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**Voluntary Workers Policy**

**POLICY REFERENCE ANM**

**This policy is suitable for Public Disclosure**

**Owner of Doc: Head of Department, Community Safety**

**Date Approved: April 2002**

**Review Date: June 2009**

## 1. Introduction

- 1.1 Derbyshire Constabulary recognises the skills and dedication of members of the community that wish to assist the policing effort by undertaking voluntary work.
- 1.2 A 'volunteer' is defined as a person, who performs, or offers to perform, voluntary services.
- 1.3 The Force will accommodate 'voluntary workers', where appropriate, and where the result will enhance closer liaison with the communities it polices.
- 1.4 However to be effective it is important that skills and services are utilised to their best advantage, meeting both the requirements of the Derbyshire policing ethics and the aspirations of the individual(s) concerned.
- 1.5 It is important that clear guidelines are established for all contracted/regular staff to follow when considering the use of volunteers to ensure that all legal and personnel requirements are complied with and to ensure that volunteers understand the role and responsibility they are undertaking.
- 1.6 This policy covers the use of all 'volunteers' within premises controlled by the Force.

## 1.7 Legal Considerations:-

- 'Vires'
- **Data Protection**

The Data Protection Act 1998 regulates the processing of personal data and creates obligations on those who process such information. These obligations include a requirement to ensure that information is processed:

- Fairly and lawfully
- For limited purposes only
- To be adequate, relevant and not excessive
- To be accurate and up to date
- Kept for no longer than necessary
- In accordance with the rights of individuals
- Securely
- Not transferred to countries without adequate protection

These standards will apply to all police information.

In relation to the processing of police information by persons who are not employed by the Chief Constable, particular consideration must be given to the obligations arising under Principle Seven.

- **The Human Rights Act 1998**

- **The Health and Safety at Work Act 1974**

This Act creates a 'duty of care' on employers to provide a safe place of work and safe systems of work. Despite the fact that 'volunteers' have no formal contract with the Constabulary, and therefore no statutory rights as an employee, the Force has a 'duty of care' towards them and they fall within the remit of this Act.

## **2. Policy Statement**

This policy defines a robust, transparent and consistent system to enable the force to utilise the skills of voluntary workers.

## **3. Guidance and Procedures**

- 3.1 To safeguard the assets of the Force, it is imperative that a full risk assessment is carried out coupled with appropriate security checks, on any non-contracted individual(s) offering services on a voluntary basis and requiring access to premises/equipment controlled by the Force.
- 3.2 All contracted/regular staff must have a clear understanding of the implications and procedures to be followed when considering the use of 'voluntary workers'.
- 3.3 There are numerous types of 'volunteers' currently utilised by the police, e.g. Neighbourhood Watch, Victim Support, CCTV volunteers. This policy is intended to cover those individuals who have volunteered their services to the police, i.e. have no form of contract, or job description and whose role requires them access to premises controlled by the Force.
- 3.4 All enquiries relative to the use of 'volunteers' should be directed to the Force Security Manager in the first instance.

### Divisional/Departmental Line Manager

- 3.5 The appropriate Divisional Head/Line Manager will initially consider any request for the use of a 'volunteer' to perform duties/tasks for any policing purpose or, within any building controlled by the Force.
- 3.6 A business case should be completed to evidence that the following considerations have been addressed:-

### 'Vires'

- 3.7 The actual role to be performed, inclusive of any perceived legal 'powers' required.

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### Practical

- 3.8 Initially it will be important to decide upon the appropriateness of the use of a 'volunteer' as opposed to the use of an existing police staff member, if capacity allows or the establishment of a part-time/permanent contracted role. If such a role is considered appropriate consideration should be given to utilising staff on the 'at risk register' (further details can be obtained from Headquarters Personnel if required).
- 3.9 The following considerations, although not exhaustive/prescriptive, should be considered in making this initial decision: -
- What supervision will be required and how this will be implemented.
  - The existing job of the 'volunteer'. This is necessary in order to avoid any possible conflicts of interest.
  - The hours required to fulfil the 'voluntary' role. The European Working Time Directives will have to be adhered to. Therefore the hours worked will have to be notified to the employer.

### Health and Safety/Occupational Health

- 3.10 Form 'Med 1' must be completed and sent to the Force Occupational Health Department who will then assess the suitability of the candidate to be utilised as a 'volunteer' based on the information disclosed.
- 3.11 Whilst in the majority of cases an examination will not be necessary it will be at the professional judgement of the Occupational Health staff to determine whether or not the 'volunteer' is called in for further examination/discussion.
- 3.12 Any sanctions that are placed on the use of a volunteer by Occupational Health must be fully complied with, i.e. cannot work alone and must be accompanied at all times.
- 3.13 The volunteer will be utilised subject to approval from the Force Occupational Health Department.

### Considerations for Force Security

- 3.14 The proposed 'volunteer' will be required to undergo vetting checks in accordance with the Force Vetting Policy prior to the commencement of duty.
- 3.15 Other security considerations are: -
- Access to police buildings, i.e. where the 'volunteer' is to be situated.
  - Access to other buildings/offices or force assets.

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- General security aspects.
- 3.16 On receipt of a report requesting the use of a 'volunteer' together with completed forms the officer will liaise with the initiator and arrange for a security visit to the proposed venue, to ensure that the use of a 'volunteer' will pose no risks to other Force Assets.

### Data protection

#### 3.17 Considerations under Data Protection:-

- What access to police information may be required in order to fulfil the role and how will such access be managed?
- Form 440, 'Security of Information - Guidelines' will be used in circumstances where access to information is not expected to be routine. It provides for the occasional access to information or where information may be overheard or seen. This Form should be completed in duplicate. The appropriate Divisional Head/Line Manager should retain one copy and the second forwarded to the Force Security Officer.
- Where only limited information is required in order to achieve the specified purpose, the appropriate Divisional Head/Line Manager will consider how disclosure of this information will be managed whereby the volunteer receives the information in controlled circumstances.
- Where the business case concludes that direct access to information is required in order to achieve the specified objectives, the following will apply: -
  - a. Where access to information is required as a necessary part of the volunteer's function, a data processing agreement will be drawn up in order to evidence in writing the relationship between the volunteer and the Chief Constable as 'Data Controller' under the provisions of the Data Protection Act. This contract will require the volunteer to act only on the instructions from the Chief Constable and impose obligations on that person equivalent to those on the Chief Constable under Principle Seven of the Act.
  - b. Form 806, 'Application for authorisation Force Computer Systems' will be completed for the access to any Force Information System. However, this will be dependent upon the role requirement and required access to force computer systems. The Force Security Officer will advise on this if deemed necessary.
- Form 241- Voluntary Workers Scheme - Divulging of Official Information (during voluntary work)

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- 3.18 If an individual refuses to accept any of the above conditions or the provisions of the Force's Liability Insurance Policy, their use as a 'volunteer' will not be considered.
- 3.19 If, subject to satisfactory consideration/completion of the above, the use of a 'volunteer' is deemed appropriate a report containing the above information must be submitted by the line manager to the Force Security Manager based at Force Headquarters. This can be done in hard copy or electronically.
- 3.20 To ensure effective communication the respective Divisional Commander, or a member of the Command Team, must endorse the report to include what liaison has taken place, if any, with local staff associations.
- 3.21 Completed forms will be forwarded via despatch marked 'confidential'.

### Utilisation of 'Volunteers'

- 3.22 Volunteers' will not be utilised until: -
- Approval has been received from the Force Occupational Health Department. If any sanctions have been imposed these must be fully incorporated in to the terms and conditions of 'employment' prior to any use of the volunteer.
  - Relevant security checks have been completed
  - Any work deemed necessary by the Force Security Manager in relation to the security of the premises has been carried out
  - Training, as defined by the Force Data Protection Officer, is scheduled
  - Appropriate management and supervisory arrangements are in place
  - Form 240 – Conditions of Voluntary Service and Form 241- Voluntary Workers Scheme - Divulging of Official Information (during voluntary work) have been signed and witnessed.
  - Any additional documentation, if required, has been signed and submitted.

### Action Following Satisfactory Checks etc

- 3.23 On satisfactory completion of the above the Force Security Officer will inform the appropriate Divisional Head/line manager in writing that the 'volunteer' may be utilised.

### Issue of Identity Card

- 3.24 On completion of the above a green identification card will be issued to the 'volunteer' by the Divisional Head/appropriate line manager in line with the current force policy 'Identity Cards for Other than Permanent Force Employees'.

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- 3.25 The identity card will be handed personally to the 'volunteer' by the appropriate Divisional Head/appropriate line manager.
- 3.26 I.D. cards will not be sent via the post.

### Review of 'Volunteer(s)' Use

- 3.27 Any proposed change in the use of the 'volunteer', or their location, must be reported to the Force Security Manager in order that a new risk assessment can be undertaken as above. This will be carried out in consultation with the volunteer.

### Breach of Conditions and Possible Sanctions

- 3.28 'Voluntary workers' do not fall into any form of grievance or disciplinary procedures as any written agreement signed by them may not be a legally binding agreement because no consideration has been given by either party, e.g. payment.
- 3.29 Therefore, the sanctions open to a manager in respect of any perceived disciplinary breach by a 'volunteer' are limited to: -
- a criminal investigation, if appropriate.
  - the termination of the individual's attachment.
  - the suspension of any agreement to utilise the volunteer in the future.
  - Civil and/or criminal liabilities arising from the Data Protection Act 1998 or Official Secrets Act
- 3.30 All instances where there is a perceived breach of procedures should be reported to the Force Security Officer in the first instance for advice and guidance.

### Cessation of 'Voluntary' Work

- 3.31 When a 'Volunteer' ceases their work, either by choice or otherwise, they should be asked to sign Form 242 'Official Secrets Act - Cessation of Work', which reminds them of their ongoing obligations.

## **4. Human Rights Compliance**

- 4.1 The content of this policy has been tested against Derbyshire Constabulary's Human Rights Compliance Test.
- 4.2 Consideration has been given to the compatibility of this policy and related procedures with the Human Rights Act and European Convention on Human Rights; with particular reference to the legal basis of its precepts; the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it

is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and outcomes of action.

## **5. Diversity Compliance**

- 5.1 The content of this policy has been tested against Derbyshire Constabulary's Diversity Compliance Test.
- 5.2 The policy has been drafted in accordance with all relevant employment legislation and with the general duty under the race, disability and gender Equality Schemes. The Disability Equality Scheme good practice will be adopted and applications from Disabled people will be welcomed and adjustments made where possible.
- 5.3 Monitoring work will be undertaken on a regular basis to ensure this and the policy and procedure reviewed regularly in the light of monitoring results.

## **6. Monitoring and Review**

- 6.1 The Head of Community Safety is responsible for monitoring the implementation and impact of this policy.
- 6.2 Data is monitored for disproportionate impact on minority groups and discussed at performance meetings and shared with partner agencies and community forums.
- 6.3 This policy will be reviewed 24 months from its implementation date, and the outcome of monitoring processes will inform this review.

## **7. Appeals Process**

- 8.1 If a member of staff has an issue with the application of this policy, they should raise this in the first instance with their line manager. Staff may have recourse to the Dispute Resolution Procedure
- 8.2 Members of the public who take issue with the application of this policy have recourse to the police complaints system.

## **8. Certificate of Compliance**

- 8.1 This document was audited in June 2007, by Sandra Haycock, Community Safety, within the guidelines of the Human Rights Act 1998. The audit was carried out on the assumption that the guiding legislation is itself compliant with the Human Rights Act 1998.

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- 8.2 Where there are areas of potential interference with individuals' rights under the Act due regard has been given to the issues of legality legitimate aim proportionality and fairness.
- 8.3 Subject to any new legislation or changes in case law which require immediate amendment this document next requires reviewing in June 2009 by the Head of Department, Community Safety.