

# Who Is Allowed To Volunteer?

## Summary

Volunteering is a positive thing, both for the volunteer and for the people that they help. The government sees volunteering as the basis of active citizenship that creates inclusive and vibrant 'active communities'. However, there are legal and safety restrictions, some real and some imagined, that create barriers to certain groups offering time. It is important to understand what restrictions really do exist and advise people on them correctly.

This Information Sheet is designed to help provide quick answers and links to further information. It covers the following groups of people:

- Asylum seekers
- Volunteers from overseas
- Ex-offenders
- People receiving state benefits
- Children and young people
- Vulnerable people

## Asylum seekers

Since April 2000, asylum seekers (people in the process of applying for refugee status) have been allowed to volunteer in certain types of organisation. Asylum seekers generally receive a document which states that they cannot take up paid or unpaid employment, but this does not apply to volunteering. Guidance issued by the UK Border Agency of the Home Office provides clarification of where asylum seekers can volunteer.

*Question 54: Can asylum seekers volunteer their services?*

*Answer: Asylum seekers are allowed to volunteer, as long as they are carrying out the work on behalf of a registered charity, voluntary organisation or body that raises funds for either. Any voluntary activity undertaken should not amount to either employment, or job substitution.*

Also see questions and answers 55, 56, 57 and 58 of the guidance. They confirm that asylum seekers are entitled to receive out-of-pocket expenses just like other volunteers and explain whether "failed asylum seekers" can volunteer pending their departure from the UK.

## Further Information

"Prevention Of Illegal Working: Immigration, Asylum And Nationality Act 2006: Comprehensive Guidance For Employers On Preventing Illegal Working" – UK Border Agency, Home Office, February 2007

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking/currentguidanceandcodes/comprehensiveguidancefeb08.pdf?view=Binary>

### Volunteers from overseas

There is no restriction on people from European Union member countries coming to the UK to volunteer. (This also applies to countries in the European Economic Area – EEA). People from outside the EEA who have a visa to work or study in the UK may volunteer as long as they are still undertaking the activity that is stated on their visa and as long as their visa allows them to undertake 'unpaid work' or volunteering. It is also possible to get a visa to come to the UK specifically to volunteer, but this must be arranged in advance and certain restrictions apply.

### Further information

Volunteering England's Information Sheet "Accepting Volunteers from Overseas".

### Ex-offenders

Under the Rehabilitation of Offenders Act, it is only acceptable to ask someone to declare spent convictions if they will be working with "vulnerable people". The establishment of the Criminal Records Bureau has meant that more organisations have access to Disclosures (also known as CRB Checks), but you are only entitled to apply for a Disclosure if a volunteer will have regular contact with vulnerable individuals.

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 are unlikely to apply for work with these groups. In the unlikely event that they did, this information would show up on a Disclosure.

Aside from this, there are no set guidelines on which other offences would make an individual unsuitable. There are a number of factors that organisations should take into account when weighing up the pros and cons of an individual case. 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 checklist of issues to consider, which may help with your recruitment decisions.

### Further information

Volunteering England's Information Sheets

- Introduction to Criminal Record Bureau Disclosures/Checks
- When to apply for a CRB Disclosure/Check
- Recruiting Ex-offenders
- Independent Safeguarding Authority Briefing – important changes from Oct 2009

<http://www.volunteering.org.uk/information sheets>

Involving Ex-offenders in Volunteering, a good practice booklet published by Nacro and Volunteering England

<http://www.volunteering.org.uk/Resources/publications/freeguides.htm>

### People receiving state benefits

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

The most recent leaflet published by the Department for Work and Pensions (DWP) about volunteering provides the following explanation:

## Volunteering England Information Sheet

© Volunteering England 2008.

---

“What is volunteering?

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

“As a volunteer, you could:

- volunteer with a charity or other voluntary organisation
- volunteer with a public-sector organisation, or
- help your community.”

“It is not volunteering if you:

- do something for a family member
- are given money apart from your expenses, or
- are under contract to do it (this does not include any ‘volunteer agreement’ you may have).”

*(“Volunteering while receiving benefits”, DWP, September 2008, page 5)*

### Further information

Volunteering England Good Practice Bank

Includes a section on “Expenses and State Benefits”, featuring links to current and past leaflets published on volunteering by the Department for Work and Pensions.

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

### Children

People under the age of 18 are legally classed as vulnerable and organisations should take this into account when involving them as volunteers. But, people over the age of 16 are free to undertake paid work, so your child protection measures should be stronger for the pre-16 age group and could arguably be less rigid for post-16s.

A risk assessment needs to be made, in order to decide whether placing a young person in a volunteer role would put them, or the people with whom they were working, at risk. However, by adhering to some basic principles most organisations can involve young people in their work:

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

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 for your organisation. This would help to ensure that the volunteer’s parent/guardian understands what your organisation does, what the young person will be doing, when and where they will be working and consents to this. If the volunteer will be working away from the premises where they normally volunteer, then additional permission should be sought.

Parental responsibility extends to the age of 18, unless the person marries or is adopted before that age. In view of the fact that young people can seek paid employment from the age of 16, it may not be appropriate to obtain parental/guardian consent for volunteering at this age. Instead, volunteer co-ordinators could strongly encourage volunteers in this age group to discuss their activities with their parents or guardians and highlight that they can be a good source of support.

### Further information

The Children's Legal Centre (CLC) Advice Line: 0845 120 2948

CLC “frequently asked question” and answer on parental responsibility:

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

Volunteering England Good Practice Bank  
Includes a section on “Youth volunteering”  
<http://www.volunteering.org.uk/goodpractice>

### **‘Vulnerable’ people**

Sometimes 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, and organisations that refuse to take on anyone who is vulnerable could well be losing out on good volunteers as well as stopping people who are often excluded from the community from taking an active role. However, just as when working with young people, care should be taken to make sure that vulnerable people are not at risk and are adequately supported to carry out their role. It should be remembered that people have varying support needs and that individuals are usually the best judges of what they can and cannot do and of the types of help that they need.

### **Further information**

Volunteering England Good Practice Bank  
Includes sections on “Equal Opportunities and Diversity” and “Supported Volunteering”  
<http://www.volunteering.org.uk/goodpractice>

### **Insurance – lower and upper age limits**

Insurance cover (public or employer liability) does not automatically cover people under 16, so it is important to check that there are no lower age limits to the cover. It is normally easy to extend the policy to cover young people, but occasionally the insurance company may decide that because of the types of work involved, the risk of involving young people would be too high. There may also be problems with upper age limits. Many insurance companies will not extend policies to cover people over a certain age. It is well worth searching around to find insurance that allows you to include as many people as possible, but many organisations find that insurers will not extend certain policies to cover people over 80.

### **Further information**

Volunteering England Good Practice Bank  
Includes a section on “Health and Safety” which features information about insurance and risk assessment.  
<http://www.volunteering.org.uk/goodpractice>

**Last reviewed: October 2008**

**We have made every effort to ensure that this Information Sheet was correct at the time of publication. It is intended as a summary of relevant issues and suggests further sources of information. Legal advice should be sought where appropriate.**

For more information on managing volunteers, please visit  
The Good Practice Bank at [www.volunteering.org.uk/goodpractice](http://www.volunteering.org.uk/goodpractice)

Or please contact Volunteering England Information Service  
Email: [Information@volunteeringengland.org](mailto:Information@volunteeringengland.org)  
Freephone Information Line: 0800 028 3304 (M-F 10.30-12.30 & 14.00-16.00)