

# VOLUNTEERING POLICY

DRAFT

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## **1. Introduction**

Monmouthshire County Council (the Council) recognises the important and valuable contribution made by volunteers who give freely of their time to add value to the services provided by the paid workforce, with the ultimate aim of improving services for residents.

This policy describes the role of volunteers in service delivery and sets out the terms governing their engagement and ongoing relationship with the Council.

A volunteer is not an employee of the Council and there is no binding contractual relationship between volunteers and the Council. Volunteers are not a replacement or substitute for paid employees.

The role of volunteers is complementary, not supplementary, to the role of paid staff. Volunteers will not undertake the work of paid members of staff nor will they cover vacant posts. Volunteers will not be employed in times of industrial action to do the work of paid staff but may continue with their regular complementary role should the appropriate support / supervision be available.

## **2. Policy Statement**

The Council acknowledges the significant role that volunteers play both in supporting service delivery and in promoting community wellbeing. The Council offers a wide variety of volunteering opportunities across numerous services for people with particular skills, experience or interests.

Volunteers are expected to comply with relevant Council policies whilst engaged in volunteering with the Council. A supportive but comprehensive induction will be provided to all volunteers to ensure they are aware of the Council's expectations in this respect.

This Policy should be read in conjunction with the [Volunteer Toolkit](#). All departments using the services of volunteers will be expected to comply with the procedures set out in the Council's Volunteer Toolkit.

## **3. Scope**

This policy applies to all volunteers engaged in supporting the delivery of council services. This includes services delivered on behalf of the Council, including contractors and schools.

This policy does not apply to volunteers who are active within communities and not managed by council services, work experience, apprenticeships and student placements or council employees volunteering for other groups and organisations.

Indirect voluntary groups are defined as groups of volunteers that the Council has not formally inducted into a MCC volunteering role but who work with the Council to deliver shared priorities. The Council's responsibility for the group can differ depending on the level of control, location of the activity taking place and whether the activity is the Council's undertaking.

The Council is required to keep a record of the contact details of the indirect voluntary group and the activities they carry out. The Council should provide support with relevant information, policies and guidelines however; it is the groups own responsibility to ensure relevant policies and procedures are adhered to.

#### **4. Definition of a Volunteer**

Volunteering is an important expression of citizenship and an essential component of democracy. It is the commitment of time and energy for the benefit of society and the community and can take many forms. It is undertaken freely and by choice, without concern for financial gain.

The volunteer relationship is binding in honour, trust and mutual understanding. No enforceable obligation, contractual or otherwise will be imposed on volunteers to attend. Likewise, MCC does not undertake to provide regular volunteering opportunities, payment or other benefit for any activity undertaken.

#### **5. Volunteer Coordinators**

Service areas who engage volunteers must identify a Volunteer Co-ordinator, this could be the service manager but does not have to be.

Despite the appointment of a Volunteer Coordinator within service areas, the Manager responsible for the area the volunteer will work in has overall responsibility for the engagement and support of volunteers. The Volunteer Coordinator should attend initial 'Leading Volunteers' training on being asked to take on this role and thereafter attend regularly meetings of the Authority's Volunteer Network to ensure that they remain up to date with developments in the Authority's volunteering processes and have the opportunity to feedback on the experiences of volunteers and of their service areas in helping to deliver council services.

The role of the Volunteer Coordinator is to:

- Provide advice and assistance regarding the recruitment of volunteers
- Ensure consistent application of this policy and related procedures
- Serve as a single point of contact within the service/ directorate for the general coordination of volunteering
- Coordinate ongoing supervision and support
- Resolve any issues arising in the course of volunteering relationship
- Provide an engaging and supportive environment for the volunteer

The Volunteer Coordinator will maintain an overview of the volunteer programme within their service area / directorate and arrange regular meetings with volunteers to share information, feedback progress and monitor and review the programme.

#### **6. Safeguarding**

Safeguarding children and adults at risk from abuse is everybody's responsibility.

The Council is committed to ensuring that people living in the County are safe and protected and that its statutory duties to safeguard and protect children, young people and adults at risk are discharged.

The Council's workforce shares a responsibility, both collectively and individually, to ensure that children and adults at risk are protected from harm. Council employees, County Councillors, volunteers and contractors who come into contact with children or adults at risk in the course of

their duties are expected to understand their responsibility and where necessary take action to safeguard and promote the welfare of vulnerable people.

The Council's [Corporate Safeguarding Policy](#) applies to all volunteering opportunities where the volunteer engages with children, young people and adults at risk. This is covered in the initial induction and training is provided wherever appropriate.

For additional guidance, please see Appendix A.

## **7. Recruitment and Selection**

Volunteers who undertake work with the Council, including work within schools, will be subject where necessary to the same safe recruitment processes as the paid workforce albeit proportionate to the nature of the activity being undertaken.

Engagement of volunteers must adhere to safe recruitment principles as established through the Councils safe recruitment processes. (Hyperlink to workflow)

Volunteer opportunities can be advertised in a variety of ways and part of the recruiting process will be via an application form and informal interview as a minimum. The interview will explore volunteer skills, experience, interests and suitability for roles as well as volunteer motivation.

The Manager, not Volunteer Coordinator, responsible for the area the volunteer will work in, is responsible for the engagement of volunteers

The Manager or Volunteer Coordinator should keep a register of volunteers and record how often they volunteer and the roles that they are undertaking. This will then determine whether they are in regulated activity and the safe recruitment processes to be followed in line with the Council's [DBS Policy](#).

### **(a) Regulated Activity**

Regulated activity is defined as unsupervised activity in a limited range of establishments with the opportunity for contact with children and young people or adults at risk. The scope of regulated activity includes unsupervised activities such as:

- Teaching
- Training
- Instructing
- Caring for or supervising children and young people or adults at risk
- Providing advice or guidance on wellbeing
- Driving a vehicle only for children or adults at risk

In addition, to be regarded as regulated activity, this unsupervised activity enacted within a specified place must be done regularly. Regularly means carried out by the same person frequently (once a week or more often), or on four or more days in a 30-day period (or in some cases, overnight).

For those people who do not work in regulated activity but work, paid or unpaid, with children and young people or adults at risk, MCC retains the right as employer to obtain relevant checks (albeit not checks against the barred list).

Safe recruitment must be undertaken in line with the information contained in the table below; the Volunteer Coordinator should review the volunteer role profile and ensure that the role has been classified appropriately. Under no circumstances should a volunteer be recruited without the necessary checks being undertaken prior to the commencement of the volunteering activity.

| Risk Level    | Description of role  | Safe Recruitment Requirements   |
|---------------|--|---|
| <b>High</b>   | Volunteer role within regulated activity   | Application Form<br>DBS Check (at correct level)<br>Two character references<br>Safeguarding Level 1 Training |
| <b>Medium</b> | Volunteer role may involve frequent supervised contact with adults at risk, young people and children.   | Application Form<br>Two character references<br>Working towards Safeguarding Level 1 Training                 |
| <b>Low</b>    | Volunteer role, which does not include frequent activity with adults at risk, young people and children. | Application Form<br>One-character reference<br>Working towards Safeguarding Level 1 Training                  |

(b) Specific Requirements for Volunteers who are under 16

Before accepting an application from a volunteer under the age of 16, the consent of a parent / carer must be obtained. Clear information regarding the activities involved must be provided to the parent/ carer and the volunteer.

When recruiting volunteers under the age of 16 Volunteer Coordinators will need to carry out a DBS check on the main person who will come into close contact and develop a relationship of trust with the volunteer at any given time.

Volunteer Coordinators should ensure that a reference is obtained for any volunteer under 16 who wishes to volunteer with young people. This reference should be completed by a Senior Leader at their current educational establishment.

(c) Commissioned/ contracted services

In commissioning or contracting any service that utilises volunteers as part of its service offer, the commissioning manager will need to ensure there is robust policy for engagement of volunteers, which is of equivalent standard as the Council Volunteering Policy. Specifically, the terms of the contract will require as a minimum that there are robust and effective policies and practice in place for safeguarding and volunteering.

(d) Integrated/collaborative services

Monmouthshire County Council provides a number of services through partnership arrangements with other organisations, for example, the NHS. The partnership agreement which provides the formal governance arrangement for integrated services will make clear which organisation's policies are used to support the recruitment of volunteers. In entering into such

agreements, the Council will need to assure itself partner's volunteering policies are of equivalent standard as Council policy

## **8. Equality and Diversity**

The Council is committed to equal opportunities and abides by the Equality Act 2010. The Council's Equality Framework applies to the paid and unpaid workforce.

The Council will actively encourage volunteering through promotion to relevant networks and support groups and all literature will be written in English and Welsh.

Equality monitoring forms will be included with volunteer application forms.

The Council expects all volunteers to subscribe to and adhere to the principles and practices of the Council's Equalities Policy.

## **9. Induction**

All volunteers shall receive an induction into the organisation and their role in advance of, or on, the first day of the placement.

As part of their induction, volunteers will receive the following information:

- General information about the Council and the service area they are volunteering within
- The Volunteering Policy
- Volunteering Guide, which outlines standards of behaviour that volunteers are expected to comply with.
- The [volunteering agreement](#) to be signed by both parties on start date.
- A Volunteer role profile detailing tasks and expectations.
- A documented named supervisor.

Volunteers are also welcome to attend the Council's Corporate Induction delivered regularly to newly appointed paid employees.

Volunteers should be given a copy of this policy electronically so that they are able to access all policies and guidance referred to within this policy.

## **10. Training**

The Council will match the time, skills and experience of volunteers to suitable volunteering opportunities and ensure appropriate information, training and support is provided to enhance the relationship.

## **11. Recognition**

An important part of retaining and recruiting volunteers is recognition of the impact of the Council's volunteers. The Council will endeavour to recognise volunteers through both formal and informal methods. Recognition should be based on the motivations of the volunteer. Recognition options can be found in the [Volunteering Toolkit](#).

## **12. Support and Supervision**

All volunteers will have a manager or supervisor with responsibility for agreeing the scope of their role, providing an induction and appropriate ongoing support, ensuring that volunteers are aware of and operate within the scope of relevant Council policies and procedures involving any issues that arise in the course of the volunteering relationship.

### **13. Trial period**

A review of the volunteering placement will be undertaken after 3 months, or before, should any issues arise.

### **14. Rotation**

Where there is a high demand for volunteering in certain areas, or demand for particular volunteering activities, these opportunities may be time limited. In order to ensure all opportunities with the Council are accessible, all volunteer opportunities are subject to regular review, looking at the quality of the experience and any potential for development.

### **15. Health and Safety**

The Council has a responsibility for the health and safety of volunteers. Volunteers must, at all times, follow the Council's health and safety policies and procedures.

Volunteer Coordinators must make volunteers aware of health and safety arrangements as part of their induction / initial training and as necessary thereafter. Appropriate equipment will be provided for reasons of health and safety when undertaking their volunteering role. [Hyperlink](#)

### **16. Insurance**

Volunteers operating on behalf and under the control of the Council are covered by the Council's public liability insurance policy. This protects volunteers against loss, injury caused by accident, negligence or assault whilst carrying out activities on behalf of the Council. It also protects the public against any loss or damage to property by the negligence of anyone acting on the Council's authority, including volunteers.

Where required insurance cover needs to be confirmed with the Council's Insurance department prior to volunteer engagement.

### **17. Clothing and ID Cards**

All volunteers, as a minimum, will be issued with a volunteer's badge and where there is a business need they will be provided with branded clothing and/ or security card.

### **18. Confidentiality and Data Protection**

During the course of their volunteering opportunity with MCC, a volunteer may become aware of confidential information about the Council, its employees, customers /clients/ service users and / or suppliers. Volunteers should not disclose this information or use it for their own or another's benefit without the consent of the party concerned. This does not prevent disclosure once the information is in the public domain (unless it has been made public by the volunteer's breach of confidentiality) or where the law permits or requires disclosure.



In addition, information and management (storing, handling and use) of personal data needs to comply with data protection law.

## **19. Social Media**

Volunteers are actively encouraged to consider the use of digital communications to complement other traditional communication methods.

The Council's [Social Media Policy](#) applies to volunteers and outlines the standards expected of people when using social media, how the Council monitors use and what will happen if used inappropriately.

## **20. Reimbursement**

Volunteers are unpaid. However, the Council will, in certain circumstances, reimburse volunteers for approved out of pocket expenses (this does not include lunch) which are appropriately receipted in accordance with the Council's [Travel and Reimbursement Policy](#)

The Council has a consistent approach to the reimbursement of expenses, which is the same for volunteers and employees and is as approved by the Inland Revenue.

Information on volunteers receiving gifts or gratuities can be found in the [Code of Conduct Policy](#). Are we taking this out as we need to revise the Code of Conduct policy to include this? However if we do take out I think we need to put something in such as 'As with paid employees, volunteers are expected not to receive gifts or gratuities from service users/residents, unless specific authorisation is obtained from the Volunteer Supervisor or Co-ordinator'

## **21. Volunteer Drivers**

Volunteers should not be encouraged to use their own vehicles unless necessary as expense and insurance issues will need to be considered.

If a volunteer does use their own vehicle on Council business they must comply with the Council's Driving at Work Policy, regardless of whether they claim mileage or not. Volunteer Coordinators must ensure that they have sight of the relevant documents as outlined in the Policy.

The mileage for use of a vehicle for volunteering activity will be in line with that paid to employees.

## **22. Dealing with Concerns**

Volunteers should initially discuss any problems associated with their placement with their Volunteer supervisor. The Volunteer's supervisor will normally try to resolve the concerns informally but if this is not possible, the volunteer should write to the Volunteer supervisor clearly stating what the concern is. The Volunteer's supervisor will endeavour to resolve the problem however if the volunteer is not satisfied with the outcome they may raise the matter with the

Volunteer supervisor's Manager or Programme Lead for Community Empowerment who will make a final decision on the outcome.

If a complaint is made about a volunteer, including non-compliance with Council Policy, this will be notified to the person in writing and the Volunteer's supervisor will decide whether any action should be taken. If the volunteer is dissatisfied with the decision, he or she may raise it with the Volunteer Supervisor's Manager or Programme Lead for Community Empowerment

In matters deemed by the Volunteer's supervisor/Co-ordinator to constitute serious or gross misconduct on the part of the volunteer, the Council may end the volunteering arrangement with immediate effect. Any suspected criminal activity or matters related to safeguarding may be referred to the police for investigation. If the volunteer wishes to appeal the decision they should do so in writing to the Head of Service for the relevant area, whose decision will be final.

### **23. Whistleblowing**

Although volunteers are not protected under the Public Interest Disclosure Act 1998, which covers whistleblowing as part of employment law, volunteers can access and use the Council's [Whistleblowing Policy](#) where they feel necessary to do so; but they will not receive statutory protection or compensation, as they are not Council employees.

If a volunteer has a concern about the running of a project or the organisation, they should speak to the Volunteer Supervisor/ Coordinator.

### **24. Alcohol and drugs**

The Council operates a zero alcohol and drugs policy in which the consumption of alcohol immediately prior to or during the working day is not permitted on health and safety grounds. All volunteers will be expected to comply with this policy and should be made aware of this as part of their [Volunteer Induction](#).

### **25. Consultation and Engagement**

This policy has been developed in consultation with volunteers, Volunteer Coordinators, County Councillors, Senior Leadership Team and stakeholders.

### **26. Evaluation and Review**

This policy will be reviewed every 3 years.

## APPENDIX ONE

### **DBS checks & Safeguarding Information for VOLUNTEERS GUIDANCE FOR Volunteer Co-ordinators/Supervisors/Managers and VOLUNTEERS**

The Disclosure and Barring Service (DBS) was established under the Protection of Freedoms Act 2012. The primary role of the DBS is to help employers in England and Wales make safer recruitment decisions by issuing criminal records checks and to prevent unsuitable people from working with vulnerable groups including children.

It is a way for an employer to check the background of a prospective or current employee's or volunteer's suitability to work with children, young people or adults at risk. It helps employers – and charities – to check your response to the question “Do you have any criminal convictions, cautions, reprimands or final warnings?”

Under the Rehabilitation of Offenders Act of 1974, criminals who have served a prison sentence of less than two and a half years and do not re-offend during a set ‘rehabilitation’ period after their release may have their conviction spent, which means it doesn't show up anymore and is no longer relevant when a person is being considered for most jobs.

Normally organisations are not allowed to ask applicants about spent convictions, but for roles that requires a DBS check this rule does not apply.

#### **What IS a volunteer?**

The DBS definition of a volunteer is defined in the Police Act 1997 (Criminal Records) Regulations 2002 as:

“Any individual engaged in any activity which involves spending time, unpaid (except for travel and other approved out of pocket expenses), doing something which aims to benefit some third party and not a close relative”

To undergo a DBS check a volunteer must also satisfy the eligibility requirements for a standard or enhanced DBS check.

Put simply, this means the volunteer role must involve working with children or adults at risk in regulated activity.

DBS Checks for volunteers are usually free of charge and are processed in exactly the same way as for a paid worker. To qualify for a free-of-charge DBS disclosure check, you must not benefit directly from the position the DBS application is being submitted for.

## When is a volunteer NOT a volunteer?

In some cases, an individual may be undertaking unpaid work but will not be classed as a volunteer for DBS purposes. Individuals are not classed as volunteers if a volunteer:

- benefits directly from the position for which the DBS application is being submitted
- receives any payment (except for travel and other approved out of pocket expenses)
- is on a work placement
- is on a course that requires them to do this job role
- is in a trainee position that will lead to a full time role/qualification
- is a paid foster carer or a member of a foster care household?

In these cases, the individual will not be eligible for a free of charge DBS disclosure check, but may still require a DBS disclosure check.

## Do I need a DBS check?

Generally speaking, if the voluntary work you undertake is with children or adults at risk you will probably need a DBS disclosure check. You will need a check BEFORE commencing any work or training. Employers use the DBS eligibility guidance tool, which provides information on roles that are eligible for a DBS disclosure check.

If the DBS deems the role ineligible, it will decline to process the check.

Volunteer co-ordinators and supervisors must tell the volunteer why they are being checked.

## What is Regulated Activity?

Regulated Activity is work which involves close and unsupervised contact with vulnerable groups including children, and which cannot be undertaken by a person who is on the Disclosure and Barring Services' Barred List.

Regulated activity is broken down into two separate groups 'Activity with Children' and 'Activity with Adults'

The DBS provides guidance that describes the types of activity, and certain frequency tests, which determine if the role can be classed as Regulated Activity. This information is contained within Monmouthshire County Council's DBS Policy.

## DBS APPLICATION PROCESS

Volunteers cannot apply for DBS disclosure checks themselves – this must be done by the organisation they are volunteering for.

If you require a DBS disclosure check Monmouthshire County Council will give you a DBS application form to complete. You will meet up with your Volunteer Co-ordinator/Supervisor and bring along with your documents proving your identity such as a passport, current driving licence and proof of address.

Your completed DBS application form will then be sent to the People Services Team who will process it and send it off to the DBS.

Volunteer Co-ordinators/Supervisors arrange DBS disclosure checks for volunteers in line with the following:

**Step 1:**

Establish whether the role is eligible for a DBS disclosure check. You can use the DBS eligibility guidance tool as a starting point.

**Step 2:**

If the role is eligible, consider whether it meets the DBS definition of a volunteer “Any individual engaged in any activity which involves spending time, unpaid (except for travel and other approved out of pocket expenses), doing something which aims to benefit some third party and not a close relative”

**Step 3:**

If the individual is considered a volunteer in accordance with the definition at Step 2, arrange for the volunteer to complete the DBS application form.

Volunteer co-ordinators/supervisors need to note that on the DBS application form it states ‘By placing a cross in the ‘yes’ box (at section 68) you confirm that the post meets the DBS definition for a free of charge volunteer application. Please note that DBS may recover the application fee if box 68 is marked in error and this could result in cancellation of the DBS registration.

When a DBS application has been processed by the DBS, the individual (not Monmouthshire County Council) will receive a DBS certificate.

**As part of our safe recruitment processes at Monmouthshire County Council, a volunteer is required to show their DBS certificate to their Volunteer Supervisor prior to commencing any voluntary work.**

**If circumstances change or a volunteer receives a criminal conviction, caution, or reprimand then a volunteer is obliged to inform Monmouthshire County Council.**

**DBS UPDATE SERVICE**

The DBS Update Service is an online subscription service that lets you keep your DBS certificate(s) up to date and allows employers to check a certificate online, with your consent. You can use your certificate again when you apply for a position in the same workforce, where the same type and level of check is required. The three workforces are Child, Adult and Other. Registration lasts for one year, costs £13 a year, and starts from the date your DBS certificate was issued. There is not charge for volunteers! Only applicants who apply for a DBS check can join the Update Service. You can join with your DBS application form reference number when you apply for a DBS check or during the

application process – you can find this number in the top right hand corner of the front page of the application form.

If you join with your application form reference, the application form must be received by the DBS within 28 days of you joining. When your DBS certificate is issued, the DBS will automatically add it to your account.

## SAFE RECRUITMENT REQUIREMENTS

| RISK LEVEL    | DESCRIPTION OF ROLE  | SAFE RECRUITMENT REQUIREMENTS  |
|---------------|--|--|
| <b>HIGH</b>   | Volunteer within Regulated Activity  | Application form<br>DBS Check (at correct level)<br>Safeguarding Level One trained             |
| <b>MEDIUM</b> | Volunteer role.<br>May involve frequent unsupervised contact with adults at risk               | Application form<br>2 character references<br>Working towards Safeguarding Level one training  |
| <b>LOW</b>    | Volunteer role does not include frequent activity with adults at risk, young people & children | Application form<br>One character reference<br>Working towards Safeguarding Level One training |

## FAQ's

### Can I track my DBS disclosure check?

You are able to track your DBS check. When you apply for the DBS check, you are given a DBS Application Form Reference number. You enter this number and your date of birth in the search fields provided on the DBS website – under DBS TRACKING.

### What if there is a mistake on my DBS disclosure check?

It is best to get in contact with the DBS directly. Details can be found on their contact page. If you need any support, please contact People Services (01633 644400).

### Do I need a DBS check to volunteer in a school?

Whether you are required to have a DBS check or not depends on whether you will have regulated activity with a child and how often you will be volunteering. If you will be volunteering

at a school once a week or more, on 4 days within any 30-day period or overnight you will be expected to agree to an enhanced DBS check. However, if you are volunteering for a one off event, checks are subject to the school's discretion, depending on the particular circumstances.

There are some exceptions where you will also have to have an enhanced DBS check and the barred list consulted. These include, if you will be helping an ill or disabled child eat, drink, and go to the toilet wash or dress and if you will be providing health care to children. If you will have unsupervised contact for any period of time, or opportunity for contact with children you will also be required to have an enhanced DBS check with a check against the barred list to make sure you haven't been banned from working with children or young people. Volunteers who will be communicating with children by telephone or internet on a regular basis you will also need these checks.

### **Why do I need to complete an application form?**

As a volunteer, you are important to us and we are interested to know about the skills and experiences you bring to Monmouthshire. We also need to be aware of your personal details in case we need to correspond with you and we need to be aware of your next of kin/emergency contact details just in case something happens to you whilst you are volunteering with us.

### **Do I need a new check if I already have one?**

If you volunteer for the first time for Monmouthshire County Council and your activity comes under regulated activity or the activity is deemed by us (and the DBS) to require a DBS check, then you will probably be required to have a new one. This rule applies to our paid workforce too – when an employee commences work with us.

Our thoughts are that it doesn't matter whether you are a paid or an unpaid worker - if you come and work for MCC and undertake regulated activity the most important thing is that we check to make sure all our workers (paid and unpaid) are suitable and that, as such, we look to ensure appropriate safeguards are in place.

If you are volunteering in sectors where DBS checks are required, the best way to avoid having to complete numerous DBS application forms is to immediately subscribe to the DBS Update Service when you complete your next DBS application. In this way an employer can easily make a status enquiry (with your permission) to undertake the suitability check.

If you change the volunteering activity you undertake which results in a change from one workforce to another – for example if you change from Adult to Child – you will be required to have another check if both Adult and Child Lists have not been checked previously.

These are DBS requirements.

### **If I am a paid employee with a DBS, do I need a new DBS check to volunteer?**

Depending on the activity, you undertake as a volunteer you might be required to have a new check. For example, if you work as a paid employee in the adult sector (workforce) and want to volunteer in the Child sector (workforce).



If you volunteer and have a DBS certificate and become a paid employee, you will be required to have another DBS check as this is a requirement of all our new starters to MCC (if the post you have been appointed to is subject to a DBS check).

### Do I need other checks before I start my volunteer role?

Depending on the activity, you undertake as a volunteer you may be required to provide a reference and have a health check. Our health questionnaire is simple & straightforward to complete. Our view is that it is proportionate and reasonable to use the Occupational Health questionnaire for activities that are medium to high risk, strenuous, stressful, regular and in circumstances where, if the volunteer were to become unwell/incapacitated, this would present a risk to themselves or others for example, driver.

## MORE INFORMATION...KEEPING LEARNERS SAFE...and SUPERVISION

### Keeping Learners Safe: EXTRACT FROM Welsh Government's KEEPING LEARNERS SAFE GUIDANCE (No: 158/2015) January 2015)

#### Volunteers

**6.46** A volunteer is defined as a person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives.

**6.47** Whether a volunteer is supervised will determine if they are working in regulated activity or not, which will then decide if an enhanced disclosure certificate is required. Volunteers working in schools or FE institutions are not considered as being in regulated activity, providing the school or FE institution can ensure reasonable supervision on a regular basis. It will be a matter for schools to determine whether the level of supervision meets the standards set out in [Statutory Guidance on Supervision](#).

**6.48** Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity. For new volunteers in regulated activity, who will regularly teach or look after children on an unsupervised basis or provide personal care on a one-off basis, schools and colleges must obtain an enhanced DBS certificate with a barred check.

**6.49** For new volunteers not in regulated activity, schools and FE institution should obtain an enhanced DBS certificate.

**6.50** For existing volunteers who provide personal care, the school or FE institution should consider obtaining an enhanced DBS certificate with a barred list check.

**6.51** For other existing volunteers who are unsupervised and continuing with their current duties, unless there is cause for concern, the school or college should not request a DBS check with a barred list check because the volunteer should already have been checked.

**6.52** For existing volunteers not in regulated activity there is no requirement to request an enhanced DBS check. However, the school or college may choose to request one as they judge necessary, but may not request a check of the barred list.



**6.53** If a volunteer is not engaging in regulated activity, the school or college should undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check. They should consider:

\*the nature of the work with children

\*what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers

\*whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability

\*whether the role is eligible for an enhanced DBS check.

**6.54** In recognition of the value of volunteers to many organisations, the DBS processes volunteer disclosure applications free-of-charge. The update service is also free for volunteers.

## Supervision: DFE STATUTORY GUIDANCE ON SUPERVISION

Statutory guidance: Regulated Activity (children) - supervision of activity with children that is regulated activity when unsupervised.

1. This document fulfils the duty in legislation that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, FE colleges, youth groups and sports clubs.

2. For too long child protection policy has been developed in haste and in response to individual tragedies, with the well intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.

3. We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

- There must be supervision by a person who is in regulated activity;
- The supervision must be regular and day to day; and
- The supervision must be “reasonable in all the circumstances to ensure the protection of children”.

The organisation must have regard to this guidance. That gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

4. Supervision by a person in regulated activity / regular and day to day: supervisors must be in regulated activity themselves<sup>iv</sup>. The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

5. Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:

- Ages of the children, including whether their ages differ widely;
- Number of children that the individual is working with;
- Whether or not other workers are helping to look after the children;
- The nature of the individual's work (or, in a specified place such as a school, the individual's opportunity for contact with children);
- How vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
- How many workers would be supervised by each supervising worker.

6. In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

## **EXAMPLES**

### ***Volunteer, in a specified place***

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The head teacher decides whether their supervision is such that Mr Jones is not in regulated activity.

### ***Volunteer, not in a specified place***

Mr Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club managers decide whether the coach's supervision is such that Mr Wood is not in regulated activity.

### ***Employee, not in a specified place***

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club managers decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:

- consider whether the worker is doing work that, if unsupervised, would be regulated activity. If the worker is not, the remaining steps are unnecessary;
- consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance;
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out in paragraph 5 of this guidance;

In addition, if it is a specified place such as a school:

- consider whether the supervised worker is a volunteer.

## VERSION CONTROL

|                       |   |
|-----------------------|---|
| <b>Title</b>          | Volunteering Policy   |
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