

# VIP

## Volunteer Investment Programme

### Health and safety of volunteers

Despite the undeniable importance of volunteers to English sport, the health and safety legal obligations of sporting organisations towards their volunteers are less clear when compared with employees. Nevertheless they do have legal obligations towards volunteers. This fact sheet is intended to provide you with some basic information – it is not a full account of all duties and responsibilities and it is recommended that you seek further advice where needed.

#### Duty of care

The duty of care is a general legal duty on all individuals, sports clubs and governing bodies to avoid carelessly causing injury to persons. The system has developed over many years and it is relevant to all, regardless of the size of your organisation, its income or whether you have paid staff.

If any sports organisation asks a volunteer to carry out a task, which results in them injuring themselves or anyone else, the members of the club or governing body may be liable. No matter what activities your club is involved in, from lawn bowls to hang-gliding; you will have to consider the duty of care owed to your volunteers. Liability depends on establishing that the club/governing body failed to take reasonable care.

**For example: a young volunteer working for a club was asked to check the cleaning chemicals for the swimming pool and was left unsupervised. He or she sustained a serious burn to the skin. The club could be held liable if they failed to train or supervise the volunteer in the safe use of the chemicals. The court may decide that leaving an inexperienced young person in charge of substances that are potentially hazardous is unreasonable. The notion of duty of care needs to be considered in all aspects of a club's activities.**

A duty of care can arise in many ways, some of which may not always be obvious, such as:

- loaning equipment to others
- fundraising walks, events and sponsored runs
- hosting tournaments and competitions
- organising day trips
- selling food at events

#### Health and safety law for clubs and governing bodies with paid staff and volunteers

Health and safety law lays down your duties to your employees. The law also imposes further responsibilities on you as an employer with regard to people not in your employment, such as volunteers and other members of the public, who may be affected by your activities.

Section 3 of the Health and Safety at Work Act 1974, imposes a duty on every employer “to ensure, as far as reasonably practicable, that persons not in their employment, who may be affected by their undertaking, are not exposed to risks to their health or safety” and “to give to persons (not being their employees) who may be affected in a prescribed manner information as might affect their health or safety.”

This generally means that sports clubs and/or governing bodies, which have both employees and volunteers, have a statutory responsibility not to harm or damage the health of volunteers through their involvement in the activities of that club/governing body. Clubs/governing bodies may also have a responsibility to carry out risk assessment which may require volunteers to be provided with information and training. This would depend on the activities.

**For example, if a volunteer working with a wheelchair basketball team is expected to assist the transfer of heavier players from one wheelchair to another, you may have a duty to supply the volunteer with information and training on the correct manner and technique of lifting to enable the volunteer to lift the player safely, and to know when not to lift but to seek assistance. However, if a volunteer was selling refreshments at a competition, training may not be necessary. A risk assessment would determine what level of training is required, if any (see risk assessment).**

A recent case highlights the need to take these responsibilities seriously. A young child was hospitalized after daubing himself with a paintbrush left in a toilet of a cricket club. The executive members of the club were fined £8,000 between them, for breaching health and safety regulations.

## **Organisations with responsibility for buildings and premises**

Anyone controlling non-domestic premises must take reasonable steps to provide employees and volunteers with equipment and premises that are safe, including safe routes of exit.

This means if you control or are responsible for premises you have a duty to make sure that the building is safe to use and complies with all the relevant health and safety regulations (for example, ensuring signs meet the Health and Safety (Signs and Signals) Regulations 1996). This duty applies to places such as a community centre, a sports pavilion or clubhouse and car parks.

## **Basic principles of health and safety**

There are some key areas of health and safety, which every sporting organisation should examine. However, please note that not all of these are legally binding on sports clubs that do not employ staff.

The duties placed on clubs with volunteers only are in italics.

For clubs that have paid staff and also involve volunteers, we strongly recommend that your organisation should begin to implement the same health and safety requirements for volunteers that are demanded by law for paid employees. Most governing bodies now support equal opportunities - it would be difficult for any club or governing body that claimed to have an equal opportunity policy to justify offering a lower standard of health and safety protection to volunteers.

*If your club has no employees it may not be able to achieve the same standards of health and safety as required for employees in the short term. But by setting a timetable to aim to accomplish this, you will be demonstrating to your volunteers and the outside world the value you place on them, and their efforts to support your organisation.*

## **Health and Safety Policy**

A health and safety policy is the foundation on which to develop health and safety procedures and practices. The policy announces the club's commitment towards good health and safety standards. The policy can help to clarify procedures and areas of responsibility. Employers with fewer than 5 employees are not obliged to have a policy, but are strongly advised to do so. If an organisation involves volunteers, they should always be included in the health and safety policy as a matter of good practice. The Health and Safety Executive has examples of model health and safety policies, which can be used as a template.

*If your club has no employees you are not obliged to have a health and safety policy, but are strongly recommended to draw one up. Developing a health and safety policy is a positive step and will help you clarify your procedures and responsibilities. If you also involve volunteers in the process, it will make them much more aware of health and safety issues.*

## **Risk assessment**

Risk assessment is a technique for identifying and controlling hazards that may arise from an organisation's activities. It is not just about chemicals and dangerous sites and is as relevant to the voluntary sector as it is to the private sector.

- A hazard is anything that has the potential to cause harm, e.g. a faulty electrical socket.
- Risk is the likelihood of it causing harm and the degree of harm it could cause, e.g. an electrical shock, which could lead to a fatality.

Risk assessment involves identifying all hazards, assessing the risk and putting in places measures to control unacceptable risks. Assessing risk requires detailed knowledge of the activities and working practices normally only found in the people who actually do the work. Risk assessment should always involve employees and volunteers and should never just be left to the experts.

*If your club/governing body has no paid staff you are not bound to do risk assessments. However, you are strongly advised to carry out risk assessments, which are an excellent way to identify and overcome health and safety problems.*

## **The Control of Substances Hazardous to Health (COSHH)**

All employers have a legal duty to assess the workplace for risks to health, which may be caused by substances hazardous to health. They must take all necessary steps to control any risks identified. Items such as household bleach may seem harmless but in the hands of a small child are extremely dangerous. Assessment is the key to evaluating potentially dangerous substances in the workplace.

*If your club has no paid staff it is not bound to do COSHH assessments. However, if you take your duty of care seriously, you would well advised to carry out such assessments, which are an excellent way to identify and overcome health and safety problems.*

## **Fire Assessment**

All public and community buildings are obliged under various Regulations and Acts to specify minimum levels of standards so that the risk of fire is reduced.

You should consult with your local fire brigade for advice.

## Health, Safety and Welfare

All employers must provide a safe place to work which is clean and free from risks, to reduce the risk of ill health or injury.

A safe system of working is required, i.e. proper procedures for handling dangerous substances and adequate guards for machinery.

All employers should provide adequate supervision.

Employees must be given training and information to give them sufficient skills and knowledge to carry out their work safely.

*These regulations do not apply to clubs without paid staff. However, you do need to ensure that your volunteers can work in a risk free and safe environment.*

## Insurance

Every club and governing body should check its insurance cover at least once a year. There are several insurance options and policies to consider, some of which are required by law while others are optional. The more common insurance policies are listed below. Please note, this list is not exhaustive.

### Employers Liability Insurance

All employers are required by law to take out this insurance to cover employees in the event of an accident, disease or injury. It can also be extended to volunteers.

### Public Liability Insurance

This insurance covers the club in the event of injury, death, and loss or damage to the property of non-employees. It only covers legal liability, so will not provide compensation where there is an accident that is not due to negligence. It is important to confirm with your insurers that this insurance extends to the acts of volunteers. Without this insurance, the organisation or the individuals responsible for the club/governing body could be held personally liable.

Other insurance policies, which may be relevant:

- Personal Accident Insurance
- Product Liability Insurance
- Motor Vehicles Insurance

### Registering your organisation's activities

Any club employing staff, regardless of size or location, must register its existence with the Health and Safety Executive or the local Environmental Health Department.

*Clubs with volunteers only, do not normally have to register their activities with the enforcement authorities unless involved in dangerous activities, such as putting on a fireworks display. However groups that control, or are responsible for premises and buildings, have to register with the local Fire Authority. If food is prepared, stored, supplied or sold on five or more days in any five-week period, they must register with the local Environmental Health Department.*

You should always check with the authorities if you are in any doubt about the need for registering activities.

## First Aid

All employers have a duty under law to make a first aid assessment. The need for first aid will depend on the organisation's activities. For instance an outward-bound centre is very different from a chess club. Again an assessment of the venue is the key to deciding what first aid to provide. There are, however, minimum standards for clubs/governing bodies with employees.

There must be at least one first aid box and a notice displayed in the building telling staff:

- the location of the first aid box
- who is the first aider or appointed person (see below)
- where the first aider or appointed person can be found.

An appointed person is someone who has basic first aid knowledge, and is available whenever people are at work. They can take charge in an emergency and are responsible for calling the emergency services. Details of one-day courses to train appointed persons are available from the Health and Safety Executive (General Helpline: 0541 545 500).

Voluntary sports clubs with no employees are not bound to do a first aid assessment, although it is clearly good practice. However, in certain circumstances, like a large public fireworks display, there may be a legal duty to provide first aid facilities. For example, if you hold a public exhibition without first aid facilities and someone is injured, you may have broken your duty of care. If you have any doubts whatsoever you should always contact the local Health and Safety Executive office for advice.

## Useful Publications and organisations

### Managing the Risks

Insurance guidelines for sports organisers, sportsmen and women.

Running Sport

Running Sport, P0 Box HP86, Leeds L56 3XW. Running Sport Hotline, Tel: 0345 585136 Price £2.00

### The Health & Safety Handbook For Voluntary & Community Organisations

Al Hinde, Charlie Kavanagh, Editor Jill Barlow

Directory of Social Change, 24 Stephenson Way, London NW1 2DP. Tel: 0171 209 5151. Price £12.50

### Managing Your Community Building

A Practical Handbook for People Running Buildings in Local Communities

Peter Hudson

Community Matters, 8/9 Upper Street London Ni OPQ. Tel: 0171 226 0189. Price £15.95

### Safe & Alert: good practice advice on volunteers working with vulnerable clients.

National Centre for Volunteering

Available from: MW Data Management, River House, Riverside Way, Uxbridge UB8 2YF. Tel: 01895 909050. Price £7.50 plus £1.50 p&p

### Insurance Guide for Voluntary Organisations

National Council for Voluntary Organisations

Available from:

Regents Wharf, 8 All Saints Street, London N1 9RL. Tel: 0171 713 6161 Price £6

### Charity and Voluntary Workers

A guide to health and safety at work

Health and Safety Executive, Charities Safety Group.

Booklet and accompanying training video

Booklet Price £12.50

Available from HMSO bookshops.

The Video is priced at £25 and available from

Local Authority Unit,

HSE, 7<sup>th</sup> floor. South Wing.

Rose Court, 2 Southwark Bridge

London SE1 9H5. Tel: 0171 717 6686

### Health and Safety Executive

General Helpline 0541 545 500. Open 8.30am-5pm Monday to Friday.

### National Centre for Volunteering

Information line 0171 520 8900. Open 2pm-4pm Monday to Friday.

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