

CHARITIES

New Volunteer Organisations - Understanding the Obligations

16 April 2020

The Charities Regulatory Authority (CRA) has issued guidance warning against setting up new organisations to help with the fight against COVID-19 and suggests donating time or money to existing organisations instead.

This is because it takes understanding and experience to ensure the proper appropriate and safe deployment of volunteer resources and to properly manage fundraising. Ireland's existing charities already have the qualifications and experience – there is no need to reinvent the wheel.

To help protect charities, including any volunteers and those they help, the law requires organisations which carry on charitable activity (including informal volunteer groups) to be registered with the CRA. The CRA requires charities to comply with a mandatory code of governance – full details of the requirements of the Code at www.charitiesregulator.ie

This note extracts and summarises some of the key considerations to bear in mind before you decide to set up a new group rather than supporting an existing volunteer organisation or charity:

- 1. A clear purpose:** A new organisation must be clear about its purpose and have a strategic plan. If its purposes are charitable it must register with the CRA before carrying out activity.
- 2. Behaving with integrity:** Ensure that there are no conflicts of interest in the running of and activities of the organisation.

3. Leading people – understanding roles and training obligations: Be clear about the roles of all involved. Volunteers must know the scope of their role; understand who is instructing them; and must be provided with appropriate training. Be aware that volunteer organisations cannot pass liability back to volunteers by use of an indemnity.

4. Exercising control – understanding law, health and safety and controlling finances and risk: The law applies to charities including informal volunteer organisations in the same way that it applies to other organisations. It is important to understand which laws which apply to your group's activities. Where activities involve working with vulnerable people such as the elderly then Garda vetting and compliance with the laws protecting vulnerable persons is likely to be required. There are also obligations under The Safety, Health and Welfare at Work Act 2005.

Financial controls must be sufficient to ensure that the money raised is applied for the stated purposes. If your organisation engages in fundraising have a clear policy on how you will maintain transparency and accountability and comply with the CRA fundraising guidelines. A new

organisation must identify and manage the risks that apply to the organisation. For example, all concerned should follow the HSA/HSE guidelines on COVID-19.

- 5. Working effectively:** Hold regular meetings of those in charge to ensure informed decisions are taken and minutes and accounts kept. Maintain lines of communication with staff and volunteers to highlight any instances where people feel unwell, display COVID-19 symptoms or are struggling to cope with the stress of the role.
- 6. Being transparent and accountable:** Put in place a protocol to deal with issues or complaints from service recipients or volunteers.
- 7. Insurance:** Make sure that appropriate insurance arrangements are in place.

WARNING: This is not an exhaustive or comprehensive list of the considerations applying to a new organisation (including new charities or new volunteer groups). Advice should be taken by anyone proposing to establish a new group who does not have experience of the above and related matters.

Together with [Volunteer Ireland](http://VolunteerIreland), we have prepared a Rights & Responsibilities factsheet which you can view [here](#).