



Support for staff affected by the Abuse in Care Royal Commission of Inquiry

Government agencies are providing support for staff directly or indirectly affected by the Abuse in Care Royal Commission of Inquiry.

“Staff” includes

- current and former staff
- people working in care who have a direct relationship with agencies, such as caregivers and volunteers

“Affected” individuals may include people who are

- doing Inquiry-related work, such as managing documents or hearing survivor stories
- appearing as witnesses at a hearing
- subject to allegations
- survivors of historical abuse themselves

Guiding principles for support

- support will be provided by agencies, aligned with unions and professional associations
- agencies will offer the same types of support, with flexibility in how it is delivered
- support may be offered to former employees, caregivers or volunteers of agencies, no matter how long ago a person worked there
- agencies may fund independent legal support for people in certain situations (see below)
- if a person is charged with a criminal offence, legal support may cease, but other forms of support may continue
- the Crown may decide not to provide legal support to employees, for example, where:
 - the employee is in an employment investigation/grievance process related to behaviours of concern to the Inquiry, or
 - the individual has previous related convictions e.g. historical sexual or physical violence offences and had previously not disclosed these to its employer, and the matters were relevant to the employee’s role

Support types

Support needs will vary for individuals or groups. The available options are summarised in the table below:

Support type	Support processes
Wellbeing support	<ul style="list-style-type: none"> • standard Employee Assistance Programme (EAPs) within agencies • more complex EAP services such as clinical psychologists • resources on agency intranets • external support, such as ACC’s findsupport.co.nz, Lifeline, Healthline, and Depression Helpline
Cultural support	<ul style="list-style-type: none"> • support specific to individual’s cultural requirements.
Personal safety and security support	<ul style="list-style-type: none"> • risk assessment for affected individuals by agency security staff, covering matters such as online protection, media, physical security, attending hearings.
Manager support	<ul style="list-style-type: none"> • defining support requirements • regular wellbeing check-ins • workload management and ongoing monitoring • assessing the need for any special paid leave • advising individuals about employment terms and relevant agency policies • arranging debriefs on Inquiry hearings for individuals and/or their teams

Support type	Support processes
Legal assistance and fees	<p>agencies may provide independent legal support for current and former staff, as well as caregivers, volunteers, and families of deceased staff members, subject to criteria:</p> <ul style="list-style-type: none"> • an agency’s legal team may refer the individual to the Secretariat, Crown Response to the Abuse in Care Inquiry • the Secretariat may: <ul style="list-style-type: none"> ○ Refer the person back to the agency ○ Refer the person to the Royal Commission for information or advice ○ Refer the person to an independent legal adviser, under the legal assistance guidelines (see below) ○ Advise the person to seek their own legal assistance • a person will be referred to the Secretariat if they have been called as a Crown witness, or called directly by the Royal Commission, and there is a conflict between the Crown and the witnesses’ positions. The Secretariat may refer the person to an independent legal advisor, under the legal assistance guidelines (see below) • some agencies have their own legal assistance policies, which will continue to apply, although people may also still be eligible for independent legal advice via the Secretariat
Guidelines – independent legal advice	<p>Independent legal advice <u>may</u> be provided:</p> <ul style="list-style-type: none"> • where there is a conflict, or a risk of a conflict, between the interests of the individual and those of the Crown/agency • if the person is representing their agency at an Inquiry hearing • independent legal advice <u>will not</u> be provided where the legal issue is not related to the employee’s current or previous employment and to the Royal Commission • agencies <u>will consider not providing</u> independent legal advice sometimes, e.g. when: <ul style="list-style-type: none"> ○ the employee is in an employment investigation or grievance process related to behaviours of concern to the Inquiry ○ the person has previous convictions relevant to their role e.g. for historical sexual or physical violence offences, and had not previously disclosed these to their employer
Union / professional associations support	<ul style="list-style-type: none"> • current or former employees can consult their union or professional association if they are concerned about how they are being supported.