



State Indemnity Guidance

SIG 18: Use of volunteers by delegated State authorities

a) Introduction and scope

The purpose of this State Indemnity Guidance (SIG) is to set out risk and general indemnity¹ advice for delegated State authorities (DSAs)² who engage volunteers to perform tasks under DSA supervision, direction, and control³. The scope of this SIG **excludes**:

- Persons who provide specialist volunteer services on behalf of the State such as the Irish Coast Guard, Garda Reserve and Reserve Defence Forces.
- Persons engaged by DSAs as part of a work placement/work experience programme⁴.
- Volunteer activities relating to the provision of professional medical services, as relevant to the Clinical Indemnity Scheme⁵.

b) Who are volunteers?

A volunteer is any person engaged in a voluntary capacity⁶ to carry out DSA activities on behalf of the DSA, whilst acting under DSA supervision, direction, and control. Volunteers are intended to support and supplement existing activities of the organisation and are not intended to act as a replacement for full time staff.

c) Does the General Indemnity Scheme cover volunteers engaged by delegated State authorities?

Yes, the General Indemnity Scheme (GIS) applies to volunteers engaged by DSAs when working under DSA **supervision, direction and control**. The cover provided under the GIS is for personal injury and/or third party property damage claims, arising from the negligence of the DSA and/or its volunteers.

Scenario 1

A DSA is planning to engage a number of volunteers to support an upcoming sports day for its service users. These volunteers will be engaged on an individual basis and will work under the supervision, direction and control of the local manager.

The GIS will extend to cover these volunteers and will respond to any personal injury and/or third-party property damage claim that may arise from the negligence of the DSA. The duty of care owed to the volunteers is the same as if the volunteers were DSA employees. The DSA should ensure that any risk controls in place for its staff, are also applied to the volunteers for the duration of the engagement.

d) A third party organisation wishes to volunteer their employees/volunteers as part of supporting a delegated State authority initiative. Does the General Indemnity Scheme apply in the same manner?

Yes, the GIS will apply. However, the third-party organisation should also hold appropriate insurance for potential claims arising from its negligence, as follows:

- Public Liability with a recommended limit of indemnity of €6.5m for any one claim or series of claims arising out of a single occurrence. Lower limits may be acceptable where risk-assessed⁷.
- Employers Liability with a recommended limit of indemnity of €12.7m for any one claim or series of claims arising out of a single occurrence.

1 General Indemnity Scheme (GIS): Under the GIS, the SCA manages personal injury and third-party property damage claims taken against State bodies covered by the scheme.

2 delegated State authority (DSA): Refers to all bodies where management of personal injury and third-party property damage claims against the body is delegated to the SCA. This includes healthcare enterprises, community and comprehensive schools and prisons.

3 Supervision, direction, and control: Full oversight of the assigned duties including providing instruction, guidance and advice on how the work must be done.

4 Work placement/experience programmes: Please refer to *SIG-12 Work placement and work experience programmes hosted by DSAs*.

5 Clinical Indemnity Scheme (CIS): Under the CIS, the SCA manages clinical negligence claims taken against healthcare enterprise, hospitals and clinical, nursing and allied healthcare practitioners covered by the scheme.

6 Voluntary capacity: Acting in a specified capacity without payment.

7 Please refer to [SIG -Guidance on Indemnity and Insurance](#) for additional information.

Scenario 2

A local gardening company has volunteered to carry out upgrade works to the open garden spaces at a DSA site. They will have a team of five staff and will use their own equipment and supplies for the works.

As the gardening company will operate independently and not under the **supervision, direction and control** of the DSA, it is obliged to carry its own insurance for its staff and any equipment/supplies that it intends to use. The GIS will only respond to negligent acts or omissions that are the responsibility of the DSA, for example, state of premises issues such as a slip, trip or fall on a defective surface at the DSA site.

A formal agreement should be put in place setting out the responsibilities of all involved. The DSA and gardening company should conduct a risk assessment to identify any control measures which may be required for the volunteering activity.

e) What do delegated State authorities need to consider when engaging volunteers?

In the first instance, local management should formally approve volunteers engaged on behalf of the organisation. A suitability assessment of the volunteer should be carried out to include appropriate vetting and competence checks in accordance with local policies and procedures.

A documented risk assessment should be carried out and risk control measures implemented. Please refer to section i) for additional information.

f) Are there any age-related restrictions, which should be considered for volunteers?

There are no specific age-related restrictions associated with the GIS. However, the State Claims Agency (SCA) recommends that individuals aged 14 years and upwards only should be engaged as volunteers. The DSA should also ensure that it is aware of its responsibilities under legislation such as 'The Protection of Young Persons (Employment) Act, 1996', 'Schedule 7 of the Safety, Health and Welfare (General Application) Regulations 2007' and Child Protection legislation, etc.

g) What duties are volunteers permitted to carry out?

There are no duties that are specifically excluded from GIS cover. However, tasks should be assigned following a risk assessment which takes into consideration the volunteer's competencies and physical limitations etc.

h) Can volunteers drive vehicles as part of their volunteer duties?

There are two scenarios which may arise in relation to driving:

Use of DSA vehicle – it is not advised that volunteers be permitted to drive DSA vehicles. This is because where a driver is not an employee of the DSA, there can be a reduced ability to manage the volunteer and the driving activity therefore constitutes a higher risk to the DSA. Volunteer drivers can be used in certain exceptional scenarios, typically for long term volunteer arrangements and in specialist circumstances arising in health and social care settings, for example, in situations where a DSA employee is absent from work or unavailable. Where volunteer drivers are used, the GIS will apply provided a formal risk assessment has been carried out, the correct driving licence is in place and local management approval has been granted. Please contact the SCA for further information.

Use of private/company vehicle – if it is intended that volunteers use their own private vehicle for volunteering purposes, they must first contact their motor insurance provider and inform them of this planned use as it is the volunteers' own private insurance which will primarily respond. The volunteers should formally confirm this is in place before proceeding.

It is **not** advised that volunteers transport service users/clients unaccompanied in DSA and/or private vehicles. Further information is available on the SCA website at [State Indemnity Guidance - Use of Motor Vehicles](#)

i) What are the risk management considerations when engaging volunteers?

The SCA advise that all DSAs consider the following risk management considerations prior to engaging volunteers (non-exhaustive list).

- **Approval, Procedure and Agreement** – A policy and procedure should be developed by all DSAs who engage volunteers. Details of the volunteer arrangement should be documented including the intended duties, duration of the engagement, reporting arrangements, etc.
- **Risk Assessment** – A risk assessment must be completed prior to engagement of the volunteer(s) and identified control measures implemented. Risk control measures should be directly related to the individual's level of competence and the activities they shall undertake.
- **Garda Clearance/Vetting** – Volunteers should be vetted in accordance with local policies and procedures. If the volunteers will be working directly with service users/students, this will require special consideration.
- **Data Protection/Confidentiality** – this should be managed in accordance with the DSA's local policies and procedures.
- **Supervision** – Supervision arrangements should be subject to the outcome of the risk assessment and the assigned tasks.
- **Training** – Volunteers must receive appropriate induction training. Additional training may be required for certain assigned tasks e.g., manual and handling.
- **Driving** – Please refer to [State Indemnity Guidance: Use of motor vehicles](#) for specific risk management controls relating to driving.
- **Incident reporting and review/investigation** – All incidents involving volunteers should be reported and investigated/reviewed using the National Incident Management System (NIMS) in accordance with local procedures. If DSAs do not have access to NIMS, the incident report form should be emailed to stateclaims@ntma.ie

This State Indemnity Guidance is solely for the use of members of the State indemnity schemes managed by the State Claims Agency, in accordance with its mandate under the National Treasury Management Agency (Amendment) Act, 2000. The SCA does not bear responsibility for use of or reliance on the guidance by any party other than a delegated State authority.

j) When do I need to contact the SCA?

If there is uncertainty as to whether the GIS would apply and/or risk management guidance is required, please contact the SCA or your local risk/insurance manager.