

LEGAL ISSUES

Volunteer Centre Greenwich—Members Factsheet

LEGAL ISSUES AND VOLUNTEERING

When thinking for the first time about involving volunteers or expanding how you work with volunteers, legal issues are often the things that worry people the most. In reality volunteers aren't protected by the same laws that cover paid staff and have little legal protection.

However, as a legal entity, be it a registered charity or a community group, you have a duty of care to ensure that people working and volunteering for your organisation are safe. It is also important that you have adequate insurance to cover your volunteer activities so that if there is an accident you won't go bankrupt if the volunteer or their family sues you.

Most situations where voluntary organisations have had trouble with legal issues and volunteering have revolved around the confusion between volunteering, paid workers and employees. Confusion has arisen whereby volunteers have been asked to comply or do things that are associated with paid positions, e.g. sign a contract, have a job description or be given financial lump sums. Tips to avoid legal pitfalls are covered in more detail throughout this guide and are denoted by the 'Policeman's Hat' symbol.

The common legal pitfalls and how to avoid them

- **Don't ask your volunteer to sign a contract.** *Contracts are for paid employees or workers. However, volunteers can be asked to sign a volunteer agreement, but it is a good idea to write on it 'This is not a legally binding document and volunteers are free to leave at any time'*
- **Don't have an informal contract with your volunteers.** *Volunteers shouldn't be involved under the pretence that if they volunteer for long enough they will get a job, or that if they don't commit to the whole period you initially specified they have to pay back the cost of training.*
- **Have role descriptions, not job descriptions.** *A job description implies that they have a job. Volunteers also don't 'work' for you they 'volunteer'.*
- **Only reimburse actual expenses.** *Giving lump sums to cover expenses is easy but could be seen as a payment and volunteers may seek to claim an additional wage. In the case of refugees and asylum seekers who are volunteers this could lead to them being deported*
- **Data protection and volunteer records.** *No clear guidelines exist for the retention of volunteer records, however organisations should follow the data protection principle that data should not be kept longer than for the purpose which it was taken. Also, as with staff personnel records, all volunteer records should be stored within a safe and secure environment.*

Legal issues can seem confusing, but in general where Volunteer Involving Organisations have been taken to court it has been because of these major pitfalls.

In general, the threat of being taken to court was precipitated by bad volunteer management e.g. being instantly dismissed, complaints that weren't properly dealt with, no avenue for complaints or not being able to voice frustrations.

By investing some time at the beginning to put in place structures that will support volunteers you can avoid these problems.

Volunteer Centre Greenwich Suite 205 – 206, 10 Woolwich New Rd, Woolwich, London SE18 6AB

Phone: [020 8317 3817](tel:02083173817)

Email: info@volunteercentregreewich.org.uk