
A guide to avoiding job substitution



In partnership with



As the impact of public spending cuts becomes severe, the issue of job substitution – when volunteers replace paid staff roles – has become critical. This guide aims to help volunteering organisations ensure volunteers are not substituting for paid staff when services are being cut.

Organisations having to cut costs may consider involving more volunteers to preserve services for their users. Moreover, the current political drive for citizens to be more involved in their communities means that public sector bodies are looking to involve more volunteers in new and different ways. This opening up of services to volunteers can make them more responsive to local need, and more representative of the communities they serve. Indeed volunteers' skills and experience can bring a new dimension to local services.

Where funding is cut, organisations face massive challenges for the quality and level of their services for their users, their responsibilities to their employees, and their commitment to volunteers and volunteering. There is a danger that volunteering becomes politicised in these situations, and it would be damaging to the public perception of volunteers if they are seen to undermine staff jobs. Therefore it is important for organisations to take early steps to address the issue.

What is job substitution?

There are a range of scenarios that could be considered job substitution. At one extreme, an organisation may decide to cut jobs and recruit volunteers to fill the gaps. At the other, when a service has been withdrawn due to funding cuts, members of its community or service-users may volunteer themselves to run services which meet similar needs.

The first case is clearly a direct replacement of paid staff, and it is therefore likely that the organisation would receive objections from staff and trade unions, and find that volunteers do not want to be involved. In the second case, volunteers are, to some extent, providing services previously delivered by paid staff, but now as a new group taking over the service. This service could, however, be significantly different from the one delivered by paid staff.

Alternatively, a local authority may decide to withdraw funding from services where they think volunteers would be likely to step in or where they believe it ought to be a community and voluntary responsibility rather than a publicly funded service. Or a local authority may commission services from a new organisation. In such cases it may be difficult to anticipate or determine the extent to which jobs are being replaced or displaced.

In all these kinds of situations, even where a new community group is proposing to take over the service, there is a need to review not only organisations' services and expenditure but their relationship with the volunteer group, the kind of roles that they can expect of volunteers and the resources or training required to support them.

Managing the process

To prevent conflict and potential disagreements, we encourage organisations to refer to the [VE and TUC charter for strengthening relations between paid staff and volunteers](#)¹ (see Annex A) when considering involving volunteers. One of the key principles of this charter is that the involvement of volunteers should complement and supplement the work of paid staff. They should not displace paid staff or undercut their pay and conditions of service.

These principles should be used by individual organisations as a guide to develop more detailed policies and procedures, which reflect local needs and circumstances. This should be done between local union representatives, employers and volunteering managers.

Relations between paid staff and volunteers can be enhanced by good procedures, clarity of respective roles, mutual trust and support. There are a number of practical steps that we would recommend organisations take to ensure the involvement of volunteers produces a positive outcome.

1. Consult with trade unions, staff and the community on key principles for volunteer involvement.
2. Create a volunteering policy, defining the procedure for creating new roles and solving problems
3. Agree roles and responsibilities of volunteers
4. Create opportunities for staff and volunteers to better understand each others' roles

Consult with trade unions, staff and the community on key principles for volunteer involvement

It is important that organisations address any potential issues about involving volunteers early on in the process. They are likely to be specific to your particular situation, but there will always be a need for consultation with staff, trade unions and the community. If volunteers are being involved at a time when the organisation is undergoing a period of change – whether through restructure or staff redundancies – it is understandable that staff may have reservations. The consultation process should provide an opportunity to raise concerns and build consensus on how to involve volunteers.

The charter for improving relations between paid staff and volunteers between Volunteering England and the TUC (see Annex A) is a statement of principles and good practice that can be used as a model agreement for individual unions and organisations.

Through the consultation process, organisations will start to identify suitable roles for volunteers. Organisations can benefit from thinking about how volunteers could change the nature or improve the quality of services provided. For example, volunteers may bring new ideas and different skills to the organisation or help improve connections with the community.

The Best Value statutory guidance² from the Department for Communities and Local Government³ includes a duty on statutory bodies⁴ to consult when considering decommissioning a service, and requires local authorities to give three months' notice when cutting funds to a voluntary organisation, in line with the

¹ <http://www.tuc.org.uk/workplace/tuc-17329-f0.cfm>

² <http://www.communities.gov.uk/documents/localgovernment/pdf/1976926.pdf>

³ See briefing by NAVCA, Volunteering England and partners: <http://www.navca.org.uk/best-value-statutory-guidance>

⁴ A local authority; a National Parks authority; the Broads Authority; police and fires authorities, the London Fire and Emergency Planning Authority; a Waste Disposal Authority, Joint Waste Authority, an Integrated Transport Authority; Transport for London; the London Development Agency. See Section 1 of the Local Government Act 1999, economic prosperity boards established under section 88 and combined authorities established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.

Compact. This provides an opportunity to challenge the funding cut, but also to consult on and review what kinds of roles and services could be undertaken by volunteers.

Create a volunteering policy, defining the procedure for creating new roles and solving problems

Creating a volunteer policy provides a framework for volunteer involvement. It helps define the role of volunteers within the organisation, and sets out how they can expect to be treated.

A volunteer policy should draw together all the policies and procedures that affect volunteers, which may include: recruitment, diversity, induction and training, expenses, supervision and support, insurance, health and safety, confidentiality and problem solving.

A volunteering policy helps to ensure all volunteers are treated equally and fairly. It allows volunteers to know where they stand, how they can expect to be treated, and where they can turn to if they feel that things are going wrong. It also helps ensure that paid staff, senior management and trustees fully understand why volunteers are involved, and what role they have within the organisation.

Agree roles and responsibilities of volunteers

Once the principles for volunteer involvement are established, you can start to plan what volunteer roles would be valuable to the organisation. For example, you may wish to set up a working group with staff representatives and individual trade unions to discuss specific volunteer roles and responsibilities.

Organisations should identify activities for volunteers that would support and complement the work of paid staff. Formulating volunteer roles will help staff understand what volunteers are there to do, which will improve the experience of volunteers and staff alike.

It is also important that organisations recognise volunteers differently to employees. Whereas employees are contractually obliged to work, volunteers give their time freely, and are therefore not under a contract. There have been cases in which volunteers have been found by an employment tribunal to be in effect an employee or worker due to the expectations placed upon them. This has conferred on them employment rights such as the national minimum wage. For more information, see our [free publication 'Volunteers and the law'](#) ⁵. Organisations should also be aware of the differences between paid and unpaid interns. For more information, see our information sheet ['Internships explained'](#) ⁶.

There are specific considerations if a volunteer is in receipt of state benefits. Jobcentre Plus and HM Revenue and Customs can investigate instances of suspected 'notional earnings'. If the claimant performs a service for someone and either isn't paid or is paid less than for comparable employment in the area, their benefits claim could be affected. For more information see the [Directgov web page about volunteering while on benefits](#) ⁷.

Create opportunities for staff and volunteers to better understand each others' roles

Organisations should take steps to encourage strong working relationships between staff and volunteers. Inviting volunteers to staff meetings can help improve communication, and including them in training sessions can help build a shared understanding of the organisation's work and priorities.

For more information on managing volunteers please visit Volunteering England's [Good Practice Bank](#) ⁸.

⁵http://www.volunteering.org.uk/images/stories/Volunteering-England/Documents/Publications/Volunteers_and_the_Law_rev.pdf

⁶<http://bit.ly/yPvbfA>

⁷http://www.direct.gov.uk/en/homeandcommunity/gettinginvolvedinyourcommunity/volunteering/dg_064299

⁸<http://www.volunteering.org.uk/goodpractice>

Annex A: Charter for Strengthening Relations between Paid Staff and Volunteers

Volunteering England and the TUC acknowledge that on the whole, relations between paid staff and volunteers are harmonious and mutually rewarding. They can, however, be enhanced by good procedures, clarity of respective roles, mutual trust and support. This Charter sets out the key principles to help underpin good relations in the workplace.

These principles should be used as a guide by individual organisations to develop more detailed policies and procedures, which reflect local needs and circumstances. This should be done, wherever possible, between local union representatives, employers and volunteering managers.

Paid work is any activity that is undertaken at the direction of an employer and is financially compensable. Volunteering is freely undertaken and not for financial gain; it involves the commitment of time and energy for the benefit of society and the community.

Charter Principles

- All volunteering is undertaken by choice, and all individuals should have the right to volunteer, or indeed not to volunteer;
 - While volunteers should not normally receive or expect financial rewards for their activities, they should receive reasonable out of pocket expenses;
 - The involvement of volunteers should complement and supplement the work of paid staff, and should not be used to displace paid staff or undercut their pay and conditions of service;
 - The added value of volunteers should be highlighted as part of commissioning or grantmaking process but their involvement should not be used to reduce contract costs;
 - Effective structures should be put in place to support and develop volunteers and the activities they undertake, and these should be fully considered and costed when services are planned and developed;
 - Volunteers and paid staff should be provided with opportunities to contribute to the development of volunteering policies and procedures;
 - Volunteers, like paid staff, should be able to carry out their duties in safe, secure and healthy environments that are free from harassment, intimidation, bullying, violence and discrimination;
 - All paid workers and volunteers should have access to appropriate training and development;
 - There should be recognised machinery for the resolution of any problems between organisations and volunteers or between paid staff and volunteers;
 - In the interests of harmonious relations between volunteers and paid staff, volunteers should not be used to undertake the work of paid staff during industrial disputes.
 - This Charter stands between Volunteering England and the TUC as a statement of principles and good practice. It is also a model for use by individual unions, volunteer involving organisations in the public, third and private sectors and other bodies in discussions around the use of volunteers.
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