



POSITION STATEMENTS

These position statements make public our stance on particular volunteering related issues and provide stakeholders with information and practical assistance in the formation of their own policies and procedures. They communicate the principles that underpin the work of our organisation in supporting the Western Australian volunteering sector.

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Good Governance

Volunteering WA believes that all volunteer involving organisations should have appropriate and adequate governance practices in place to protect both their volunteers and the organisation itself. The organisation's code of practice and governance or management practices should be readily available to all their volunteers.

Volunteers, unlike paid employees, are not covered by award conditions or workplace agreements but are protected by a mix of legislation, insurance coverage and good practice.

The onus is on the volunteer involving organisations to adhere to standards of good practice in the governance and management of their volunteers.

The key elements supporting Good Governance are:

- A sound Code of Conduct for the organisation
- Alignment with the National Standards for Volunteering
- Appropriate insurance and liability protection

Code of Conduct

Volunteering WA recommends the provision of a Code of Practice in volunteer involving organisation as good practice. A Code of Practice should clearly outline the organisation's relationship with and commitment to its volunteers.

A Code of Conduct, or Code of Practice, is a set of rules outlining the responsibilities for an individual, party or organisation. The provision of a Code of Practice by volunteer involving organisations establishes a common understanding of the standards and approach of the organisation and its expectations of employees and volunteers.

To promote excellence in service and maximise the quality of volunteers' experience, Volunteering WA and its members commit to:

- empowering volunteers to meet their own and agency needs
- offering volunteers placement opportunities appropriate to their skills, experience and aspirations
- providing volunteers with clear duty statements and orientation to their work and the agency
- offering training and support for volunteers to achieve personal and volunteer involvement goals
- the implementation of procedures to safe-guard volunteer safety and well-being at all times
- the reimbursement or other compensation to cover out-of-pocket expenses where possible

- recognising volunteers as valued team members, with opportunities to participate in relevant agency decisions
- providing mechanisms to acknowledge the value of contributions made by volunteers.

Code of Conduct developed by E. Kingsley and B. Tomlins for the South East Community Development Council with Volunteering WA and Lotterywest 1992. Revised by Volunteering WA 2006; 2014.

Volunteering Australia also provides information on a Code of Practice that includes many of these provisions, for further information: <http://volunteeringaustralia.org/wp-content/uploads/VA-Model-Code-June-2005.pdf>

National Standards

Volunteering WA endorses the National Standards for Volunteer Involvement and encourages all volunteer involving organisations to establish and implement policies and practices in accordance with the National Standards.

The National Standards for Volunteer Involvement (National Standards) are issued by Volunteering Australia, the national peak body for volunteering. The National Standards, developed through consultation with volunteer involving organisations, communities and broader stakeholders, provide a set of standards for volunteer involvement which represent and explain the principles of good practice in the management of volunteers.

As volunteers have no legal recourse through an award or industrial arbitration system, policies and procedures that are based on the National Standards offer a point of reference to protect their rights and avoid exploitation.

Volunteering WA recognises that factors such as the size and capacity of the organisation, funding sources, the management structure of the organisation and the relevance of a particular Standard to the organisation may influence an organisation's ability to meet the National Standards in full. The intent is that organisations document policies and procedures that are appropriate to them.

Insurance and liability

Volunteering WA strongly recommends that all volunteer involving organisations should have appropriate and adequate insurance cover for their volunteers including public liability, volunteer personal accident insurance and Directors Insurance. Organisations should ensure that exposure to liability for all parties is limited. Appropriate insurance is a requirement for membership with Volunteering WA.

Volunteering WA recommends that incorporated associations assess whether members, executives and staff need to be insured against risk or personal liability they may face as a result of their role.

Volunteering WA also believes that volunteers have a right to know what insurance cover is provided by the organisation's insurance policies and recommends that organisations make this information freely available.

Volunteers, unlike paid employees in Western Australia, are not covered by award conditions or workplace agreements but are protected by legislation and insurance coverage (where provided).

Volunteers deserve the same support and protection provided to paid employees and the onus is on volunteer organisations to provide adequate and appropriate cover to protect all volunteers including:

- those involved in the management and delivery of services
- boards and management committees
- clients and others in receipt of services

Volunteering Australia has partnered with Aon Insurance to develop the “*Volunteers Vital Pack*” which offers insurance coverage specifically designed for volunteer involving organisations.

For further information: <http://www.volunteeringaustralia.org/policy-and-best-practise/insurance-2/>

The Western Australian Department of Commerce publication ‘*INC. A guide for Incorporated Organisations*’ explains that incorporated associations should have insurance to protect the organisation against a range of risks, including:

- to protect acquired property or other assets
- to meet compulsory legal requirements
- to protect members, executives, staff and volunteers against risks or personal liabilities arising from their role within the association.

Further information is available at:

<https://www.commerce.wa.gov.au/books/inc-guide-incorporated-associations-western-australia>

In WA certain volunteers have coverage under the *Volunteers and food and Other Donors (Protection from Liability) Act 2002*, which mandates that an organisation rather than its volunteers, is responsible for actions that breach civil liability.

https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a4339.html

Generally speaking, incorporated organisations are liable for the actions of volunteers that are undertaken in good faith on its behalf.

Associations are generally not liable for a volunteer’s actions where the action:

- is outside of the association’s scope of work
- is contrary to the association’s instructions
- is deemed criminal in nature, or
- was significantly impaired by alcohol or non-therapeutic drugs.

Boards and management committees are responsible for ensuring the association or organisation is managed in accordance with its stated purposes and/or objects. Board and committee members are personally liable for actions they undertake in bad faith or in

contravention of the association's rules. Organisations may wish to consider liability insurance for directors and officers and professional indemnity insurance where relevant.

Background Screening Checks

Volunteering WA promotes as good practice the adherence to the National Standards in the recruitment, selection and management of volunteers. Along with interviews and referee checks, criminal record screening can form part of the recruitment and selection process. It is up to the agency to assess the risk and application of the screening process relevant to the position.

Volunteering WA considers that organisations should cover the cost of criminal record screening for its volunteers, where this screening is required.

The National Standards advise that screening policies and procedures should align with non-discriminatory practices and that:

- Volunteer screening requirements are documented, applied and meet legislative requirements
- Volunteer reference checks are undertaken as appropriate to the role
- Guidelines are applied to determining the types of convictions or disciplinary actions that preclude people from becoming volunteers, and to informing people about how their personal history may be used for decision making.

For information about Police Checks, Working with Children Checks and developing a screening policy, see our factsheet on Background Screening for Volunteers.

When is screening required

Background checks are part of the overall recruitment and selection process and may include reference checks and an interview as well the formal screening checks provided by a Police Check and/or a Working with Children (WWC) Check.

There are **mandatory** screening requirements for Volunteers working with children and those engaged in aged care. Background checks may also be required under contractual and/or funding agreements applicable to your organisation.

Organisations have a responsibility to comply with their legal requirements by ensuring that they have identified all volunteer positions to which mandatory screening requirements apply and that the appropriate background checks are undertaken.

Screening is **recommended** for volunteering positions that present risks such as fire, financial malpractice and working with vulnerable people. Police checks of all volunteers are not required and organisations should assess the risks of engaging volunteers with consideration to the inherent requirements of the positions, and the nature of any criminal record which may exist.

Board & Committee Positions: Organisations may wish to separately consider the screening requirements for Board and Committee positions where these are volunteers. Committee and Board membership requirements will be described in your Organisation’s Constitution and The *Associations Incorporation Act 2015* specifies the mandatory requirements regarding membership.

Volunteer Agreements, Contracts and waivers

Volunteering WA supports as good practice the establishment of volunteer agreements.

Consistent with protecting volunteers through insurance cover, Volunteering WA does not support the requirement for volunteers to sign waivers of liability.

Volunteering WA supports the establishment of confidentiality clauses or agreements as good practice.

The main purpose of an agreement between the organisation and its volunteers is to provide a clear statement of the roles and responsibilities of both the organisation and the volunteer.

Volunteer contracts may be considered legally binding and organisations are advised to gain legal advice on the structure and wording of formal contracts. We also recommend caution in the use of waivers which aim to exempt the organisation from liability in certain circumstance. Legal advice may be needed to ensure that the specified liability can be surrendered.

Agreements

A volunteer agreement should provide information on the purpose and functions of the organisation and set out both the organisation’s commitments to its volunteers and the agreed role and responsibilities of the volunteer. Signing a volunteer agreement is an acknowledgement and understanding of the expectations of both parties acting in good faith. Such agreements may not be considered legally binding.

Good practice Volunteer agreements comprise a package of information containing:

- details of induction, training, supervision and support for the volunteering role
- screening requirements: for example a Volunteer Police Check, Working with Children Check and/or referee checks relevant to the volunteer position
- a copy of the organisation’s policies and procedures for volunteers
- details of insurance coverage: Public liability, Volunteer Personal Accident and Workers Compensation Insurance
- guidelines for the reimbursement of out of pocket expenses
- outline of the organisation’s policies and procedures relating to occupational health and safety, including grievance procedures
- a copy of the organisation’s Code of Practice
- confidentiality clause, if applicable

Contracts

Many organisations have standard contracts in place for their volunteers. Volunteering WA recommends caution in the use of the term or documents titled “contract”. A contract between an organisation and a volunteer may under certain circumstances be viewed as a legally binding document and there may be implications for both the volunteer and the organisation.

Volunteering WA suggests that organisations may wish to seek legal advice on the structure and content of volunteer contracts before introducing them as the standard form of agreement between the organisation and volunteers.

Waivers

Consistent with National Standard 6, Volunteering WA believes that volunteers have a right to protection in the performance of their volunteering duties. Consistent with adhering to good practice in protecting volunteers through insurance cover, Volunteering WA does not support the requirement for volunteers to sign waivers of liability.

Volunteering WA is aware that some organisations include a waiver within a volunteer agreement or contract which exempts the organisation from liability in certain circumstances. Before asking a volunteer to sign a waiver the organisation should ensure that the volunteer is fully informed of any potential legal implications, for example personal liability in the case of accident or injury.

This information is intended as a general guide. The requirement for a volunteer to sign a waiver (of liability) should be part of the organisation’s formal policies, based on legal advice.

Valuing Volunteers

Volunteering WA recognises the contribution made by volunteers and the commitment that underpins their involvement in their community. We advocate that organisations involving volunteers should recognise and value their contribution, protect and support their rights and offer appreciation and encouragement.

The contribution of volunteers should be recognised and valued by the volunteer-involving organisations as well as the broader community. They are entitled to a safe and equitable working environment, to be treated with respect and be supported in fulfilling their volunteer role. In this section, read more on:

- Rights & Responsibilities
- Training Support & Development
- Orientation
- Reimbursement of Out of Pocket Expenses

Balancing Paid & Volunteer Resources
Spontaneous volunteers in emergency and disaster situations

Volunteer Rights & responsibilities

Volunteering WA endorses the Volunteer Rights & Volunteer Checklist developed by Volunteering Australia. See our factsheet on Volunteer and Organisation Rights and Responsibilities.

Training and Development

Consistent with The National Standards for Volunteer Involvement, Volunteering WA supports as good practice both introductory and ongoing training for all volunteers.

Training and development for volunteers ensures they understand the duties and expectations of the role they are filling as a volunteer in the organisation. Performance feedback also helps volunteers fulfil their role and reinforces their engagement with the organisation.

Organisations should aim to have formal policies on:

- orientation and introduction to the organisation and the role
- training and development for their volunteers which outline the objectives and rationale for training
- the range and extent of training available within the organisation;
- monitoring and appraisal of volunteer work performance and the provision of feedback to volunteers about their performance in the role.

Orientation

Orientation and training should be appropriate and relevant to the role and include information on:

- a duty statement for role description
- insurance coverage
- occupational health and safety policies and procedures within the workplace
- grievance procedures
- ethical behaviour expectations including privacy, confidentiality
- general information about the organisation, including Code of Conduct
- training and development policies
- supervision and performance feedback policies and practices.

Reimbursement of Out of Pocket Expenses

Volunteering WA identifies the reimbursement of out of pocket expenses as good practice, however we also recognise that the organisation's financial circumstances and ability to pay may be a determining factor.

Volunteering is an unpaid activity. The reimbursement for out of pocket expenses should not be seen as payment for services rendered.

Payment of out of pocket expenses helps to ensure that those experiencing financial constraints are not excluded from volunteering. Volunteering WA suggests that repayment to volunteers is consistent with the guidelines and reimbursement rates for paid staff.

Volunteer involving organisations should have a clear policy and guidelines on the payment of out of pocket expenses and this information should be readily available to volunteers.

The cost of reimbursement to volunteers factors into the overall costs of service delivery and some funding agreements and programs may place constraints on the payment of out of pocket expenses or limit the level of reimbursements that can be offered. Reimbursement policies may also depend on the size or structure of the organisation, or the financial capacity for payment of out of pocket expenses.

The most common types of expenses that an organisation will reimburse volunteers for may include, but are not restricted to:

- transport costs to and from the work location. This may include public transport fares, use of own vehicle and/or parking expenses
- travel in the volunteers own vehicle; a standard travel reimbursement on a per kilometre basis will allow for overall vehicle running costs
- costs incurred when performing a service with a client on behalf of an organisation, these might include: meals, telephone phone calls made from the volunteers own phone service and parking costs
- uniform, materials and protective equipment costs
- costs incurred if the volunteering activity is performed within the home of the volunteer, these might include a payment towards electricity, computer equipment, phone or internet etc.

The equitable way to determine reimbursement is to cover actual costs incurred, however many organisations find the most efficient method is by payment of a standard and agreed amount to the volunteer on a weekly or monthly basis.

Where costs are incurred by volunteers for more complex items, these may be negotiated between the volunteer and the organisation. Volunteers should not be placed in the difficult position of having to defend a request for reimbursement. Clear policies and guidelines will prevent this from occurring.

Balancing paid Staff and Volunteer resources

Volunteering WA's recommendation is that agencies should consider carefully the balance of paid staff and volunteers which will enable them to deliver their services.

Volunteering WA recognises that some organisations may be faced with the choice between closing services or engaging volunteers to perform functions previously undertaken by paid staff. We consider that volunteers should not be appointed to replace a paid staff member who has been made redundant.

A clear distinction between the responsibilities and expectations of volunteers and paid staff is critical because it is not only salary that defines the difference between paid work and volunteering. Responsibilities, qualification requirements and work-related privileges may also factor into the decision between volunteer and paid roles.

Volunteers are not legally or industrially contracted and cannot be obligated to respond to the same demands as paid staff. Organisations may need to consider the conditions of engagement when distributing work from paid positions to volunteer positions (or vice versa).

Volunteers contribute at many levels within an organisation and they may be engaged to fill specialist roles or to complement and supplement the work of paid staff. It should be noted that in some situations volunteers have higher levels of responsibility than paid staff, for example members of boards and committees.

Community organisations which begin on a fully volunteer basis may develop to a stage where paid staff are required to provide suitable management and financial structure. In these circumstances, it remains vital that the roles and responsibilities are clearly defined for both volunteer and paid positions.

If circumstances lead to a reduction of paid positions, volunteer involving organisations should ensure they are fully compliant with State or Federal industrial and legislative requirements relevant to the termination of paid staff. The placement of a volunteer or volunteers into a role made vacant by a redundancy could result in legal or industrial action.

Volunteers should not be asked to take over responsibilities of a vacated position without the salary and benefits provided to paid staff. Volunteering WA acknowledges that budget constraints and funding cuts will present challenges to volunteer involving organisations in meeting the gap between demand and the capacity to deliver services.

Organisations should also consider whether the position requires specific qualifications, registration or enrolment with an industry body or union; for example in not-for-profit organisations providing health services. Whilst volunteers need not be excluded from such positions, the organisation should ensure that the volunteer has the current accreditation or registration requirement relevant to the requirements of the position.

Spontaneous Volunteers in Emergency and Disaster Situations

Volunteering WA actively supports and encourages the effective planning for and appropriate involvement of Spontaneous Volunteers in community mitigation and in responding to all phases of emergencies and disasters.

In Western Australia the occurrence of bush fires, cyclones, floods and other natural and human disasters brings challenges that often go beyond the ability of formal emergency services to respond. When emergencies and disasters occur there is often a need to call on the generosity of "Spontaneous Volunteers"; the people who come forward to offer their time, expertise and energy to assist others in times of adversity.

For organisations working in emergency situations, spontaneous volunteers can be a critically important resource. For more information on this, see our factsheet for more information on managing spontaneous volunteers.

Inclusive Volunteering

Volunteering WA supports and promotes inclusive volunteering.

Volunteering WA recognises there may be additional barriers in terms of costs and time to enable the agency to benefit from the inclusion of volunteers from a broad range of backgrounds and ability.

Inclusive volunteering, and particularly the recruitment of people from under-represented groups, not only helps them to overcome social exclusion but is also valuable in promoting diversity within voluntary organisations. Actively pursuing an inclusive approach also means that organisations more accurately represent their communities.

For the individual, strengthening self-worth, building connections with others, making a contribution to the community and learning new skills are just some of the benefits.

In developing a position of inclusion, organisations are encouraged to consider ways to involve:

- people with disabilities, see <http://www.disability.wa.gov.au/>
- older volunteers
- People experiencing or recovering from mental ill-health and related issues. Further information: <http://www.energizeinc.com/> and <http://www.actbelongcommit.org.au/>
- Culturally and linguistically diverse communities
- Aboriginal and Torres Strait Islander people

Other forms of unpaid work

Volunteering WA acknowledges that unpaid work arrangements offers participants valuable experience, knowledge and contacts within their chosen field. However, these arrangements are not considered to be volunteering, and are specifically excluded from the definition of Volunteering which underpins our approach: 'Time willingly given for the common good and without financial gain'. (Volunteering Australia 2015)

The Federal Government's Work for the Dole program places job seekers in activities where they can gain skills and experience that give back to the community and help them find a job. Participation in Work for the Dole does meet the definition of volunteering, however there are mutual benefits derived for both participants and community.

There are a number of other unpaid work arrangements available which provide valuable opportunities for both individuals and the organisations who utilize these options. The most common of these unpaid work arrangements are Internships, Work Experience and Student Placements or Vocational Training. These arrangements may be specific agreements between individual and employer or more formal arrangements eg: through an educational institution.

Refer to the Fact Sheet on unpaid work for more information on this topics.

Emerging trends

Volunteering WA recognises that the ways individuals can participate in their community will continue to grow and change, reflecting the rapid changes in communication, access to information, and in social expectations. Volunteer involving organisations will need to respond to these changes by providing flexible and varied opportunities for volunteers and by developing alternative models of volunteer engagement and management.

Volunteering WA will work with National and International colleagues to identify emerging changes in the volunteer sector and to develop options and solutions for volunteer involving organisations.

As our communities change, new forms of community engagement emerge and new influences are seen, including the rise of social media, widespread access to the internet and hence to international experiences and ideas. There are also changing social expectations regarding the participation of individuals and the corporate sector in the community. The challenge for organisations is to provide volunteering opportunities which support a wider range of engagement choices and which utilise the opportunities offered by technology.

Alternative models of volunteering are increasingly popular, particularly those which provide greater flexibility and spontaneity for the volunteer. Descriptions of these new ways of volunteering include:

- Episodic - volunteering on a periodic or short term basis rather than in an ongoing role. These roles are often focused on a specific outcome or event.
- Event – volunteering for a one off event eg: assisting at a charity fun run
- E-volunteering – working remotely from home or another location rather than attending a workplace. These roles rely on access to suitable technology.
- Micro – small tasks, ranging from a few minutes to a few hours. These usually contribute to a larger project. eg: assembling gift bags for a community event
- Voluntourism – undertaking volunteer activities during national or international travel. Australians abroad often combine volunteering with their travel, and international visitors to Australia may look for volunteering opportunities here.

How will these trends affect your organisation?

To attract volunteers in the coming years, organisations should consider these trends and develop strategies to attract volunteers who are looking for alternative ways to volunteer. New volunteer roles will need to be increasingly flexible in content, responsibilities and time commitments. Organisations may need to redefine their volunteer roles to focus on specific outcomes and/or events rather than ongoing regular commitments. Increasingly, volunteers are seeking to use their professional or work-based skills to provide clear value to the organisations they support. Adapting to the changing expectations of the volunteer community will trigger changes in volunteer roles and in the way organisations attract volunteers. In adapting volunteer roles, consider these factors:

- Can this role be broken into smaller elements which would provide flexible work times, or which could be done in a specified timeframe
- Are there activities which could be done remotely from home or some other site
- Look for activities that can be clearly defined, and which have a start and end point (ie projects) so that volunteers can feel that they accomplished something measurable.
- Are there activities which require particular skills for a short period of time – these might suit a skilled volunteer
- Can the role be adjusted to provide more social or interpersonal contact for the volunteers. Many volunteers seek social contact in their activities, so providing them opportunities to work with others may be more attractive.
- Always be clear regarding deadlines and expectations. Volunteers who are also doing other work will need to plan their time to meet all their commitments.
- Provide opportunities for recognition, including on social media as this is an important communication channel for many people.