**Fact sheet 2a:**

**The legal definition and standing of the term ‘volunteer’**

Legal definition

The Police Act 1997 (Criminal Records) Regulations 20021 defines a volunteer as:

“A person who is engaged in any activity which involves spending time unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative.”

Legal standing

Beyond the definition above, the law tends to identify volunteers as not meeting the criteria for being classed as employees or workers. A volunteer’s legal standing depends upon whether the terms of their engagement match those of a volunteer or those of an employee. This means that in order for an individual to be classed as a volunteer, the organisation must avoid treating them as an employee or worker.

Whilst fewer laws apply to volunteers than employees, some do exist. Generally, organisations can accept, reject and end volunteer engagements without needing to give notice or follow disciplinary procedures. Legal obligations exist mainly in the areas of Health & Safety and Data Protection.

**For more information**

[National Council for Voluntary Organisations (NCVO)](http://www.ncvo.org.uk)

NCVO champions the voluntary sector and volunteering across Britain by connecting, representing and supporting voluntary organisations. It has a reputation as an authoritative voice for the sector.

* [www.ncvo.org.uk](https://www.ncvo.org.uk/) Phone: 020 7713 6161 Email: ncvo@ncvo.org.uk

NCVO Knowhow Nonprofit

Knowledge and e-learning for charities, social enterprises and community groups. Learn from experts and peers, and share your experiences.

* [www.knowhownonprofit.org](https://knowhownonprofit.org/)

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