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National Minimum Wage and Voluntary Workers Consultation

Heritage Link welcomes the DTI's intention to support the third sector by reviewing the operation of the minimum wage legislation.

Heritage Link brings together 81 voluntary organisations concerned with heritage in England representing interests from specialist advisers, practitioners and managers, volunteers and owners, to national funding bodies and local building preservation trusts. Much of the historic environment is cared for - supported, managed or owned - by these organisations. Several are run entirely by volunteers and many depend on volunteers to augment their capacity. The majority are charities and qualifying organisations within the terms of the NMW legislation.

Volunteering allows a larger number of people to engage actively in heritage activities. DCMS Taking Part survey estimates that about 1.2% of all adults in England, amounting to about 476,000 people, were involved in heritage volunteering in 2005/06. The National Trust has counted 49000 volunteers in 150 roles. Professional architectural or craft skills are extremely valuable but heritage volunteering also includes project management, lecturing and guiding, governance/leadership, fundraising, training, admin including membership services, archiving, technical expertise, hands-on labour such as path laying or rhododendron clearing, custodianship/room stewards, cleaning, IT, promotion and many others. The benefits to both parties are well documented.

The consultation document has been noted in *Heritage Link Update*, our free fortnightly ebulletin which reaches about 8500 mailboxes in the UK and beyond. In addition, a request for views was circulated to all members in July. Based on replies and on previous Heritage Link statements:

37i We cannot make any comment or bring evidence on the way in which section 44 has operated in practice but we do not think there are heritage specific issues here although there may be issues raised by other parts of the third sector.

37ii We welcome the clarification of volunteers and voluntary workers, in particular the aim to resolve the problems raised by benefits being offered in the v programme. We are partners in the v heritage youth volunteering programme currently operating in the South West. If making legitimate the £60 allowance and provision of training towards a

Youth Achievement Award enables v to engage with a wider range of young people than would otherwise benefit, we support the changes. As Heritage Link covers England, we cannot comment on ProjectScotland.

37v On the difficulties that may arise as a consequence of the Act, making the NMW legislation more flexible without creating loopholes is welcome but in making these exceptions, the legislation becomes more complex. The case studies are helpful in interpreting the differences between volunteers and voluntary workers but this is a tricky area and the penalties for misunderstanding may deter charities from taking on volunteers or offering the maximum benefits that might attract volunteers from a wider range of backgrounds. Increasing the diversity of volunteers is a challenge for the heritage sector which we are trying to address.

Where volunteers are managed professionally in heritage organisations with dedicated volunteering staff, this may have less impact but for smaller organisations where most, possibly all, functions are carried out by volunteers, regulations whether relating to health and safety, gift aid or minimum wage may be off putting and lead to less than optimum operation. While we are not implying that volunteers are amateur, we suggest that smaller organisations with little managerial capacity tend to withdraw from increasingly complex legislative areas for fear of complaint, investigation or the administrative burden.

Although using Option 2 to amend the existing powers might seem the simplest way of making sure that programmes such as 'v' are not hampered by the minimum wage, any move to 'simplify' the legislation by reams of extra definitions and exemptions will be self defeating, particularly as far as charities are concerned, and could lead to a pull out by many who will not cope with the extra work and responsibilities on what, to many, will be a peripheral activity.

We recommend that very clear guidance is issued and a helpline is set up to deal with enquiries.

In view of the importance of volunteers in the 2012 Olympics, we agree with DCMS that no barriers should obstruct their involvement. A volunteer management helpline and 'volunteer-proofing' of all relevant regulations will safeguard their contribution not only to the Olympics but also help deliver the wider social and economic benefits that the Government recognises in volunteering.

Heritage Link
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cc Mandy Barrie, Head of Policy, Strategy and Resources, DCMS.