



Health & Safety

The legal obligations of organisations towards their volunteers with regard to health and safety are less clear than they are for employees. Nevertheless, organisations do have legal obligations towards their volunteers, and it is clearly good practice to treat volunteers with equal consideration when it comes to health and safety.

Two main areas of law to consider

In terms of legal requirements, there are two main considerations for organisations with volunteers.

- Firstly, the 'duty of care' is a common law duty which applies to all individuals and organisations and has been developed by the courts.
- Secondly, health and safety legislation such as Acts of Parliament and regulations set specific duties for employers in order to limit the risks to anyone coming into contact with their organisation.

Duty of care

The duty of care is a general common law duty on all individuals and organisations to avoid carelessly causing injury to persons. It has been developed by the courts over many years. The duty is regardless of the size of the organisation, its income or whether the organisation has paid staff.

If your organisation asks a volunteer to do a task which results in them injuring themselves or anyone else, the members of the governing body may be liable. Liability depends on establishing that the organisation failed to take reasonable care. For example, imagine that a young person volunteering for your organisation was left unsupervised working with a garden shredding machine, and failed to wear the goggles supplied. He or she sustained an eye injury. Your organisation could be held liable if you failed to train or supervise the volunteer in the safe use of the shredding machine. The court may decide that leaving an inexperienced young person left unsupervised in charge of a machine is unreasonable.

The notion of duty of care can arise in many ways which may not always be obvious and needs to be considered in all aspects of an organisation's work and activities. For example:

- Loaning equipment to others
- Charity walks and sponsored runs
- Running fetes or fairs
- Organising day trips
- Selling food at a charity stall

Health and safety law for organisations with paid staff and volunteers (Health and Safety at Work etc. Act 1974)

The main piece of health and safety legislation in the UK is The Health and Safety at Work Act 1974 (The Act). This sets out the general duties which employers, the self-employed and people in control of premises have towards their employees and others who may be affected by their work activities. It also gives employees the general duty to ensure the health and safety of themselves and others who may be affected by what they do, or pay to do.

Where an organisation, including charitable or voluntary groups, has at least one employee who works under a contract of employment, it is considered to be an employer for the purposes of The Act and the regulations made under it.

Health and safety law lays down your duties to your employees. The law also imposes further responsibilities on you as an employer with regard to people not in your employment, such as volunteers and other members of the public, who may be affected by your work activities.

Section 3 of the Health and Safety at Work Act 1974 imposes a duty on every employer 'to ensure, as far as reasonably practicable, that persons not in their employment, who may be affected by their undertaking, are not exposed to risks to their health or safety', and 'to give to persons (not being their employees) who may be affected in a prescribed manner information as might affect their health or safety'. This generally means that organisations which have both employees and volunteers have a statutory responsibility not to harm or damage the health of volunteers through their involvement in the activities of that organisation.

Organisations may also have a responsibility to carry out a risk assessment, which may require volunteers to be provided with information and training. This would depend on the activities concerned. For example, if a volunteer working in a hospice is expected to lift heavy patients in and out of bed, you may have a duty to supply the volunteer with information and training on the correct manner and technique of lifting – this will both allow the volunteer to lift the client safely, and enable them to know when not to lift the client but to seek assistance. However, if a volunteer was helping to run a lucky dip stall, training may not be necessary. A risk assessment would determine what level of training is required, if any (see below for more information on risk assessment).

- **Organisations with responsibility for buildings and premises**

Anyone controlling non-domestic premises must take reasonable steps to provide employees and volunteers with equipment and premises that are safe, including safe routes of exit. This means if you control or are responsible for premises, you have a duty to make sure that the building is safe to use and complies with all the relevant health and safety regulations (for example, ensuring signs meet the Health and Safety (Signs and Signals) Regulations 1996). This duty applies to places such as a community centres or scout huts, and also to attached car parks or playgrounds.

Risk Assessment

Risk assessment is a technique for identifying and controlling hazards of an organisation's activities. It is not just about chemicals and dangerous factories, and is as relevant to the

voluntary sector as it is to the private sector. Risk is assessed by looking at two key elements: hazards and harm.

- A hazard is anything that has the potential to cause harm, such as a faulty electrical socket.
- Risk is the likelihood of a hazard causing harm and the degree of harm it could cause, such as an electrical shock which could lead to a fatality.

Risk assessment involves identifying all hazards, assessing the risks, and putting in place measures to reduce risk to an acceptable level. Assessing risk requires detailed knowledge of your organisation's activities and working practices that is normally only possessed by the people who actually do the work.

- **Organisations with paid staff and volunteers**
Employers should ensure that their risk assessment always involves employees and volunteers who are involved in the activities which are being risk assessed.
- **Volunteer-only organisations**
Voluntary groups with no employees are not bound to do risk assessments, but if they take their duty of care seriously they would be well advised to carry them out. Risk assessments are an excellent way to identify and overcome health and safety problems.

Further Information

The Health & Safety Executive's website www.hse.gov.uk has lots of useful information.

The Control of Substances Hazardous to Health (COSHH)

Assessment is the key to evaluating potentially dangerous substances in the workplace.

- **Organisations with paid staff and volunteers**
All employers have a legal duty to assess the workplace for risks to health, which may be caused by substances hazardous to health. They must take all necessary steps to control any risks identified. Items such as household bleach may seem harmless, but in the hands of a small child are extremely dangerous.
- **Volunteer-only organisations**
If your organisation has no employees, it is not bound to do COSHH assessments, but if it takes its duty of care seriously it would be well advised to carry out such assessments, which are an excellent way to identify and overcome health and safety problems.

Fire Assessment

- **Organisations with paid staff and volunteers**
All public and community buildings are obliged under various pieces of legislation to specify minimum levels of standards so that the risk of fire is reduced. This could be a part of your risk assessment
- **Volunteer-only organisations**
This also applies to organisations with no employees.

Health, Safety and Welfare

- **Organisations with paid staff and volunteers**

All employers must provide a safe place to work which is clean and free from risks, to reduce the risk of ill health or injury. A safe system of working is required: for example, having proper procedures for handling dangerous substances and adequate guards for machinery. All employers should provide adequate supervision. Employees must be given training and information to give them sufficient skills and knowledge to carry out their work safely.

- **Volunteer-only organisations**

These regulations do not apply to organisations with no employees. However, they do need to ensure that their volunteers can work in a safe environment where levels of risk have been reduced to a minimum.

Registering your organisation's activities

- **Organisations with paid staff and volunteers**

Any organisation employing staff, regardless of size or location, must register its existence with the Health and Safety Executive or the local Environmental Health Department.

- **Volunteer-only organisations**

Organisations with volunteers only do not normally have to register their activities with the enforcement authorities unless involved in dangerous activities, such as putting on a fireworks display. However, groups that control, or are responsible for premises and buildings, have to register with the local Fire Authority. If food is prepared, stored, supplied or sold on five or more days in any five-week period, they must register with the local Environmental Health Department.

You should always check with the authorities if you are in any doubt about the need for registering activities.

Further Information

The Health and Safety Executive Info-line: 0845 345 0055.

You can also check their website at www.hse.gov.uk, where you will find lots of useful publications, many of which are free of charge.