

Key Points: Tutor Resource

This resource is designed to provide some key points for tutors and assessors to be aware of when supporting learners through this particular unit.

The legal aspect of involving volunteers is an area that frequently causes confusion. Often this is because learners are led by their organisation and the procedures set out internally. However, sometimes the knowledge within organisations is out of date or mis-interpreted by those creating the policies.

This unit needs to help the learner to understand the following.

- That the main and only real difference between an employee and a volunteer is that there is no legal definition of a volunteer. Therefore all the rights and responsibilities which apply to employees do not legally apply to volunteers.
- In practice, what this means is that an organisation needs to draw up its own approach to volunteer involvement, based on good practice recommendation. However, the learner needs to understand that this is not bound by law.
- In terms of a Volunteer Agreement therefore, it is considered good practice to use one because it demonstrates to volunteers that the organisation has thought seriously about volunteer involvement and where volunteers 'fit' within the organisational structure. It also demonstrates a professional approach and credibility. The document is not legally binding, even if you decide to ask volunteers to sign it.
- The learner also needs to understand the significance of language in volunteering. 'Role' not 'job', 'agreement' not 'contract' etc. And, that it is behaviour and expectation more than a piece of paper that can determine whether a contract has been created. Should this be the case (very, very unlikely), then potentially, the volunteer can claim employee rights and have access to paid holidays, sick pay etc.
- The purpose of the Volunteer Agreement therefore is to demonstrate professionalism and a commitment to support the volunteer. It sets very loose expectations, more relating to how the organisation treats volunteers, rather than saying – "if you do this, then we will provide that".
- The only areas really where legislation will come into what volunteers are doing are Health and Safety, depending on the type of activities and Safeguarding. Again this will apply, only if this is relevant to the volunteering role.