

# **Midhurst Town Trust – Volunteers/Trustees Policy**

## **Introduction**

Midhurst Town Trust recognises that there can be situations in which Volunteer/Trustees help can make an appropriate and significant contribution to the work and service objectives of the Trust. This document, *Volunteer/Trustee Policy*, defines the terms and sets out the principles, practices and procedures which the Trust will follow in the appointment, management and control of Volunteer/Trustees.

## **Definition**

Volunteer/Trustees may be described as individuals who put their experience, knowledge and skills at the disposal of an organisation, free of charge, with the primary aim of helping the organisation to achieve its service objectives and or with the primary aim of bringing some benefit to the local community

## **Principles**

In appointing Volunteer/Trustees, the Trust will adhere to the following principles;

Volunteer/Trustees will not be engaged in work which facilitates the loss of an existing employee's post, nor on any tasks or projects which (within the past two years) were done by paid employees whose posts have since been deleted;

## **Recruitment of Volunteer/Trustees**

It is written in the constitution that there should be a representative of the Lord of the Manor, three members appointed from Midhurst Town Council and three representatives of the local community including a member of the Archaeological Society, if available. These persons would be elected through the following procedure, The following would need to be agreed by the Chairman of the Trust, before a proposed Volunteer placement is implemented during a previous discussion/meeting. A brief *Role Description*, outlining the specific tasks, responsibilities and reporting lines of the Trustee including the duration, hours, expenses, insurance, etc; relating to the role would be discussed during a meeting between Chairman and prospective Trustee.

## **Equal Opportunities**

The Trust recognises that the activity of volunteering can provide a volunteer with experiences and opportunities for self and career development. In accordance with The Trust's Equal Opportunity Policy, volunteer placements with the Trust will therefore be open to individuals irrespective of race, gender, disability, sexuality, age or marital status. In addition the Specification must set out the equal opportunity dimension and any specific equality requirements of the role.

## **Grievance and Disciplinary issues** - (Problem solving for Volunteer/Trustees)

Summary: While volunteering is by and large a positive experience for everyone involved, sometimes things can go wrong.

This procedure explains what should happen if a problem arises, if a volunteer has a complaint to make or if someone makes a complaint against a volunteer. It covers

- Volunteer rights
- Problem solving procedure
- What to do if a volunteer needs to make a complaint
- What should happen if someone complains about a volunteer
- Some general points to remember

### **Volunteer rights**

Unlike employees, Volunteer/Trustees do not have rights in law. They are protected by the law in general, but they do not have rights specifically as a volunteer. This means that Midhurst Town Trust has no obligation to offer a volunteer a role or to keep them in a role, however long they have been volunteering with the organisation. It also means that a volunteer has no obligation to the Trust and can stop volunteering whenever they like, and do not have to volunteer when they do not want to.

#### *The Equality Act 2010*

*The Equality Act - does not protect Volunteer/Trustees in the same way it protects employees. This was reconfirmed in January 2011 when the Court of Appeal ruled that Volunteer/Trustees without contracts are not covered by antidiscrimination legislation for workers. If the volunteer is a voluntary worker with a contract they may be protected, but even then there are differences. The Equality and Human Rights Commission does suggest that "when you are taking up a volunteering opportunity with an organisation, this counts as if they are providing you with a service", but this has yet to be tested in the courts.*

### **Good practice**

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Volunteer/Trustees Policy and procedure has put in place to ensure that the organisation offers adequate support for Volunteer/Trustees and it is intended to create an open and inclusive environment.

Complaints should be resolved openly, fairly and quickly to

- protect Volunteer/Trustees;
- minimise any disruption to staff, service users and other Volunteer/Trustees;
- demonstrate that Midhurst Town Trust respects its Volunteer/Trustees; and
- protect the reputation of Midhurst Town Trust

Midhurst Town Trust does not use the same grievance and disciplinary policy for both staff and Volunteer/Trustees, and the term 'problem solving procedure' helps to differentiate between the two. The grievance and disciplinary policies for paid staff are formal in their language and tone, whilst the policy for Volunteer/Trustees is more informal.

### **Problem solving procedure**

As Volunteer/Trustees do not have specific legal rights, The Trust has a procedure in place to ensure that Volunteer/Trustees are treated fairly and not discriminated against. A volunteer

may make a complaint about another volunteer, a member of staff or the organisation itself. A volunteer's performance may have declined, or someone may have made a complaint about a volunteer's work, attitude or conduct.

This procedure is intended to make the process much easier to manage. It ensures consistency, provides a means of identifying a solution and demonstrates the Trust's commitment to volunteering good practice. It will also help to demonstrate the steps it has taken in the event that the relationship with a volunteer has to be ended.

What to do if a Volunteer needs to make a complaint.

#### Stage 1 | Oral complaint

Initial complaints, whether concerning a member of staff, the organisation or another volunteer, should first be discussed informally. Many issues can be solved this way.

Complaints should be raised with whoever usually supports the volunteer as soon as it is practicable to do so. If the complaint concerns this person, the volunteer should talk to the Chairman.

#### Stage 2 | Written complaint

If the volunteer is not satisfied with the outcome of the oral complaint, he/she should make a formal complaint in writing to the Chairman. The written complaint should be made within 14 working days of the oral complaint and the Trust will respond to the written complaint within 10 working days.

#### Stage 3 | Opportunity to appeal

If the volunteer is still not satisfied with the outcome, then he/she can appeal to the appropriate trustee. The volunteer may be invited to meet with them and may be accompanied to the meeting by a person of their choice. A response should be made within 10 days, in writing, following the meeting and their decision will be final.

What should happen if someone complains about a volunteer

#### Stage 1 | Oral discussion

The first step should be an informal discussion about the complaint with the staff member who usually supports the volunteer. This is an opportunity for the volunteer to hear about the complaint and offer their side of the story. It may also seek to identify some solutions, if required and appropriate.

Complaints should not be made anonymously, Volunteer/Trustees have the right to know what they have been accused of and by whom so that they are able to offer their side of the story.

Volunteer/Trustees have the option to be accompanied to the meeting by a person of their choice.

#### Stage 2 | Written warning

If the issue hasn't been or cannot be resolved by the oral discussion, the volunteer may be issued with a written warning outlining the reason for the complaint. The volunteer will be given the opportunity to state their case formally to the Chief Executive and may be allowed to be accompanied to any meetings by a person of their choice.

Depending on the nature of the complaint, further objectives could be set or help offered. However, if the Trust decides to ask the volunteer to leave, they should be given the opportunity to appeal.

### Stage 3 | Opportunity to appeal

If the volunteer has been asked to leave they may appeal in writing the appropriate. The volunteer may be accompanied to the meeting by a person of their choice. The trustee will respond within 5 working days, and their decision will be final.

### Exceptions

In some cases Volunteer/Trustees may need to be asked to stop volunteering immediately while the matter is explored. For example, if a volunteer is accused of harassment, theft, or angry or violent behaviour.

The decision to ask a volunteer to stop volunteering will be confirmed with you in writing by the Chairman. In some cases, legal proceedings may need to be concluded before the next step of the problem-solving procedure can take place.

Some points to remember

- All complaints must be treated confidentially, and should only be discussed amongst those who are directly involved in trying to resolve the issue.
- The Trust will keep records of what happens and who is involved.
- Meetings will take place in a confidential place.
- The volunteer will be kept informed at every step of the procedure

This policy will be reviewed in November 2024.

Date this policy was approved by the Board of Trustees: 16<sup>th</sup> November 2021