicant seem aware of his/her own personal values and reasonably understanding and accepting of the lifestyles of others?

Gut feelings:

- What role do intuition and "gut feelings" play in your screening process?
- What kinds of situations (for example, comments during an interview, responses by references) don't feel right"? How do you deal with these situations?

(Handout #8 is a reading selection called "Gut Feelings and Intuitions" that addresses this issue.)

Handout #6B: *Developing a Plan: Screening for Suitability*

Looking at the following table with your program in mind, which of the points to consider in the following pages, are relevant to mentors in your program? How does your program screen potential mentors for each of these qualities, with these issues in mind?

Possible issues for your mentors.

1. Time availability

Sources of information: (for example, written application, face-to-face interview, reference checks, program staff's "gut feeling")

Points you may need to consider:

- Work responsibilities (regular or irregular schedule; unpredictable demands on time; required travel)
- Other volunteer responsibilities
- Family responsibilities
- Other demands on time (taking courses, for example)
- Special issues for University and TAFE students (academic-year vacations; summer availability)

2. History of dependability

Sources of information:

Points to consider:

3. Expectations for relationship/sense of mentor's role

Sources of information:

Points to consider:

4. Interpersonal Skills

Sources of information:

Points to consider:

5. Other (specify)

Sources of information:

Points to consider:

Look at the table on the following page to ascertain the level of screening different types of programs may require.

Program Category	Type 1	Type 2	Type 3	Type 4	Type 5	Your own
Focus	Relationship	Relationship	Relationship	Academics	Academics	
Mentoring relationship	One-to-one	Team	One-to-one	One-to-one	Team	
Minimum length of commitment	One year	One year	One year	Academic year	Academic year	
Age of mentees	under 18	under 18	over 18	over 18.	Over 18	
Minimum hours per fortnight	5	5	2	2	2	
Do meetings take place at a designated location?	No	Yes	No	Yes	Yes	
Supervision	Low*	Low*	Medium*	Medium**	High***	

Screening Level Based on Program Design

- * Low Supervision – mentoring programs that allow the volunteer and youth to be alone in an unsupervised location.
- ** Medium Supervision – site-based mentoring programs that allow the volunteer and youth to be alone in an unsupervised location.
- *** High Supervision – site-based mentoring programs that never allow the volunteer and youth to be alone in an unsupervised location.

(Oregon Mentors Provider Council, 2003, in “Foundations of Successful Youth Mentoring: A Guidebook for Program Development” sponsored by National Mentoring Center, Northwest Regional Educational Laboratory, Office of Juvenile Justice and Delinquency Prevention, USA.).

Handout # 7: *Developing a Plan: Screening for Safety*

To protect children and youth from risk, and to protect your organisation from liability, each program must develop a process for screening potential mentors to be sure they are safe. You should develop screening requirements that are appropriate for your particular program.

You are also responsible for learning whether there is any state, local, or other regulatory requirements that mandate particular kinds of criminal record checks or other safety checks for volunteers who work with children and youth.

See Handout #7A: Conducting Criminal Record Checks, and Handout #7B: Information from Children’s Commission Queensland - Volunteers’ ‘Working With Children’ Suitability Card.

NB. Be aware that acquiring a Suitability Card may take months in some circumstances and that your program may need to keep mentors involved during this period.

Handouts #7C, #7D, #7E also contains information about legal responsibilities and liabilities. These include Understanding Legal Liability, Information on Volunteers’ Protection in Australia and Information on the Queensland Government’s Civil Liability Bill 2003. Other states will have similar liabilities and legislation so this information should be sought in your state. This would be available from Departments of Justice, Youth Affairs, and Education.

As Charles Tremper and Gwynne Kostin (1993) point out in *No Surprises: Controlling Risks in Volunteer Programs*, “As the sensitivity of the volunteer assignment increases, the need for multiple and more thorough screening procedures rises.”

For volunteers in “sensitive assignments”—such as mentors who meet one-to-one with a child or youth in unsupervised settings—Tremper and Kostin recommend using “multiple screens” and “layered screening procedures.” This requires collecting information from a variety of sources—including, perhaps, the application form, a face-to-face interview, a home visit, reference checks, a criminal history record check, a child abuse registry check, and a driving record check.

Handout #7A: Conducting Criminal History Record Checks

1. Be sure your policy regarding criminal history record checks is rigorous enough to screen for the kinds of safety risks that mentors in your program could potentially pose to your program's participants.
2. Develop a list of disqualifying offenses and mitigating circumstances to be taken into account.
3. Contact appropriate agencies to determine if there are any additional state or local requirements for criminal history record checks of adults working with children and youth.
4. Contact your state's criminal history record repository for information concerning how to obtain criminal history record checks in your state, or retain a private firm to conduct criminal history record screening.
5. Arrange the necessary funding to pay for the record checks.
6. Document the record check in the applicant's file. Ensure that the information remains confidential.
7. Formulate an appeals process for applicants who feel that the information received by your program is incorrect.
8. Because record checks take time, develop a strategy for keeping potential mentors interested in your program while the process is going on.

[Adapted from *Criminal History Record Checks*, by John C. Patterson. Nonprofit Risk Management Center, 1998.]



Handout #7B: Information from Queensland Government Children's commission.

What is a Working with Children Check?

To view these documents, you will need V4.0 or higher of **Acrobat Reader**. If you do not have this software, you can download it for free from the Internet by clicking [here](#).

Commission for Children and Young People Act 2000 (Qld) contains a new law to help ensure that people seeking to work with children are suitable. This is called 'the working with children check'.

A person wanting to work in regulated employment, as a paid employee, a volunteer, or a person carrying on a regulated business, will have to fill out an application form consenting to a criminal history check prior to his or her appointment or engagement.

A criminal history check looks at:

- a person's criminal history (if any) to ascertain whether the person is suitable or unsuitable to work with children
- involves a check being made of the records of the Queensland Police Service and other Police Services in Australia for details, if any, of convictions and charges that may have been laid against the person, no matter when they occurred
- Where a relevant record is identified, additional information relating to that record may be sought from sources such as courts, police, prosecuting authorities and other government departments to enable a full and informed assessment.

The new law requires the Commissioner to:

- assess a person's suitability to work with children based on his or her criminal history, if any

- contact a person who has a criminal history which may make him or her unsuitable for child-related employment
- Invite him or her to make a submission to the Commissioner regarding the information in his or her criminal history and or his or her suitability for child-related employment within the time specified.
- issue to an applicant and his or her employer a notice stating that the person is either "suitable" or "unsuitable" to work in child-related employment

Definitions in Criminal History Checks

A list of terms used throughout the Criminal History Check documents can be viewed on the [Definitions Page](#).

The Working with Children Kit

The [Working with Children Kit](#) provides straight forward, practical advice on creating safe and friendly environments for children and young people.

Volunteers in Regulated Employment in Queensland from 1 May 2002, are required to obtain the Working With Children "Blue Card". The following form is available on the Children's Commission Website: www.childcomm.qld.gov.au with other valuable information. This is worth checking.



APPLICATION FOR SUITABILITY NOTICE FOR A VOLUNTEER Form ES 004

V

This form **MUST** be completed in full (Parts A to D).
 Please Note: Applications for volunteers will be processed free of charge.

PLEASE USE BLOCK LETTERS TO COMPLETE THIS FORM AND PRINT CLEARLY

Part 6 of the *Commission for Children and Young People Act 2000* requires a person (over the age of 18 years) seeking to work with children (under the 18 years of age), in a voluntary capacity, to undergo a screening process based on his or her criminal history, to determine the person's suitability to work in child-related employment.

PART A ORGANISATION'S DETAILS (THIS SECTION MUST BE COMPLETED BY THE VOLUNTEER COORDINATOR)

Name of Organisation: _____

Address of Organisation: _____ Postcode: _____

Reference No (if previously supplied by the Commission for Children and Young People): _____

Contact person: _____ Position: _____

Phone: _____ Fax: _____ Email: _____

Type of child-related volunteering for which a Suitability Notice is sought (tick appropriate box)

<input type="checkbox"/> Residential facility <input type="checkbox"/> Boarding facility at a school <input type="checkbox"/> Counselling and support service <input type="checkbox"/> Private teaching, coaching or tutoring <input type="checkbox"/> Other (please specify): _____	<input type="checkbox"/> School (volunteer other than a registered teacher or volunteer parent of a child enrolled at the school) <input type="checkbox"/> Church, club or association involving children (other than a volunteer parent involved in the same or similar activity as his or her child)
--	---

The word "organisation" as it appears on this application form is taken to mean "employer" for the purposes of complying with the Act.

PART B ORGANISATION'S DECLARATION (THIS SECTION MUST BE COMPLETED BY THE VOLUNTEER COORDINATOR)

The applicant **MUST** provide documentation, which supports his or her true identity.

THE VOLUNTEER COORDINATOR **MUST** SIGHT **ONE** ORIGINAL DOCUMENT FROM LIST 1 AND **ONE** ORIGINAL DOCUMENT FROM LIST 2 AS LISTED BELOW. **ONE** DOCUMENT MUST SHOW THE APPLICANT'S SIGNATURE. **ALL** DOCUMENTS **MUST** BE ORIGINALS. PHOTOCOPIES ARE **NOT** ACCEPTABLE.

Where any of the documents are in a former name, the volunteer coordinator must sight an official document (for example, a marriage certificate or deed poll) which shows the applicant's change of name or a document the Commissioner considers to be sufficient evidence of that change of name.

Where it is not possible for the applicant to provide a document from both lists, a document that the Commissioner considers sufficient for identification purposes may be provided.

- (1) I declare that I am the volunteer coordinator of the applicant listed on this form and I have authority to submit his or her name and details to the Commission for Children and Young People for screening purposes.
- (2) I declare that the information in relation to the screening process has been provided to the applicant who has consented to these checks being conducted.
- (3) I declare that I have sighted the documents relating to this applicant's identity as indicated below, and have checked the personal details of this applicant. (Please tick the documents sighted and ensure that the document identification number has been recorded.)

PROOF OF IDENTITY DOCUMENTS

LIST 1	LIST 2
<input type="checkbox"/> current Australian driver's licence with photograph Licence No: _____	<input type="checkbox"/> current Medicare card
<input type="checkbox"/> birth certificate (extract will suffice) Reference No: _____	<input type="checkbox"/> Pension Concession Card, Department of Veterans' Affairs entitlement card or any other current entitlement card issued by the Commonwealth or State Government
<input type="checkbox"/> current Australian passport or current Document of Identity issued by the Australian Passport Office or an Australian Passport or Document of Identity that expired within the last two years Passport No: _____	<input type="checkbox"/> current credit card, or account card from a bank, building society or credit union, or a passbook
<input type="checkbox"/> current overseas passport Passport No: _____	<input type="checkbox"/> telephone, gas or electricity bill up to one year old, where name and address match those on this application
<input type="checkbox"/> Australian naturalisation or citizenship document or immigration papers issued by the Commonwealth Department of Immigration and Multicultural and Indigenous Affairs Reference No: _____	<input type="checkbox"/> water rates notice, council rates or land valuation notice up to 2 years old, where name and address match those on this application
<input type="checkbox"/> current consular photo identity card issued by the Department of Foreign Affairs and Trade Reference No: _____	<input type="checkbox"/> electoral card or other evidence of enrolment up to two years old, where name and address match those on this application

(4) I understand that it is a serious offence under the *Commission for Children and Young People Act 2000* to make a deliberately false or misleading statement.

Name of Volunteer Coordinator: _____

Signature of Volunteer Coordinator: _____ Date: ____/____/____

PART C APPLICANT'S DETAILS (THIS SECTION MUST BE COMPLETED BY THE VOLUNTEER)

The information you supply in this application form will be maintained in a confidential database for use by the Commission for Children and Young People for screening purposes only. It will be provided to police services throughout Australia in order to perform a criminal history check. The Commissioner will assess your suitability for child-related employment based on that criminal history. If any relevant record is identified, additional information relating to that record may be sought from sources such as courts, police and prosecuting authorities to enable a full and informed assessment.

A 'working with children check' Suitability Card will be issued to you if you are deemed suitable to work in child-related employment. Your volunteer organisation will also be notified of your suitability status. The 'working with children check' Suitability Card is valid for 2 years, unless it is cancelled earlier. A renewal notice will be sent to you at the postal address nominated on this form. Any changes to your details should be provided to the Commission.

In instances where the employment screening processes indicate that you have a criminal history that may make you unsuitable for child-related employment, the Commissioner will give notice to you and provide you with an opportunity to respond before making a final decision.

PLEASE USE BLOCK LETTERS AND PRINT CLEARLY

Mr Mrs Miss Ms Dr Other (please specify): _____

Surname: _____ Given names: _____

All former names (e.g. maiden name, aliases, change of name by deed poll, etc.) (if space is insufficient please attach a separate list):

Former surnames: _____

Former given names: _____

Current postal address: _____

Postcode: _____

It is important that the Commission is able to contact you in case we need to discuss your application. Please provide details of all contact phone numbers and/or an email address where the Commission may reach you or where we are able to leave a message that you will receive quickly.

Daytime: _____ Nighttime: _____ Other: _____

Previous addresses within last 5 years (if space is insufficient please attach a separate list): _____

Date of Birth: ____ / ____ / ____ Male Female

Place of Birth: Town/City: _____ State: _____ Country: _____

Do you identify as: Aboriginal Torres Strait Islander Australian South Sea Islander

Do you have a language other than English that you speak at home? YES / NO If yes, please specify: _____

PART D APPLICANT'S DECLARATION (THIS SECTION MUST BE COMPLETED BY THE VOLUNTEER)

- (1) I declare that the details provided by me in this application and the documents shown to my volunteer coordinator proving my identity, are true and correct.
- (2) I understand that before a person can be considered for a child-related position, an application for a screening check must be lodged with the Commission for Children and Young People to determine that person's suitability for child-related employment. I give my consent to be checked as part of the suitability screening process.
- (3) I understand that the screening process will include a check being made of the records of the Queensland Police Service and other Police Services in Australia for details, if any, of convictions (including findings of guilt and acceptance of pleas of guilty, whether or not convictions were recorded) and of any charges that may have been laid against me, no matter where or when.
- (4) I understand that if any relevant record is identified, additional information relating to that record may be sought from sources such as courts, police and prosecuting authorities to enable a full and informed assessment.
- (5) I understand that it is an offence under the Commission for Children and Young People Act 2000 to give information or provide a document for the purpose of this application, knowing it to be false or misleading.
- (6) I also understand that my consent to suitability screening can be withdrawn at any time prior to a Suitability Notice being issued, if made in writing.

**Your signature will be scanned onto your Suitability Card.
Please sign within the box using a black pen.
DO NOT SIGN OVER THE LINES OR OUTSIDE THE BOX**

Volunteer's signature



Volunteer's full name: _____

Date of signature: _____

PRESENT OR MAIL THIS FORM TO:
EMPLOYMENT SCREENING SERVICES UNIT
COMMISSION FOR CHILDREN AND YOUNG PEOPLE

LEVEL 14, T & G BUILDING PO BOX 12671
141 QUEEN STREET BRISBANE GEORGE STREET
BRISBANE QLD 4000 QLD 4003

Phone: (07) 3247 5145 Toll-free: 1800 113 611 Fax: (07) 3247 5200

PLEASE NOTE:
APPLICATIONS FOR
VOLUNTEERS WILL BE
PROCESSED FREE OF
CHARGE



Handout #7C : *Understanding Legal Liability*

By Leslie T. White, John Patterson, and Melanie L. Herman.

The following information refers to legal implications for American programs however Australian law often follows American trends. Professional legal advice should be sought.

Mentoring programs, like other nonprofit activities, face a variety of legal risks.

Nonprofits are always vulnerable to liability claims and lawsuits from paid and volunteer staff, service recipients, donors, regulatory agencies, and members of the general public. Risk management programs cannot eliminate legal risks completely; however, mentoring programs can benefit from understanding their legal risks and taking steps to minimize the likelihood of legal challenges.

The first step in managing legal risks is to understand the nature of legal liability.

All organisations and individuals have legal interests such as physical safety, freedom of movement, protection of property, right of privacy, security of reputation, performance of promises, and economic freedom. These interests are protected under the law. The invasion of protected interests is governed by three types of liability: tort, contractual, and statutory or common law liability. Nonprofits and other organisations invade the interests of others if they break a law, breach a contract, or cause harm to another party either intentionally or unintentionally.

Tort Liability

A tort is a *private or civil wrong or injury other than a breach of contract for which the Law provides damages*. Tort law governs most of the legal liability for injuries occurring in the operation of nonprofit organisations. Torts are classified into three categories: negligence, intentional acts, and strict liability. Most claims filed against nonprofits allege negligence.

Negligence

Negligence has many different definitions. One of the most commonly used definitions is *the failure to do something a reasonable person would do or the doing of something that a reasonable person would not do under the circumstances*. Liability for harm is not automatic under negligence theory. An injured plaintiff must prove four essential elements to recover from a defendant: a legal duty to act, a breach of the duty, damages or harm, and causation.

Legal-Duty

A legal duty is *an enforceable obligation to exercise care or to maintain a certain standard of conduct for protecting others against unreasonable risks*. If your organisation does not owe a duty to another organisation or individual, then it cannot be negligent. Every nonprofit has a minimal duty to protect service recipients, staff members, volunteers, and members of the general public from foreseeable harm. When nonprofits provide services to vulnerable service recipients such as children, the elderly, or persons with disabilities, a higher level of care is required.

Breach of Duty

The second element of negligence is that individuals or organisations must act in a way that breaches their duty to the injured party. A breach can involve either the failure to act or failure to act properly.

Harm or Damages

It's not enough to show that a nonprofit had a duty of care and that it didn't meet that duty. Injured parties must show that they suffered an injury or damages. The possibility that they could have been hurt is not a basis for negligence. The damages can be either economic or Non-economic losses.

Economic or pecuniary losses include bodily injury (including death), medical expenses, burial costs, property damage, and loss of income including loss of business or employment opportunities (losses that can be easily assigned a dollar value). Non-economic losses include losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium, and injury to reputation.



Proximate Cause

The breach of duty must be the direct or proximate cause of the injury or damage. For example, an inner-city tutoring program employs a uniformed guard at its training site. One day, the guard doesn't show up for work. On the same day, a mentor is injured in a car accident on his way to the training site. Although it is arguable that the tutoring program has a legal duty to protect the mentor from foreseeable harm, the absence of the guard may constitute a breach of that duty, and the mentor was clearly injured, it is unlikely that a court will find the breach (the guard's absence on the day of the accident) proximately related to the accident. The non-profit's breach of its duty did not cause the harm suffered by the mentor.

An important key to predicting whether liability will be imposed is to understand the required standard of care. Most courts use the concept of "reasonableness under the circumstances" to define the minimum standard of care. This standard varies by situation considering the activity, environmental conditions, and the participants involved in the incident. For mentoring programs the required standard of care will be based on a number of factors, including the type of activity, the age of the mentee, impairments such as physical or developmental disabilities of the mentee, conditions when an accident occurred, and resources available to the nonprofit to protect participants from harm, such as the availability of screening tools.

Courts also consider the purpose of the organisation, particularly if a mentoring program's mission focuses on prevention or intervention types of relationships. Most courts and jurisdictions hold that the standard of care is higher for nonprofits working with children and other vulnerable populations than for organisations working with adults. If your mentoring program serves youth or other vulnerable populations, you should recognize that you will be held to a higher standard of care and your safety programs should reflect a commitment to meeting this standard.

Additional factors determining "reasonableness under the circumstances" are the skills and knowledge of the allegedly negligent person. The standard of care requires "that the degree of skill be exercised which the general class of persons engaged in that profession would have." A person with special skills or training is held to the standard of care of a reasonable person possessing those skills. Therefore, if your mentoring program uses social workers as mentors, those employees' actions will be judged based



on the perception of what a reasonable social worker would do, not what an ordinary citizen would do under similar circumstances. People with special skills and training are held to a higher standard for actions within the realm of their training and skill than people without such training and skills.

The reasonableness standard is also affected by the foresee ability of the harm. Most courts agree that the standard of care is not to ensure safety, but to act reasonably in view of the probability, not the possibility, of injury. Thus, a nonprofit must protect those to whom it owes a duty from foreseeable harm. Foresee ability can be determined by whether an organisation or individual knew or should have known of a potential harm. If a party could or should have foreseen the harm, then it should take reasonable steps to prevent the harm. Again this issue is important in determining the program's personnel screening requirements.

Another facet of reasonableness is the question of control focusing on whether a nonprofit had the ability to take action to avoid an injury. Nonprofit organisations and their personnel cannot control everything, and the courts do not require them to do so. However, if an organisation had the ability to act to avoid foreseeable injury, it must take such action or risk liability. It is important, therefore, to focus attention on those activities that you do control such as screening and selection of mentors and participants, the operating policies for the program, and procedures for handling accidents and losses.

Intentional Acts

In contrast to negligence, in which liability results from failure to exercise reasonable care, intentional torts result from actions that organisations or individuals take knowing that those actions may invade another party's protected interests. The act does not necessarily need to be committed with malice or intent to cause harm.

For example, if a mentor, in the course of helping a mentee find her keys, looks through the mentee's purse without permission, the mentor has invaded the mentee's right to privacy. If the mentor finds a substance she suspects may be illegal drugs, tells a supervisor, and later learns that the substance was not illegal, the mentor has damaged the mentee's reputation. These actions were not taken with the intent to cause harm; nonetheless, if the mentee suffered harm as a result of these actions, the nonprofit could be found liable.



Strict Liability

Strict liability is imposed for harm resulting from certain activities and situations, even though an organisation may be free of direct fault. Nonprofits, particularly mentoring programs, usually do not engage in many activities that may lead to strict liability such as keeping wild animals, inherently dangerous activities, or selling or producing inherently dangerous products. However, strict liability can also be imposed for the actions of others. Commonly called vicarious liability, it is applied to organisations for the actions of their employees, partners, subsidiaries and other agents acting on their behalf, even if the organisation itself acted completely without direct fault. Vicarious liability extends only to activities within the scope of the relationship and not to unrelated misconduct.

Statutory and Common Law Liability

Every nonprofit must follow federal, state, and local laws and regulations. Failure to comply with these requirements can lead to criminal and civil liability. Statutory liability arises from the constitutions, statutes and ordinances, administrative regulations, and executive orders issued by federal, state, and local governments. These statutory requirements can include the need to secure a permit or license such as construction permits, day-care licenses, and licensed social workers. Regulations such as noise ordinances and zoning laws forbid specific conduct. A violation of a statute can result in both a criminal penalty and a civil liability. The criminal penalty can be a fine and/or prison term. Civil liabilities involve another party claiming damages as a result of the organisation's failure to comply with the statute or regulation.

Here are some statutory requirements that might apply to your mentoring program:

- Child abuse reporting requirements / child protection legislation
- Abuse reporting requirements for vulnerable populations
- Criminal background check requirements for employees or volunteers
- Licensing for drivers (driver restrictions and limitations)
- Child labor laws
- Curfews
- Educational requirements
- Licensing of personnel (social workers, medical personnel, teachers)
- Insurance requirements (automobile financial responsibility, premises, program)
- Environmental requirements (disposal of hazardous materials, noise)
- Health department regulations (for food preparation, camps, etc.)

- IRS and state requirements for charitable organizations

Related to statutory liability is common law liability, a set of principles established through judicial rulings that are generally applicable to all organisations and individuals. Court rulings sometimes set precedents, indicating that the rulings can be used as a basis for reaching comparable decisions in similar cases in the future.

Although common law is not established by a legislative or regulatory body, it has a foundation in the courts.

Nonprofits should research the laws, regulations, and recent court cases that apply to their operations. Ignorance is an unacceptable defense if the governmental authorities find that a mentoring program is not complying with the requirements.

Contractual Liability

A contract is a promise that the law will enforce. In order for a contract to be legally binding, there must be mutual assent and consideration in return for a promise to do or not do something. In other words, both parties must agree to the contract and something of value must be given or foregone. Because a contract is a legal promise, the law agrees to give a remedy if either party breaches the agreement.

A breach is the failure to perform under the terms of the contract and a nonprofit may be liable for its breach of a contract. Mentoring programs enter into many contracts, some intentionally and some by accident. Parties that enter into a contract may have several levels of authority.

Express authority is specific authorization to enter into the contract. Implied authority allows a party to do what is necessary to accomplish the express authority.

Apparent authority carries the appearance that a party has the authority to enter into an agreement. Apparent authority can get an organisation into trouble, because an unauthorized person, such as a volunteer, could enter into a contract that the program would have to honor. Every nonprofit should decide and identify clearly who can enter into contracts on its behalf.



Another contractual danger is an implied contract created through the program's marketing materials. A program can inadvertently make promises, such as guaranteeing employment opportunities for the participants, through its promotional material and recruiting efforts.

Common Liability Exposures

It is impossible to list all of the liability exposures facing mentoring programs. Every day the courts create new laws and interpretations of the standard of care. Therefore, we will try to identify some of the areas in which a mentoring program has liability exposures. As a program coordinator, you need to review this information, identify the ones that apply to your program, and brainstorm what else can go wrong within your program.

One of the greatest challenges facing a mentoring program is to provide for the safety of its staff, participants, and others. You should be concerned about your own actions as well as the actions of your employees, volunteers, and collaborative partners. Mentoring programs must strive to protect people from the reasonable and foreseeable risks. One way to evaluate those risks is to review various aspects of the operation. Below are some areas for a mentoring program to review and identify the risks that it faces.

Premises

Mentoring programs should be concerned about the conditions of the premises they use. The premises may be the program's office or the site of program activities. Some organisations use schools, church buildings, public libraries, and other public places to hold activities. Even "off-premises" programs may offer group activities at parks, playgrounds, or concert halls. Begin by brainstorming the ways someone could get hurt on the premises.

Here are some ideas:

- Slip and fall due to uneven walk surface
- Inadequate fire exits
- Americans with Disabilities Act noncompliance
- Fire caused by faulty wiring or appliances
- Isolated areas where children could be harmed



- Assaults or robberies because of inadequate lighting and security or unlimited, uncontrolled access by visitors
- Dangerous conditions that draw children
- Lead paint or asbestos poisoning

Property of Others

An organisation that has possession of another's property has a responsibility to protect that property. Often the responsibility is documented in a rental or lease agreement and other times it is the owner's expectation that the organisation will repair or replace any property it damages. The personal property of employees, mentors, volunteers, participants, and borrowed, rented, or leased property can be lost, stolen, broken, or destroyed in a fire, flood, hurricane, or other peril. The property can include people's personal property, sports equipment, computers, educational materials, videos, and other materials needed to operate the program.

Many mentoring programs hold activities on the premises of organisations such as schools, churches, libraries, parks with basketball courts or playing fields, and other meeting places. The organisation may be responsible for any damage to the building and its contents. The damage may be caused by theft; fire from a faulty electrical appliance, careless smoking or housekeeping, or arson; accidents that cause broken windows, spills on computers, and overloaded equipment; and intentional acts such as graffiti and vandalism.

[From *More Than a Matter of Trust: Managing the Risks of Mentoring*, by Leslie T. White, John Patterson, and Melanie L. Herman. 1998. Washington, D.C.: The Nonprofit Risk Management Center.]



Handout #7D: *Protection of Non-Profit Volunteers in Australia*

Most laws in Australia in relation to Volunteers are contained in State Statutes, and there are now in place a significant number of relevant statutes.

The Queensland Freedom of Information Act of 1992 is close to an equivalent Commonwealth Act, and in these areas the concept of some need to protect individual's rights was recognized. Under Section 44 the principle was spelt out that information affecting personal affairs would not be revealed, "unless its disclosure would be in the public interest."

In 1999 with the threat of calamities which may eventuate because of the "millennium bug" the Australian Parliament along with the Parliaments of Queensland (1), South Australia and Victoria passed legislation to allow businesses to pass on information relating to Y2K without fear of being sued should it prove that the information was inaccurate or inadequate. That is, a volunteer (as a Good Samaritan) trying to help others would be free of responsibility because of a perceived community threat.

Another debate in the community about the rights to protection against a "home invasion" has led States of Australia to provide in the Criminal Law Statutes for there to be a defence to a charge of wounding an intruder. This gives rights to an individual that were limited previously.

Only however, since the disastrous events of September 11, 2001 in America has more attention been given to Good Samaritans. This was not a direct, but an indirect result.

After September 11, Insurance premiums escalated dramatically, and the flow on effect hit volunteer organisations more than other section of business. Under threat that many organisations could not continue to do so much charitable and community work, Governments were forced to look at options to protect them and keep them viable.

After much debate most of the States have now enacted legislation. In Queensland the most relevant pieces of legislation are the Workplace Health and Safety and Another Act

Amendments of 2002 and the Civil Liability Act of 2003. The legislation is quite detailed and worthy of study. The former built in some protection mainly for employers by modifying the previous law. The latter is the one most relevant for Volunteers.

A “volunteer” is described as a person who does community work on a voluntary basis.

Section 39 of the Act says that “a volunteer does not incur any personal civil liability in relation to any act or omission done or made by the volunteer in good faith when doing community work—(a) organised by a community organisation; or (b) as an office holder of a community organisation”

The definition of “community work” is relevant—it means work that is not for private financial gain and that is done for a charitable, benevolent, philanthropic, sporting, recreational, political, educational or cultural purpose.

So that covers most areas that one can think of. However, there are limits and there is no protection if a volunteer is acting recklessly or under the influence of liquor or drugs or if covered by some other specific legislation such as governs insurance on motor vehicles.

So while volunteers with organisations are now recognised, the law still has a problem trying to work out how to protect adequately the true Good Samaritan who may act alone and on the spur of the moment to do a good deed for his or her fellow humans.

Ref:(1) Information Disclosure Act 1999.



Handout #7E: Queensland Government Insurance Action Protects Volunteers – Civil Liability Bill 2003

PRESS RELEASE: PETER BEATTIE, PREMIER OF QLD, 2003

Government insurance action protects volunteers. Volunteers working in 'good faith' will be protected against negligence actions under new public liability insurance reforms approved by State Cabinet today.

Premier Peter Beattie said the new package gives the best protection ever for volunteers who contribute so much to our Queensland way of life.

"Attorney General and Minister for Justice, Rod Welford, will introduce the Civil Liability Bill 2003 into Parliament this week," Mr Beattie said.

"The backbone of so many Queensland communities - our volunteers - will be protected for acts done in good faith while undertaking community work.

"The reforms are detailed and comprehensive. Other key elements include:

A \$250,000 cap on general damages; Better protection for local councils against actions stemming from their policies or resource allocation; More protection for professionals such as doctors, architects and engineers; Limits on the time period for doctors to be notified of potential claims; and Removal of the need for warnings of obvious risks.

"I now want to see more fairness from insurance companies, especially when they set premiums for voluntary groups," Mr Beattie said.

"It is also high time the Federal Government gave the Australian Competition and Consumer Commission the power to act against insurance companies that do not pass on to consumers the savings that flow from our extensive reforms.

"Professionals, sporting organisations and community groups would then have an independent umpire to call on if they receive outrageous bills for premiums.

"Our reforms also give doctors the assurance they need to continue delivering babies and operating on children, especially in regional Queensland.

"The time period for doctors to be notified of a potential claim for negligence will now be six years from the day a parent or guardian knew - or should have known - the child sustained an injury due to a doctor's negligence.

"This is a fair and balanced approach that protects the rights of children while enabling doctors to get on with their business without living in constant fear of a writ," Mr Beattie said.

Mr Welford said the Government would introduce proportionate liability in response to calls from professional groups for better protection.

"This is an important change because it limits the exposure of professionals to claims for losses for which they are only partly responsible," he said. "Insurance law experts tell me this will have a significant impact on the availability of professional indemnity insurance.

"The Commonwealth and other states should follow our lead," Mr Welford said.

Mr Welford said removing the need for warnings about obvious risks should have a significant impact on negligence claims.

"This is simply putting common sense and personal responsibility back into the law," he said.

"Councils, sporting groups and community organisations won't be liable for obvious risks - such as tripping on the footpath, injuring your neck while bungee jumping or hurting your knee while playing football.



"These changes balance the rights of injured people to sue for negligence and the community's need for affordable insurance cover.

"They build on our first package which included procedural changes to cut legal costs, an end to jury trials in personal injury cases and a ban on no-win no-fee lawyer advertising," he said.

Summary of reforms in the Civil Liability Bill 2003:

A \$250,000 cap on general damages; Proportionate liability for non-personal injuries claims where damages exceed \$500,000; No liability for failure to warn of obvious risks; No liability for injuries arising from obvious risks in the case of recreational activities; No liability in cases where the injured person was engaged in criminal activity which contributed to the risk of injury. This will mean that where a court determines, on the balance of probabilities, that a person was engaged in a criminal act, the person will not be entitled to claim damages restricted claims where a person's intoxication contributed to their personal injury. This will involve the mandatory reduction of damages to a claimant who is intoxicated, and removal of any special duty owed to people simply because they are intoxicated; and a change in the standard of care for professional groups, including doctors, to protect against liability for acts performed in accordance with a respected body of professional opinion.

The bill will further clarify the laws of negligence by: Codifying the test for determining negligence, and in particular providing that a person is only required to act to prevent a risk that is "not insignificant"; Codifying legal principles in determining whether the defendant caused the plaintiff's injury; Codifying the test for determining contributory negligence and allowing damages to be reduced by 100%; Limiting the scope of liability of public authorities by allowing the Courts to take into account their financial resources and other factors; and Disallowing pre-judgement interest on damages for non-economic loss

Media inquiries: Greg Milne (Attorney-General's office) 3239 6400 Fiona Kennedy (Premier's office) 3224 4500



Handout #8: *Gut Feelings and Intuitions*

By Linda Graff

They are impossible to define and yet most of us experience them. Triggers called “gut feelings” arise with some regularity among screeners. Various 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.

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 legitimate cause for concern, or is it merely a reflection of discomfort with “difference”? Be careful that discrimination against someone not exactly like 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 noncommittal language from a reference. 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.

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.

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 organisation 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 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 organisation 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 organisation’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 organisation supports the option she or he pursues.

[From *Beyond Police Checks*, by Linda Graff. 1999. Graff & Associates. Available through Energize Inc. or at their Web site: <http://www.energizeinc.com>]



Handout #9: Barriers to Preventing Abuse

By John Patterson, with Charles Tremper and Pam Rypkema

Several factors commonly stand in the way of child abuse protection initiatives.

Among the most powerful are denial of the problem, rejection of responsibility for the problem, overemphasis on protecting the organisation, an unreceptive organisational culture, lack of policy guidelines, and lack of assigned responsibility.

Denial

None of us likes to think anybody would sexually assault or physically batter children.

We want to believe that the longtime volunteer coach was only measuring his catcher for a new pair of pants, but still wonder why the boy was naked. We want to believe that our summer camps are safe, so we disregard the moving shadows in the moonlight. We cannot imagine that a stepfather could be a pimp for his six-year-old daughter. We know intellectually that abuse may happen, but cannot accept in our hearts that it will happen in our programs. All of these are examples of denial.

The best antidote to denial is exposure to stark reality. You can invite a representative from child protective services or from your local law enforcement agency to speak to your board of directors or other policymakers. You can talk with representatives of other organisations who have gone through the emotional trauma of a child abuse case in their organisation. And, hopefully, the wake up call will not come from a child abuse incident in your organisation.

“Not Our Problem”

This attitude is an extension of the denial reaction. Some organisations consider child abuse to be solely a societal phenomenon beyond their control. They reject the notion that they have a responsibility to go beyond basic programmatic concerns.

Some may even question the presence of child abuse as a societal problem, let alone a problem the organisation must confront—they feel that the problem is overblown by



media hype. Some organisations get very defensive if they are asked about their child abuse problem. Some organisations believe that they do not need to be concerned because children and youth are not their primary service recipients.

To overcome resistance to acknowledging that child abuse is your organisation's problem, you may need to stress the moral obligation to protect children. If you get nowhere, you can point to insurers' requirements and lawsuits.

Protecting the Organisation

The top priority for some organisations is protecting itself when child abuse occurs.

A flurry of press releases extols the organisation's services to children and its record of accomplishment. "So-and-so is a long-time dedicated staff member with an impeccable record, and the charges are the result of an overactive imagination." The board of an organisation that provides medical care for children in other countries exemplifies this attitude. The executive director of this organisation was a doctor [and] the author of a very popular self-help medical manual. According to the report; he also had been sexually abusing children for years. During part of that time, several board members knew of his sexual misconduct but maintained their silence for the sake of the organisation. The combination of concern about damaging the organisation, uncertainty about the wrongfulness of the doctor's conduct, and squeamishness about addressing the matter at a board meeting allowed the abuse to continue.

Organisational Culture

Organisational culture consists of the values, beliefs, and traditions deep-rooted in the organisation. The culture of some organisations blocks them from addressing sensitive issues such as child abuse. For example, an organisation that accepts the principle of human redemption may wish to reject the rule that a person who molests a child should never have unsupervised access to children again. Organisations that endorse the adage that "sparing the rod spoils the child" may not accept the idea that physical punishment can be abusive.



Some organisations have traditions relating to specific activities such as camping or sports. Veteran staff—paid and volunteer—may resist changes to their program that would break with tradition. They may argue that nothing bad happened before or that changing now would mean admitting they were wrong in the past.

Strong sensitivity to individual rights can also be a roadblock. Concern about individual rights functions usefully by preventing totalitarianism in the name of protecting children, but rights need to be balanced against children's needs. Inquiring into an individual's sexual history would be a terrible invasion of privacy in most programs. If the individual is applying to be a volunteer mentor, however, the invasion may be justified.

Child abuse prevention can fit into most organisations without requiring major changes in program activities or in values dear to the organisation. Most adults working with children are parents and appreciate the efforts of organisations to protect the children they serve. Emphasizing that benefit can ease the process regardless of organisational culture.

Lack of Policy Guidelines

If an organisation has never addressed the issue of child abuse, there may be a policy vacuum. Discomfort with the topic or concern about offending anyone may have prevented adoption of a clear, cohesive, and adequate plan for protecting children.

Many smaller organisations have few formal policies. Developing and implementing child abuse prevention strategies may need to start with creation of a policymaking process to conduct the necessary work.

An organisation that has not developed its child abuse prevention strategies might begin by creating a task force consisting of employees, volunteers, and parents to review the material in this *Primer* and the resources it lists, examine existing policies, and develop strategies appropriate for the organisation.

Responsibility Not Assigned

Sometimes organisations have policies to prevent child abuse, but no one has the responsibility of overseeing their implementation. A policy without oversight may be more damaging to the organisation than no policy at all. By having a policy, the organisation is



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giving lip service to its responsibility for prevention. Pronouncements without action may be seen as hypocritical and self-serving.

Primary responsibility for child abuse prevention ordinarily needs to be assigned to a specific individual or department. Depending on the size and structure of the organisation, that person might be the director of personnel, the risk manager, a vice president for programs, or the executive director. One person cannot, however, bear the entire burden. Child abuse prevention should be a part of every position description.

[From *Child Abuse Prevention Primer for Your Organisation*, by John Patterson with Charles Tremper and Pam Rypkema, © 1995, The Nonprofit Risk Management Center. Available through Energize, Inc., 800-395-9800 or at their Web site <http://www.energizeinc.com>.]



Handout #10: *Resources for Screening Mentors*

Print materials

- *Beyond Police Checks*. 1999. Linda Graff. Graff & Associates. Available through Energize, Inc. Phone: Web site: www.energizeinc.com.
- *Screening Volunteers to Prevent Child Sexual Abuse: A Community Guide for Youth Organisations*. 1997. National Collaboration for Youth. Available from the National Assembly of Voluntary Health and Social Welfare Organisations.

The following books are available from The Nonprofit Risk Management Center or through Energize, Inc., web site: www.energizeinc.com.

- *Child Abuse Prevention Primer for Your Organisation*. 1995. John Patterson, with Charles Tremper and Pam Rypkema. The Nonprofit Risk Management Center, Washington, D.C.
- *More Than a Matter of Trust: Managing the Risks of Mentoring*. 1998. By Leslie T. White, John Patterson, and Melanie L. Herman. The Nonprofit Risk Management Center, Washington, D.C.
- *No Surprises: Controlling Risks in Volunteer Programs*. 1993. Charles Tremper and Gwynne Kostin. The Nonprofit Risk Management Center, Washington, D.C.

Some useful Web sites

Online Resources:

- Full 68-page Child Trends report in PDF format:
<http://www.childtrends.org/PDF/MentoringSynthesisFINAL2.6.02Jan.pdf>



- Public Private Venture's Contemporary Issues in Mentoring report in PDF format:
<http://ppv.org/pdffiles/mentoring.pdf>
- National Mentoring Partnership's Research Corner:
http://www.mentoring.org/research_corner/research_corner.adp
- Indigenous Education Training Alliance website from Education Queensland
www.ieta.ash.pa.au
- *Foundations of Successful Youth Mentoring: A Guidebook for Program Development*. March 2003. National Mentoring Centre Northwest Regional Educational Laboratory 101 SW Main ST, Suite 500, Portland Oregon, 97204 USA. www.nwrel.org/mentoring
- The Nonprofits Risk Management Center—provides materials on issues such as insurance, crisis prevention, and other risk-management topics, and information on obtaining related publications and services. www.nonprofitrisk.org

Print Publications and articles:

- Rhodes, J. E. (2002). *Stand by me: the risks and rewards of mentoring today's youth*. Cambridge, MA: Harvard University Press.
- DuBois, D.L., Holloway, B.E., Valentine, J.C., and Cooper, H. (2002). *Effectiveness of mentoring programs for youth: A meta-analytic review*. *American Journal of Community Psychology*, 30(2), 157-197.

Handout #11: *Next Steps*

During the next two weeks, I will begin to modify, or evaluate whether I should modify, these aspects of my program's screening policy and procedures for mentors:

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