



No Good Deed Goes Unpunished

What happens when staff ignore your rules and requirements?

BY MELANIE L. HERMAN

Helping Hands¹ is a community-based organization that helps people with disabilities by providing transportation to shopping areas and social events. The organization also sends volunteers to its clients' homes to help with house cleaning, errands, and chores.

Twice a year, the organization conducts an extensive training program for its new and veteran volunteers. During these sessions, volunteers learn how to help clients safely, how to protect themselves when visiting unfamiliar neighborhoods, and how to report incidents and accidents. The director of volunteers explains the safety features of the organization's equipment, including its wheelchair-equipped, multi-passenger vans.

The Case

One day, volunteer Doug Good took two clients home in the wheelchair-equipped van after a volunteer recognition banquet. As he helped them into the van, they congratulated Doug on being chosen Volunteer of the Month. They also commented on his long record of driving for the organization, during which he had never been involved in an accident.

Over the years Doug had heard countless complaints from wheelchair-bound clients about the discom-

fort of the van's seatbelts. As a result, he made it a practice to help clients buckle their seatbelts only when they asked him to do so. If they didn't request help with the van seatbelt, he used the seatbelts attached to the passenger's wheelchair. These seatbelts—waist belts with a D-ring and Velcro closure—caused little if any discomfort.

The drive home was uneventful until Doug reached a highway on-ramp. He inched forward to get a clear view of oncoming traffic. Seeing a tractor-trailer heading in his direction in the slow lane, he tapped the brakes to wait until the lane was clear. The anxious driver of an SUV behind the van didn't wait. He hit the gas pedal, hoping to make a speedy entrance onto the freeway. Instead, he rear-ended the Helping Hands van.

Although the accident was minor in terms of damage to the van (the bumper was dented), one of the wheelchair-bound passengers tumbled to the floor when the Velcro seatbelt on her wheelchair failed to restrain her. Her face and right arm broke the fall. Due to severe osteo-

porosis, her forearm shattered into more than a hundred fragments and required extensive surgery. In addition, she suffered a broken jaw and several broken teeth.

Risk Management Lessons

In this case, Helping Hands had taken many steps to protect its clients' safety. These measures included extensive training to ensure that volunteers understood how to use the organization's equipment. The organization also took the time to explain its rules and procedures to volunteers. Yet a long-time, trusted volunteer deliberately disregarded an important safeguard—the van's seatbelt restraint system—and a disastrous injury resulted. Ironically, the injury was caused by a relatively minor accident—one the driver may have been powerless to avoid. This case points up the need for the following risk management activities:

1. Don't just teach; teach why. When instructing volunteers and paid

Safety measures that are routinely ignored could be a smoking gun in litigation.



You may need to “unlearn” methods that have been repeated in countless handbooks.

staff about safety equipment, explain the role this equipment plays in preventing injuries. It isn't enough to remind staff that clients should be buckled in. Also explain that the vehicle's seatbelt and airbag restraint systems won't protect occupants unless they're used according to the manufacturer's instructions. Period.

2. Experiment with training techniques to find an approach that works. Consider adding a role-playing component to your staff training program. For example, one person might pretend to be a client who doesn't want safety measures used on her behalf. Another employee might practice explaining, “I'm sorry, ma'am, but if I don't secure the van seatbelt around you I'm not authorized to put the van in gear and leave this parking lot. I could be fired for doing so.”

3. Measure the effectiveness of your safety and risk management techniques. Solicit feedback from staff and clients.² Ask clients whether staff members consistently adhere to safety rules. Ask volunteers and paid staff whether clients are cooperative or uncooperative in following the rules. Find out if clients do anything that undermines the equipment's effectiveness, such as unbuckling seatbelts once the vehicle sets off. Ask volunteers what might be done to address these client actions. For example, a driver might suggest that the organization install lambs-wool seatbelt covers between the belt and passenger to reduce discomfort. Another driver might recommend that the vans be checked out by a safety specialist. Such a specialist could determine whether the

belts are positioned correctly and explain what to do if the seatbelt falls on the wrong spot on the passenger's body. For certain vehicles a clip may be available to reposition the seatbelt properly.

4. Enforce measures that keep your clients and other personnel safe. Safety measures that are routinely ignored are more than useless; they could be a smoking gun in litigation. The widespread knowledge that safety rules aren't followed could prove that your nonprofit had knowledge of possible danger (evidenced by the existence of the rule in the first place) but chose to ignore enforcement (possible evidence of negligence).

5. If it's broken, fix it. If rules are ineffective or equipment doesn't perform as intended, find new ways to keep people safe while in your care. Look for equipment and techniques that improve safety without bankrupting your nonprofit. For some organizations this means “unlearning” methods that have been repeated in countless handbooks. Nonprofits are dynamic organizations that must continually look at what they do and how they do it in order to meet the standard of care required by society.

The Lesson

The risk management lesson described here can be applied to any nonprofit committed to protecting its clients from harm. Whether you're training home health-care aides, after-school math tutors, or coaches for a recreational program, you need to pay attention to the safety training

you provide for your staff—both paid and volunteer.

It's never enough to go through the motions. You need to make sure your employees understand the reasons for your rules. And be sure your procedures are updated as necessary to meet the needs of those you serve. ■

Footnotes

¹The name of this organization is fictional, but the factual description of the claim is based on an actual NIAC claim.

²For information on gleaned feedback from employees and clients, see Fisher, Lauer, and Young in “Resources.”

Resources

Fisher, Allan H., Jr., “Testing the Waters: How to Predict Response to Your New Idea,” *Nonprofit World*, Vol. 8, No. 5.

Herman, Melanie, “A Perfect Safety Record Slip Slides Away,” *Nonprofit World*, Vol. 19, No. 5.

Lauer, Larry, “Are You Using the Power of Focus Groups?,” *Nonprofit World*, Vol. 14, No. 5.

Young, Dennis, “What Does Feedback Have to Do with Governance?,” *Nonprofit World*, Vol. 14, No. 6.

These resources are available from the Society's Resource Center, 734-451-3582, www.snpo.org.

This column is dedicated to helping readers understand typical claims filed against nonprofit organizations and the risk management steps that could have made a difference in each instance. The scenarios featured in this column are adapted from actual claims files at the Nonprofits' Insurance Alliance of California (NIAC) and the Alliance of Nonprofits for Insurance, Risk Retention Group (ANI-RRG). NIAC and ANI-RRG are part of a group of 501(c)(3) insurers owned and governed by nonprofits. For more information, visit www.insurancefor nonprofits.org or call 800-359-6422.

Melanie Herman is executive director of the Nonprofit Risk Management Center, 1001 Connecticut Avenue, NW, Washington, DC 20036, www.nonprofitrisk.org, 202-785-3891. The Center, an independent nonprofit resource organization, provides free technical assistance, practical publications, risk assessment software, customized training, and competitively priced consulting services.