

Some myths about volunteering and community activity

There is a perception that people are holding back from volunteering in their community by misplaced fears about red tape and legal pitfalls. This guide is designed to make getting involved in community activities more simple and to help prevent overblown myths surrounding bureaucracy from hindering a generation of would-be volunteers.

For comprehensive advice on issues relating to volunteering or working with and developing community organisations contact Voluntary Action Barnsley on 01226 320100 and (for volunteering) ask to speak to somebody in the Volunteer Centre or one of our organisation advisors if your query is about a community group matter.

Alternatively e-mail us at info@vabarnsley.org.uk with your query. Visit the Voluntary Action Barnsley website at www.vabarnsley.org.uk.

1. Myth: Health and safety legislation applies to all community activities

Fact: The main health & safety legislation in the UK is the Health and Safety at Work etc. Act 1974, which falls under criminal law and is primarily aimed at protecting people at work.

Individual volunteers or small volunteer groups which do not employ people or have control of premises cannot be prosecuted under this Act.

2. Myth: I have to conduct a risk assessment for every community activity I arrange

Fact: While risk assessment is a legal obligation for employers and the self-employed (under the Health and Safety at Work etc. Act 1974) not all organisers of community activities will need to conduct one.

However, it can be useful to conduct a risk assessment to demonstrate you have considered your duty of care sufficiently.

Health and safety considerations for small groups

When planning a community activity, it's important to try to keep everyone involved as safe and injury-free as possible by taking measures to prevent or reduce the likelihood of accidents and ill health from happening. Health and safety considerations need not be a barrier to organising straightforward voluntary activities. By taking some simple steps and adopting a sensible, proportionate approach to planning and supervising your activities, you'll be able to enhance the experience for those involved without putting unnecessary restrictions in the way. It can also help reassure everyone concerned that your activities are well managed

Health and safety and the law

If you care enough to organise or get involved with voluntary activities in the community, it probably goes without saying that you'll want to create a safe environment as well as ensuring you comply with the law.

Health and safety law can seem confusing so this guide attempts to explain what may apply to you as an individual or small group of up to 10 people organising and/or undertaking straightforward community activities.

The law concerning health and safety matters is a mixture of both criminal and civil law. The main legislation dealing with health and safety in the UK is the Health and Safety at Work Act etc 1974 which falls under criminal law. This is aimed at protecting employees and the self-employed at work. It also protects others – such as members of the public – who could be affected because of a work activity. **It is important to note that any voluntary organisation that has even one part time employee or that controls premises is subject to the full requirements of it.**

The Act is supported by quite a number of specific regulations, which extend duties in relation to the control of particular hazards, specific industries or workplaces. This legislation requires employers and others to take specific actions to protect their staff and others. **Because you or your group has no employees and does not control any premises, health and safety legislation does not apply.** That said, the legislation is based on sound principles that aim to reduce risk and keep people safe. Providing a similar level of protection to volunteers is good practice as many of the elements within the legislation are based on important lessons learned in the past. In the UK, our civil law system has evolved over hundreds of years, establishing a number of civil wrongs (or torts such as trespass, nuisance and so on) and is based on legal precedents determined by the courts. As regards health and safety, an important aspect of civil law is the tort of negligence – a legal duty to take care not to cause injury to another. If this **duty of care** is breached and the other person is injured or their property is damaged, this can lead to a civil claim and the payment of damages. **Individual volunteers and groups organising voluntary activities have a duty of care to each other and to others who may be affected by their activities.** This means you may still need to think about meeting your duty of care and in exceptional circumstances be in a position to demonstrate that you have done this

Managing health and safety

Adopting some of the basic and accepted principles that are used when health and safety regulations do apply can help achieve this. As such, you may wish to think about the following areas when planning your activity in a sensible and proportionate manner, depending on the nature of the activity and the number of people involved.

- Think about what you can do to try to avoid accidents happening – by considering any published guidance and standards or even just safety instructions provided with equipment.
- For more complex activities, you may want to adopt a more formal approach by completing an assessment – see About Risk Assessment section below
- Identify any particular requirements relating to working with children and/or vulnerable adults
- Consider any appropriate welfare (e.g. washing, toilets etc.) and emergency (e.g. first-aid) facilities that may be required
- Define any actions, responsibilities and procedures to be adopted in the event of an accident or other emergency
- Identify any health and safety information, instruction, supervision and training that may need to be provided to those involved
- Determine if your health and safety arrangements will need to be reviewed periodically if your project or activities continue over a long time or if circumstances change.
- If in doubt, particularly if you are organising more complex activities, decide if you need specialist health and safety advice

You may want to record your arrangements and any risk assessment you make. The one-page templates provided by the Health and Safety Executive (HSE) may be useful for this and are available at www.hse.gov.uk/risk/resources.htm. By using the HSE search engine, you'll also find lots of practical guidance on this site related to specific activities or equipment.

About risk assessment

Completing a risk assessment is a key step in identifying what precautions you can take to try to prevent accidents and ill health from happening. Put simply, such an assessment is a structured process of:

- identifying the potential dangers associated with a particular activity;
- thinking about the way people could be harmed or come into contact with danger;
- determining the necessary precautions to be taken, in the context of any relevant law and guidance.

As you do not employ anyone to carry out your community activities, you are not obliged to carry out an assessment under health and safety law. However, if you want to demonstrate that you have considered your duty of care sufficiently – then you may want to complete one as we mentioned above. For some small voluntary groups this would be considered good practice, writing it down in a simple format and making sure that everyone involved in the activities is made aware of its contents.

If you do decide to complete a risk assessment, some useful guidance and an assessment template is available on the HSE website at www.hse.gov.uk/voluntary/index.htm.

VAB believe that the main objective of such an assessment to meet statutory requirements is to make sure that the precautions taken meet accepted good practice. Adopting this approach should reassure you that you are doing enough and should give you confidence that the precautions you have considered are the right ones. By doing this, you should be able to avoid:

- stopping activities unnecessarily
- introducing needless constraints or bureaucracy

How do I complete the assessment?

If you do decide that you want or need to complete an assessment, then:

1. **Plan the assessment** – identify the scope of the activities, where they will take place, who will be involved, how long they will take, whether there are activities which are repeated etc. Look for any relevant legal requirements, published guidance, or other information (like manufacturer's instructions) that you need to consider. Try to be systematic and logical in your approach to make sure that all the elements of the activity and all the necessary precautions are covered.

2. **Identify the hazards** – think about the potential dangers or problems associated with the task such as the activity area or access (e.g. rivers, slopes, busy roads etc.); the task itself (e.g. excessive lifting or carrying, noise, lone working etc.); the equipment to be used (e.g. lawn mowers, electrical or pressure washer equipment etc.); any hazardous substances that may be used (e.g. paints, fertilisers, petrol etc.) and so on. Think about any non-routine activities (such as maintenance of equipment or emergency situations), and make sure that you consider the way the work will be done in practice – if necessary by discussing the arrangements with your volunteers.
3. **Identify who could be harmed and how** – such as, volunteers, members of the public, vulnerable groups.
4. **Evaluate the risk** – you need to do some research to find any recommended precautions and/or legal requirements in place for what's involved in carrying out your activity. This could be online published guidance or simply the manufacturer's instructions for a piece of equipment. Then you need to compare your precautions against these to decide whether they are sufficient, and what else (if anything) needs to be done.
5. **Record the significant findings** – so that you can demonstrate:
 - that a proper check was made
 - you identified those who might be affected
 - you considered the obvious significant hazards taking account of the number of people who could be involved
 - the precautions you have taken are reasonable

Review the assessment – if things change significantly or if activities are carried out for a longer period, to ensure that the precautions you have in place remain adequate.

What happens next?

Of course, a risk assessment document won't prevent accidents on its own. However, used in a practical way to identify appropriate precautions, which in turn are adequately implemented, then significant steps can be taken to prevent accidents.

Once you have completed your assessment (if appropriate) and before the activity starts, you will need to ensure that:

- the precautions identified as being necessary are implemented and followed, including any maintenance checks
- any necessary information, instruction, supervision and training is provided to those involved
- any welfare and/or emergency facilities that may be required e.g. washing and toilet facilities, drinking water, first-aid etc. are provided
- the arrangements to be implemented should an accident or other emergency occur are clearly understood
- precautions are monitored to ensure that they remain effective

3. Myth: I need to buy special insurance to get involved in volunteering

Fact: Depending on the activity, you may already be covered for certain tasks under your personal car or home insurance policy, for example if you are using your own car to shop for an elderly neighbour.

As a rule, check with your insurance provider first and tell them of your plans – they can then advise whether you are covered or whether you would need additional cover.

What type of insurance do I need....as an individual?

Depending on your activity, you may find you are covered for certain tasks under your personal car or home insurance policies. If you are using your car to shop for an elderly neighbour for instance your car insurance may already cover you under social and domestic use. If your gardening tools were stolen while you were tending to a community green space, would you be covered under your home contents insurance? As a rule, check with your insurance provider first. Tell them of your plans and they will advise whether you are covered or whether you will need additional cover.

Another important consideration is public liability insurance. It protects you for your legal liability to meet claims for accidental injury to third parties and/or damage to their property where you are at fault

What type of insurance do I need....as a group?

Again, as a group you should consider Public Liability insurance. This will cover your group organisers and your volunteers for your legal liability to meet claims for accidental injury to your own volunteers and any third parties and their property where you, your group or your volunteers are at fault.

It is a legal requirement to have motor insurance if your group uses vehicles as part of its activities for example if you transport people around on an outing. This may be outside the cover of your personal motor policy so check with your insurance provider first. If relevant you should also check whether other group members can be insured under the policy, how many passengers you are allowed to carry and whether this includes caravans and trailers (should your activity require them). Again, tell them of your plans and they should be able to arrange suitable cover.

4. Myth: I'll be held liable if anything goes wrong

Fact: While you cannot be held liable under criminal law (which does not apply for activities where no one is employed or where you do not control premises), organisers of any activity have a duty of care to people taking part in, or affected by, that activity. This means that in the rare case that something goes wrong (i.e. a person is injured or their property damaged), the organiser may be liable for a breach to their duty of care, but only if they have been negligent. For most activities, sensible planning and a common-sense approach will guard against this.

To mitigate against liability for something going wrong ensure that you have considered your health and safety obligations and insurance provision as considered above. In addition you should consider the following.

Consider data protection and privacy

During the course of your activity, you may collect personal data, for example names and addresses of volunteers, or people you help. Personal data is protected by the Data Protection Act 1998. Some not for profit organisations are exempt from having to register with the Information Commissioner (although you should still take sensible steps to protect personal data). Guidance on whether you need to register can be found here: <http://www.ico.gov.uk/> ([PDF Download](#))

Where you must observe the requirements of the Act, you should comply with the eight data protection principles. These are that personal data must be:

1. fairly and lawfully processed
2. processed for limited purposes
3. adequate, relevant and not excessive
4. accurate and up to date
5. not kept longer than necessary
6. processed in accordance with the individual's rights
7. kept secure
8. not transferred to countries outside the European Economic Area unless the country has adequate protection for the individual

In practice, the most important points are: only to collect information you need, never use information except for your activity, always keep it safe, and keep it up to date and delete it when you no longer need it. So, for example, do not share details with other organisations, and destroy any information about people who leave your group.

Handling money – best practice

Whilst this isn't always an area of legal obligation, it is invariably worthwhile putting appropriate systems in place if your group will handle money, to have clear rules in place to protect the money and those who handle it. This will help avoid misunderstandings. A simple test is "if someone said we had misused our group's money, how would we prove that we hadn't?"

You might want to think about how any money or assets will be accounted for. If group money is mixed with private money (eg in a bank account) what are the rules so that you will be able to show which is which, and how the group money was spent? You should all be clear that no one can "borrow" group money for private expenses or use private money to run up group expenses without agreeing this in advance. Having at least two people to agree the amount of all money received and authorise any money paid out is good practice. There is no strict requirement for a group to have its own bank account but if you are at all uncomfortable mixing group money with private money in an individual's bank account, or if the group funds become significant, you might consider opening a separate account. If the group handles cash (through fundraising) you may consider having some basic rules around cash handling (for example, promptly count up the cash received in the presence of a witness, agree and record the figure, and bank any significant amount of cash promptly).

The law governing the collection of donations is complex. You will need to take advice before collecting donations from the public (for instance, standing on a high street with a collecting tin). However, you can take money in return for services, for example selling tickets to an outing, providing a barbecue at a sports day and organise sponsored events to raise money for other bodies, for example local charities.

There is a threshold, at an income of £5000 pa, above which a community group/activity must register with the Charity Commission. It's unlikely that a community group will be a charity, but it is not impossible. If your annual income approaches this level you may want to contact the Charity Commission to be sure you do not need to register. As you are involved in smaller community activities, it's unlikely that your group income will approach any tax thresholds, but again, if your group really takes off, you should have these thresholds in mind. For further info, please visit <http://www.charity-commission.gov.uk/>.

Equalities

Some individuals and organisers can feel uncertain about whether the Equality Act will affect their activities. The Act does not prevent you from targeting your activities towards certain groups, if you have a good reason for doing so. For example, if your idea was to run errands for the residents of a local care home, obviously only those residents will benefit and that is fine. But as a general rule you ought to be open to involving anyone who wants to play a part in your group. If in doubt you can find guidance here <http://www.equalityhumanrights.com/advice-and-guidance/equal-rights-equal-respect/>

Police and permission

Generally, there is no need for a community group to notify the police of their activities, but think about whether your activity may be an exception. For example you must contact the local police if you are organising a sponsored bicycle ride on public roads.

If you need an event licence your local authority will usually notify the police on your behalf but you should check this. Some events may need a "temporary event licence" from your local authority (usually where you are serving alcohol or providing entertainment such as live music, and the land or premises you are using are not already licensed). Make sure you apply in plenty of time (10 working days is the minimum but it makes sense to give more notice if you can). Follow your local authority's instructions on how to apply carefully and don't forget the fee. Finally, do think if your event or idea needs permission from anyone else. Cleaning up a patch of waste ground and planting it with flowers and shrubs is a great idea but you need to ask the owner first!

Volunteering while claiming benefits

You may be able to volunteer while claiming benefits although it's always best to check with your benefits adviser before you start just to make sure. The general guidance is that you can volunteer as many hours as you want as long as the work you do is unpaid (you're allowed to claim expenses such as travel, but not an allowance) and you continue to meet the rules of your benefit. For up to date information on this subject, please visit [GOV.UK from Directgov](http://gov.uk).

Some practical examples of myth meets bust (courtesy HSE)

Myth: Health and safety laws banned hanging baskets

April 2008



The reality

Back in 2004 a town did briefly take down its hanging baskets over fears that old lamp posts would collapse. This was an overly-cautious reaction to a low risk. However, after quick checks the hanging baskets were replaced and have been on lamp posts in the town every year since. Despite this, the story continues to be repeated and the danger is someone will believe it is a genuine requirement and follow suit.

Myth: Health and safety bans bunting

August 2010



The reality

There are no regulations banning people from hanging bunting at weddings and village fetes or flying flags for sporting events. HSE encourages people to have a bit of common sense about their attitudes to risk, not to make everything risk-free. There won't be an army of inspectors cutting down bunting or insisting flags are lowered.

HSE exists to prevent people being killed or seriously injured at work, not to stop people celebrating in style.

Myth: People don't have to take any responsibility for their own health and safety

April 2009



The reality

Employers have a duty to protect workers and the public from dangers caused by their work - and HSE is committed to making sure they do that. But health and safety isn't entirely someone else's responsibility.

We all have a duty to keep ourselves safe, by co-operating with safety measures and not putting ourselves or others in danger. This is just common sense - something we all use every day.

It's important that we aren't put at risk by other people's actions, but if we ignore our own responsibilities, real risks can get missed. Playing the blame game doesn't keep people safe - better to rely on common sense and co-operation

Produced by Voluntary Action Barnsley.