



## **Emergency Volunteering Leave during the Coronavirus crisis**

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*Updated as of 20 April 2020*

The Government has enacted legislation to provide employees with the statutory right to take 'emergency volunteering leave' for the purposes of emergency volunteer schemes in the NHS and the social care sector.

The NHS Volunteer Responders quickly reached its target of 750,000 applications and recruitment for this scheme was temporarily paused on 29<sup>th</sup> March. A similar online platform for volunteers in the social care sector, the National Care Force, has so far had over 20,000 volunteers.

The right to take emergency volunteering leave is contained in the recently enacted Coronavirus Act 2020, and finer details will be set out in secondary legislation which is yet to be published. The legislation allows 'workers' (which includes employees) to take a period of leave from their employment in order to work as an emergency volunteer in the NHS or social care sector.

The individual first needs to receive a certificate from the appropriate authority (NHS trust or social services) which certifies that they are approved as an emergency volunteer in health or social care.

The individual then needs to give their employer three working days' notice in order to take emergency volunteering leave, and produce their certificate to their employer. The period of leave can be for two weeks, three weeks or four weeks. Workers can take one period of leave in each 'volunteering period', which initially will be a 16-week period from when the new legislation comes into effect. Subsequent volunteering periods may be set as considered necessary.

There is no option for the employer to refuse the worker's request to take emergency volunteering leave, and the worker will be able to pursue claims if subjected to a detriment for having taken emergency volunteering leave, or having asked to do so, or if dismissed for these reasons.

The worker will not have any right to payment from their employer during their period of leave, although some employers, in the objectives of corporate social responsibility, may be willing to continue paying their staff while they are absent.

There will be a scheme by which the emergency volunteer will be able to claim compensation from the Department of Health for loss of earnings and their travel and subsistence expenses. It may be that the loss of earnings element is capped at a specified rate or is set at a universal rate for all.

Apart from remuneration, the emergency volunteer will during their absence be entitled to the benefit of all of

their employment terms and conditions, such as pension contributions and health benefits. At the end of the leave, the emergency volunteer will be entitled to return to their job on no less favourable terms and conditions, so without any reductions to their pay package, benefits or other contractual rights.

Please contact our [Employment Team](#) for any queries you have in relation to emergency volunteering leave, or assistance with any other employment issues affecting your organisation at this time.

For more guidance, and further information, visit our [Coronavirus hub](#).