Use of Volunteers within the Workplace

London Borough of
Barking & Dagenham

Contents

1. Introduction

Council Policy

The Council recognises the important contribution that volunteers can make in supporting staff and assisting with the delivering of services to the community.

This Policy sets out the Council's approach to the use of volunteers, (including work experience), within the workplace and the principles that must be followed. It is intended to provide a clear framework for the use of the volunteers and the arrangements to distinguish between volunteering and employment.

Definitions

Volunteering is any activity or work in the community for which someone undertakes a specific task but receives no payment; volunteering must be:

- of benefit to the community and the volunteer
- undertaken of the volunteer's own free will and without obligation
- for no financial payment; and
- in a position not designated as paid

A volunteer is someone who performs a task at the direction of and on behalf of the organisation, without compensation or the expectation of compensation. Volunteers are not employees nor do they work under a contract for services. They undertake to carry out specific tasks on behalf of the organisation but:

i) they are under no obligation to offer their services; and
ii) there is no obligation on the organisation to offer them work.

Volunteers do not have any contractual or statutory employment rights e.g. to pay, holidays, maternity and sickness benefits etc.

2. General

Planning for volunteers in the workplace

Volunteers can provide a cost-effective means of supporting staff and assisting in the enhancement of service delivery but volunteering arrangements need to be planned and formally set out to avoid any mis-understanding, i.e. managers must:

i) ensure that there is a business case for the use of volunteers;
ii) prepare for volunteers and develop a programme which clearly sets out the –
   - aims and objectives
   - activities the volunteers will undertake (in a "role description")
   - volunteering requirements e.g. DBS clearance, driving licence
   - insurance and health and safety considerations
   - management and support arrangements (including conduct and training)
   - recruitment arrangements (target audience and where to advertise)
   - repayment of expenses incurred, and any benefits or recognition
   - recording, monitoring and review arrangements
   - these arrangements should be set out in a volunteer handbook / agreement
iii) avoid any arrangements that may imply employee status

The arrangements may vary according to whether volunteers are being sought through an established scheme with processes already in place e.g. libraries, or a new programme is being developed, and if the volunteering activities:

- involve working with vulnerable people and/or activities where DBS and other checks need to be undertaken; or
- are routine and/or non-sensitive in a supervised environment; and/or.
- for a limited duration or a "one-off" event

Approval for volunteers

The legal status of volunteers is a complex area and it is essential to establish robust arrangements to distinguish between volunteering and employment.

Department Management Teams are responsible for the arrangements in their departments and ensuring that these comply with this Policy; this includes:

i)   determining where and when volunteers may be used
ii)   the approval arrangements (who agrees this and the process for applying)
iii)   the volunteer programme, ensuring that
    - there is a business case with clear aims and objectives
    - these have been equalities impact assessed where appropriate
    - the volunteer activities are clearly defined and set out (in a "role description")
    - there is an objective recruitment and selection process
    - references and where appropriate, DBS clearance etc are obtained
    - there are sound supervision and support arrangements
    - the terms and conditions applicable to volunteers are clearly set out
    - there is a sound process for recording volunteer attendance and activities
iv)   assessing any implications for the workforce
v)   monitoring the arrangements to ensure that they are applied consistently

Volunteer's relationship with employees

Volunteers can provide valuable support to staff and in assisting with the delivery of services but they are not a substitute for employees, (or under any obligation to undertake activities).

It is important to involve staff when developing volunteering arrangements, as this will help ensure that there is a clear definition of the employee's and volunteer's respective roles.

Employees volunteering

Employees who want to undertake volunteer activities within the Council must follow the arrangements detailed in the "Employee Volunteering Policy" and apply via their manager.

Managers must seek Human Resources (HR) advice before agreeing to any requests where they may be a potential conflict of interest, (see "Employees Code of Conduct" on the Intranet Site) at:

 http://lbbdstaff/HR/Pages/conduct.aspx

Volunteer co-ordinators

Organising and managing volunteering may need dedicated time and resources and consideration should be given when developing programmes to identifying a suitable person or persons to co-ordinate these.

3. Terms and conditions

Policies and procedures

Council policies

The Council's employment policies, (disciplinary, grievance, leave, sickness and redundancy etc) do not apply to volunteers, except for the following:

- Data protection
- Health and safety
- Whistle-blowing

Managers must, as part of the volunteer programme, set out the terms and conditions that will apply to the volunteers. This may vary according to the nature of the volunteering role, but must cover the following areas:

- volunteering activities, aims and objectives
- induction and training
- support and supervision
- attendance and recording
- data protection
- equalities and diversity
- "safeguarding"
- health and safety (the Council's and volunteer's responsibilities)
- any local arrangements that apply (appearance and dealing with the public)
- arrangements for reporting any concerns and resolving difficulties
- payment of expenses actually incurred
- volunteers responsibilities e.g. to notify Jobcentre if receiving benefits
- a statement to explain that volunteering is voluntary and without obligation

Managers should ensure that the induction programme for volunteers covers those policies which do apply to volunteers.

Data protection

Volunteers are required to comply with the Data Protection Act 1984 and must treat all information about employees, customers and service users with the utmost confidentiality and in accordance with the Act. They must not:

- disclose, or making use of for their private advantage, or the advantage of any third party, any information held on a computer and not available to the public which they may acquire whilst volunteering with the Council
- communicate directly with the media about their work, or matters concerning the Council, unless specifically authorised to do so in line with the Council's "Social Media Policy" and "Rules for staff on the use of social media sites".

<u>Health and safety</u>

The Council has a duty of care to volunteers and must take all reasonable steps to reduce the likelihood of harm coming to them and to ensure, as far as reasonably practicable, they are not exposed to risks to their health and safety.

<u>Whistleblowing Policy</u>

"Staff" working for or on behalf of the Council, including authorised volunteers, are encouraged to raise genuine concerns as to fraud or irregularities with their immediate supervisor or the Whistleblowing Officer, as detailed in the Policy.

Access to job vacancies

Volunteers can apply for any job vacancies advertised externally on the same basis as other external applicants, through the normal recruitment process.

They are not entitled to preferential consideration when recruiting nor will they be considered for any vacancies advertised internally to staff only e.g.:

- secondments, "acting-up" positions and temporary appointments
- appointments to posts in a restructure in the area they are volunteering
- employee learning and development initiatives (mentoring or shadowing)

Rewards (including expenses and benefits)

Whilst it is important to recognise the contribution that volunteers make and rewards and feedback are important for volunteer development and motivation, it is essential not to provide any benefits that may be viewed as remuneration.

There should be no expectation of reward and any rewards or recognition must be discretionary and not linked to the volunteer hours.

<u>Expenses</u>

Volunteers can only be re-imbursed for actual out of pocket expenses incurred whilst volunteering and which must be evidenced by receipts.

Expenses must not be paid as a flat rate as HMRC may interpret this as income and/or it could imply a contractual relationship between the Council and the volunteer.

It is the volunteer's responsibility, if receiving benefits, to check with the Jobcentre what hours they can volunteer and any conditions that apply.

<u>Training</u>

Volunteers can be offered training related to the volunteering activities only but this should be discretionary and without any obligation to attend.

Training not related to the volunteering activities may be viewed as remuneration or a "payment in kind", which count as "earnings" for tax purposes.

<u>Discounts</u>

Advice should be sought when considering discounts or special offers as these may be viewed as remuneration or a "payment in kind".

<u>Others</u>

Examples of rewards that may be considered include, being mentioned in news articles, training related to the volunteering, certificates, and references.

4. Volunteer programmes

The aims and objectives of the volunteer programme and the arrangements that will apply should be set out clearly before recruiting.

Advertising and recruitment

The arrangements for recruiting and selecting volunteers will vary according to the scheme and activities being undertaken.

<u>Planning</u>

As with any recruitment, managers must decide beforehand what activities the volunteer will be expected (not obligated) to do and what clearances DBS etc are required. They must also consider the target audience and where to "advertise".

<u>Advertising</u>

Volunteer opportunities should always be advertised to ensure equality of access and this can be done on-line or through advertising in the local community e.g.:

- via the volunteering scheme being used and their arrangements;
- via the Council's volunteering or recruitment (not "i-grasp") web pages
- via adverts placed in the public areas of Council buildings
- where appropriate, with any information being sent to members of the public
- via partner organisations (Jobcentre, B&D Volunteer Bureau or CVS)

Managers should not accept direct approaches from individuals, (or people acting on their behalf), for any placements outside of a volunteering programme.

<u>Recruitment and selection</u>

Managers need to follow a clear recruitment and selection process but the actual arrangements may vary according to the nature of the volunteering activities. In some cases, a more informal process such as a practical assessment may be more appropriate instead of a formal interview.

Where the volunteering activities involve contact with children or vulnerable adults or access to confidential information, cash or other resources etc, managers must ensure that the appropriate checks are carried out as if appointing a member of staff; satisfactory references must be obtained.

<u>Appointment</u>

Managers need to set down the arrangements that will apply in a volunteer toolkit or agreement and the activities in a "role description".

This should set out clearly the volunteering activities and how these will be managed, including the process for dealing with any problems, as well as the support volunteers may expect and arrangements for expenses.

The toolkit or agreement does not have to be signed but it should make clear that this is only to clarify what the volunteer and Council will be doing and that no contractual relationship is implied.

As with all appointments, managers should prepare an induction programme and carry out risk assessments for all volunteers

Note: Volunteers will be appointed to a specific programme and must not be:

- asked to do additional or other activities not related to the volunteering programme (and/or which may affect the volunteer relationship)
- allowed to move from one volunteering programme or placement to another without first going through an application process
- kept on the volunteering programme if they stop undertaking volunteer activities e.g. have not volunteered for 3 months

<u>Induction</u>

All volunteers need to be provided with an induction programme to ensure that they have the necessary tools and information to carry out the role.

Managers should prepare an induction programme before the volunteer starts but this then may be adapted to suit the individual and the activities that they will be undertaking. They should try to understand the volunteers motivation in order to make this a rewarding an enjoyable volunteering experience. Where appointing several volunteers a group session may be more effective but managers still need to meet with the volunteer on their first day.

The induction should cover the relevant policies and procedures that will apply, as well as support and arrangements for raising any issues.

<u>"Volunteer toolkit"</u>

Adults and Community Services have produced a toolkit which provides comprehensive information on volunteering and volunteer programmes. This includes; guidance on recruitment, including marketing; support for volunteers; recognition and rewards; and useful contacts and links.

Management arrangements

<u>Supervision</u>

Managers must ensure that there are effective arrangements in place for monitoring volunteering activities and supporting volunteers; these need to be understood by volunteers and staff and kept under review.

<u>Record keeping</u>

It is essential to establish an accurate system for recording all volunteering activities, including:

- recruitment process and clearances, (including references and DBS checks)
- volunteering activities
- attendance, (dates and times)
- induction (and what was covered e.g. risk assessments and data protection)
- training requested and provided
- any expenses claimed and paid (including receipts) and other rewards
- any problems and how these were dealt with
- reason(s) for volunteers leaving

Whilst volunteers are under no obligation, there is an expectation that they will attend on the days agreed as part of the volunteer agreement. Managers need to know when volunteers will be attending to ensure there is adequate supervision, as well as for health and safety reasons.

Records should be kept for 6 months after the recruitment process or the volunteer's last day.

Monitoring

The promotion and use of volunteering within the Council will be monitored annually by the Corporate Management Team.

Departmental Management Teams are responsible for monitoring volunteering programmes in their departments and ensuring that these comply with the arrangements set out in this Policy.

The monitoring arrangements should include volunteer activities and hours as this information will show the contribution that volunteers can make and may be used to raise the profile of volunteering.

5. Advice

Further advice and support on volunteering is available from:

Barking and Dagenham Volunteer Bureau/
Council for Voluntary Services   **www.bdcvs.org.uk**

Do-it   **www.doit.org.uk**
Greater London Volunteering   **www.glv.org.uk**
i-volunteer   **www.i-volunteer.org.uk**
TimeBank   **www.timebank.org.uk**
V Inspired   **www.vinspired.com**
Volunteering England/National
Council for Voluntary Organisations **www.volunteering.org.uk**

Human Resources will automatically update the Procedure to comply with any changes to legislation or ACAS guidance and notify employees of the amendments.

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