

ABRS+

Making Best Use of Volunteers

George Baber

07585 301454

george.baber@abrs-info.org



Disclaimer



In this Webinar, we provide an overview on the use of volunteers, but we are not offering personal advice or directing how you should use volunteers structure within your business.

This webinar describes processes and procedures that you might wish and need to tailor to be proportionate



What are Volunteers?

- Volunteering is when someone spends **unpaid time** doing something to benefit others
 - It should always be a **free choice** made by the person giving up their time.
- Volunteers are not employees and are not covered by employment law
- Difference between paid staff and volunteers should always be clear:
 - Volunteering is the volunteer's choice
 - Volunteer roles are not the same as employee roles
 - Volunteers are not a replacement for paid staff



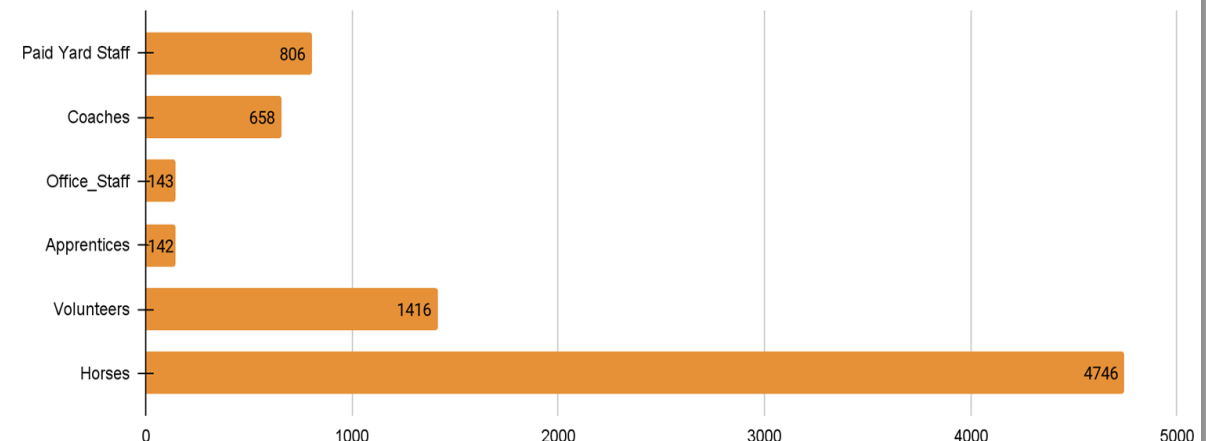
Do Riding Establishments use Volunteers?



BEF Health of the Riding Establishments Survey

- 44% of centres said they don't have sufficient paid workforce
- Approximately 51% of the centres experiencing capacity issues also reported a shortage of paid staff, which was the most important workforce-related factor affecting capacity
- Volunteers represent an estimated 65% of the total workforce
 - Need for between **3500** and **5500** volunteers across the ~1500 Riding Establishments

Estimated total number of current Staff and Horses in participating centres

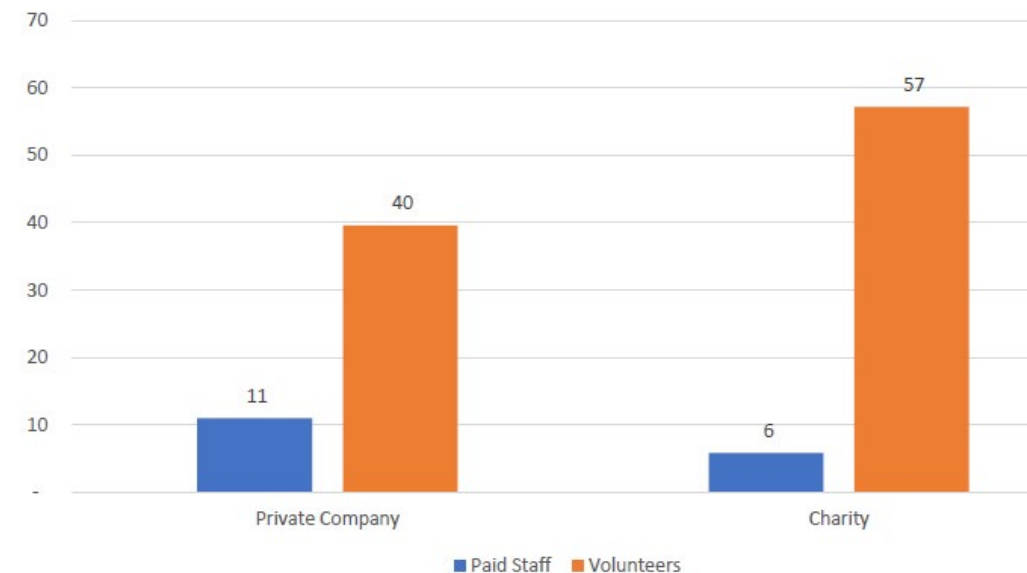


Do Riding Establishments use Volunteers?



BEF Urban Equestrian Centre (UEC) Survey

- High reliance on volunteer support
 - All UECs, whether private or charity, use volunteers as part of a **'blended' workforce**
 - Numbers vary significantly across centres; some are heavily reliant on volunteers to:
 - Support the care of horses
 - Run day-to-day activities
- Privately-run centres are less reliant on volunteers than not-for-profit centres, but this does depend on the Centre and its activities



Volunteers and the Law



Volunteers and Employment Law

- 'Volunteer' is not a legally defined term
- What matters legally is **not to inadvertently create an employment contract** between the you and the individual volunteering
- An **employee** is created if the following conditions are met:
 - **Consideration**: An exchange of material value between you and the individual volunteering – this can be minimal
 - **Obligation**: You (employer) have an obligation to provide work and they (employee) have an obligation to do the work
 - **Intention**: An intention to enter into a legally binding contract
- Contracts **do not need to be written or even agreed verbally**
 - It can be implied from the circumstances and the relationship
- **Bottom Line - your work with volunteers must be a genuine volunteer relationship**





Staff v Volunteers

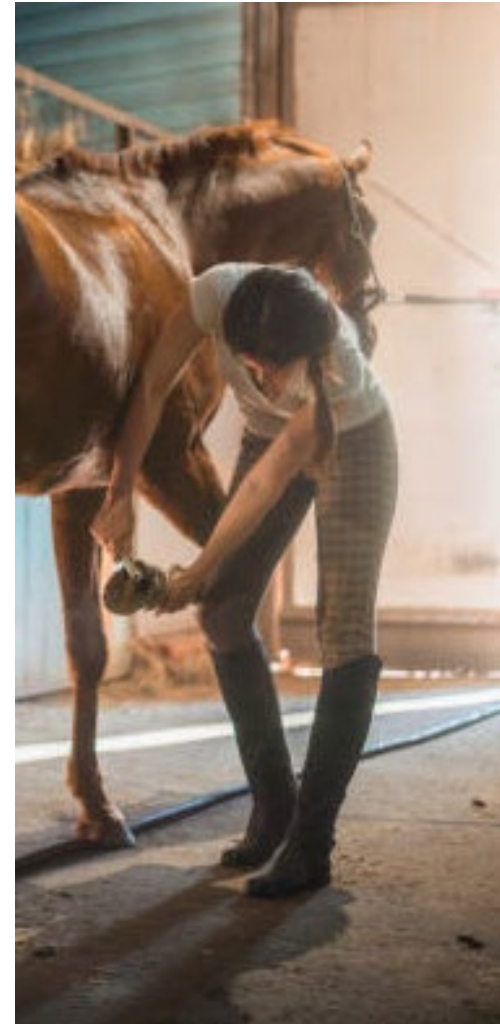
- Make sure you have sufficient paid staff to meet your Council Licence obligations:
 - DEFRA Guidance - Council Licence Regulations
 - Need to demonstrate at Inspection - **Sufficient** numbers of people who are **competent** for the purpose must be **available** to provide a level of care that ensures that the welfare needs of all the animals are met
- Avoid appearance that **paid roles are being purposefully displaced** so volunteers can do the work instead.
 - Avoid implication that the only difference between paid staff and volunteers is a salary or financial reimbursement.
 - Involvement of volunteers should **complement and supplement** the work of paid staff, and should not be used to **displace paid staff** or undercut their pay and conditions of service

What happens if I create an employment contract?



If you create an employment contract the volunteer is entitled to:

- **Worker rights**, such as:
 - **Minimum wage** (if they are over school-leaving age)
 - Protection under the Equality Act
 - Protection for whistleblowing under the Public Interest Disclosure Act 1999.
 - Working no more than **48 hours per week** on average (+ other rules in the Working Time Regulations 1998)
 - Five to six weeks' **paid holiday** each year (pro rata)
- **and, Employee rights**, such as:
 - Belonging to a trade union
 - Protections under Health and Safety legislation
 - **Statutory sick pay**
 - Not be unfairly dismissed





Six actions to minimise the risk....

1. Do not give volunteers an income or a consideration:

- This means giving something of value in exchange for obligations under a contract
 - Not necessarily a monetary payment, or of financial/high value
 - Include perks or benefits that have value – for example:
 - Free riding lessons
 - Training that is not necessary for the volunteer's role
 - You **cannot pay fixed sums, stipends or rewards**
- **You can:**
 - Provide training that is necessary for the volunteer's role
 - Reimbursed **reasonable** out-of-pocket expenses (travel or food, protective clothing, care of dependents (including children), etc – see **Fact Sheet**)
 - Demonstrate reasonable reimbursement of expenses with a **written expenses policy** and **expense claim form**





Six actions to minimise the risk....

2. Reduce perks that could be seen as a consideration:

- Does not include items needed for the voluntary work - such as protective clothing
- Do not impose an obligation on a volunteer in exchange for something of value that is needed by the volunteer to carry out their role:
 - For example, offering training, but only if the volunteer stays in the role for six months
- Minor perks should be described and administered as being:
 - At your discretion
 - Not an automatic right as part of the relationship
- Do be careful not to let 'discretionary' perks become customary





Six actions to minimise the risk....

3. Make it clear that you do not intend there to be

- Explain in volunteer documents, such as agreements or no intention to create a legally binding relationship – but 'get-out' clause
 - If an arrangement between the you and your volunteer contract, it is a contract

Top Tip

If you have a Yard Polo Shirt or Jacket, have 'Volunteer' and not 'Staff' on name badge

4. Create a clear distinction between paid workers and volunteers:

- To an outside observer, the relationship between the volunteers and you is **different** to that between you and your paid staff





How do I minimise the risk....

5. Reduce the volunteer's obligations:

- Do not ask a volunteer **to commit** to minimum hours or certain time periods
- You can outline '**reasonable expectations**', but you should acknowledge that a volunteer is not obliged and has the right to leave at any time

6. Do not use contractual language:

- Avoid using language that is used in employment contracts:
 - Do not use words such as 'contract', 'job' and 'requirements'
 - Use words such as '**agreement**', '**role**' and '**hopes**' or '**expectations**'
 - Volunteers have '**role descriptions**' and not '**job descriptions**'





Age Limits

- There's **no upper age**
- Check your **insurance**
 - Insurers may not provide cover over a certain age
- A child **under 14**, cannot work for a profit-making organisation, even if they are not paid
- Most Councils require that you have a **work permit for each school age child**
 - Varies for paid and voluntary roles – check with your Council
 - Lack of a child employment permit may invalidate your insurance if an accident occurs

Top Tip

For Children under the age of 14 (or 16) consider running a Riding Club that includes a subscription or paid-for stable management training





What legal rights do volunteers have?

- Volunteers have fewer rights and less legal protection than paid staff:
 - The **Equality Act 2010** and the **Employment Rights Act 1996** **do not apply**
 - However, you may be responsible for your volunteers' discriminatory actions because you asked them to act on your behalf
 - They may have some rights under the **H&S at Work Act 1974** and Protection from **Harassment Act 1997** if they have an emotionally harmful or threatening experience while volunteering with you

Recruiting Volunteers



People volunteer for a variety of reasons, and their motivations can be influenced by personal, social, and cultural factors



Safer Recruitment

- Regardless of motivation or reason for volunteering, you should recruit volunteers through a Safer Recruitment Procedure
- **Safer Recruitment** Procedures ensures that:
 - Staff and volunteers are suitable to work with children, young people and adults-at-risk
 - Applicants that **are not** suitable persons are identified and rejected
- Retain records to demonstrate **due diligence**
- For volunteers, procedures can be tailored where proprietors know applicants personally
 - Ensure, as a minimum, that Vetting, Disclosure and Barring Checks are conducted



Safer Recruitment Procedure



Define the
Role

Advertise
the Role

Applicant
Information
Pack

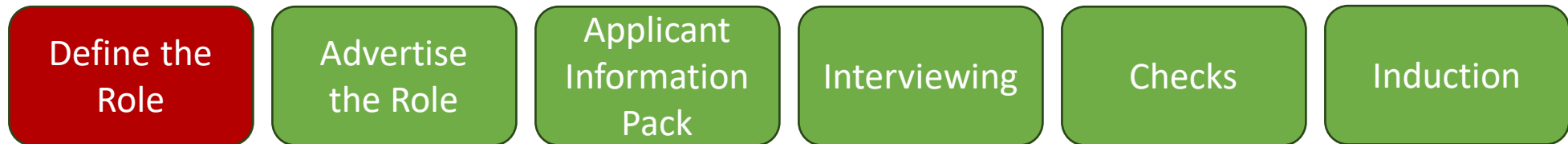
Interviewing

Checks

Induction



Safer Recruitment Procedure



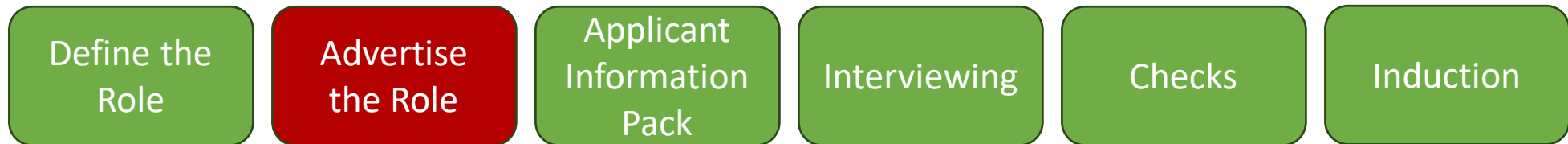
Create a **Role Description**:

- Main Duties, including extent of contact and responsibility for children, young people and adults-at risk
- Person Specification:
 - Essential and desirable qualifications and experience
 - Competencies and qualities





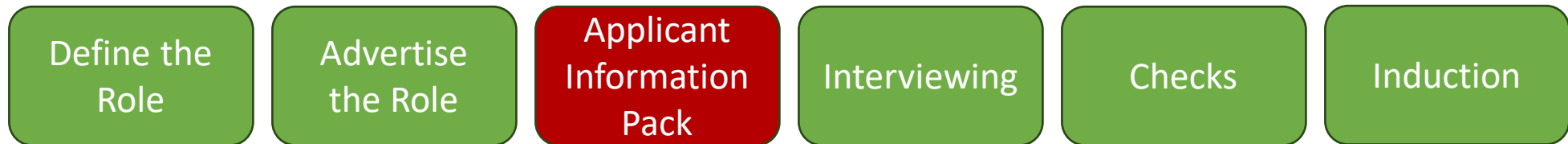
Safer Recruitment Procedure



- When advertising be clear on the mix of qualities, qualifications and experience that a successful candidate must demonstrate to prevent unwanted applications
- Include a statement that confirms your commitment to safeguarding



Safer Recruitment Procedure



The pack will include:

- Application form, and explanatory notes about completing the form
 - Including details of 2 referees
- Role description and person specification
- Description on how you select volunteers, including what information you ask for and why
- Relevant information about the organisation

Safer Recruitment Procedure



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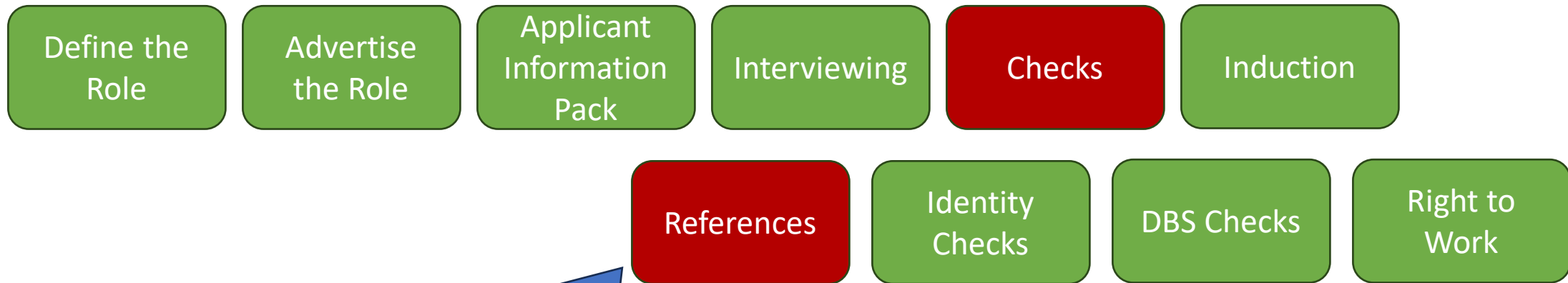
Induction

The screenshot shows the 'EEA TOOLKIT INTERVIEW CREATOR' website. The header includes the EEA logo and navigation links: JOIN US, EMPLOYMENT ESSENTIALS, RECRUITMENT, GOOD EMPLOYMENT, RESOURCES, BUSINESS HUB, EMPLOYERS LIFE, THE EEA, and CONTACT. The main banner features the text 'INTERVIEW CREATION MADE EASY' over an image of a person at a desk. Below the banner is a navigation bar with 'My Dashboard', 'My HR tools', 'My downloads', and 'My adverts'. The 'My Interview Creator' section explains the tool's purpose: to create bespoke interview templates. It includes a 'HOW IT WORKS' section with bullet points: 'An interview should be no more than 1 hour long.', 'First, select up to 5 Personal Questions - this is the maximum number allowed.', 'There is an opportunity to add in bespoke questions.', 'Next, select up to 6 Competency Questions that would be suitable for the job role - you can amend your choices, but no more than 6 will be permitted.', and 'An Interview Evaluation Form will be produced for each candidate, which you can use to make notes and score their responses.' At the bottom, there is a 'MY INTERVIEW QUESTIONNAIRES' section with a 'CREATE A NEW INTERVIEW EVALUATION FORM' button and a 'PROCEED' button. Below this is a table for 'EXISTING INTERVIEW EVALUATION FORMS' with columns for 'JOB DESCRIPTION', 'DOWNLOAD', 'UPDATE', 'COPY', and 'DELETE'. The table currently shows 'You haven't created any interview forms yet'.

- Advise and thank those not invited for interview
- Tell those that are, where and when
 - Choose interview questions that relate to the person specification. Use the same questions for all applicants
 - Keep notes
- Use an interview panel of 2 people
- Be clear if the interview process includes a trial session
 - If so, for how long (< 3hrs), what will it involve and what they must bring



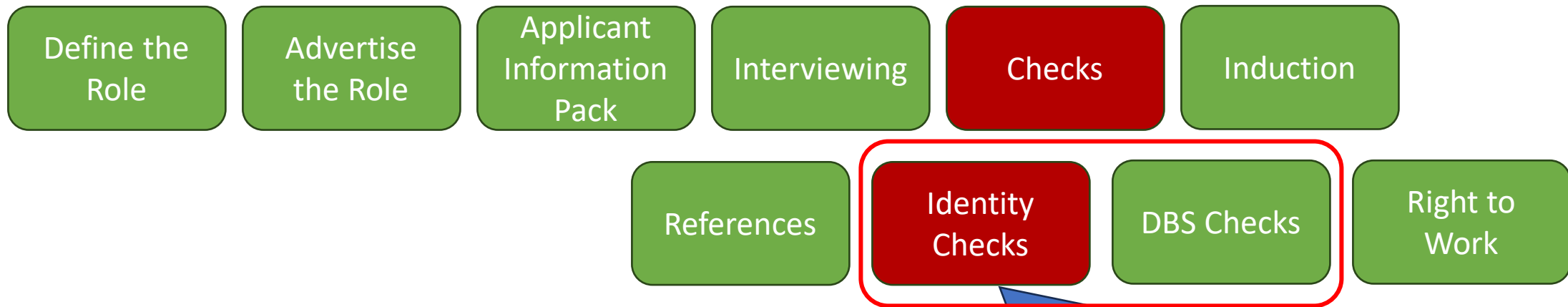
Safer Recruitment Procedure



- Check References
- Ensure Referees are asked about an applicant's suitability to work with children, young people and adults where the role requires this



Safer Recruitment Procedure



Using the following approved processes:

- [England and Wales](#)
- [Scotland](#)

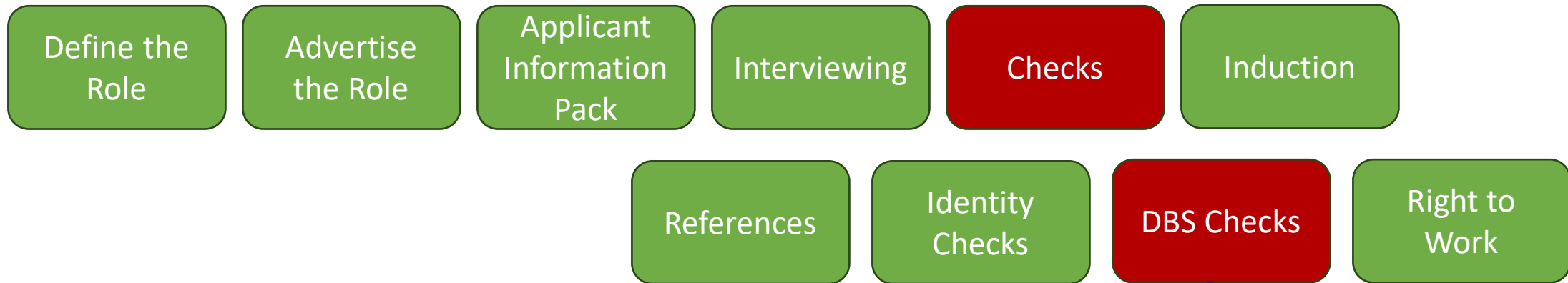
5 Steps to Identity Checks Get evidence of the claimed identity

1. Check the evidence is genuine or valid
2. Check the claimed identity has existed over time
3. Check if the claimed identity is at high risk of identity fraud
4. Check that the identity belongs to the person who's claiming it

You will need to see original documents



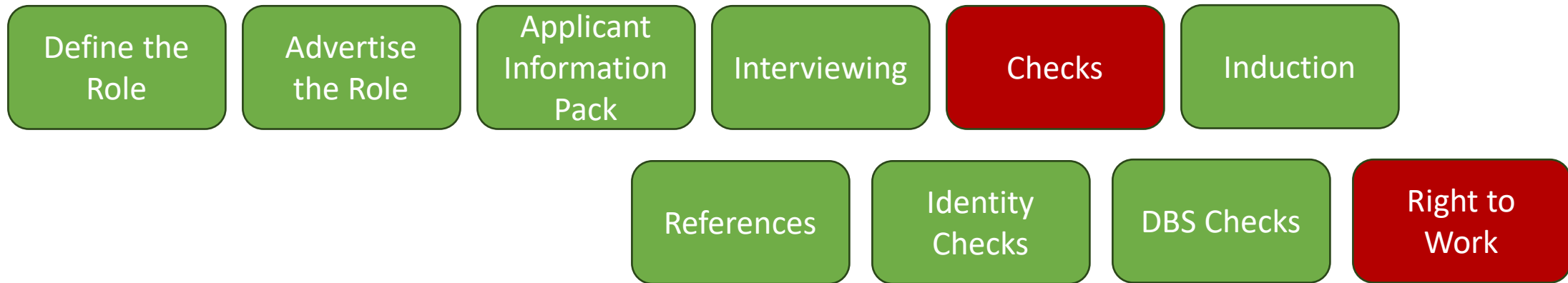
Safer Recruitment Procedure



- In **England and Wales**, use the [DBS check Tool](#) to find out what type of Disclosure and Barring Service (DBS) check is required for the role being performing (Basic, Enhanced or Enhanced with Barring)
- In **Scotland**, determine the type of disclosure required using [online guidance](#) (Basic or Protected Vulnerable Group (PVG))
- Check for volunteers cheaper than staff



Safer Recruitment Procedure



- If a person is a volunteer, you don't need to check their right to work in the UK
- Overseas volunteers do need a Visa that allows volunteering or have settled/pre-settled status



Finding Volunteers

- People you know
- Social Media (Facebook, Instagram, Tik-Tok)
- Volunteer Events or Open Houses
- Participate in Community Events
- Clubs & Community Groups
- Volunteer Job Boards (NCVO - <https://www.ncvo.org.uk/get-involved/volunteering/want-to-volunteer/>)
- Partnering with Schools & Colleges

Finding Volunteers



**YOUTH
WITHOUT
LIMITS**

[Do DofE](#)[Run DofE](#)[Support DofE](#)[About DofE](#)[Resources & Tools](#)[DofE Shop](#)[Donate](#)[eDofE login](#)

VOLUNTEERING

Below are loads of ideas of ways you can volunteer from home or remotely. Or for more inspiration, see the Volunteering section activities list.

Managing Volunteers



Supporting and Retaining Volunteers

- Make sure your volunteers know **who is supervising** them and **who they should contact** if they have a problem
- Undertake an **induction** and ensure the volunteer is equipped for the role

Safeguarding Courses – January 2024

An equestrian safeguarding course open to members and non-members of the ABRs+

Course participants from Scotland, or who are expecting to work in Scotland, are required to undertake additional online training prior to the Course. Contact the ABRs+ Office, on office@abrs-info.org, who will arrange access to the online material through SportsScotland. Please ensure that you allow at least 2 weeks from requesting access to the date of Course delivery. This will ensure that you have sufficient time to access and complete the online training.

If you are under 18, please advise **the Office** at time of booking.

Book your course using the link below:

Book Here
Tuesday 16 January 2024
6pm – 9pm

📅 16/01/2024 to 16/01/2024

6pm-9pm

📍 Zoom

£35 per place

d to





Supporting and Retaining Volunteers

- Have **regular meetings**; find out what:
 - What are they enjoying about their role (**is what they are doing touching their motivating factors?**)
 - Successes they have had
 - Difficulties they've had
 - Support or training they might need going forward
- Don't **assume or presume**, and encourage feedback
- Don't forget to **say thanks**:
 - On the anniversary of a volunteer's start date
 - During National Volunteers' Week
 - But be careful not to create 'winners' and 'losers' if you single out an individual





Dismissing Volunteers

- Asking a volunteer to leave should always be a **last resort** when other ways to solve a problem haven't worked
 - But it may be a necessary response to a serious breach of conduct
- Volunteers do not have employment rights, but you **should still treat them fairly** and **should not discriminate** against them
- Make sure you:
 - Have followed a problem-solving process
 - **Schedule a time to meet**, giving them enough notice
 - Offer them the chance to have somebody with them if they would like
 - **Explain to them that they're being asked to leave and why**
 - Thank them for their contribution
 - **Keep the meeting short** and **follow it up in writing**



Insurance and Volunteers

- Insurance contracts require ‘the utmost good faith’ from the purchaser of the insurance
 - This means you **must provide all relevant information** when looking for insurance – this includes whether you use volunteers
- Ask your insurer to confirm that your volunteers are covered either by your employers’ liability and/or by public liability insurance



Resources

[NCVO - Involving Volunteers →](#)

[Volunteer opportunities, rights and expenses →](#)

[Safer Recruitment Procedures](#)

[Volunteer Handbook Template](#)

[Disciplinary Procedure →](#)

[Performance Management Procedure →](#)

[Grievance Policy and Procedure →](#)

[Social Media Policy →](#)

[IT Acceptable Use Policy →](#)

[Volunteer Application Form](#)

[Volunteer Expenses Policy](#)

[Volunteer Expenses Claim Form](#)

[Volunteers and Expenses Fact Sheet](#)

[Volunteer Role Description Template](#)

[Volunteer Role Description Example - Assistant Groom Volunteer](#)

[Vounteer Agreement Template](#)

[Training Policy →](#)

[Induction Plan Template →](#)

Summary

What's the difference?

WORKER

- **Contract or Verbal Agreement in return for a reward**
- **You must turn up for work**
- **You have responsibilities due to your contract**
- **Protected by Employment Law**

EMPLOYEE

- **Must work regular and minium hours**
- **Expectation to be paid**
- **Tax and National Insurance deducted**
- **Cannot send someone on your behalf to to the job**
- **Protected by Employment Law**

VOLUNTEER

- **Unpaid**
- **Free Will**
- **No contract**
- **No committment**
- **Reasonable expenses reimbursed**
- **Role is for the benefit of the community or others**
- **Not protected by Employment Law**

Questions

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