Knowledge Gateway

Practice Guidance and Information

Guide for VIOs Health and Care (Staffing) (Scotland) Act 2019

Introduction

On 1st April 2024, the Health and Care (Staffing) (Scotland) 2019 Act was enacted. This legislation is applicable to some volunteer-involving organisations, particularly those who engage volunteers in the delivery of regulated care services.

This guide will help you to:

- Identify if this legislation is applicable to you or your organisation.
- Understand what you might need to do to make sure your activity is in line with legislative requirements.
- Find out more information about the Act, including accessing training

Is this new legislation applicable to me?

Whilst the Health and Care (Staffing) (Scotland) 2019 Act applies to health and care settings, **volunteers are only within the scope of the legislation in regulated care services**.

Regulated care services include the following:

- a support service
- a care home service
- a school care accommodation service
- a nurse agency
- a childcare agency
- a secure accommodation service
- an offender accommodation service
- an adoption service
- a fostering service
- an adult placement service
- child minding
- day care of children
- a housing support service

You can find a full list of roles in scope of the Act **here**.
The services within the scope of this legislation are likely to already be regulated by the Care Inspectorate and subject to existing legislative regulations around staffing. The inclusion of volunteers in primary legislation related to staffing (including volunteers) in care services is new, but volunteers have always been covered under the **Social Care and Social Work Improvement (Scotland) (Requirements for Care Services) Regulations 2011**. As such, if you involve volunteers in care services that are regulated by the Care Inspectorate, it is likely that you are already compliant with this new legislation.

What do I need to do to prepare?

As stated previously, **if you involve volunteers in care services that are already regulated by the Care Inspectorate, it is likely that you are already compliant with this legislation.** However, the legislation will be applicable to services that involve volunteers in the delivery of care services. For this reason, we recommend that any managers of volunteers in regulated care services familiarise themselves with the legislation and keep abreast of developments.

The accompanying **Statutory Guidance** for the legislation considers volunteering and volunteer roles as part of the workforce, and therefore the Act is applicable to volunteers as well as others in unpaid roles such as apprenticeships or work experience. At the time of development, we were able to **provide some feedback** to the government about how volunteering would be reflected in the statutory guidance. **Subscribe to our newsletter** to stay in touch with our activity around future consultations and government guidance.

You can read the legislation which is available **here** and the accompanying guidance which is available **here** - these might help you to understand what is required. You can also use this as an opportunity to review your processes for volunteer recruitment, training, support, engagement and communication to ensure that they are robust.

This does not necessarily mean that you should apply the same processes that you might have for paid staff - the Act is clear that approaches should be appropriate to the role. The needs of volunteers are often different to paid staff and this should be reflected. The **Volunteer Charter** is a helpful tool for understanding the distinction between volunteers and paid staff.

The **guides, tips and templates** on our website will help you to review your approach to volunteer involvement, and you can look at the **Volunteer Wiki** provided by Volunteer Edinburgh. You might also consider undertaking a quality standard such as **Investing in Volunteers** to fully assess your approach to volunteer involvement with the support of an assessor, working with a Trusted Partner or seeking Volunteer Scotland consultancy input to support or guide you.

How can I find out more?

If you require further information or clarification on the issues raised in this guide, our Volunteer Practice colleagues would be happy to support any requests. Our team

mailbox can be reached by emailing **knowledgegateway@volunteerscotland.org.uk**.

The Safe Staffing Project/Safe Staffing Programme team in the Care Inspectorate offer a range of resources and seminars on the Health and Care (Staffing) (Scotland) 2019 Act, including an Open Badge award and webinar series for both children's and adult services. You can find all of these resources and more **here.**

You can also sign up to the NHS Education for Scotland learning platform called **TURAS**. This platform is available for anybody and has a range of learning opportunities related to many aspects of health and social care delivery, including a Knowledge and Skills Framework and Quality Improvement collaborative learning events.

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The Knowledge Gateway is created and led by **Volunteer Scotland**

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This is a regularly reviewed resource. If you have any suggested updates, please email Volunteer Scotland at **hello@volunteerscotland.org.uk**