

Health & Safety of Volunteers

By following the advice in this guide, you will have a clear understanding of the health and safety of volunteers.

The importance of Health and Safety

Most people understand that good health and safety policies and procedures are important because they help reduce the potential of harm to staff and volunteers and reduce or negate liability. There are other benefits to your organisation such as costs being lowered, a reduction in absence rates and your staff/volunteers should feel more motivated and secure knowing they are involved in an organisation that cares for their wellbeing.

The common law duty of Volunteer Involving Organisations (VIOs)

VIOs have a common law duty to act 'reasonably' to prevent the harm of others from acts or omissions undertaken by those carrying out duties for their organisation, this covers paid staff, volunteers, and a duty towards members of the public. The following topics are not all legally binding if you have five or less paid staff but are good practice to consider within your health and safety framework. Examples of how organisations can fulfil this duty of care include: giving volunteers the right information, training, providing safety equipment/clothing and maintaining close supervision.

Health and Safety at Work Act 1974

VIO's have a duty of care towards their volunteers and an obligation to protect them under the *Health and Safety at Work Act 1974*. The act determines that organisations must ensure as is 'reasonably practicable' that volunteers are not exposed to risks and that they must also give 'prescribed information' about an organisations undertaking which may affect their health and safety.'

Health and Safety Policy

If you have less than five employees there is no legal obligation to have a written Health and Safety Policy, it is still advisable to have one because it shows your commitment to your duty of care towards people involved in your organisation, reduces your liability and clarifies your procedures and specifies who is responsible for what. The Health and Safety Act 1974 determines three aspects to include in a policy. Firstly, to include a statement of intent which explains your aims and the ethos of your organisation regarding health and safety. Secondly, to explain who staff and volunteers should report incidents to and seek guidance from. Lastly, to detail systems and procedures for specific scenarios, you may refer to other documents, for example, procedures for first aid or reporting incidents.

Putting your policy into practice

In your volunteer's induction make them aware of your policy especially health and safety issues that could potentially arise in relation to their individual role.

Risk Assessments

This is covered by the Management of *Health and Safety at Work Regulations 1999* and applies to employees and those who would be affected by their activities, which includes volunteers. An organisation that has five or more employees has a legal obligation to have written risk assessments. It is still prudent for organisations to write down risk assessments, to think carefully about what risks are identified and as evidence that they have been reasonable in their duty of care to others. A risk assessment should highlight hazards, assess the probability of the risk occurring and record what preventative measures need to be put in place to reduce the likelihood of that harm happening to an acceptable level. Risk assessments need to be conducted regularly, and need signing off and dated to evidence that the measures have been put in place.

Insurance and liability

Organisations should check their insurance policy to see if it provides sufficient cover to volunteers but even if it does, health and safety responsibilities should not be neglected. See *Essential Guide to Insurance of Volunteers*. Breaking health and safety law is a criminal offence, committee members and senior managers as well as the individuals that caused the harm can be charged. Members of the governing committee of unincorporated associations and Trusts may possibly be liable if the duty of care is not met. Individual governing members of incorporated charities (i.e. CIO's or Companies Limited by Guarantee) are protected from negligence claims, as the organisation will be liable. Incorporated organisations are subject to the *Corporate Manslaughter and Corporate Homicide Act 2007* and can be held criminally liable where senior management failures lead to negligence, or a serious breach of duty of care that has led to the death of a person.

Other Health and Safety considerations

First Aid

It is good practice to have first aid assessments which decide the level of first aid required for a particular type of event or activity. *Please refer to the Health and Safety Executive for guidance.*

Control of Substances Hazardous to Health (COSHH)

If an organisation has no paid staff, they are not legally bound by COSHH legislation, but it is wise to carry out an assessment as part of the duty of care to consider possible injury from chemicals, chemical products, fumes and dust.

Fire Assessments – All public and community buildings must comply with fire standards to reduce the risk. *Please contact your local fire service for guidance.*

How the courts balance the need for volunteering and harm to others

The Compensation Act 2006 (section 1) states that courts must take into consideration whether preventative measures to reduce harm would prohibit whether a 'desirable activity' would go ahead. *The Social Action Responsibility and Heroism Act 2015* directs the courts to also consider if the person causing the harm was acting for the benefit of society when the breach of duty or negligence occurred, including volunteering.

Although courts recognize the need to encourage volunteering, it must be stressed that this does not negate or remove the duty of care to others, so organisations need to be conscious of fulfilling their health and safety considerations.

For more information

Guidance from the Health and Safety Executive on writing a Health and Safety Policy:

[Writing a health and safety policy \(hse.gov.uk\)](https://www.hse.gov.uk/writing-a-health-and-safety-policy/)

For health and safety risk assessment templates

[Health and safety | NCVO](https://www.ncvo.org.uk/health-and-safety)

Crown Prosecution Guidance on Corporate Manslaughter and Corporate Homicide Act 2007:

[Corporate Manslaughter | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk/corporate-manslaughter)

Health and Safety Executive guidance for Directors and members of governing bodies for organisations of any size:

[Leading Health and Safety at Work](https://www.hse.gov.uk/leading-health-and-safety-at-work)

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