



Volunteer Policy

Volunteers provide organisations with additional resources as unpaid ‘workers’. Volunteers can be a valuable addition in an organisation if they are managed appropriately and can become very effective with suitable supervision and training. Volunteers are most effective when they commit to a systematic placement of a reasonable length, thereby providing the organisation and the volunteer with positive outcomes and achievements from the placement.

Volunteers in the Commission perform a wide variety of tasks, both administrative and/or legal in character.

Under section 10(2)(j) the *Legal Aid Act 1977* (ACT) (*‘Legal Aid Act’*) the Commission is to, as far as it is practicable to do so, encourage law students to participate in the provision of legal assistance by officers of the Commission.

Purpose

To outline:

- attracting and recruiting suitable volunteers
- induction and training
- roles and responsibilities of volunteers
- support and supervision
- placement requirements.

Definitions

Clinical Program

A placement or program run by a university or other educational institution to provide students with practical legal work experience and course credit.

External organisation

A third party organisation who has instigated a placement of a volunteer at the Commission. This will generally be a university who will have placed a student within the Commission for the purposes of practical training and to receive course credit.

Intern

A student completing a university course which requires a practical component in conjunction with course work.

Placement manager

The staff member who has been tasked with supervising, overseeing work allocation and completing necessary documentation. The common roles in Legal Aid ACT where this might occur, but not limited to are:

- the Litigation Practice Manager;
- the Youth Law Centre Solicitor;
- the Community Legal Education Officer; or
- Team Leaders.

Practical Legal Training (PLT)

The training required by postgraduate law students who are completing a legal practice diploma. Work at the Commission may satisfy this requirement.

Volunteer

A worker who has been engaged by the Commission to perform unpaid work. They are inducted as workers in the Commission. Broadly speaking there are three types of volunteers:

1. **Placement** – these are volunteers who have been placed within the Commission through an external organisation. This can include Interns and also students completing a Clinical Program. This may also include volunteers who are completing Practical Legal Training requirements.
2. **Independent** – these are volunteers who have applied and gained placement through the Human Resources register. This may also include volunteers who have requested placement independently to complete Practical Legal Training requirements.
3. **Skilled** – these are volunteers who have legal or other relevant qualifications who have contacted the Commission directly or through the Human Resources register. They have the ability to perform specialised services, and may be able to perform more independent tasks than general volunteers.

Attracting and recruiting volunteers

Volunteers are usually sourced in the following ways.

1. External organisations will often organise for the placement of volunteers within the Commission for the purposes of providing them with practical legal training. This can involve placing students in Clinical Programs or as Interns within the Commission.
2. Through the Human Resources Volunteers/Workshop Placements/Work Experience register. Both student volunteers looking to gain experience and skilled volunteers looking to provide pro bono legal services may express interest by providing their information to the Human Resources register from the Legal Aid ACT website.
3. Through an existing staff member who has been directly approached and agreed to accept a volunteer.

Work experience requests by Colleges/High Schools or students under 18 must be referred to the Human Resources Manager in the first instance (these placements are managed separately to this policy).

Advertisements for volunteer positions within the Commission may be placed on relevant websites or registers where the need arises. This may include advertisements placed in materials produced by the ACT Law Society or on university campuses. This can also include placing advertisements on appropriate registers managed by organisations such as Volunteering Australia, ProBono Australia or Volunteering ACT. However, in most cases the Human Resources register provides an abundance of applications for volunteering experiences.

Worker Induction

All ‘workers’, including volunteers, are required to undergo a workplace induction before or soon after commencing with the Commission. This may be done in a group session or on a one on one basis by Human Resources. The induction is designed to outline the responsibilities of the volunteer while they are engaged to work with the Commission. This includes supervision, workplace health and safety and information around relevant Acts, policies and procedures they must comply with during their time with the Commission.

With the exception of a Clinical Program placement, a volunteer is required to sign a Worker and Confidentiality Agreement with the Commission. Human Resources are to be notified of any engagement of a volunteer and provided with a copy of the volunteer’s CV.

Responsibilities of Volunteers

All volunteers are asked to apply for and provide a copy of their Working with Vulnerable People check (see below). Applications for this check under a volunteer arrangement are free and able to be lodged on the Access Canberra website. Volunteers unable to provide this check may not be provided with the experiences they desire.

Volunteers are expected to comply with all relevant Acts, Policies and Procedures of the Commission (please refer to the Worker Induction Booklet). Additionally, they are to comply with all lawful and reasonable directions given to them by the Placement Manager or staff of the Commission.

All volunteers are to comply with the secrecy provision contained within section 92 of the *Legal Aid Act 1977*. This is a section that applies to all staff and volunteers engaged by the Commission. Volunteers are not to disclose confidential information during or after their engagement and any papers written as part of the placement must be de-identified and provided to the CEO and or Placement Manager for clearance prior to any submission or publication of such documents.

All volunteers are subject to the same Code of Conduct as Commission staff and a placement may be terminated where a volunteer is not compliant.

Volunteers should ensure they are suitably dressed when working at the Commission or attending court with a solicitor. Appropriate office attire should be worn when attending the Commission. When attending court, volunteers should follow the Court Etiquette advice found on the ACT Courts Website including dressing in clean, neat attire with appropriate footwear.

If volunteers are deemed to be dressed inappropriately, the Placement Manager may dismiss the volunteer for the day.

Volunteers who are engaged with the Commission for the purposes of Practical Legal Training or other course requirements are responsible for the management of their own compliance with any requirements specified by an external organisation.

How are volunteers to be managed?

It is the responsibility of Placement Managers to ensure volunteers are given appropriate work.

Managing a volunteer involves accounting for their presence at the Commission and ensuring they have been assigned appropriate work under appropriate supervision. It does not necessarily require a Placement Manager to constantly supervise a volunteer, this may be done in a variety of areas

around the Commission depending on the work being undertaken (e.g. reception duties would be supervised in Client Services).

Placement Managers should ensure volunteers report to them before they begin work for the day in order to be assigned appropriate tasks. Placement Managers should also ensure volunteers report to them at the end of the day so that the volunteer may update the Placement Manager on the tasks achieved and be let out of the secure premises. Security Access Passes are not to be removed by volunteers.

Placement Managers should perform spot checks of work undertaken for accuracy and provide appropriate feedback and training.

Skilled volunteers may not require constant supervision. A Placement Manager tasked with supervising a skilled volunteer may be required to manage them as if that skilled volunteer was a staff member. However, skilled volunteers should not be able to perform work on behalf of the Commission without any managerial oversight.

The Commission is committed to ensuring volunteering at Legal Aid ACT is a positive experience for volunteers and the Commission alike. To that end, as far as it is practical, Placement Managers should take the time to ensure a volunteer has reflected on what they have worked on over their time at the Commission and if there are any tasks they would like to perform.

What work might a volunteer undertake?

The work undertaken by a volunteer will depend on their prior qualifications and their experience within the Commission. However, the following lists provide a guide as to what tasks are appropriate for volunteers to perform, however, each list is not exhaustive.

The tasks volunteers are able to perform after receiving training include, but are not limited to:

- Entering duty notes;
- Preparing new files and briefs;
- Filing paper work; and
- Other administrative tasks.

The tasks volunteers may perform with supervision include, but are not limited to:

- Shadowing a legal support officer or legal officer;
- Attending court to observe proceedings;
- Interviewing clients;
- Drafting documents (both basic and complex) on behalf of/to send out to clients; and
- Attending and observing outreach sessions.

The tasks skilled volunteers may perform after reasonable training may include, but are not limited to:

- Interviewing clients;
- Attending outreach sessions to interact with clients ;
- Providing limited training to other unskilled volunteers; and
- Drafting basic documents (such as emails notifying a client of an appointment).

The tasks skilled volunteers may perform with minimal supervision include, but are not limited to:

- Providing legal advice;
- Drafting documents to and on behalf of clients; and
- Providing training to volunteers.

Volunteers may perform any work they are assigned by a staff member provided appropriate supervision is in place.

Use of Commission Assets and Property

Volunteers will be required to use Commission property, including IT resources and office supplies to complete work that has been assigned to them. Volunteers are to only use Commission resources to a reasonable degree necessary to complete work that has been assigned, for instance:

- Printing documents to compile briefs;
- Printing documents for the provision of legal advice;
- Using folders or office supplies to prepare briefs; or
- Using IT resources to communicate with internal or external parties as necessary.

Volunteers may access Commission assets, such as paper or other resources to satisfy any course work requirements during their placement. Volunteers are permitted to use Commission resources in this manner to a reasonable degree, for instance:

- Using Commission IT resources to complete research papers;
- Printing basic documents/research papers; or
- Copying non-Confidential documents.

Volunteers are not permitted to use Commission resources to produce materials for their personal use.

Volunteers are not to use Commission vehicles without the prior written approval of the Placement Manager and the CEO.

For more information see *Acceptable Use of IT and Email Policy and Worker Induction Booklet*.

When will a volunteer require a Working with Vulnerable People Card?

Under the *Working with Vulnerable People (Background Checking) Act 2011* (ACT) people who work with vulnerable persons (including children) are required to hold a Working with Vulnerable People card. Working with clients of the Commission qualifies as an activity requiring the possession of a Working with Vulnerable People card.

Therefore, volunteers who have cause to interact with clients must register for a Working with Vulnerable People card to perform work on behalf of the Commission. This can include observing or performing interviews with clients, liaising with clients or providing outreach sessions at locations such as schools.

Volunteers are entitled to apply for a Working with Vulnerable People card without having to pay the application fee.

Volunteers should enquire with Human Resources and their Placement Manager as to whether they require a Working with Vulnerable People card, however, in the first instance they are requested.

When will a volunteer require a practising certificate?

In addition to student volunteers, the Commission has the capacity to engage qualified legal practitioners on a volunteer basis. These volunteers may require a volunteer practising certificate to perform work on behalf of the Commission.

Eligible volunteers will be supported to hold a practising certificate for the purposes of their engagement with the Commission in accordance with the relevant policy.

For more information see *Applying for and Holding a Practising Certificate Policy*.

Breaches of this policy

Volunteers who breach any aspect of this policy or any lawful and reasonable instructions provided to them in the course of their engagement with the Commission may have their engagement terminated by the Commission without any further notice.

Staff who breach any aspect of this policy may face action in line with the Misconduct and Discipline procedure outlined in clauses 101 to 107 of the *Legal Aid Commission (ACT) Enterprise Agreement 2013-17*.

Further information

Legal Aid Act 1977 (ACT)

Legal Profession Act 2006 (ACT)

Work Health and Safety Act 2011 (ACT)

Working with Vulnerable People (Background Checking) Act 2011 (ACT)

Legal Aid Commission (ACT) Enterprise Agreement 2013 – 2017

Human Resources Manager, Legal Aid Commission (ACT)

Worker Induction