

Volunteering & the Law

Volunteers are generally understood to be individuals who freely choose to give their time to carry out activities of benefit to the community or wider society.

There is not a legal definition of a “volunteer” – volunteer status within an organisation would be assessed in contrast to the circumstances of contracted employees and workers who have employment rights - but volunteers are mentioned specifically in some laws, such as in relation to benefits, and are protected as individual citizens through others.

Volunteers will themselves need to be aware of and comply with the law when active in their roles and this may require the organisation to provide training, processes and support – eg Equality, GDPR, Health & Safety. Charity Trustees will have specific obligations as may some specialist roles.

Organisations should:

- Manage volunteer involvement so that volunteers would not legally be considered as employees or workers. Suggested actions:
 - Avoid any type of contract – written or verbal. A contract includes consideration, intent, offer and acceptance. A volunteer ‘agreement’ is generally a good way to set out mutual expectations, provided its contents do not in practice constitute a contract.
 - Avoid payment or valuable incentives or rewards. You can reimburse reasonable out-of-pocket expenses incurred directly in order to do the volunteer role (eg travel, refreshments, phone calls) and provide/fund reasonable training, DBS check, clothing etc related to the volunteer activity; and provide small thank you gifts.
 - Avoid obligations, e.g. “you must carry out 12 sessions over 6 months”; indicating general expectations would probably be considered reasonable however
 - Create a distinction – different procedures for volunteers and workers
 - Be careful with your language – use terminology such as ‘role’ rather than ‘job’, ‘volunteer agreement’ not ‘contract’
- Comply with the law in involving volunteers in their activities
 - Organisations have a duty of care towards their volunteers, with Health & Safety laws applying - you must ensure volunteers are not exposed to risks and that you give information which might affect their health and safety
 - Comply with GDPR in respect of volunteer data
 - Consider safeguarding in relation to the volunteers and their activity. An enhanced duty of care most likely applies if involving volunteers who are under 18 or vulnerable adults. Carry out appropriate DBS checks for mandated activities/roles and not when not required.
 - Assess risks and have appropriate policies
 - Insure volunteers appropriately
- Ensure volunteers are aware of laws in respect of their activity and that they are enabled to comply
 - Good induction and clarity about role and organisational policy/processes
 - Provide training, and refreshers at reasonable intervals, relevant to their role
- Seek clarity and agreement with volunteers where there could be different perceptions and expectations, for example in relation to intellectual property

It can sometimes be tricky to navigate the various considerations of volunteers and the law. It is worth taking time and trouble to ensure as an organisation you comply with the law and good practice whilst not mandating to volunteers and it may be helpful to be flexible in finding ways to meet your obligations. There are many different aspects to consider and this is just a general overview. More detailed information can be found [here](#) and through NCVO training. You may also need to seek legal advice.

Whilst volunteers may not enjoy employment protections, their needs, safety and individual rights must be respected and they should be treated fairly and with consideration and respect. As a valued part of your organisation, your volunteers deserve to be treated well; have clearly defined roles; appropriate induction, training, support, supervision and feedback; appreciation and acknowledgement for their contribution and impact. This will also help you to attract and retain great volunteers!

Some useful links:

[Employment status | NCVO](#)

[The essential trustee: what you need to know, what you need to do - GOV.UK](#)

[Voluntary work: Guidance for employers - Overview - HSE](#)

[Data protection: The UK's data protection legislation - GOV.UK](#)

[UK GDPR guidance and resources | ICO](#)

[DBS checker tool](#)

[Copyright and volunteers | NCVO](#)

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