

Who is allowed to volunteer?

Summary

Volunteering is a positive thing, both for the volunteer and for the people that they help. However, there are restrictions, some real and some imagined, that stop people from volunteering. It is important to understand what restrictions really do exist so that potential volunteers receive good advice. But it is important to remember that with so many different types of volunteering opportunities out there, there really is something to suit everyone.

This Information Sheet provides covers:

- People receiving state benefits
- Children and young people
- Older people
- 'Vulnerable' people
- Ex-offenders

(Please note that volunteers from overseas, asylum seekers and refugees are covered in the Volunteering England Information Sheet *Accepting Volunteers from Overseas*)

People receiving state benefits

People are allowed to volunteer while claiming state benefits, including means-tested benefits such as Job Seekers' Allowance, Incapacity Benefit, Income Support and Employment and Support Allowance (ESA).

The latest Department for Work and Pensions (DWP) leaflet, [Volunteering while getting benefits \[PDF\]](#)¹ (February 2010) says

“you can volunteer as many hours as you like while you're getting benefits as long as you keep to the rules for getting them.”

'Volunteering while getting benefits' defines volunteering as

“when you choose to give your time and energy to benefit other people without being paid for it”.

It goes on to say that voluntary work can be done with any kind of organisation, including a

- charity, voluntary organisation or community group;
- public-sector organisation;
- social enterprise; or
- local business.

It isn't volunteering if someone

- helps out a family member;
- is given money other than their expenses; or
- is under contract to do the work (not including any 'volunteer agreement' they may have).

There are two general rules to bear in mind if you are claiming state benefits. Firstly, benefits claimants are required to notify their benefits advisor of their intention to start volunteering. Secondly, the organisation cannot give you any money except a reimbursement of expenses you have incurred in order to volunteer (travel, meals whilst out volunteering, care costs etc). The organisation should collect receipts from you and reimburse **exactly** what you have spent. This means that, if needed, you could show your benefits adviser that any money you were getting was a reimbursement and not a payment.

¹ <http://www.dwp.gov.uk/docs/dwp1023.pdf>

If you have problems

If your benefits adviser tells you that you cannot volunteer, you can ask the organisation that you are volunteering for, or your local Volunteer Centre, to speak to them on your behalf. If this doesn't resolve the issue, then contact the Regional External Relations Manager for JobCentre Plus in your area. Their contact details can be found on [the DWP website](#)². You can choose your region from the menu on the left side of the page.

Further information

⇒ [Volunteering England Good Practice Bank Theme 'Expenses and State Benefits'](#)³

Children and young people

If you are under 18, then there is no legal reason why you cannot volunteer, but you will find that some organisations may not be willing to take you on. Children are classed as a 'vulnerable group', so any organisation who takes on young volunteers must be careful to protect them. Legally a child is defined as someone who is under 18 years old, or under 16 if employed.

This may mean that organisations with volunteer roles where you would not be supervised all the time or may have to do something risky would not be happy taking you on. But there are plenty of roles that are safe and suitable and many people under 18 do volunteer.

The organisation will need to carry out a risk assessment to decide whether placing a young person in a volunteer role would put them, or the people they're working with, at risk. However, by following some basic principles most organisations can involve young people in their work:

- Young people should not be left unattended
- Young volunteers should be supervised by two or more adults
- Any potentially dangerous activity should have constant adult supervision.

Organisations should also be aware that insurance cover (public or employer liability) does not automatically cover people under 16, so it is important to check that there is no lower age limit in your policy. It is normally easy to

² <http://www.dwp.gov.uk/about-dwp/customer-delivery/jobcentre-plus/stakeholders-and-partnerships/partnerships/business-community/>

³ <http://www.volunteering.org.uk/resources/goodpracticebank/Core+Themes/expenses/index>

extend the policy to cover young people, but occasionally the insurance company may decide that because of the type of work involved, the risk of involving young people would be too high.

It is a very good idea to obtain parental/guardian consent for volunteers under 16. When giving a consent form to a volunteer, also consider providing a volunteer role description and publicity leaflets about your organisation. This will help the volunteer's parent/guardian understand what your organisation does, what the young person will be doing, and when and where they will be working.

Further information

- ⇒ The Children's Legal Centre (CLC) Advice Line: 0808 802 0008
- ⇒ [CLC 'Frequently asked question' and answer on parental responsibility](#)⁴
- ⇒ [Volunteering England Good Practice Bank Theme 'Youth Volunteering'](#)⁵

Older people

Whilst there are no upper age limits on volunteering, some organisations find that their insurance companies will not extend their policies to cover people over a certain age (usually 80), so it's worth checking whether the organisation's insurance will cover you should something go wrong. Also, bear in mind that some volunteering roles may be physically demanding or set in a volatile environment (such as a Young Offender Institution). For this reason organisations may require a specific level of physical fitness to be able to deal with such situations.

Further information

- ⇒ Volunteering England Good Practice Bank Theme 'Health and Safety and Insurance':
<http://www.volunteering.org.uk/goodpractice>

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<http://www.childrenslegalcentre.com/Legal+Advice/Child+law/ParentalResponsibility/Whendoesparentalresponsibilityterminate.htm>

⁵ <http://www.volunteering.org.uk/goodpractice>

‘Vulnerable’ people

Adult volunteers may be classed as ‘vulnerable’ if they have a substantial physical or learning disability, are very elderly, have mental health problems or are recovering from addictions. People who fall into these groups can be very good volunteers, bringing both a fresh perspective and a wealth of experience. However, just as when working with young people, care should be taken to make sure vulnerable people are not at risk and are adequately supported to carry out their role. If you have support needs don’t be afraid to discuss them with an organisation you’d like to volunteer with, as they may be able to provide the support you need in order to perform the role, or they may be able to adapt the role if required.

Some organisations offer ‘supported volunteering’ opportunities whereby volunteers receive additional support to carry out the role. Some Volunteer Centres also operate similar schemes, so may be able to provide additional support and guidance if you require it. To find the contact details of your nearest Volunteer Centre, please visit: <http://www.volunteering.org.uk/finder>

Further information

⇒ Volunteering England Good Practice Bank Themes ‘Equal Opportunities and Diversity’ and ‘Supported Volunteering’:
<http://www.volunteering.org.uk/goodpractice>

Ex-offenders

Many people with past convictions worry that they will not be able to volunteer. This is not true at all. Under the Rehabilitation of Offenders Act only organisations that work with children and/or vulnerable adults are allowed to ask about spent convictions. Organisations are only entitled to apply for a CRB Disclosure if a person will be volunteering in a ‘regulated activity’ as detailed by the CRB. For more information see <http://www.crb.homeoffice.gov.uk/faqs/definitions.aspx>

There are numerous volunteering roles where you would not come into contact with children and/ or vulnerable adults and so organisations would have no right to question you about spent convictions. Some organisations may ask about any unspent convictions, but this should only be in relation to the volunteering role that the person is applying for.

Very few people are banned from working or volunteering with children and vulnerable adults. Individuals who are banned will usually know that they are

banned and it is now a criminal offence for barred individuals to apply to work or volunteer with children or vulnerable adults in a wide range of posts.

As part of following the CRB's Code of Practice, it is important to offer a fair recruitment process to all individuals with a criminal record. Nacro and Volunteering England have developed a guide to ['Involving Ex-offenders in volunteering'](#)⁶, which may help organisations with their recruitment decisions.

Anything you tell an organisation about past convictions should remain confidential. It is an offence for them to pass on information about a person's past convictions unless they have been given permission. If you are worried, ask them about who in the organisation will be told about your past convictions and ask to see their Data Protection policy so that you know how information will be stored and how long it will be kept for.

Insurance for ex-offenders

Where individuals have broken the law this needs to be disclosed to insurance underwriters as a Material Fact to the risk being proposed. This will need to be supported with details of how this risk will be managed ie identifying suitable roles, providing suitable training and supervision, again, all of which will need to be recorded.

For organisations that exist to serve offenders (such as prisons), offenders should be included under 'Third Party' in the Public Liability Section of the insurance document.

Further information

- ⇒ Volunteering England's Information Sheets
 - Introduction to Criminal Record Bureau Disclosures*
 - When to apply for a CRB Disclosure/Check*
 - Recruiting Volunteers with Criminal Records*
 - Independent Safeguarding Authority Briefing*
- <http://www.volunteering.org.uk/information sheets>
- ⇒ Volunteering England Good Practice Bank Theme ['Ex-offenders, Offenders and Prisoners and Volunteers'](#).

⁶ http://www.volunteering.org.uk/NR/rdonlyres/313931A2-6450-4E97-BA1E-A39ADE8D1E62/0/nacro_publication.pdf

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