

East Herts Council Report

Local Joint Panel

Date of meeting: Wednesday 31 July 2024

Report by: Service Manager (Human Resources and Organisational Development)

Report title: BEAM Volunteering Policy

Ward(s) affected: All

Summary

- The BEAM Volunteering policy was approved at Human Resources Committee in June 2024. Councillors raised some issues and questions that needed to be taken back to the BEAM management team for consideration.

RECOMMENDATIONS FOR LOCAL JOINT PANEL:

(A) To recommend to the Human Resources Committee that the amendments to the BEAM Volunteering Policy be approved.

1.0 Proposal(s)

1.1 The proposals are set out in the reasons below.

2.0 Background

1.1. The BEAM Volunteering policy was approved at Human Resources Committee in June 2024. Councillors raised some issues and questions that needed to be taken back to the BEAM management team for consideration. However recruitment of volunteers needed to commence before the next HR Committee so the policy was agreed with a commitment that the points raised would be considered and the policy would be brought back to the next HR Committee.

- 1.2. The leadership team has approved the changes and discussed the equalities, impacts, and opportunities volunteering can give the community. Operations will take this into account in running the Volunteering scheme and will produce an equalities impact assessment.

3.0 Reason(s)

- 3.1 Below is a list of the concerns raised by Councillors (in bold) and BEAM/the HR team's response.

4.2 In the context of all the requirements listed later (Health and Safety, dress code, confidentiality, agreements, expectation etc), it seems strange to say there is no obligation etc etc. Once a person has committed to be a volunteer there are a lot of quite serious obligations. The consequences of not following these could be listed. Harm to the public, staff and other volunteers. Harm to the reputation of Beam and EHDC. And ultimately dismissal of the volunteer. So, for example, if the role agreement had a set a "shift time", the volunteer would be expected to turn up for it. If they repeatedly didn't, we would let them go?

Employment legislation is clear that we cannot imply an employment relationship between BEAM and the volunteer, this means they are under no obligation to provide their services and must not suffer any sanctions if they do not perform their volunteer duties. If we were to put measures in place this could afford the volunteer with employment rights and a right to be paid; therefore this point remains unchanged in the policy.

6.0 Dress Code. A "no trainers" rule is outdated. Many people wear trainers as part of smart casual attire. In addition this may impact a volunteer's ability to apply, potentially impacting the diversity aspirations.

BEAM agree to this being removed and this has been changed in the policy

10.6 and 10.7 The second sentence could be construed as being ageist. I think the whole sentence could be removed. Recruiting volunteers of any age is part of the Equalities commitment already mentioned. Ending a volunteer's contract should be based on capability, at any age. A sentence to that affect can be added later.

BEAM were happy for this sentence to be removed, which it has been.

15.2 and 21.0. There is conflicting information in which policies should be followed. S15.2 states volunteers should follow EHDC Health and Safety Policies and Procedures. However, S 21 lists three BEAM policies, one of which is Health and Safety and states they are applicable. I would think EHDC polices are too detailed and many parts will not apply. It makes more sense to have simplified BEAM policies. It can be noted on these that they derive from the council documents.

The reference to East Herts Council has been removed from 15.2.

NB Has RIDDOR reporting been considered? Will health and safety data be reported into EHDC HR department?

As per all BEAM staff, volunteers will be subject to all usual reporting processes.

18.0 I suggest GDPR is mentioned. Is there a policy? Can ref Data protection policy?

18.2 has been removed as there are no confidentiality agreements in place. GDPR and Data Protection Policy has been added under the list of policies that apply to volunteers in section 21.0. Safeguarding Policy has also been added.

19.0 Resolving problems. What is the process if an issue is not resolved by the volunteer's manager, or there is conflict. Is there a grievance procedure? Is there a route to, for example, EHDC HR?

This paragraph has been updated. HR would be available to advise managers if there were conduct or grievance issues. As stated above it is important not to imply an employment relationship by using EHC policies but HR would be able to advise managers on an appropriate and fair process to follow.

20.0. Should we be more specific about end of contract procedures. I refer back to 4.2 notes above. Why not just add the detail here?. Will all BEAM policies and procedures come before the HR committee?

This point has been removed as earlier points highlight that volunteers can leave, or be asked to leave, at any point.

4.0 Options

4.1 To approve the amendments.

5.0 Risks

1.1. Status Misunderstanding: The policy emphasises that volunteers are not employees and thus do not have employment rights. However, any measures implying an employment relationship, such as strict obligations or sanctions, could lead to potential legal challenges and claims for employment rights and benefits.

1.2. Health and Safety Compliance: Volunteers are required to follow BEAM's Health and Safety policies, but non-compliance or inadequate training could result in injuries or legal issues for the Council.

6.0 Implications/Consultations

1.1 Community Safety

Yes

Ensuring the safety of both volunteers and the community is critical. Volunteers often interact with the public and represent BEAM, so their actions can significantly impact community safety and BEAM's reputation. Proper training in safety procedures and emergency protocols is essential.

Training Programs: Implement regular and comprehensive safety training programs for all volunteers.

Safety Audits: Conduct periodic safety audits and reviews to ensure compliance with safety standards.

Feedback Mechanism: Establish a feedback mechanism where volunteers can report safety concerns or incidents promptly.

Data Protection

Yes

Protecting volunteer data in compliance with GDPR and Data Protection policies is vital. Any breach of data protection can lead to legal penalties and damage to BEAM's reputation.

Data Management Policies: Enforce BEAM data management policies, including data collection, storage, and sharing protocols.

Training: Provide regular training sessions for staff and volunteers on data protection best practices and GDPR compliance.

Audits: Conduct regular audits to ensure all data handling practices meet regulatory requirements.

Equalities

Yes

Ensuring non-discriminatory practices in volunteer recruitment and management is essential. The volunteer program must be inclusive and offer equal opportunities to all individuals, regardless of their background.

Diversity Initiatives: Implement initiatives to attract a diverse range of volunteers, ensuring representation from various backgrounds. Noted that volunteering is a positive way to help individuals with protected characteristics attain work experience and is good for social mobility in the community. BEAM will support the attraction and recruitment of a diverse range of volunteers.

Policy Reviews: Regularly review and update equal opportunities and diversity policies to reflect best practices and legal requirements.

Training: Provide diversity and inclusion training for staff and volunteers to foster an inclusive environment.

Operations will complete an equalities impact assessment.

Environmental Sustainability

Yes

While not explicitly mentioned in the policy, promoting environmentally sustainable practices within the volunteer program can enhance BEAM's commitment to sustainability.

Awareness Campaigns: Run awareness campaigns to educate volunteers about environmental sustainability and their role in supporting it.

Financial

Yes

Mismanagement of the volunteer program can lead to financial liabilities, including potential legal costs if health and safety incidents occur.

Budget Management: Implement strict budget management practices to ensure financial resources are allocated effectively to support the volunteer program.

Risk Assessment: Conduct regular risk assessments to identify and mitigate financial risks associated with the volunteer program.

Insurance: Comprehensive insurance coverage is in place to protect against potential liabilities.

Health and Safety

Yes

Ensuring the health, safety, and welfare of volunteers is crucial. Volunteers must be aware of and understand the health and safety risks associated with their roles. Inadequate training or safety measures can lead to accidents, injuries, or legal repercussions.

Safety Training: Provide detailed health and safety training to each volunteer role.

Safety Policies: Regularly update health and safety policies and ensure they are communicated effectively to all volunteers.

Incident Reporting: Establish a robust incident reporting system to track and address any health and safety issues promptly.

Human Resources

Yes – as detailed in the report.

Effective HR management is essential for volunteer satisfaction and program success. Proper support and guidance for volunteers help maintain a positive volunteering experience and avoid conflicts.

HR Support: Provide dedicated HR support for volunteer management, including handling issues.

Volunteer Development: Implement programs for volunteer development, including training, mentorship.

Feedback Mechanisms: Establish regular feedback mechanisms to understand volunteer needs and improve their experience.

Human Rights

Yes

While no direct risks are mentioned, ensuring the fair and respectful treatment of all volunteers is essential to uphold human rights standards. Any form of discrimination or unfair treatment can lead to reputational damage and legal consequences.

Policies and Procedures: Ensure all policies and procedures reflect a commitment to human rights and fair treatment.

Monitoring: Regularly monitor and review volunteer practices to ensure compliance with human rights standards.

Legal

Yes

Compliance with all relevant laws and regulations regarding volunteering is necessary to avoid potential legal issues. This includes ensuring that volunteers are not inadvertently given employee status and are protected under appropriate policies.

Legal Reviews: Conduct regular legal reviews of volunteer policies and practices to ensure compliance with all relevant laws.

Documentation: Maintain thorough documentation of all volunteer agreements and activities to protect against legal challenges.

Specific Wards

No

No specific implications are noted for particular wards, but ensuring that the volunteer program is equally accessible across all wards is essential to promote inclusivity.

7.0 Background papers, appendices and other relevant material

7.1 The updated Policy can be found at Appendix 1 – the relevant sections have been highlighted in yellow.

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