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Health and safety of volunteers

Despite the increasing importance of volunteering, (22 million people volunteer each year), the legal obligations of organisations towards their volunteers with regard to health and safety are less clear than they are for employees. Nevertheless, organisations do have legal obligations towards their volunteers, and it is clearly good practice to treat volunteers with equal consideration when it comes to health and safety.

A 'volunteer' is defined as someone who commits time and energy for the benefit of others, and who does so freely, through personal choice, and without expectation of financial reward, except for the payment of actual out-of-pocket expenses.

This leaflet has been written for organisations in the voluntary and statutory sectors that involve volunteers. It is not a full account of such duties and responsibilities, but is intended to stimulate organisations to review their policies and procedures for volunteers. **Readers are strongly recommended to seek further advice.**

Duty of care

The duty of care is a general legal duty on all individuals and organisations to avoid carelessly causing injury to persons. It has been developed by the courts over many years. The duty is regardless of the size of the organisation, its income or whether the organisation has paid staff.

If your organisation asks a volunteer to do a task which results in them injuring themselves or anyone else, the members of the governing body may be liable. No matter what activities your organisation is involved in, from running a major hospital trust to organising day trips to the seaside, you will have to consider the duty of care owed to your volunteers. Liability depends on establishing that the organisation failed to take reasonable care.

For example, imagine that a young volunteer working for your organisation was left unsupervised working with a garden shredding machine, and failed to wear the goggles supplied. He or she sustained an eye injury. Your organisation could be held liable if you failed to train or supervise the volunteer in the safe use of the shredding machine. The court may decide that leaving an inexperienced young person in charge of a machine unsupervised is unreasonable. The notion of duty of care needs to be considered in all aspects of an organisation's work and activities.

A duty of care can arise in many ways which may not always be obvious, for example:

- loaning equipment to others
- charity walks and sponsored runs

- running fetes or fairs
- organising day trips
- selling food at a charity stall.

Health and safety law for organisations with paid staff and volunteers

Health and Safety at Work etc Act 1974

The main piece of health and safety legislation in the UK is The Health and Safety at Work etc Act 1974 (The Act). This sets out the general duties which employers, the self-employed and people in control of premises have towards their employees and others who may be affected by their work activities. It also gives employees the general duty to ensure the health and safety of themselves and others who may be affected by what they do, or pay to do.

Where an organisation, including charitable or voluntary groups, has at least one employee who works under a contract of employment, it is considered to be an employer for the purposes of The Act and the regulations made under it.

Health and safety law lays down your duties to your employees. The law also imposes further responsibilities on you as an employer with regard to people not in your employment, such as volunteers and other members of the public, who may be affected by your work activities.

Section 3 of the Health and Safety at Work Act 1974 imposes a duty on every employer 'to ensure, as far as reasonably practicable, that persons not in their employment, who may be affected by their undertaking, are not exposed to risks to their health or safety', and 'to give to persons (not being their employees) who may be affected in a prescribed manner information as might affect their health or safety'.

This generally means that organisations which have both employees and volunteers have a statutory responsibility not to harm or damage the health of volunteers through their involvement in the activities of that organisation. Organisations may also have a responsibility to carry out a risk assessment, which may require volunteers to be provided with information and training. This would depend on the activities concerned.

For example, if a volunteer working in a hospice is expected to lift heavy patients in and out of bed, you may have a duty to supply the volunteer with information and training on the correct manner and technique of lifting – this will both allow the volunteer to lift the client safely, and enable them to know when not to lift the client but to seek assistance. However, if a volunteer was helping to run a lucky dip stall, training may not be necessary. A risk assessment would determine what level of training is required, if any (see below for more information on risk assessment).

A recent case highlights the need to take these responsibilities seriously. A young child was hospitalised after daubing himself with a paintbrush left in a toilet of a cricket club. The executive members of the club were fined £8,000 between them for breaching health and safety regulations.

Organisations with responsibility for buildings and premises

Anyone controlling non-domestic premises must take reasonable steps to provide employees and volunteers with equipment and premises that are safe, including safe routes of exit.

This means if you control or are responsible for premises, you have a duty to make sure that the building is safe to use and complies with all the relevant health and safety regulations (for example, ensuring signs meet the Health and Safety (Signs and Signals) Regulations 1996). This duty applies to places such as a community centres or scout huts, and also to attached car parks or playgrounds.

Basic principles of health and safety

There are some key areas of health and safety which every organisation should examine. Not all of these are legally binding on organisations that do not employ staff.

The duties placed on organisations with volunteers *only* are in italics.

For organisations that have paid staff and also involve volunteers, Volunteering England strongly recommends that your organisation should begin to implement the same health and safety requirements for volunteers as are demanded by law for paid employees. Most organisations now support equal opportunities - it would be difficult for any organisation that claimed to have an equal opportunity policy to justify offering a lower standard of health and safety protection to volunteers.

If your organisation has no employees, it may not be able to achieve the same standards of health and safety as required for employees in the short term. But by setting a timetable to aim to accomplish this, you will be demonstrating to your volunteers and the outside world the value you place on them and their efforts to support your organisation.

Health and Safety Policy

A health and safety policy is the foundation on which to develop health and safety procedures and practices. The policy announces the organisation's commitment towards good health and safety standards. The policy can help to clarify procedures and areas of responsibility. Employers with fewer than five employees are not obliged to have a policy, but are strongly advised to do so. If an organisation involves volunteers, they should always be included in the health and safety policy as a matter of good practice. The Health and Safety Executive has examples of model health and safety policies which can be used as a template.

If your organisation has no employees, you are not obliged to have a health and safety policy, but are strongly recommended to draw one up. Developing a health and safety policy is a positive step and will help you clarify your procedures and responsibilities. If you also involve volunteers in the process, it will make them much more aware of health and safety issues.

Risk Assessment

Risk assessment is a technique for identifying and controlling hazards of an organisation's activities. It is not just about chemicals and dangerous factories, and is as relevant to the voluntary sector as it is to the private sector.

- A hazard is anything that has the potential to cause harm, such as a faulty electrical socket.
- Risk is the likelihood of it causing harm and the degree of harm it could cause, such as an electrical shock which could lead to a fatality.

Risk assessment involves identifying all hazards, assessing the risks, and putting in place measures to control unacceptable risks. Assessing risk requires detailed knowledge of your

organisation's activities and working practices that is normally only possessed by the people who actually do the work. Risk assessment should always involve employees and volunteers, therefore, and should never just be left to the 'experts'.

Voluntary groups with no employees are not bound to do risk assessments, but if they take their duty of care seriously they would be well advised to carry them out. Risk assessments are an excellent way to identify and overcome health and safety problems.

The Control of Substances Hazardous to Health (COSHH)

All employers have a legal duty to assess the workplace for risks to health which may be caused by substances hazardous to health. They must take all necessary steps to control any risks identified. Items such as household bleach may seem harmless, but in the hands of a small child are extremely dangerous. Assessment is the key to evaluating potentially dangerous substances in the workplace.

If your organisation has no employees, it is not bound to do COSHH assessments, but if it takes its duty of care seriously it would be well advised to carry out such assessments, which are an excellent way to identify and overcome health and safety problems.

Fire Assessment

All public and community buildings are obliged under various pieces of legislation to specify minimum levels of standards so that the risk of fire is reduced.

You should consult with your local fire brigade for advice.

Health, Safety and Welfare

All employers must provide a safe place to work which is clean and free from risks, to reduce the risk of ill health or injury.

A safe system of working is required: that is, proper procedures for handling dangerous substances and adequate guards for machinery.

All employers should provide adequate supervision

Employees must be given training and information to give them sufficient skills and knowledge to carry out their work safely

These regulations do not apply to organisations with no employees. However, they do need to ensure that their volunteers can work in a risk-free and safe environment.

Insurance

Every organisation should check its insurance cover at least once a year. There are several insurance options and policies to consider. Some are required by law, while others are optional. The more common insurance policies are listed below. Please note this list is not exhaustive.

- Employer's Liability Insurance

All employers are required by law to take out this insurance to cover employees in the event of an accident, disease or injury. It can also be extended to volunteers.

- Public Liability Insurance

This insurance covers the organisation in the event of injury, death, and loss or damage to the property of non-employees. It only covers legal liability, so will not provide compensation where there is an accident that is not due to negligence. It is important to confirm with your insurers that this insurance extends to the acts of volunteers. Without this insurance, the organisation or the individuals responsible for the organisation could be held personally liable.

Other insurance policies which may be relevant:

- Personal Accident Insurance
- Professional Liability Insurance
- Product Liability Insurance
- Motor Vehicles Insurance

For further information about insurance, please read Volunteering England's Information Sheet "Insurance for Volunteers"

Registering your organisation's activities

Any organisation employing staff, regardless of size or location, must register its existence with the Health and Safety Executive or the local Environmental Health Department.

Organisations with volunteers only do not normally have to register their activities with the enforcement authorities unless involved in dangerous activities, such as putting on a fireworks display. However, groups that control, or are responsible for premises and buildings, have to register with the local Fire Authority. If food is prepared, stored, supplied or sold on five or more days in any five-week period, they must register with the local Environmental Health Department.

You should always check with the authorities if you are in any doubt about the need for registering activities.

First Aid

All employers have a duty under law to make a first aid assessment. The need for first aid will depend on the organisation's activities. For instance, an outward bound centre will have very different needs from a morning coffee club. Again, an assessment of the workplace is the key to deciding what first aid to provide. There are, however, minimum standards for organisations with employees.

There must be at least one first aid box and a notice displayed in the workplace that tells staff:

- the location of the first aid box
- who is the first aider or appointed person (see below)
- where the first aider or appointed person can be found.

An appointed person is someone who has basic first aid knowledge, and is available whenever people are at work. They can take charge in an emergency and are responsible for calling the emergency services. Details of one-day courses to train appointed persons are available from the Health and Safety Executive (see below for contact details).

Voluntary groups with no employees are not bound to do a first aid assessment, although it is clearly good practice. However, in certain circumstances, such as a large public fireworks

display, there may be a legal duty to provide first aid facilities. For example, if you hold a public exhibition without first aid facilities and someone is injured, you may have broken your duty of care. If you have any doubts whatsoever you should always contact the local Health and Safety Executive office for advice.

Working with other Organisations

Working jointly with other organisations can sometimes lead to gaps in health and safety provision, because one might assume that the other has taken responsibility. Alternatively, conflict or confusion can arise if two organisations have differing policies on health and safety. When planning a partnership (whether on a long term basis or just a one-day project), it may be helpful to work through the list of basic health and safety principles given above. This should help to make sure both organisations understand their responsibilities in terms of insurance cover, risk assessment and so on.

Before finalising a partnership with another organisation, you need to decide:

- Who has ultimate responsibility? Is this written down?
- How can the organisation with responsibility ensure its policies are carried through?
- What can that organisation do if health and safety standards are not met?
- Do volunteers understand their health and safety responsibilities?
- If a volunteer is dissatisfied with health and safety levels, is it clear who they should report it to?

Useful publications and organisations

The Health & Safety Handbook For Voluntary & Community Organisations, Second Edition
Al Hinde, Charlie Kavanagh, Editor Jill Barlow
Directory of Social Change, 24 Stephenson Way, London NW1 2DP. Phone 08450 77 77 07.
Price £16.95

Community Matters

This organisation provides a range of information sheets about health and safety considerations, particularly regarding the running of community buildings.

<http://www.communitymatters.org.uk>

Charity and Voluntary Workers: A guide to health and safety at work

Health and Safety Executive, Charities Safety Group.

Booklet with accompanying video

Booklet Price £13.50

<http://www.hsebooks.com>

Health and Safety Executive

For more information about all aspects of health and safety you can call the Health and Safety Executive Infoline on 0845 345 0055. You can also check the website at www.hse.gov.uk/, where you will find lots of useful publications, many of which are free of charge.

This information sheet is written jointly with:

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For more information, please contact

Volunteering England Information Service
Information@volunteeringengland.org
Freephone/textphone: 0800 028 3304 (M-F, 9.30 – 5.30)
www.volunteering.org.uk/

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Regent's Wharf
8 All Saints Street
London N1 9RL

All of Volunteering England's Information Sheets are available at:
www.volunteering.org.uk/information

For more information on managing volunteers, please visit
The Good Practice Bank at www.volunteering.org.uk/goodpractice

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