

Final report of the Call to Action Progress Group following the Volunteer Rights Inquiry

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1. Introduction

1.1 Background

1.1.1 The Call to Action Progress Group (CAPG) was set up at the instigation of the independent Volunteer Rights Inquiry, which was initiated and administered by Volunteering England to examine evidence of unfair treatment of volunteers and make recommendations, and chaired by Sukhvinder Kaur Stubbs, Chair of Volunteering England. The inquiry produced an interim report in summer 2010¹ and final report in March 2011².

1.1.2 The Inquiry proposed the 3R Promise which sets out an agreement or aspiration to follow procedures when volunteers are in dispute with their volunteering organisations. It invites volunteering organisations to get it RIGHT, offer RECONCILIATION and take RESPONSIBILITY.

1.1.3 The current text for the 3R Promise (see Appendix 2) incorporates revisions we made, following consultations, to sections on the role of trustees or equivalent champions and on independent conflict resolution (see 3.1.2 below).

1.1.4 The CAPG was set up for two years (which we dated from November 2011) to monitor the sign-up to the 3R Promise and to review other means of redress, following these aims:

The CAP Group seeks to effect greater awareness of, and commitment to, the fair treatment of volunteers:

- Increasing the number of volunteering involving organisations who sign up to the 3R promise and monitor their progress;
- Evaluating the effectiveness of the 3R Promise in managing volunteers' complaints nationally;
- Supporting efforts to clearly signpost volunteer and volunteer involving organisations to helpful complaints resolution information and services;
- Supporting efforts to collect further evidence about the experience of volunteers and volunteer involving organisations when conflict occurs;

¹ www.volunteering.org.uk/images/stories/Volunteering-England/Documents/Campaigns-and-policy/volunteer_rights_inquiry_interim_report.pdf

² www.volunteering.org.uk/images/stories/Volunteering-England/Documents/Campaigns-and-policy/volunteer_rights_inquiry_final_report.pdf

- Reviewing at the end of its two year term the need for a Volunteer Complaints Commissioner or some other means of external complaints redress for volunteers.

1.1.5 The rights referred to can be subsumed under the one expression: the right to fair treatment. For certain groups, notably employed people and service users, such rights are embedded in law variously on employment and equality. There is no corresponding legal protection for volunteers.

- Volunteers are not covered by employment law; volunteers who have attempted to have employment law apply to their case have not succeeded; the law has found in favour of volunteering organisations who have resisted this ³.
- Provisions of the Equality Act 2010 are, to date, seen as not applying to volunteers; there is an interpretation that where volunteers are regarded as service users they may be covered by this act, but this has not been tested in law; the Equality Act refers to discrimination against 'protected characteristics', not to other rights about fair treatment.

1.2 Membership

1.2.1 Our first meeting was in June 2011, and we have met ten times through to a final meeting in April 2014.

1.2.2 We began with nine representatives from national volunteering organisations, including representatives of those who had been first signatories to the 3R Promise recorded in the final report of the Volunteer Rights Inquiry. Among them, three were unable to continue to give time to the Group, and others later found pressures of their job or ill-health prevented their continued participation. We didn't manage to replace them, and though we had promising discussions with staff members from two local volunteer centres they weren't able to join us.

1.2.3 From among campaigners and volunteer representatives, we began with two people, who had been members of the Volunteer Rights Inquiry, and successfully invited two further representatives of volunteers to join.

1.2.4 Thus, our final meetings comprised four people from volunteering organisations and four as campaigners and volunteers (see Appendix 1).

³ Notably, Supreme Court 12 December 2012, X v Mid Sussex Citizens Advice Bureau

1.2.5 Mike Locke (Volunteering England and, from January 2013, National Council for Voluntary Organisations) was asked from the first meeting to chair the group, and VE/ NCVO provided administrative assistance.

2. Relevant concurrent developments

2.1 Policy and economic environment

2.1.1 Many charities have been consistently under financial pressure during this period, and this may have affected their capacity to resource work on the issues we face. Several of our original members from national charities have not been able to find the time to carry on in membership (see 1.2.2 above). Volunteering England/ NCVO has supported our group with committee administration, the survey - together with Citizens Advice - of signatories (see Appendix 3) and our chair's time in drafting this report, but we have lacked resources for our role and not found support with resources from other bodies.

2.1.2 Programmes of austerity and reductions in public expenditure at central and local government have reduced volunteering organisations' ability to take on new activities, which may also have made it difficult for some organisations to prioritise our concerns.

2.1.3 The profile of volunteering has been raised highly by politicians of all major parties and among the public. The 2012 Olympics and Paralympics became a high-profile event not just for athletes, but for the successful involvement of a multitude of volunteers, and lifted the profile of volunteering. The raised public profile may be affecting people's perceptions of whether and how their volunteering should be regulated.

2.1.4 There is a continual evolution of volunteering, which includes some growth of volunteering but also some reductions in volunteering where organisations' resources have been cut. There are developments, acclaimed by government and linked to policies of devolution, in grassroots social action and self-organising volunteering. Volunteers have become more involved in some more formal roles in public services and in taking over some community services, notably libraries.

2.2 Regulatory settings and standards

2.2.1 The Charity Commission has made evident the problems raised about the management or treatment of volunteers are not within the scope of the 'serious concerns' which it would take forward. The guidance on its website about taking complaints does not refer to volunteers⁴.

⁴ www.charitycommission.gov.uk/how-to-complain/complain-about-a-charity/

2.2.2 Lord Hodgson's review of charity law considered the loss of trust in charities through, among other factors, complaints by volunteers about their treatment. He proposed charities should all have internal procedures to resolve complaints and recourse to independent appeals, including possibly an umbrella body taking on a sector-wide role. His recommendations were supported by the Public Administration Select Committee (see 4.3 below).

2.2.3 In November 2013 the charity Public Concern at Work published the report of its Whistleblowing Commission which recommended that volunteers should be included under the provisions of the Public Interest Disclosure Act (PIDA) (Recommendation 10)⁵.

2.2.4 In the 2012 Olympics and Paralympics, the Games Makers, as others in the LOCOG labour-force, were included in a protocol which featured the procedure of referring disputes, by agreement, to the Arbitration and Conciliation Service (ACAS). ACAS Olympic Helpline was open from mid-April to mid-September 2012, and among the 156 calls it received ten were from volunteers⁶, which could be set against the volunteer population of 70,000).

2.2.5 The trade union Unite has provided for 'Community Membership' by volunteers, but does not feature problems of volunteer management in its information⁷. We have no information about unions taking up cases of members in their roles as volunteers.

2.2.6 The principles of the 3R Promise were adopted by the Liberal Democratic party through its investigation of allegations of a senior member's abuse of young women in the organisation⁸.

2.3 Existing standards

2.3.1 Within the volunteering sector, the key quality standard for good practice in volunteer management is Investing in Volunteers, a UK-wide accreditation awarded in England by NCVO (before January 2013, by Volunteering England). Organisations are assessed against nine criteria, including support and supervision, and one of the specific practices to be met is: 'Volunteers are advised of the procedure to use if they wish to complain

⁵ www.pcaaw.org.uk/whistleblowing-commission-public-consultation

⁶ www.acas.org.uk/media/pdf/1/j/2012-Olympics-and-Paralympics-Games-The-Acas-experience.pdf

⁷ www.unitedtheunion.org/growing-our-union/communitymembership

⁸ www.libdems.org.uk/siteFiles/resources/docs/96659_Helena_Inquiry%20FINAL%20v2.pdf

about their treatment by paid staff, users, committee members or other volunteers' (7.5). The criteria do not set out specific measures in the way the 3R Promise does⁹.

2.3.2 At a local level, there are some developments which seek to ensure the quality of the volunteer experience. Greater London Volunteering, as part of its Experts in Volunteering project (2009-2012) launched a Volunteer Management Charter with ten principles, one of which is that 'Volunteers are aware of how to raise a concern, and how it will be handled'¹⁰. In Wiltshire a Valuing Volunteer Promise was launched in 2013, asking organisations which involve volunteers to sign up to the principles of Choice, Inclusion, Support, Safety, Reimbursement and Reward¹¹. These quality standards do not set out provision for resolving disputes.

2.3.3 In the UK, Tourism Concern, having produced a report on international and gap year volunteering¹², drafted a system of accreditation for UK-based organisations sending volunteers overseas, the Gap Year and International Volunteering Standard (GIVS). At date of writing, Tourism Concern needs further support and funding to comprehensively audit the new standard (see Appendix 6).

2.4 International settings

2.4.1 There have been parallel developments on volunteer rights in other countries. In Europe, we have noted the European Charter for rights and responsibilities for volunteers (out of the European Year of Volunteers 2011)¹³, and a specific introduction of a protection for volunteers in an area of the Netherlands¹⁴.

2.4.2 In Australia, the state infrastructure bodies for volunteering have focused on the issues of volunteers' rights, linking their discussions to the Volunteer Rights Inquiry in England. A Volunteer Rights and Advocacy Working Group considered evidence from an invitation to record by phone or email accounts by volunteers of unfair treatment and from a survey of organisations¹⁵.

⁹ jiv.investinginvolunteers.org.uk/

¹⁰ greaterlondonvolunteering.files.wordpress.com/2012/07/c02-charter-document-w97-version.doc

¹¹ www.developecs.org.uk/current-services/volunteer-centre-wiltshire/organisations/wiltshires-valuing-volunteers-promise/

¹² www.tourismconcern.org.uk/index.php?page=gap-years

¹³ ec.europa.eu/citizenship/pdf/volunteering_charter_en.pdf

¹⁴ www.vrijwilligoppad.nl/ondersteuning/klachtenregeling/

¹⁵ www.probonoaustralia.com.au/news/2013/09/volunteers-report-bullying-major-rights-violation

3. Activities

3.1 Promoting the 3R Promise

3.1.1 We have monitored the number of signatories to the 3R Promise: 224 to date, including some from outside England and some public services. Statistics in the sector cannot be precise, but the sign-up represents less than 1% of registered charities.

3.1.2 The group engaged with representation of national charities through the National Network of Volunteer-Involving Agencies (NNVIA) to adjust the wording of the 3R Promise in relation to two issues which have proved contentious: what responsibility should be undertaken by a trustee; how to describe the form of mediation or resolution.

- The statement of a trustee for taking responsibility for volunteering was modified to refer to a 'trustee or equivalent' as 'volunteering champion'.
- The responsibility to monitor volunteer complaints and encourage rapid resolution was shifted from that trustee to an 'individual' identified by the organisation.
- Reference to 'local mediation services' was changed to 'independent alternative conflict resolution'.

3.1.3 We surveyed signatories in the Spring of 2013 (through work by Citizens Advice and Volunteering England) to gain insight into their reaction to the separate elements of the 3R Promise (see Appendix 3).

3.1.4 We were restricted in resources from being able to market or promote the 3R Promise. We reviewed draft proposals for a logo which signatories would be able to display. We discussed setting up a coffee morning or discussion group to support organisations in implementing the 3R Promise but found through our survey that this was not wanted.

3.1.5 We contributed two blogs to VE/NCVO pages by Lewis Smith¹⁶ and Mike Locke¹⁷.

¹⁶ 'A resolution for 2012 – the 3R promise' Volunteering England 4 January 2012

¹⁷ <http://blogs.ncvo.org.uk/2013/08/14/justice-for-volunteers/>

3.2 Evidence

3.2.1 We have had reported to us from Volunteering Development team in NCVO that they receive approximately one email or phone enquiry a week from volunteers who believe they have been unfairly treated. The Volunteer Rights Inquiry was also made aware that organisations such as the Charity Commission, Public Concern at Work and the Andrea Adams Trust have also received complaints from volunteers but figures from these organisations would need collating.

3.2.2 We discussed an outline for a research project with the Institute for Volunteering Research, to assess the scale of unfair treatment of volunteers, but IVR has not found a funder for the project.

3.3 Changes and considerations

3.3.1 We have effected changes to guide volunteers about dealing with problems on the Volunteering England, now NCVO, website ¹⁸ and the information pages of Citizens Advice ¹⁹. The information sheet *If things go wrong* is thus available to the public, as well as NCVO members and CA advisers.

3.3.2 We submitted a note of evidence to PASC for its consideration of Lord Hodgson's review of charity law (see Appendix 5).

3.3.3 We wrote to 30 umbrella organisations to ask their reactions to the proposals in Lord Hodgson's review of charity law (see Appendix 4).

3.3.4 We drew on discussions involving our members and the Fundraising Standards Board and Football Ombudsman. We kept in touch with discussions towards a code of practice or standards board for UK-based organisations sending volunteers overseas (see 2.3.3 above and Appendix 6).

3.3.5 We discussed parallel developments on volunteer rights in the Netherlands, in Australia, and in moves towards a European Charter for volunteers (see 2.4 above).

¹⁸ www.ncvo.org.uk/ncvo-volunteering

¹⁹ [www.adviceguide.org.uk/volunteering - if things go wrong](http://www.adviceguide.org.uk/volunteering-if-things-go-wrong)

4. Discussion

4.1 Context

4.1.1 The issues which were investigated by the Volunteer Rights Inquiry and to which the 3R Promise was proposed as a trial solution are still live across the volunteering movement and sector in England and in other countries. As noted above:

- reports of unfair or unjust treatment by volunteers continue
- over 220 volunteering organisations signed up to the 3R Promise but this number represents a small proportion of the charity sector
- propositions for encouraging self-regulation by charities and for forms of oversight and independent appeals are currently in the public arena in this country and others.

4.1.2 In short, whilst we believe there is progress, the problem which we were set up to tackle remains, and we have not found a consensus on how to proceed. In this section, we review the arguments and available evidence as a basis for recommendations in Section 5.

4.2 Evidence

4.2.1 A number of people do feel wrongly or unjustly treated in their volunteering, commonly because they have been told, for disputable reasons, they are no longer wanted. From what we hear without being able to investigate further, a prima facie view would suggest that a number of their complaints would be justified if examined and a number would not. However, we have no means of assessing cases.

4.2.2 Nor can we make an assessment of how many cases there are. We hear of some, and most weeks somebody contacts NCVO upset about how they've been treated as a volunteer and asking what they can do; NCVO is unable to take up individual cases and offers standard guidance²⁰. We are also aware of other organisations who receive complaints from volunteers, including the Charity Commission, Public Concern at Work and the Andrea Adams Consultancy (formerly Andrea Adams Trust).

²⁰ [www.volunteering.org.uk/images/stories/Volunteering-England/Documents/Free-Information-Sheets/IS---If-Things-Go-Wrong-\(VE09\).pdf](http://www.volunteering.org.uk/images/stories/Volunteering-England/Documents/Free-Information-Sheets/IS---If-Things-Go-Wrong-(VE09).pdf)

4.2.3 Probably most people who feel upset leave the situation, rather than raise a fuss or complaint, and they may be put off volunteering in other places; and for a disabled person there may be very limited opportunities to volunteer. In other instances, the wrong exposed through a volunteer's treatment may be such that simply leaving appears hardly an option in all conscience. However few or many the cases, the distress and claims to injustice are such that some public response would seem to be demanded.

4.3 Systems of appeal and redress

4.3.1 The Volunteer Rights Inquiry considered the case for setting up a new body such as a commissioner or ombudsman to consider and act on complaints from volunteers. However, it decided that initially progress should be made through strengthening volunteer management: '(E)fforts to improve conditions for volunteers should: be proportionate to need; respect the reciprocity of volunteering; and promote parity of esteem between paid and volunteer staff'. This conclusion in the final report formed the basis of the 3R Promise (see Appendix 2). The inquiry then gave us the role of reviewing at the end of our two years 'the need for a Volunteer Complaints Commissioner or some other means of external complaints redress'.

4.3.2 The right to fair treatment when embedded in law would include the right to independent appeal when a decision is disputed. Some see the need for a process for ensuring fair treatment of volunteers who have been unfairly or unjustly treated as morally essential, and argue that, even if the number of cases is small, the unfair treatment should not be allowed to persist. As there is no legal provision which refers generally to volunteers (see 1.1.5 above), the question is whether and how a procedure should be established.

Hodgson review of charity law and PASC

4.3.3 Lord Hodgson found in his review of charity law ²¹ that complaints about charities concerning treatment of volunteers - alongside other complaints - could reduce public trust in charities. He concluded a new ombudsman would not be necessary or appropriate and the cost to taxpayers difficult to justify.

²¹ www.gov.uk/government/uploads/system/uploads/attachment_data/file/79275/Charities-Act-Review-2006-report-Hodgson.pdf

4.3.4 Hodgson recommended self-regulation among charities and across the charity sector. He proposed all charities should have internal complaints procedures with some independent review, whether through referral to another charity, an umbrella body or another independent body.

4.3.5 And if the sector wished for a single body for dealing with complaints and arbitrating in disputes, Lord Hodgson thought it would be sensible for the sector, possibly through one of the umbrella bodies to set up the scheme.

4.3.6 The Public Administration Select Committee (PASC) ²² concurred with Lord Hodgson's finding on this issue:

'We heard worrying testimony from people with complaints about the way charities have treated them, as employees, trustees or volunteers. The sector must recognise the risk to the reputation of charities as a whole from such complaints, and must take responsibility for resolving these matters, through internal complaints mechanisms and independent appeal processes' (s.108).

If there was to be a charity ombudsman, it agreed the costs should be borne by the sector.

4.3.7 The Government response ²³ welcomed PASC's view:

'A charity ombudsman would undermine the independence of charities and their trustees, and would represent a disproportionate response that would be unaffordable to Government or the charity sector. We agree with both the Committee and Lord Hodgson that charities should take more responsibility for resolving complaints and internal disputes, or risk damage to the sector's reputation' (s.24).

4.3.8 The analysis from Hodgson and PASC has not identified who would be considered as umbrella bodies or how this would relate to their scope or membership functions. It could refer to bodies spanning the charity sector, or bodies representing sectors or fields such as sport or arts, or bodies with characteristics such as small or local organisations. It could have an embracing legal scope, such as the Charity Commission, or it could be based on membership or sign-up; for instance, it could consider whether membership of an umbrella body was dependent on being governed by the scheme.

²² www.publications.parliament.uk/pa/cm201314/cmselect/cmpublic/76/76.pdf

²³ www.gov.uk/government/uploads/system/uploads/attachment_data/file/237077/Response-charities-legal-framework.pdf

4.3.9 There are, at date, no indications of these issues being taken up by the sector. The discussion is bound to be constrained by concern over resources among volunteering organisations and umbrella bodies, as well as by questions over their collective awareness of the issues.

4.3.10 Thus, the Hodgson review has set the case for exploring further how volunteering organisations can resolve complaints internally and how they could look for independent procedures through a sector-wide body. This resonates with debate during the Volunteer Rights Inquiry and with the consideration of a Volunteer Rights Commissioner or external complaints redress.

4.3.11 There is a major question not confronted by this part of the discussion, and that is that Hodgson and PASC refer to the charity sector, but many volunteers are involved in public services run by central and local government and their agencies as well increasingly by public services run by private sector organisations. And of course other volunteers are involved in social enterprises and community groups which are not charities.

Our surveys

4.3.12 Our survey of signatories to the 3R Promise found 56% said they would like to see an umbrella organisation play a role as an appeal body. As noted in the report, the comments in responses expressed reservations in respect of burden, cost and need and raised issues about what would be an appropriate body or functions (see Appendix 3).

4.3.13 We also undertook a survey of 30 charities who described themselves as umbrella bodies, referring them to the relevant proposals and quotations from the Hodgson Inquiry and the PASC report. Only seven responded, and although some interest in the proposals was shown, the impression we gained was that what has been exercising some at government level has had little impact on those who were the subject of the exercise (see Appendix 4).

Other proposals

4.3.14 During the Volunteer Rights Inquiry, and in our context, there have been other more wide-ranging proposals.

- A *Proposal for Charity and Volunteering Standards Board* was presented by one of our members, Caroline Aldiss, to PASC²⁴. This would be a single body to provide advice and adjudication in the event of unresolved disputes from third parties and volunteers.
- PASC also heard the case for a charity ombudsman from a former head of the Charity Commission (s.102) and from campaigners (s.106).

4.3.15 Linked with the fact that there is no independent appeals body is the fact that there is, from the volunteers' point of view, no obvious one organisation to turn to for help. There is no phone line or email support set up to meet the needs of volunteers who feel wrongly or unfairly treated; and guidance for volunteers is limited to that from NCVO and Citizens Advice cited in 3.3.1. An information service could potentially combine advice with the offer of independent adjudication where internal procedures and mediation have failed.

4.3.16 There may also be potential for appeals or mediation services being developed independently, but we have no evidence along these lines.

Summary of argument

4.3.17 Thus, the discussion raised by the Volunteer Rights Inquiry about 'the need for a Volunteer Complaints Commissioner or some other means of external complaints redress' remains current. Lord Hodgson's review suggested a new body like an ombudsman would not be necessary or appropriate and the cost difficult to justify. However, his line of argument for a system of independent review was supported by PASC.

4.3.18 Our group is not going to resolve this issue. On one hand, some of our members believe strongly there should be independent or external regulation and regard Hodgson's proposals as a necessary and pragmatic (though not all-encompassing) response to unfair and unjust treatment meted to some volunteers.

²⁴ www.publications.parliament.uk/pa/cm201213/cmselect/cmpubadm/writev/charity/m42.html

4.3 19 On the other hand, some of our members believe equally strongly that proposals along these lines, whether as raised in the Volunteer Rights Inquiry or by Lord Hodgson, are seen among some in the volunteering sector as unrealistic in both practical and cost terms, and disproportionate to the number of problems; they re-emphasise the value of focussing on best practice in volunteer management.

4.3.20 We also recognise:

- a number of volunteering organisations have taken initiatives to establish procedures which improve the management of their volunteers and offer recourse to volunteers who feel unfairly treated (whether or not they have signed up to the 3R Promise), and hence see no need for external redress
- some would resist further formal or external procedures believing these would discourage engaging volunteers or move away from the ethos of volunteering
- some would see no need for formal procedures or external redress on the grounds that their organisation does not have problems of such serious nature with their volunteers.

However, we acknowledge that we do not have data on the numbers of organisations holding these views.

4.4 The 3R Promise and the focus on management

4.4.1 The Volunteer Rights Inquiry decided that progress should initially be made through strengthening volunteer management and so produced the 3R Promise. It gave us the role of reviewing at the end of our two years of 'evaluating the effectiveness of the 3R Promise in managing volunteers' complaints nationally'.

4.4.2 The 3R Promise has had a relatively small number of signatories, and it has not been taken up on the scale that the Volunteer Rights Inquiry must have hoped. We are pleased the signatories include a range of organisations from nationally recognised charities to smaller community organisations and also public services. We cannot claim that the 3R Promise has solved the problem or ensured the fair treatment of volunteers nationally.

4.4.3 The desirability of tackling the problems through improving the management of volunteers continues. We recognise that, though not signing up to the Promise, some volunteering organisations may have improved their procedures for volunteers along these lines. We might also regard the 3R Promise as the start of a form of 'self-regulation' as advocated by Lord Hodgson.

4.4.4 The discussion of what would constitute independent appeal continues. Volunteering organisations who have signed up to the 3Rs Promise are committed to seeking out independent alternative conflict resolution where necessary, though no source or model for this has been offered.

4.4.5 We believe the focus on improving the management of volunteers continues to be worth promulgating. Though we have not had the resources to market or promote the Promise, it generates broad support.

4.4.6 We recognise that two concerns raised about the 3R Promise with us by national charities are still live: whether or not the procedures should involve a trustee or the board of trustees; what kind of independence is sought in an appeals or conflict resolution procedure (see 3.1.2 above).

Summary of argument

4.4.7 As we come to the end of the role of the CAPG, we believe the intentions of the 3R Promise should be sustained. They would be helpfully incorporated in the good practice guidance of NCVO and other bodies and could be linked into accreditation and standards such as Investing in Volunteers. It may be appropriate to revise a version of the Promise into a code which may or may not require a public sign-up and which could be incorporated into Investing in Volunteers and other accreditation or standards procedures.

4.4.8 It would be helpful to support the Promise and code with cases or scenarios and with guidelines on tackling situations.

5. Recommendations and next steps

This body has come to the end of its life-span. We seek therefore to indicate a range of courses of action so as to clarify and propose next steps which could be pursued.

5.1 External redress and regulation

5.1.1 The Volunteer Rights Inquiry considered the case for setting up a new body such as a commissioner or ombudsman to consider and act on complaints from volunteers. It decided progress should initially be made through strengthening volunteer management and produced the 3R Promise. It gave us the role of reviewing at the end of our two years 'the need for a Volunteer Complaints Commissioner or some other means of external complaints redress'.

5.1.2 Lord Hodgson's review of charity law was concerned that, among other issues, the treatment of some volunteers could reduce public trust in charities. He found that the responsibility should lie with the charities themselves and that the sector would need to consider some form of external appeals or review provision; and this view was supported by the PASC review of the Hodgson report. We see no sign of these arguments being carried forward in the national policy arena.

5.1.3 Our survey of signatories to the 3R Promise found strong commitment to the basic precepts of the Promise and also support for an external appeals process, though responses pointed to the need to be more specific and practical about what would be involved.

5.1.4 We have reviewed the issues and debated next steps. As noted in 4.1.2, we have not found a consensus to resolve this issue, accepting the two strongly held stances.

- Some of our group expressed from their viewpoint the necessity for a regulatory system to provide for fair treatment of volunteers and independent resolution of disputes.
- Others within the group stressed that from their viewpoint they believe this to be impractical and disproportionately expensive and that the problem should be tackled through good management practice in organisations.

5.1.5 The debate is likely to continue, and we put forward therefore these questions:

- a) to volunteering organisations, how would they respond to the Hodgson and PASC recommendations for their internal procedures for handling complaints, and for an appeals or regulatory system to deal with volunteer complaints?
- b) to umbrella bodies, how, if volunteering organisations sought a form of external appeal and review, might they help them do that?
- c) and in broad public policy terms, is there a practical case, if not for an umbrella body, a new body to take on such a regulatory role?

5.2 Complaints resolution information and services

5.2.1 It was within our terms of reference to have signposted schemes which offered information or services to help resolve issues, but we lacked the resources.

5.2.2 In our discussions, members have recognised how a phone line dedicated to helping volunteers could be very helpful in resolving or clarifying disputes; it would also assist with the evidence base (see 5.3). We have not had the capacity to examine the feasibility.

5.2.3 Thus, we ask:

- a) is there scope or, possibly, a market for independent appeals or mediation services?
- b) how could a pilot project be developed to provide information to volunteers who need advice?

5.3 Evidence

5.3.1 It was within our terms of reference to have supported collection of evidence, but we lacked the resources.

5.3.2 In considering methods of collecting evidence, we have looked at three possibilities: a proposal for research to assess the scale and nature of volunteers' negative experiences (see 3.2.2); a system in the Netherlands for supporting or protecting volunteers (see 2.4.1); the facility for reporting (but not acting on) cases which was set up for a period during 2013 to inform the working group on volunteer rights in Australia (see 2.4.2).

5.3.3 We believe there is a need for a sound evidence base on volunteers' experiences and the allegations of unfair or unjust treatment, and there is a need to undertake a research project. We urge research bodies to formulate a proposal and seek funding.

5.4 Focus on good practice in volunteer management

5.4.1 The 3R Promise has had a relatively small number of signatories, and it has not been taken up on the scale that the Volunteer Rights Inquiry must have hoped. We cannot claim that the 3R Promise has ensured the fair treatment of volunteers nationally.

5.4.2 Nonetheless, the principles have been adopted by at least 220 volunteering organisations, and our survey found strong commitment among signatories to the Promise.

5.4.3 We believe the intentions of the 3R Promise should be sustained. They would be helpfully incorporated in the good practice guidance of NCVO and could be supported by case-studies and guidelines. In the form of a code, they could also be incorporated into accreditation and standards, particularly, we recommend, Investing in Volunteers.

5.4.4 We recommend to NCVO to take the 3R Promise into its good practice guidance, where it will be accessible to the public as well as NCVO members, and to provide the functionalities for sign-ups and interactive reporting on how it is being implemented.

5.4.5 We put forward to all volunteer-involving organisations concerned with standards and good practice that it would be helpful to adopt the principles or the text of the 3R Promise. The case for it is still strong.

Appendices

Appendix 1: Members of CAPG

The members of the Call to Action Progress Group by April 2014 were:

Caroline Aldiss	Campaigner
Janet Compton	PDSA
Margaret Haigh	Volunteer
Philip Kent	Volunteer
Mike Locke	National Council for Voluntary Organisations
Clare Nestor	Citizens Advice
Chris Reed	St John Ambulance
Lewis Smith	Volunteer

Caroline Aldiss and Lewis Smith were members of the Volunteer Rights Inquiry; Margaret Haigh and Lewis Smith were volunteers in York CAB in the dispute about the dismissal of a volunteer (2008); Philip Kent contributed to the Inquiry as a volunteer and manager of volunteers.

PDSA, St John Ambulance and Citizens Advice were among the initial eight organisations which signed the 3R Promise.

Appendix 2: 3R Promise

- as amended by the CAPG

We will endeavour to get it **RIGHT** from the beginning

- Our organisation will follow guidance on good practice and ensure it has up to date policies and evidence this in appropriate reports
- Our organisation will ensure that concerns of volunteers are listened to and given due consideration.

We will offer means to achieve **RECONCILIATION** if things go wrong

- Our organisation recognises that sometimes things go wrong and makes sure that everyone in the organisation knows how to deal with it
- Our organisation will identify a trustee or equivalent to become a volunteering champion.
- Our organisation will appoint an individual who will monitor volunteer complaints and encourage rapid resolution in emerging conflicts. Volunteer complaints will be reviewed by Directors / Trustees on a regular basis.
- Our organisation will explore independent alternative conflict resolution when necessary.

We accept our **RESPONSIBILITY**

- Our organisation explains and accepts its responsibility for its volunteers and their well-being and respects their wish to always have a fair hearing if a conflict arises
- Our organisation will work with the Call to Action Progress Group to share lessons and improve standards
- Our organisation will report publicly on the implementation of its 3R promise.

Signatories to 3R Promise

A2Dominion
Aberlour Young Runaways Service
Addaction
Age UK Barnet
Age UK Gloucestershire
Age UK Lancashire
AOPM (Assoc of Panel Members)
Association of Volunteer Managers
A-Wayforward Foundation
Balby Community Library Ltd
Barnsley CAB
Battersea Arts Centre
Beechwood Cancer Care Centre
Billing View Community Group
Birmingham Friends of the Earth
Blackpool's Diamond Community cic
Black Women in the Arts
Blue Cross
blueSCI
Boston Citizens Advice Bureau
Breast Cancer Care
Brendoncare Foundation
Brighton & Hove Impetus
Brighton and Hove LINK
Brighton & Sussex Uni Hosp NHS Tr
Bright One
B3SDA/Bury Volunteer Centre
Burley Lodge Centre
Burnley Boys & Girls Club
Calshot Disability Services
Cambridgeshire Mencap
Cancer Research UK
Central Mediation Services
Cheltenham Volunteer Centre
Citizens Advice
Carers Information Service
Carers Wakefield
Community Action Derby
Community First East Hampshire
Community First for Portsmouth
Community First New Forest
Community Links Bromley
Communities United Project
Cookstown and Magherafelt VC
Crossroads Care Essex
Daniels Mill Trust
Derbyshire Districts CAB
Devon & Cornwall Food Association
Developing Health & Independence
Diabetes UK
Discover Filey
Douglas Macmillan Hospice
Dover District Volunteering Centre
Dr Hadwen Trust
Ealing CVS
East London NHS Foundation Trust
Eastwood Volunteer Bureau
Ed-bus.com
Eden Valley Hospice, Carlisle
Elizabeth Finn Care
Embrace Child Victims of Crime
Essex County Council
Exeter CVS
Farm2grow
First Wessex
Galleries of Justice Museum
Gateshead Advice Centre
Gender Action UK
Gendered Intelligence
Gosport Voluntary Action
Gravity FM CIC
Grapevine Project
Gt Ormond St Hosp NHS Fdtn Trust
Groundwork North East
Guernsey Citizens Advice
Hand in Hand Volunteering Torbay
Harrington Aviation Museums Soc
Harrogate & Area Volunteer Centre
Healthwatch Birmingham
Herts Aid
Home-Start Southwark
Hospital Radio Norwich
Hull CVS
Humanity Research Fdtn, Jhenidah
Humber NHS Foundation Trust
Humbercare Ltd
Hypasnipar
Imperial War Museum
Independence Trust
Intact
Involve - Vol Actn in Mid Devon
Jewish Care
Kingston Citizens Advice
Lancashire County Council
Lay Observers
Lee Valley Regional Park Authority

Lunch Positive HIV Project
 Luton Citizens Advice Bureau
 Make, Do and Mend
 Making Music
 Mansfield Volunteer Centre
 Mediterranean Resources Network
 Medway Youth Trust
 Mencap Liverpool
 Moulsecomb Neighbourhood Trust
 Mount Hawke Youth Group
 Naval Area Community Organisation
 NCVO
 New generation Outreach
 Newcastle upon Tyne CAB
 North West Kent Volunteer Centre
 National Animal Welfare Trust
 NAVSM
 NW Kent Countryside Partnership
 Off The Bench
 Options for Supported Living
 Pantonic steel orchestra youth gp
 Parkhaven Trust
 PDSA
 Pershore Volunteer Centre
 Peterborough CAB
 Plymouth Hope
 POVVA
 Rainbow Trust Children's Charity
 Raise the Youth Foundation
 Retired Caribbean Nurses (Bedford)
 RISC
 Riverside CHP
 RLSS UK
 RNLI
 RSPB
 SAFE@LAST
 Safeside West Midlands Fire Service
 St Clare Hospice
 St George's Healthcare NHS Trust
 St John Ambulance
 St Mary's C of E Academy
 Saint Michael's Hospice, Harrogate
 Salford CVS
 Sanctuary Trust
 Science Museum
 Scope
 Shepway Citizens Advice Bureau
 Shpresa Programme
 SIFA Fireside
 Sleaford CAB
 Social Care World (SCW)
 Somerset Youth Volunteering Netwk
 SOLAR – Northamptonshire
 Southbank Centre
 South Holland CAB
 South Kesteven CAB
 Southend-on-Sea CAB
 Southwark CAB
 Southwark Women's Muslim Assoc
 Staffs & West Mid Probation Trust
 Staffordshire Moorlands CVS
 Street Reach - Winchester
 Sue Ryder
 Surrey Police
 Taunton Voluntary Action
 Teesside & District Soc for the Blind
 The Accord Group
 The Blurt Foundation
 The Bridge Community Educ Centre
 The Care Forum, Bristol
 The Inspirations Consultancy
 The Metro Centre
 The South West External Events Tm
 The Sussex Beacon
 Third Sector Services
 Third sector Trafford
 TimeBank
 Uni Hosps Birmingham NHS Fdtn Trt
 Uni Northampton's Community Volg
 Uni Reading Museums & Spec Colls
 Voluntary Action Calderdale
 Voluntary Action Harrow
 Voluntary Action Leicestershire
 Voluntary Action North Lincolnshire
 Voluntary Action Sheffield
 Voluntary Aid and Development Org
 Volunteer Aid Nepal
 Voluntary Arts
 Voluntary Norfolk
 Volunteer Centre Bexley
 Volunteer Centre Brighton & Hove
 VC Broxbourne & East Herts
 Volunteer Centre Colchester
 Volunteer Centre Croydon
 Volunteer Centre Dacorum
 Volunteer Centre Enfield
 Volunteer Centre Milton Keynes
 VC Nuneaton & Bedworth
 Volunteer Centre Swindon
 Volunteer Centre Tower Hamlets
 Volunteer Centre Westminster
 Volunteer Centre Wiltshire

Volunteering England
Volunteering Gloucestershire
Volunteer Now
VSO UK
Ware Toy Library
Warwickshire CAVA
We Are Langley Park
Web Design 3D
Welwyn Hatfield Volunteer Centre
West Lindsey CAB
WWFG
White City Community Champions
Winchester Area Community Action
Wokingham & District CAB
Worcester Volunteer Centre
WRVS
Yaarah Schools
York & District CAB
Yorks & Humberside Circles
York CVS
Young Lives
Yorkshire Wildlife Trust
YouthNet
Youth With a Global Vision

Appendix 3: Survey of signatories to the 3R Promise

We received 52 responses from the 139 organisations who had signed up to the 3R Promise, through a SurveyMonkey questionnaire. First, we asked signatories how far they were implementing each of the points of the Promise. Second, we asked about ways of increasing involvement in the Promise, and then about their views on an appeals body.

1. How far do the signatories support aspects of the 3R Promise?

1.1 Most support

On four promises, notably the broad statements, every organisation was already doing it wholly or partly, in three of them the great majority were already doing it.

7. Our organisation explains and accepts its responsibility for its volunteers and their well-being and respects their wish to always have a fair hearing if conflict arises

We already do this: 91pc

We are partly doing this: 9pc

2. Our organisation will ensure that concerns of volunteers are listened to and given due consideration

We already do this: 88pc

We are partly doing this: 12pc

1. Our organisation will follow guidance on good practice and ensure it has up-to-date policies and evidence this in appropriate reports

We already do this: 79pc

We are partly doing this: 21pc

But on the question of everyone knowing how to deal with things going wrong, whilst there was total support, a large minority saw themselves as only partly doing it.

3. Our organisation recognises that sometimes things go wrong and makes sure that everyone in the organisation knows how to deal with it

We already do this: 57pc

We are partly doing this: 43pc

“We will publish a new 3 year plan in January 2013 and as part of this plan we have a written explicit Volunteer Strategy rather than an implicit volunteer strategy. The Volunteer Strategy will introduce training for all staff that work with volunteers rather than just the Volunteer team.”

“All of these survey questions demand a very black and white answer. Most of the practices outlined in the 3R Promise are in place within our organisation; however, we are working through the 3R promise area by area in order to drive up good practice and consistency across the organisation where we find gaps or room for development. It is therefore difficult to know whether we 'have plans or not' to develop a particular area until we get to it!”

1.2 Less support

On other points of the Promise there was overall support but some negative responses.

5. Our organisation will appoint an individual who will monitor volunteer complaints and encourage rapid resolution in emerging conflicts

We already do this:	53pc
We are partly doing this:	33pc
We are not doing this but plan to:	10pc
We are not doing this and have no plans to:	4pc

“Line Managers do this and any complaint that has not been dealt with at that level is escalated upwards to the Executive Board.”

“Our complaints procedure is the same for customers, volunteers and staff. It is not appropriate to vest responsibility in one person. All complaints are considered by our senior team on a regular basis.”

“This is carried out by a trustee who is also our whistleblower.”

The proposal for a trustee or equivalent as champion had a majority in favour but a sizeable number who would not be implementing it.

4. Our organisation will identify a trustee or equivalent to become a volunteering champion

We already do this:	35pc
We are partly doing this:	20pc
We are not doing this but plan to:	27pc
We are not doing this and have no plans to:	18pc

The responses indicated different approaches to the role of trustees and roles as champions.

"We feel for now that having a trustee in this role is not best placed to cover all volunteers nationally, and to be available full time."

"This is the responsibility of the Head of Volunteering and not a role we would want or expect our Trustees to take on. Our Head of Volunteering takes on this role and would where necessary involve a Trustee but this is very rarely the case."

"Our board has taken a decision not to ask individual board members to champion specific elements of our service."

"The 'Champion' scheme hasn't proved very successful and we are looking at other options."

"However, we keep a complaints and issue log that is available to trustees but we work within the HR department/director and issues are regularly monitored."

"We currently have a committee looking after this area of work with a Trustee who chairs the committee. We would like a celebrity ambassador to champion volunteering."

"Having a good understanding of volunteering at governance level from a strategic point of view is a different skill set to volunteer management on the frontline and could potentially demand a great deal from a Trustee if their role is to be aware of detail at operational level. It is likely, as is the case with us, that volunteering is shared responsibility across the board - relevant to HR, strategic, business development, etc. But yes, someone with an oversight for volunteering has been very helpful. Maybe slightly different for us as we are a Volunteer Centre."

The proposal for alternative conflict resolution also had majority support but a larger minority who would not be implementing it.

6. Our organisation will explore independent alternative conflict resolution when necessary

We already do this:	31pc
We are partly doing this:	16pc
We are not doing this but plan to:	12pc
We are not doing this and have no plans to:	41pc

“We have offered this in the past when dealing with particularly tricky situations with volunteers.”

“However, we offer the services of our employee assistance help line that is an independent body to those cases where we feel it would be beneficial. Particularly those with mental health issues.”

“There is not the need to do this. I am pleased to say from both the volunteers and the organisation.”

2. How far will the signatories work with the Call to Action Progress Group?

To explore how to get a greater take-up of the Promise and implement it, we asked how signatories would work with the Group.

On sharing lessons, 16 pc (7 organisations) said they already did; 13 pc (6) were partly doing so they did partly; and 49 pc (22) planned to.

Similar percentages would report publicly on their implementation of the Promise, though smaller numbers were already doing it or partly so (24pc – 11 organisations), and 53pc (24) planned to.

Asked about having a meeting to share experiences in implementing the Promise, 29pc (13 organisations) would not like to participate. The majority view was for an online forum (53 pc – 24), with about half as many preferring a webinar (24pc – 11) or face-to-face meeting (22pc – 10).

3. What support is there for an appeal body?

Prompted by the thinking in Lord Hodgson’s review of charity law exploring the idea for a regulatory body for charities, we asked:

11. Would you like to see an umbrella organisation play a role as an appeal body?

Yes: 56pc

No: 44pc

The added comments expressed reservations about the burden and cost:

“We feel it would increase the legislative burden on the voluntary sector, leading to stifling innovation, making charities risk averse and reducing volunteering opportunities.”

“This would be unmanageable and will stop us appointing volunteers from such a broad community spectrum as it would mean charities would play it safe.”

“... an extra burden on limited funding for the sector, or funds would need to be diverted to pay for it...”

“... resources directed to setting up/using an umbrella body would be better spent enabling more organisations to undertake liV - working on all aspects of volunteer management.”

Comments pointed to the need to assess a detailed proposal:

“Would depend who the body was, what it offered and its level of knowledge and understanding of volunteer management good practice. It would be useful to have an organisation that could offer arbitration or conciliation around issues of volunteering complaints where appropriate.”

“But really a maybe. Locally (as an umbrella body) we undertake that role. However, if the complaint is against us and the complainant was not happy with the internal process, they would be able to appeal to the LA (our primary funder). Remain to be convinced about the benefit of another tier?”

“As long as it was an appropriate body (e.g. VE/NCVO).”

Others questioned the need for a new body:

“The view of volunteers in that they would like our own membership organisation – Citizens Advice – to play this role.”

“With almost 22,000 volunteers, we receive complaints in single numbers and feel that if all organisations used fair processes and followed the principles of the 3R Promise then such a body would not be necessary.”

The responses didn't offer a development of the reasons in favour of an appeals body.

Appendix 4: Survey of umbrella bodies

Thirty charities who described themselves as umbrella organisations were emailed with the relevant quotations from the Hodgson and PASC proposals, and were asked:

1. Do you see yourself as the kind of body that would set up an appropriate independent process for volunteer complaints?
2. Do you in fact have such a process set up for your member organisations?
3. Are you aware of any volunteer-involving organisations that have an independent appeal process in place?

One replied that they offered guidance on good practice, which did not include any reference to independent adjudication.

One said they offered a fairly limited complaints resolution service.

One said they would be unlikely to set up an external complaints procedure, but would seek advice from the Charity Commission and NCVO.

One suggested that if required by their members, they might consider setting up a process, but would require extra funds to do so.

One expressed support for the proposal and would promote it if set up, but it would not be appropriate for their own organisation to provide.

No-one was aware of any organisations having an independent appeals process.

Two said they would reply later, but have not done so.

Twenty-three did not reply.

Appendix 5: Note to Public Administration Select Committee: Review of charity legislation

Evidence from Call to Action Progress Group arising from the Volunteer Rights Inquiry

1. This note refers specifically to the proposals about the responsibilities of individual charities and umbrella bodies in Sections 7.8-10 of Lord Hodgson's Review of the Charities Act 2006. This is set in the context of the concerns about public trust and confidence in charities.
2. Lord Hodgson's review finds: "It is clear that the sector must take some responsibility for addressing its own mistakes and that individual charities must in turn take their share." He commends charities having their own processes for managing internal disputes and complaints from third parties, and ensuring "robust practices" to deal with complaints (S 7.8). He proposes such processes should contain 'an element of independent review' (S 7.9).
3. Lord Hodgson continues that "it would seem sensible to encourage the sector itself, perhaps led by its umbrella bodies, to set up its own body or scheme. The Charity Commission could perhaps act as a facilitator of this process but not take responsibility for running or funding it. This, again, is something the sector will need to consider, possibly in combination with the idea of a sector-led advice line" (S.7.10).
4. We are writing to the Select Committee because these points resonate with our experience and discussions, and we would wish these proposals to be carried forward.
5. In 2009 Volunteering England initiated and administered the - independent - Volunteer Rights Inquiry out of its concern at reports of unfair treatment of volunteers. After taking evidence around the country from volunteers and volunteering organisations, it considered whether to establish a new body such as an ombudsman or commission to which volunteers could appeal when their cases had not been resolved by organisations in which they volunteered. However, it concluded that the first step should focus on the management of volunteers. It drew up the 3R Promise to which volunteering organisations are invited to sign up.
6. The 3R Promise asks volunteering organisations to commit to getting it Right, offering means of Reconciliation when things go wrong and taking Responsibility. Our Group, which is constituted of volunteers and

representatives of volunteering organisations and chaired by the representative of Volunteering England, is tasked with promoting and monitoring the 3R Promise.

7. To date over 130 organisations have signed up to the 3R Promise. You may see that signing up to the Promise demonstrates how organisations may act in line with Lord Hodgson's wish that charities should take their share of responsibility and offer a process of reconciliation.

8. The number of organisations signed up to the 3R Promise is, however, only a small proportion of volunteering organisations, and we are concerned that we can only call on our own very limited resources as a Group to promote the Promise and to support organisations in putting its commitments into effect.

9. We have helped prompt Volunteering England and Citizens Advice to link up to provide guidance for members of the public who have problems in volunteering using the factsheet "If things go wrong". This indicates one kind of support which sector bodies can offer to volunteers, but overall the publicly accessible resources to support volunteers in their individual concerns are very limited.

[www.adviceguide.org.uk/volunteering - if things go wrong](http://www.adviceguide.org.uk/volunteering_-_if_things_go_wrong)

10. Thus, there remains, in Lord Hodgson's words, the "overarching need to promote and protect public trust and confidence in the sector", an important element of which is people's willingness to volunteer. This puts the focus on the Charity Commission and the regulatory function which it or another body could perform. A number of the cases which the Charity Commission has regarded as outside its remit have been issues raised by volunteers about their treatment by charities, and we think it is fair to say that there is confusion in the public sphere as to why the Charity Commission has not been able to take up these issues.

11. Therefore, given the lack of resources to support initiatives such as the 3R Promise and given the lack of involvement by the Charity Commission, we would like to see explored the potential for an umbrella body or sector bodies to take on the role envisaged by Lord Hodgson. There would need to be proposals developed for the status and resources held by such a body and for its remit in overseeing or supporting regulatory action by independent charities.

12. Our contacts with individual volunteers who are unhappy or confused about their treatment by charities also support the need for an advice line,

as proposed by Lord Hodgson, where they could raise problems and explore how they could be resolved.

13. Overall, then we would wish to encourage further work to develop and promote the proposal summarised by Lord Hodgson as: "Individual charities should adopt and publish internal procedures for disputes and complaints. Umbrella bodies are ideally placed to support charities with this by the development of pro-forma procedures and support in their implementation, perhaps even taking on the role of adjudicator for their members."

Appendix 6: Gap year and international volunteering

The Call to Action Progress Group has consulted with Tourism Concern about its work to ensure UK citizens volunteering abroad have safe and productive volunteering experiences. Almost half-a-million people volunteer abroad each year and their experiences may feedback into their enthusiasm and skills for volunteering back home. It has long been acknowledged that standards need raising in this sector, which is a growing market, and, although there are excellent UK sending organisations, some sending organisations do not adhere to reasonable standards. The CAPG has been in discussions with Tourism Concern about its launch of a new Gap Year and International Volunteering Standard (GIVS)²⁰. They have reported back to this committee the following.

Update to CAPG from Tourism Concern February 2014

In 2007 Tourism Concern commissioned research into the working practices of UK organisations who send volunteers overseas. The findings raised serious concerns about the value of such placements – both to local communities and to the volunteers themselves – and also highlighted significant health and safety risks. This drove the development, in partnership with a number of volunteering and other partner organisations, of The Gap Year and International Volunteering Standard. GIVS sets out eight key principles for best practice, together with the benchmarks and indicators by which each can be measured. Tourism Concern believe that it is vitally important for volunteer organisations to seek to demonstrate that they have attained a recognised level of responsibility in the way they recruit volunteers, find placements and manage the volunteering process. They have been seeking ways to measure compliance and have drafted an audit process. However, without government support and funding, it is impossible to encourage all the 100+ UK organisations in the sector through a comprehensive audit process, particularly those who are smaller and not profit-oriented.

Tourism Concern are also currently working on a ‘know before you go’ campaign which encourages prospective volunteers to ask a range of questions in order to ensure that they are adequately prepared, secure a placement and which is appropriate to their needs and skills, and that the project is wanted by and of value to the local community.

²⁰ www.tourismconcern.org.uk/index.php?page=gap-years