



DIOCESE OF
LISMORE

Guidelines for Engagement of Volunteers

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Guidelines for Engagement of Volunteers

Volunteers play an important role in assisting Catholic organisations with their work in supporting the mission, teachings and ethos of the Catholic Church.

This document has been created to assist Catholic organisations in understanding what it means to be a volunteer; what they need to consider when engaging volunteers; and practical strategies to minimise potential risks.

There is also a Best Practice Checklist at Annexure A and a Template Volunteer Letter of Appointment at Annexure D.

This document should be read in conjunction with the Diocese of Lismore's Code of Conduct, Volunteer Engagement Policy, Working with Children Check Policy, National Policy History Check Policy and Work Health and Safety Policy.

What is a volunteer?

A volunteer is a person who freely and with no coercion contributes their time and services to an organisation without remuneration (for no financial payment).

Volunteering is not 'unpaid work experience', an 'unpaid internship' or an 'unpaid trial period'. A volunteer may mean a person working in a regulated industry and/or a position of authority or responsibility and/or a person who volunteers their time recreationally.

Are volunteers considered to be employees?

No, volunteers are not employees. There is no employment relationship between an organisation and a volunteer. For a voluntary arrangement to be genuine there must be no intention between the parties to create an employment relationship. To ensure any volunteer you engage is fully aware of the nature of the volunteer relationship, volunteers should be provided with a Volunteer Appointment Letter (see Annexure B for a template letter).

Volunteers who offer their time and services for one off events and/or recreationally may be exempt from being provided with a Volunteer Appointment Letter, at the discretion of the relevant parish, agency or entity.

Do volunteers receive the same entitlements as employees?

No. Given volunteers are not employees, volunteers are not covered by awards, enterprise agreements or the Fair Work Act. This means they are also not entitled to a wage/salary, paid leave, superannuation or any of the other entitlements generally provided to employees.

Can my organisation reimburse volunteers for expenses related to their volunteering?

Yes, you are able to reimburse volunteers for their reasonable expenses. When doing so it is a good idea to ensure the volunteer understands the need to seek your approval before any purchase is made and to also supply proof of purchase (e.g. a receipt) before any reimbursement is provided. The Diocese recommends any reimbursement expectations and requirements are set out in the letter that confirms the volunteer's appointment.

Can I dismiss a volunteer?

Yes. In a volunteer arrangement either party can end the arrangement at any time. No notice is required.

Can volunteers make complaints against my organisation in the same way that an employee can?

Possibly. Some types of complaints (for example sexual harassment complaints or work health & safety concerns) can be made by any participant in the workplace. Other types of complaints (for example unfair dismissal and adverse action complaints) can only be made by employees.

Am I obliged to provide work to a volunteer?

No, you are under no obligation to provide work to a volunteer. Similarly, a volunteer has no formal obligation to perform work for you (they perform work as and when they want to do so).

Can an employee within our organisation be engaged as a volunteer?

Yes, although this can be problematic. It is important that any voluntary work that is performed by an employee is separate and distinct from the paid role the employee performs. The volunteer work should not be performed during an employee's regular working hours. If your Parish is considering engaging a current employee to also perform work in a voluntary capacity, please contact the Diocesan HR Manager.

Are volunteers covered by the Work Health and Safety Act 2011 (NSW)?

Yes. Volunteers are considered to be workers under the Work Health and Safety Act 2011 (NSW). Under this legislation, you have a duty to consult with your volunteers on work health and safety (WHS) issues, and to provide information, training and instruction to volunteers about WHS matters. Volunteers should receive all WHS training you would give an employee, including in any applicable safe work method statements (for example if they will be manual handling or using any equipment or chemicals that are potentially harmful) and emergency/first aid procedures. They should also be aware of how to identify and report hazards.

Volunteers also have their own work health and safety obligations to:

- Take reasonable care for their own health and safety;
- Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons;
- Carry out their tasks in a safe way;
- Comply with any reasonable instruction that is given by the person conducting a business or undertaking to allow the person to comply with their WHS obligations; and
- Co-operate with any reasonable policy or procedure of the person conducting a business or undertaking relating to health or safety at the workplace that has been notified to workers.

Note: if you do not employ any paid staff, you may not be bound by the WHS Act 2011 (NSW). If you are unsure whether your organisation falls into this category, please contact the Diocesan HR Manager.

Are background checks required?

Yes. The Working with Children Act makes it mandatory for the Catholic Church to obtain Working with Children Checks for those people who are appointed or elected to a specific office and who work or volunteer within the Church. See below and refer to the Working with Children Check and Volunteer Engagement Policies for further information. It is best practice and highly recommended Parishes also carry out reference checks on volunteers, particularly those involved in child-related work. See Annexure C for a reference checking template. The Diocese recommends that all preferred applicants (both paid and unpaid positions) provide a National Police History Check (and/or a Statutory Declaration) prior to engagement with the Diocese. See the National Police History Check Policy for further information.

What are my obligations if volunteers are working with children?

The Child Protection (Working with Children) Act 2012 requires volunteers to undergo a Working with Children Check (WWCC) if they are involved in child-related work. This means you must ensure, before you engage a volunteer in child related work, that the individual has a valid and verified WWCC.

Volunteers can obtain a WWCC, free of charge, through the Office of the Children's Guardian. The WWCC should then be verified by you before the person is allowed to commence any child related work.

Some volunteers are exempt from obtaining a WWCC, these include:

- Parents or close relatives of a child who volunteer:
- In activities of the child's school, early education service or other educational institution; or
- With a team, program or other activity in which their child usually participates or is a team member.
- A volunteer under the age of 18.

The exemptions for parents and close relatives listed above do not apply if their volunteer work is part of a formal mentoring program or involves intimate personal care of a child with a disability.

What can my organisation do to minimise the risks when engaging volunteers who are exempt from obtaining a WWCC?

If a volunteer is exempt from obtaining a WWCC and will be engaged in child related work, they will need to make a statutory declaration and sign a "Declaration of those undertaking Ministry or Church-related activity in the Diocese of Lismore" form.

A statutory declaration is a formal document where the individual declares they have not committed any offences which would bar them from working with children. It is a serious offence to provide false information when making one. The "Declaration" form has been developed by the Diocese.

What safeguarding training is provided to volunteers?

We have a responsibility to ensure that the environments we work in are safe for ourselves and for those we work with. Workers - including clergy, religious, employees and volunteers - are required to undertake safeguarding training to ensure they are aware of their safeguarding and child protection obligations in line with current legislative, regulatory and policy requirements. Training is available either face-to face, or via recording, to all workers and has been designed to ensure it is relevant to their role and responsibilities.

If a volunteer injures themselves while volunteering are they entitled to Workers Compensation?

No. Volunteers are not entitled to receive workers compensation if injured during the course of voluntary work. However, an employer may hold other types of insurance which may cover a volunteer who is injured.

This may include personal accident insurance; public liability insurance; motor vehicle insurance; director and officer insurance; and/or professional indemnity liability insurance. If you require advice about what insurance coverage you might need if you wish to engage and cover volunteers, you should contact the Chancery.

What about personal information my organisation collects on its volunteers?

The Privacy Act 1988 (Cth) provides protections in relation to the use, collection, disclosure and storage of an individual's personal information. There are exemptions in the Privacy Act in relation to the handling of employee records however these exemptions do not extend to records about volunteer staff.

Importantly, not all organisations are covered by the Privacy Act. Whether your organisation is covered will depend on the nature of your organisation as well as its annual turnover. If you are unsure about whether your organisation is covered, please contact the Chancery.

If the Privacy Act 1988 (Cth) applies to your organisation, you are required to do a number of things including:

- Have a privacy policy and make it available;
- Notify your volunteers of the purpose for which their personal information is collected and of the privacy policy;
- Ensure the personal information is not used for other purposes;
- Take reasonable steps to protect the information; and
- Destroy the information when it is no longer needed.

A volunteer will also be able to do a number of things including:

- Ask for information about how the personal information is to be used and who it will be disclosed to;
- Ask for access to personal information stored by the organisation about them;
- Ask for personal information that is incorrect to be corrected; and
- Make a complaint to the Office of Australian Information Commissioner if they believe their personal information has been mishandled.

For more details and further information on privacy obligations, please contact the Chancery.

Are my volunteers covered by my organisation's code of conduct and policies?

Your volunteers will be covered if the policy says they are covered or does not exclude them. It's a good idea to review any relevant workplace policies that you want to apply to volunteers, and your organisation's code of conduct, to make sure they are not limited to employees only.

Further information

This information is intended as a guide only. If you require further information or specific assistance, please contact the Chancery on (02) 6621 9444.

Reference: These Guidelines have been adapted from CCER's Guidelines for Engagement of Volunteers

Annexure A

Volunteer Engagement Checklist

Following the below steps will assist you when engaging volunteers:

- Provide prospective volunteer with a Volunteer Application Form
- Conduct any necessary pre-volunteering screening (such as Working with Children Checks; National Police Check; Statutory Declaration; Reference Checks)
- Make sure volunteers are qualified to perform the work they are offering to do (for example do they need to have completed a first aid course or have responsible service of alcohol accreditation?)
- Confirm the volunteer arrangement in writing by providing the volunteer with the Volunteer Appointment Letter
- Volunteer has been provided with a copy of the Diocesan Code of Conduct
- Ensure volunteer has been shown where to access Diocesan policies and procedures
- Make sure you give your volunteers appropriate training (i.e. Child Protection and Safeguarding training and WHS training) and induction so that they understand the work that they are being asked to perform and how to perform it safely
- Confirm volunteer has been given a WHS induction
- Nominate someone as a contact person so that the volunteer knows who to approach if they have questions or concerns
- Ensure volunteers do not receive a wage/salary for the work that they perform
- Be mindful of not providing volunteers with entitlements that are equivalent to those provided to employees
- If you agree to compensate a volunteer for out-of-pocket expenses, ensure that proof of purchase is provided before reimbursing and that the agreement is in place prior to the volunteer incurring any out-of-pocket expenses



Annexure B Volunteer Reference Checking Form

Applicant: _____ Date: _____

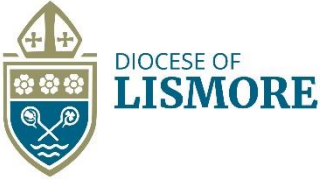
Volunteer role applied for: _____ Referee Phone: _____

Referee's details (name & organisation): _____ Referee Position: _____

Reference check conducted by (name & position): _____

Introduction	
My name is <your name> and I'm calling to conduct a reference check for <name of applicant> who is being considered for a volunteer position with <insert parish/agency/entity>. Your details have been provided to me by <applicant's name> and I would first like to check if you are prepared to provide a reference?	Yes No
The reference check will take approximately 10 minutes to complete. Is this a good time for you? If not, when is a convenient time for us to continue this conversation?	Call back Proceed
Please note that this reference will be used in the overall evaluation of the applicant and will affect whether they are selected for the volunteer role. The information you provide may be given to the candidate if requested, Do I have your permission to proceed?	Yes No
<Briefly explain the responsibilities of the volunteer role and the factors you will be assessing through the reference check>	
General questions	
What is the nature of your relationship with the applicant?	
In what capacity is/was the applicant employed by your business?	
What were the dates of their employment?	From: _____ To: _____
What duties and responsibilities does/did the applicant have?	
How would you describe the applicant's overall work performance?	

<p>Can you comment on the applicant's:</p> <ul style="list-style-type: none"> - reliability - punctuality - attendance - professionalism - time management - problem solving - <insert other factors where relevant> 	
Job-specific questions	
<p><In this section, you should prepare your list of questions based on the skills or attributes required for the job, for example:</p> <p><i>In this role, the applicant is required to be very well organised and be able to manage a very busy office.</i></p> <p><i>Please describe <applicant's name> ability to organise their workload?></i></p>	
Child-related questions (if position applied for requires a WWCC & applicant has previously worked with children)	
<p>How would you describe the applicant's behaviour & interaction with children?</p> <p>Are you aware of any reason that the applicant should not be working with children?</p>	
In closing	
<p>Do you have any final comments?</p>	
<p>Thank you for taking the time to provide feedback. If you wish to provide any further information, you can contact me on <your contact details>.</p>	



Annexure C Volunteer Registration Form

PERSONAL DETAILS

First Name:Middle Name:Last Name:

Current residential address:

.....

Telephone number: Date of birth.....

Person to be contacted in case of emergency:

..... Contact number:

(If you are under the age of 18, this registration must be co-signed by your parent or guardian)

ROLES INTERESTED IN

.....
.....
.....

REFEREES

Referee 1:

Name: Telephone number:

Referee 2:

Name: Telephone number:

PROBITY DETAILS – (refer to WWCC & NPHC Policies for role requirements)

Working with Children Check required? Yes No

Working with Children Check Number: _____ Expiry: _____

National Police History Check required? Yes No

National Police History Check clearance number: _____ Date: _____

Statutory Declaration required Yes No

(If WWCC and/or NPHC is not required a statutory declaration is required)

Statutory declaration completed? Yes No

ACKNOWLEDGMENT AND AGREEMENT

- I have read the [Code of Conduct](#). I agree to comply with the provisions of the Code of Conduct, any relevant legislation and Diocesan policies and procedures.
- I understand that the Diocese reserves the right to terminate my services as a volunteer at its absolute discretion.
- If you are required to work with children, the following declaration applies:
 - I declare that I am not a person prohibited by law from seeking, obtaining, undertaking or remaining in child related employment.
 - I acknowledge volunteering at the Diocese will be subject to satisfying the requirements under the: [Child Protection \(Working with Children\) Act 2012 \(NSW\)](#); which may include being required to hold a current Working with Children Clearance.

I certify that the information provided in this form is true and correct.

.....
Applicant's name *signature* *date*

.....
Parish representative name *signature* *date*

Privacy Notice

Our Privacy Policy details how we comply with the requirements of the Privacy Act in the handling of your personal information. By submitting this application, you are consenting to the collection, use and disclosure of your information as set out in our Privacy Policy.

Date

[Volunteer name]

[Note: **Home** postal address]

[Note: **Home** postal address]

[SUBURB STATE POST CODE]

[if sending by email]

By email: insert email address]

Dear [insert volunteer first name],

VOLUNTEER ENGAGEMENT LETTER: [INSERT VOLUNTEER'S POSITION/ROLE]

Thank you for offering to become a volunteer at [insert Diocesan entity name]. We are very pleased to have your assistance and acknowledge the valuable contribution made by volunteers.

Your volunteer role is conditional upon the following:

- A Working with Children Check Clearance Number; [delete if not required];
- The completion of a National Criminal History Check [delete if not required]

A statement of the tasks to be undertaken in your voluntary capacity is outlined within the **attached Position Description**. These tasks can be reviewed at your request.

Note: Delete as appropriate

Option 1: Use if the volunteer is to work a fixed number of days/hours

Option 2: Use if the volunteer is to work on an "as needs" basis

[OPTION 1:] It is agreed you will give your services on [insert times/days]. If you are unable to attend for any reason, please notify [insert name of responsible person] as early as possible.

OR

[OPTION 2:] It is agreed you will give your services based on the needs of [insert organisation name]. If you are unable to attend for any reason, please notify [insert name of responsible person] as early as possible.

You understand that as a volunteer, no remuneration will be paid for your services. You also understand that your volunteer work does not give rise to a relationship of employment between you and the Diocese of Lismore (**the Diocese**) or any person or entity associated with the Diocese. There is no intention to create any kind of contractual relationship with you.

Before you commence volunteering, we ask that you attend a Work, Health and Safety induction before you commence in your volunteer role.

[Delete as appropriate] Out-of-pocket expenses may be reimbursed to you where [insert conditions], where this is approved in advance and proof of expenditure is provided.

While assisting as a volunteer, it is expected that your conduct will always be consistent with the teachings, values and ethos of the Catholic Church. You are also required to adhere to the policies and procedures of the Diocese, including the Code of Conduct Policy, and to abide by work health and safety obligations, including exercising due care for the health and safety of yourself and others.

[Delete if not appropriate to role] Reportable Conduct

From 1 March, 2020, the *Children's Guardian Act 2019* (the Act) came into effect and provides the legislative framework for the Reportable Conduct Scheme (the Scheme). The Scheme covers all employees (as defined to include volunteers) who

are required to hold a Working With Children Check in the Diocese of Lismore.

The Scheme requires reporting of certain conduct known as reportable allegations and convictions of employees made against children.

A reportable allegation includes conduct of:

- A sexual offence,
- Sexual misconduct,
- Physical Assault,
- Ill-treatment of a child,
- Neglect of a child,
- Behaviour that causes significant emotional or psychological harm to a child,
- Failure to reduce or remove risk of child becoming victim of child abuse, and,
- Concealing child abuse offence.

A reportable conviction means a conviction (including a finding of guilt without a court conviction/penalty) of an offence involving reportable conduct (above categories of conduct).

What does this mean for you as a Volunteer in the Diocese of Lismore?

1. You have an obligation to report alleged reportable conduct of colleagues towards children both during and outside 'work' hours. You must immediately make this report to your Parish Priest or Business Manager or Secretary. If they are unavailable, you are to contact the Diocesan Safeguarding Office on 02) 6621 9444.
2. If an allegation of reportable conduct is made about your behaviour as a Volunteer, the Diocesan Safeguarding Office will report the alleged reportable conduct to the Office of the Children's Guardian and initiate an investigation. A risk assessment will be undertaken by the Diocesan Safeguarding Office regarding your Volunteer engagement for the duration of the investigation.

Confidentiality

You agree to respect the confidentiality of information and documents to which you have access in the course of, or arising from, your volunteer role.

You must not, during your time as a volunteer, or after the cessation of your volunteer role, for any reason, directly or indirectly, use or disclose (or attempt to use or disclose) confidential information.

Confidential information includes, but is not limited to:

- Information about individuals held by the [Insert Name of Diocesan Entity], including but not limited to former, current and future staff and clients;
- Information about the [Insert Name of Diocesan Entity] finances;
- Computer data bases and computer software; and
- All other information obtained from or in the course of your volunteer role that is, by its nature, confidential or personal information.

If you decide that you can no longer continue your services as a volunteer, it would be appreciated if you could inform [insert name] as soon as possible. You can also contact [insert name] if you have any questions or concerns about volunteering at [insert Organisation name].

Thank you again for volunteering your services.

Yours sincerely,

[insert Name]

[insert Title]

For and on behalf of the Diocese

Acceptance

I have read and understood the conditions of my volunteer role as set out in this letter and I agree to the volunteer role on the terms and conditions contained in it.



.....
Signature of [insert volunteer name]

.....
Signature of Witness



.....
Date

.....
Name of Witness



.....
Date

ATTACHMENT – Volunteer Position Description

Volunteer Role:	[insert title of Volunteer role]
Purpose:	[insert brief description or sentence about the role. For example, the Volunteer will provide assistance to the events team]
Supervision:	[insert details of who the Volunteer will be supervised by or who the Volunteer needs authorisation from to carry out certain tasks]
The tasks to be undertaken by you are:	<ul style="list-style-type: none">• [insert description of the tasks]• [insert description of the tasks]• [insert description of the tasks]• [insert description of the tasks]• [insert description of the tasks]• [insert description of the tasks]

Annexure E Volunteer Reference Checking Form

Volunteer Name

Parish/Entity/Agency

Date

Write N/A if not applicable.

Has the new volunteer:

- Been provided with a volunteer engagement letter and list of duties?
- Been provided with a copy of the Diocesan Code of Conduct?
- Been shown how and where to access Work Health & Safety Guidelines?
- Been shown how and where to access Diocesan policies?
- Had explained to them their obligations under WHS legislation and Child Protection (if required)?

Have we:

- Communicated the appointment to others in the team?
- Set up a desk/computer/tools/workspace for the volunteer, as required?
- Shown the volunteer any emergency exits; emergency evacuation procedure; first aid?
- Shown the volunteer where the lunch room is and where tea and coffee are kept, where the toilets are etc;
- Issued the volunteer with any equipment? Please list:

Parish representative signature	Volunteer signature

Volunteer signature:

Parish representative signature:

Date:

This form is to be kept on the volunteers personnel file.