

# Frequently asked Questions and Answers

## for Volunteering Involving Organisations

### What legislation covers volunteers?

Volunteers are covered under legislation for bullying, privacy, protection from liability, health and safety. There are also rules around working with children and equal employment opportunity.

Volunteering WA recommends:

- Following the National Standards for Volunteer Involvement as good practice. We have practical workshops twice a year that will help you achieve the Standards Quality Mark.
- Develop your own Volunteer Rights and Responsibilities, and Organisational Rights.

### Does an organisation have to be incorporated to involve volunteers?

No. However they must have the appropriate insurances.

### Does the Kwinana Volunteer Centre or Volunteering WA have a pool of volunteers to send to organisations?

No. The Kwinana Volunteer Centre and Volunteering WA refer volunteers to our member Volunteer Involving Organisations. To list positions on The City of Kwinana's Volunteer Centre website, your organisation needs to become a member. [volunteering@kwinana.wa.gov.au](mailto:volunteering@kwinana.wa.gov.au)

### What are the age restrictions for volunteers?

This will largely be dictated by the insurance cover you have. Contact your insurance provider to check whether there are age restrictions in place for your type of work and whether you can have special consideration for volunteers under or over the insurers age limit. Generally age isn't a barrier for special consideration with your insurer. They will want to know their capacity.

### Are volunteers covered by Worker's Compensation legislation?

No. This is why it is important that your organisation is covered for Volunteer Personal Accident Insurance, which may cover a portion of a person's salary if they cannot attend their usual paid work as a result of an injury while volunteering.

### What insurance do we need?

It is a requirement of membership with the Kwinana Volunteer Centre that all Volunteer Involving Organisations have appropriate insurance for volunteers

**Public Liability** insurance protects you up to a stated amount if a third party sues your organisation for personal injury (including death), or damage to property as a result of an occurrence in connection with your organisation.

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**Volunteer Personal Accident** insurance is like Worker's Compensation for volunteers. It can provide cover for people who become sick or injured while volunteering and may cover a portion of a person's salary if they cannot attend their usual paid work as a result of an injury while volunteering.

Please make sure you give a copy of your insurance Certificate of Currency when becoming a member of Kwinana Volunteer Centre and make sure you keep the details up-to-date.

## What is the difference between a volunteer handbook and Policies and Procedures?

All Volunteer Involving Organisations should have a set of Policies and Procedures for everyone to follow. This makes everything consistent for all and enables effective volunteer management. You should provide as much detail as needed to cover potential incidents before they arise.

Volunteer Handbooks should contain any relevant information about the organisation, as well as, orientation information, occupational health and safety measures, and a brief history of the organisation. A handbook should contain all the information the volunteer needs 'on-the-job' without being too overwhelming.

Keep your Policies and Procedures as a separate document that is easily accessible for all volunteers and staff, but you might like to include the most important or relevant policies in the Handbook.

## Is there a standard for 'out-of-pocket' expense reimbursement?

Volunteers freely give their time, but they should not be expected to pay any expenses incurred while volunteering. The National Standards for Volunteer Involvement indicate that an organisation that involves volunteers should ensure that a policy and procedure exists for reimbursement for volunteer out-of-pocket expenses.

This varies from organisation to organisation and there is no set rule. Our recommendation is that organisations should clearly specify and provide reasonable reimbursements for pre-approved out-of-pocket expenses.

## Do we need to do reference checking?

The reference checking process helps build a picture of your potential volunteer. Part of your due diligence when taking on new volunteers is to ensure 'consistency' between their CV or application form, what they have said in the interview and what the referee says. Any inconsistencies should be questioned and discussed with the candidate.

If you work with vulnerable clients you have an extra duty of care, and reference checking should be part of a comprehensive checking process.

Be mindful that Privacy Laws prevent you from talking with someone about a candidate without their permission.

## What do I need to know about keeping volunteer personal records?

Volunteer personnel records, like other staff records, have to be kept for seven years. They can then be archived. These records are confidential and need to be kept in a locked room or cabinet. This is part of the Privacy Legislation which covers volunteers. Access to the files should be limited only to those who need to know.



## Are Working with Children Checks (WWC) compulsory?

Yes. You are legally obliged to have checks done if volunteers work with children. Legislation is clear that if your volunteers work with children you must obtain a Working with Children Check. This compulsory criminal record check ensures volunteers are suitable to work with children in WA.

Volunteers under 18 years of age are exempt from the Working with Children Check. The legislation is very specific so you should check the website: [www.workingwithchildren.wa.gov.au](http://www.workingwithchildren.wa.gov.au)

Indicate in your advertising and the volunteer Position Description whether these checks are required, and whether the organisation supports volunteers to obtain and pay for the checks.

Rather than being the definitive check for volunteers, the WWC check should be considered a part of your process for protecting children. Other ways to ensure you get the right people on board are to have a strong and clear policy about protecting children, do reference/background checking, and provide a culture of looking out for behaviours that could affect children. It is important to note the WWC is only valid in the state in which it is issued and is therefore not transferable between States.

## Are police checks compulsory or necessary?

Many organisations do Police Checks as standard procedure and this practice can exclude many people from participating and can also be discriminatory. More than 10% of people in the community have a criminal record, often very minor. Make sure that you Police Check for roles that are high profile, deal with money or have contact with vulnerable people. You should only refuse an applicant on the basis of a criminal past when you believe that the prior offence prevents the applicant from performing the 'inherent requirements' of the position.

A great Q&A sheet is available from: [www.police.wa.gov.au/Police-Direct/National-Police-Certificates/Volunteer-National-Police-Certificates/Volunteer-NPC-FAQs](http://www.police.wa.gov.au/Police-Direct/National-Police-Certificates/Volunteer-National-Police-Certificates/Volunteer-NPC-FAQs)

## Do volunteers have to be trained?

Yes. Training helps volunteers to be more confident in their duties, and also makes them feel like an important part of the organisation. Training can also be a significant tool for retention of volunteers. In volunteer reviews, it's a good idea to ask volunteers if there is any further training they require and attempt to provide it.

## Does an organisation have the right to discipline volunteers?

Yes. However, an organisation should always have a thorough set of volunteer Policies and Procedures to ensure that each situation is dealt with appropriately and quickly. Volunteer Involving Organisations should always include Grievance Policies for volunteers and organisations, and have an appropriate system to deal with issues.

Volunteers should be made aware of that which is considered inappropriate behaviour within the organisation.

## Can an organisation refuse a volunteer that is not suitable?

Yes. Creating detailed, specific position descriptions, so that potential volunteers are clear on the expectations of a position. If a person is not suitable, perhaps there is another position within the organisation that would be perfect. If not, the organisation can refer them to the Kwinana Volunteer Centre to explore other options.



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## Is bullying against the law?

Yes. Amendments to the Fair Work Act 2009 took effect from 1 January 2014 and now cover volunteers. It is your legal responsibility to ensure bullying is identified early and dealt with appropriately and quickly.

In order for the above to be considered as bullying, the behaviour must be repeated and unreasonable, and must create a risk to health and safety.

## What is the recommended method of 'retiring' a volunteer?

Sometimes volunteers become less able to fulfil their duties in an organisation. Changes in the workplace, their duties or their personal ability and interest can all impact their effectiveness. It is best not to ignore this fact. Speak frankly but politely to the volunteer and suggest a change in duties if appropriate.

## I have a volunteer here on a visa. Can they legally volunteer?

Any volunteers who do not have permanent residency in Australia need to ensure they are keeping within the law and abiding by their Visa restrictions.

It is important that you make sure that the person can legally undertake volunteer work on their particular visa. Generally if the person has the right to work in Australia, they generally have the right to volunteer

## Where can I access the volunteers in Sport Toolkit?

This toolkit contains a variety of resources to help with running a volunteer program in a sport or recreation context. These resources have been created to assist as many clubs and associations as possible, and therefore are general in nature. If a document or template does not reflect the nature of your club, please update the text for use within your club.

[www.sport.volunteeringwa.org.au/resources.aspx](http://www.sport.volunteeringwa.org.au/resources.aspx)

## Where can I get legal advice about volunteering?

Legal information is available from Not-For-Profit Law: [www.nfplaw.org.au](http://www.nfplaw.org.au). They have great resources including videos that address a range of concerns raised by organisations.

