

Volunteering and the law

- Volunteers don't have the equivalent of employment rights. However, in rare circumstances, volunteers can be viewed as workers or employees in the eyes of the law – you must avoid this happening
- Some legislation does explicitly include volunteers e.g. DBS, benefits
- Volunteers retain the rights we share as citizens
- Avoid any type of contract – should that be written or verbal
- A contract includes: consideration, intent, offer and acceptance
- To avoid an employment relationship, avoid payment – money, perks (apart from out of pocket expenses)
- Avoid obligations e.g. “you must work for us for 6 months” – this can count as a contract
- Create a distinction – different procedures for volunteers and workers
- Mind your language – use terminology such as ‘role’ rather than ‘job description’, ‘volunteer agreement’ not ‘contract’ – expect rather than oblige
- Health and safety legislation applies to all – make sure this is clear
- A DBS (Disclosure and Barring Service) check does not need to happen for all volunteers – only when they are taking part in certain types of activities
- If you require a volunteer to have a DBS check then make sure you apply for the right level of check

Check out www.teamherts.org for more resources and guidance