

Careers Development Group
Expert Volunteer Summit

Legal Aspects of Involving Volunteers

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- Legal status of volunteers
- Managing Volunteers
- Delivering Contract Outcomes

Legal Status

- Employees – have various legal rights
- Workers – more limited rights including national minimum wage; working time regulations
- Volunteers – not employees or workers

Legal Status – Risks of getting it wrong

- Create employment rights
- May face claims in employment tribunal
- May face PAYE tax claims

Legal Status – how to get it wrong

- Pay flat rate “expenses” including annual holiday (Chaudri case)
- Create “mutual obligations” (Armitage case)

Legal Status – how to get it right

- Only reimburse verified expenses
- Not provide other valuable benefits eg professional training
- No “mutual obligations”
- “Reasonable expectations”
- Don’t use employee policies/procedures

Management of Volunteers

- Management by paid staff?
- Management role for some volunteers?

Contract Delivery

- Funders want measurable outcomes
- Ensuring volunteer workforce delivers
- Can you achieve this without imposing “mutual obligations” and employee status?

From the Volunteer's Perspective

- Gain new experience
- Enhance skills
- Not risk benefits where claimed

Questions?

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