



Liability when Volunteers are Involved

Any organisation that works with volunteers should understand its potential liability for damages. In some situations, your group may be held responsible for losses suffered by or caused by a volunteer.

Whether a person is a volunteer or a paid worker doesn't change a group's liability. What matters is whether the person was acting on behalf of the organisation when the damage occurred. If a volunteer causes damage while working for the organisation, the organisation is usually responsible.

However, there are some exceptions. The organisation may not be liable if the volunteer:

- Acts outside their assigned role and without the organisation's approval
- Engages in dishonest behaviour
- Performs their duties in a reckless or negligent way
- Does something completely unexpected or unforeseeable in their role
- Fails to follow the organisation's policies, procedures, or guidelines for the task.

To reduce the risk of a volunteer causing harm to your organisation, team, or others, we recommend carefully reviewing the following areas.

Job Descriptions and Guidelines

- Provide volunteers with a clear role description and ensure they understand it.
- Offer clear, written guidelines they can refer to while performing their tasks.
- If a volunteer struggles with or refuses to follow your guidelines and procedures, address the issue promptly to confirm their understanding of the role and expectations.
- Carefully consider whether to retain volunteers who repeatedly ignore or struggle

to follow your guidelines. While you're generally not liable for actions outside your agreed protocols, this could change if you knowingly allow a volunteer to continue despite non-compliance.

- If a role or procedure changes, discuss the updates with volunteers and follow up with an email or notice summarising key points.

The Volunteer Agreement

Ensure you have a written volunteer agreement that aligns with the role description. Volunteers should sign the agreement, confirming their commitment to following your organisation's guidelines and any instructions from their supervisors.

Depending on the nature of the volunteer's work, regular check-ins, refresher meetings, or training sessions may be beneficial. These provide a great opportunity to reinforce the importance of their role and the need to adhere to the job description.

Volunteer Training

Always provide proper training before setting a volunteer to work. If a volunteer makes a mistake or fails to act, your organisation could be held responsible if they weren't adequately trained. Ensure they understand their responsibilities, can perform their tasks, and have received the necessary guidance.

Training can take various forms, such as inductions, mentoring with experienced volunteers, refresher courses, handbooks, or regular email updates. Adapt your approach to fit your organisation's capacity and the specific volunteer role. It's just as important to clarify what volunteers **shouldn't** do as what they **should**. Set clear boundaries to prevent misunderstandings.



Insurance

Check whether your organisation's insurance policy covers volunteers. If you're unsure, consult your management team about reaching out to your insurer for clarification.

If there are gaps in coverage, consider whether additional insurance is necessary or if your organisation could afford to cover potential claims.

Inform volunteers—in writing—if they may need to arrange their own insurance. This should be addressed during induction and reinforced in email communications.

Procedures and Spot Checks

Mistakes and oversights can happen, whether due to forgetfulness or changing capabilities over time. Don't assume that a one-time training session or a single police check is enough. If a volunteer role carries any risk, consider implementing regular spot checks, refresher training, or reminders to help keep volunteers on track.

Establish clear reporting procedures so volunteers know who to approach—confidentially—if they have concerns. Plan how you would handle such situations and provide written guidelines if appropriate.

Don't rely solely on police vetting when assessing a volunteer's suitability - stay mindful of the potential risks, especially when working with vulnerable individuals.

Volunteer Drivers

Your volunteer agreement should clearly state that volunteers who drive for your organisation must have a valid driver's licence and at least third-party insurance. They should also confirm that their vehicle is registered and warranted (if using their own vehicle) and that they will comply with all road rules. It's a good idea to recommend they check with their insurance provider to ensure they are covered for any accidents while driving on behalf of your group.

The agreement should also require volunteers to notify you if they are charged with any driving-related offence. Additionally, ask volunteers to inform you if they experience any health issues that could affect their ability to drive safely for the organisation.

If volunteers are driving clients, it may be worthwhile to conduct periodic driving assessments. The volunteer agreement should outline that volunteers are required to undergo a driving skills assessment—at your organisation's expense—whenever necessary.