



Supporting resilience and wellbeing in the workplace

Guidance for best practice

February 2018



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INTRODUCTION

In early 2017, the Junior Lawyers Division of the Law Society of England and Wales (**JLD**) undertook a survey of its members to obtain data on the resilience and wellbeing of junior lawyers with several questions focussing on mental health (the **Survey**). Over 200 junior lawyers responded to the survey and the resulting findings raised some extremely concerning questions. It is hoped that the JLD will continue to run the survey annually so that it can compare the results year on year.

In summary, the Survey found that:

- More than 90% of respondents stated that they had experienced stress in their role with 26% of those respondents experiencing severe/extreme levels of stress.
- More than 25% of respondents stated that they had suffered with a mental health problem in the last month (whether formally diagnosed or not). Of those, only 23% had felt comfortable informing their employer. Interestingly, none of the male respondents whom had suffered from a mental health problem told their employer. This suggests that there is a clear barrier preventing those with a mental health condition from coming forward. This may be linked to perceived stigma attached to mental health problems in the workplace.
- It is concerning that 73% of respondents stated that they did not know, or thought that their employer did not, provide any help, guidance or support to employees in relation to mental health at work.
- **More than 50% of respondents said that their employer could do more in relation to mental health at work.**

In order to tackle mental health issues in the workplace, it is imperative that employers work together to reduce the stigma associated with talking about mental health and encourage employees to be more open. We all have mental health, whether positive, neutral or negative. As with most other stigmas prevalent in society, stigma relating to mental ill-health arises from a lack of knowledge and understanding. It is incumbent on employers to help educate their workforce on what mental health is (and what it isn't) and provide employees with the tools to help maximise positive mental health, resilience and wellbeing in the workplace.

Respondents of the Survey suggested a number of ways in which employers could help raise awareness of mental health in the workplace. These suggestions included:

- making relevant policies easier to find instead of buried in a staff handbook or hidden on the staff intranet;
- appointing wellbeing champions in the workplace (including at partner/senior level) to raise awareness within the organisation;
- putting in place training and workshops; and
- encouraging more regular meetings/informal chats to discuss wellbeing with supervisors who are properly trained to deal with mental health matters at work.

The *Thriving at Work: The Stevenson/Farmer review* of mental health and employers was commissioned by Prime Minister, Theresa May in January 2017. The review's report, released in October 2017, stated that:

'the UK faces a significant mental health challenge at work.'

The report also called for professional bodies, such as the Law Society, to help with the implementation of mental health care and enhanced standards for organisations, which will help reduce the increasing cost to the economy and businesses of the worsening state of mental ill-health in the workplace. Work conducted by Deloitte estimates that businesses are losing in excess of £1,500 per employee per year due to the costs associated with poor mental health. For an organisation of 300 people, that equates to more than £450,000 per year.

If implemented correctly, wellbeing interventions can lead to substantial returns on investment. For example, a professional services firm of circa 1,000 employees that invested £40,000 in mental health training saw a return on investment of £387,222 within one year (London's Business Case for Wellbeing).

To assist organisations in meeting some of these challenges, the JLD has developed the following guidance aimed at reducing stigma and fostering good mental health. The guidance has been designed to help organisations maximise their talent and it isn't intended to become an additional burden. The JLD understands that not all of the recommendations made in this guidance are suitable for all organisations and that each organisation will need to consider, depending on its size and resources, which recommendations they are able to focus on and implement.

Employees that have good mental health can significantly improve an employer's ability to attract and retain talent and boost workplace morale and productivity (which has the potential to increase realisation rates). There is therefore real value in investing time and resource to improve employees' mental health. Recognising and supporting mental health in the workplace can help to reduce absences, reduce the risk of mistakes, and create a positive, open and sustainable workforce.

This document aims to provide employers with helpful guidance on best practice to support junior lawyers (and, in fact, all employees) in their organisation. Whilst this guidance has been put together by the JLD, it is applicable for all employees and should be endorsed by all employers.

A special thanks to Nick Bloy of Wellbeing Republic for his invaluable support with the preparation of this guidance. And thank you to the Law Society Diversity and Inclusion department for supporting the production of this guidance.

Kayleigh Leonie

Law Society Council Member

WHAT SHOULD YOUR ORGANISATION BE DOING?

We have a collective responsibility to safeguard and promote the resilience and wellbeing of employees in the workplace. To support employers with these responsibilities, the JLD has focused its guidance on three key areas: Support, Culture and Education.

Support

Most organisations already have some form of support in place such as their Human Resources team and an employee assistance programme (**EAP**). The guidance outlines other areas which employers can leverage to provide the requisite support to employees.

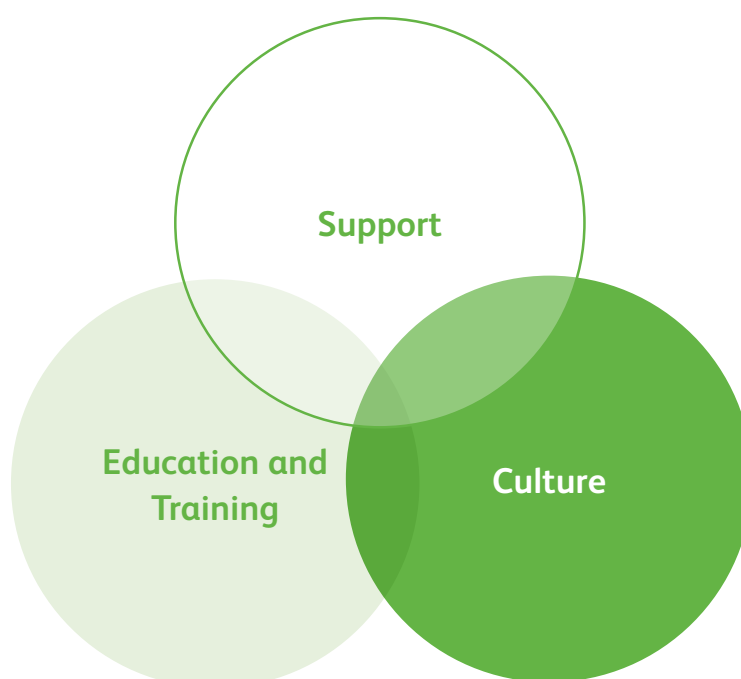
Culture

The Survey results highlighted that the stigma surrounding mental health within the legal profession is still rife. To tackle this effectively, there needs to be a culture change. The guidance is therefore focused on tangible measures that employers can adopt to effect meaningful positive change within their organisations.

Education and Training

To empower employees to thrive within the workplace, employers need to invest in the right training for both employees and managers. The below guidance outlines best practice across all levels of seniority.

Different sized organisations will have different resources available to them. Some will have already implemented several of the recommendations detailed below, while others will be starting from a blank piece of paper. As Arthur Ashe famously said: Start where you are, use what you can, do what you can. The important thing is to do something, not nothing.



WHAT SHOULD YOUR ORGANISATION BE DOING?

Support

Works council/Employee engagement group

You should involve employees in how issues are managed and provide them with a voice to help them interact with managers regarding any issues directly affecting them.

Mental Health First Aiders

Much like the first aiders in your office, you may wish to consider having Mental Health First Aiders in place. This provides employees with someone to talk to before seeking professional help. Mental Health First Aider training is run across the country.

EAP/Counselling service

If you have an EAP service in place for your organisation, make sure employees are fully aware of the services it provides by placing posters around the office and advertising it on your intranet if applicable. Make clear that it is a confidential service and that nothing (other than usage statistics) is reported back to HR. Employers should be signposting what the EAP can be used for and even get the EAP providers into the workplace to raise awareness of their services.

Human resources

Make sure all employees in your organisation understand the role of HR as a function, make sure your HR team are approachable. Do your HR team have the requisite skills and resources to deal with employee wellbeing issues? Are they appropriately trained? Is there sufficient budget?

Key dates

Your organisation could support national and global days and run events in the office. This could include encouraging healthy eating in the workplace during the British Nutrition Foundation's National Healthy Eating Week.

Health and Safety Executive (HSE) guidance

You should regularly review the roles and responsibilities of employees, to ensure that they have the resources and the autonomy to do their job to the best of their ability.

Stress risk assessment

In accordance with the HSE guidelines, your organisation should conduct a stress risk assessment, which includes regularly reviewing employee overtime and ensuring it is not excessive. Line managers should look out for subtle shifts in performance and behaviours. These might include errors creeping into the work of someone who is usually meticulous, a shift in mood (becoming angrier, more withdrawn or fatigued) or perhaps someone has started coming in late where they are usually very punctual.

Health promotion initiatives

You should look to establish and actively promote sports clubs, book clubs etc. You may wish to consider running health promotion initiatives to raise awareness of health and lifestyle initiatives such as stress management and disability awareness. If your organisation has the resources, consider offering yoga/meditation workshops to employees.

Occupational health

Do you have an occupational health provider in place which you refer employees to? If you don't, should you? Do you have a relationship with a provider? Are you asking the right questions?

WHAT SHOULD YOUR ORGANISATION BE DOING?

Culture

Champions/Mentors

You should consider appointing Wellbeing Champions/Mentors. These should include senior stakeholders within the organisation wherever possible. Mentors and champions should be clearly signposted and staff should be encouraged to seek their support when appropriate.

Organisation commitment statement

Advising that the organisation is complying with legal obligations on health and safety legislation to ensure looking after all employees. You may wish to sign-up to the national Wellbeing Charter (England and Wales) or the Healthy Workplace Charter (London).

Joined up approach

You should ensure that your organisation has a joined-up approach to resilience and wellbeing which is understood and embedded across all levels of the organisation. Employees should be treated consistently and fairly. You should aim to consult with employees at all levels regarding organisation changes at the earliest opportunity.

Efficiency

Ensuring systems and processes are as efficient as they can be to enable employees to do the best job they can.

Reward

You should prioritise rewarding and promoting your organisation's values – treating people in a fair and consistent manner.

Employees

Employees should take active responsibility for their own health and wellbeing by adopting good behaviours (for example in relation to diet, alcohol consumption, drugs and smoking) – are you as an employer doing enough to encourage and support these behaviours? E.g. if you have a work canteen do you subsidise healthy nutritious food? Are employees offered the opportunity to work flexibly? Are employees encouraged to take their lunch breaks?

Annual leave/time away from the office

Ensure that employees understand the importance of down-time to their own mental and physical health. HR and line managers should check that employees are using their annual leave entitlement and that employees are able (and encouraged) to switch-off from work when on annual leave.

Monitoring

You should monitor employee wellbeing to support the ongoing business case for investing in wellbeing, to help measure the success of specific wellbeing interventions and to help measure progress over time. You may wish to refer to the National Institute for Health and Care Excellence (**NICE**) guidelines. Specifically, you should consider measuring employee surveys, absence reports, staff turnover, exit interviews and 1-2-1 catch-ups. You may wish to include specific wellbeing metrics in your annual employee engagement survey.

Fostering a positive culture

You should aim to tackle any stigma associated with mental ill-health, stress and disability and you should encourage staff empowerment, diversity and inclusion.

WHAT SHOULD YOUR ORGANISATION BE DOING?

Education and Training

Line managers

As an organisation, you should clearly outline the responsibilities of line managers when it comes to managing the wellbeing of themselves and their teams. They should be provided with regular training and encouraged to check-in regularly with team members, rather than only once a year at appraisal time. You should ensure that the right people are recruited to the right jobs, that they are approachable and that they delegate work fairly amongst their team.

Wellbeing can be a tricky subject to bring up if you think someone is not coping. Managers should receive appropriate training to empower them to have effective conversations with their employees about wellbeing issues. You may wish to create a wellbeing checklist for managers to use as a basis for their regular catch-ups with employees. Advisory, Conciliation and Arbitration Service (ACAS) has a health, work and wellbeing checklist in its health, work and wellbeing guidance.

Strategy, policies and procedures

You should aim to create a broader wellbeing strategy that is signed-off at a senior level within the organisation. The strategy should be supported by a relevant stress and wellbeing policy which should be advertised internally so that all employees know where to find it. You should aim to keep it separate to, and avoid it being buried in, a large office manual or employee handbook. You should also ensure that all new joiners, including trainees, are informed of its existence on joining.

Education, training and communications

Line managers and employees should (1) regularly discuss individual training needs to ensure employees have the necessary skills to do their jobs (2) participate in feedback exercises for appraisals. You should ensure that people understand mental health issues, what good wellbeing looks like and how to develop resilience.

Performance reviews

Your firm may wish to consider introducing a wellbeing matrix into performance reviews and assess line managers on how they managed the wellbeing of their team. Employees could also be given one wellbeing objective to strive towards each year, as part of their wider objectives.

Seminars, workshops and guest speakers

You should arrange for regular talks and seminars for employees, to hear about their experiences and to provide guidance on how to cope.

RESOURCES AND FURTHER READING

<http://www.acas.org.uk/index.aspx?articleid=1361>

ACAS – guidance on health and wellbeing including health and the workplace, stress, managing anxiety in the workplace and wellbeing and workplace performance

<http://www.acas.org.uk/index.aspx?articleid=6065>

ACAS – latest campaign on promoting mental health in the workplace

<http://www.hse.gov.uk/guidance/index.htm>

Health & Safety Executive – health and safety guidance

<https://www.mentalhealth.org.uk/publications?gclid=CJuS3t2L1NQCFYmRGwodfBsLlw>

Mental Health Foundation – helpful resources on a variety of mental health issues

<https://www.wellbeingatthebar.org.uk/>

Mental Health & Wellbeing at the Bar – aimed at barristers and clerks but has great resources

www.employers-forum.co.uk

The Employers' Forum on Disability is the world's leading employers' organisation focused on disability as it affects business

<https://www.nice.org.uk/guidance/lifestyle-and-wellbeing/mental-health-and-wellbeing>

NICE – guidance on mental health and wellbeing

<https://www.london.gov.uk/what-we-do/health/healthy-workplace-charter>

Healthy Workplace Charter (London)

<http://www.wellbeingcharter.org.uk/index.html>

Wellbeing Charter (England)

<https://www.mentalhealth.org.uk/publications/added-value-mental-health-workplace-asset>

Unum and Mental Health Foundation – Added value: mental health as a workplace asset

<https://www.gov.uk/government/publications/thriving-at-work-a-review-of-mental-health-and-employers>

Thriving at Work: a review of mental health and employers

<https://www2.deloitte.com/uk/en/pages/public-sector/articles/mental-health-employers-review.html>

Deloitte – Mental health and employers: The case for investment

https://tls.csod.com/LMS/catalog/Welcome.aspx?tab_page_id=-67&tab_id=20000482

The Professional Development Centre is great for legal learning. Sign up today and find training on mental health and wellbeing

SUPPORT AND GUIDANCE

www.lawcare.org.uk

A charity that supports and promotes good mental health and wellbeing in the legal community, provides resources and a confidential helpline (0800 279 6888)

www.sba.org.uk

Charity that helps solicitors in serious financial need as a result of illness, accident, redundancy or other adversity (020 8675 6440)

www.mind.org.uk

Mental health charity

www.samaritans.org

Support for depressed individuals, in particular those considering suicide

www.centreformentalhealth.org.uk

Aims to help create a society in which people with mental health problems enjoy equal chances in life

www.neweconomics.org

Practical advice about wellbeing

www.hse.gov.uk/stress

Guidelines for managing stress at work

www.depressionalliance.org

Information and support on depression

www.tacklementalhealth.org.uk

Mental health information for employers

www.rethink.org

De-stigmatising mental illness

www.ias.org.uk

Education charity providing advice on alcohol consumption

www.downyourdrink.org.uk

Advice on alcohol consumption

www.time-to-change.org.uk

De-stigmatising mental illness

www.mentalhealth.org.uk

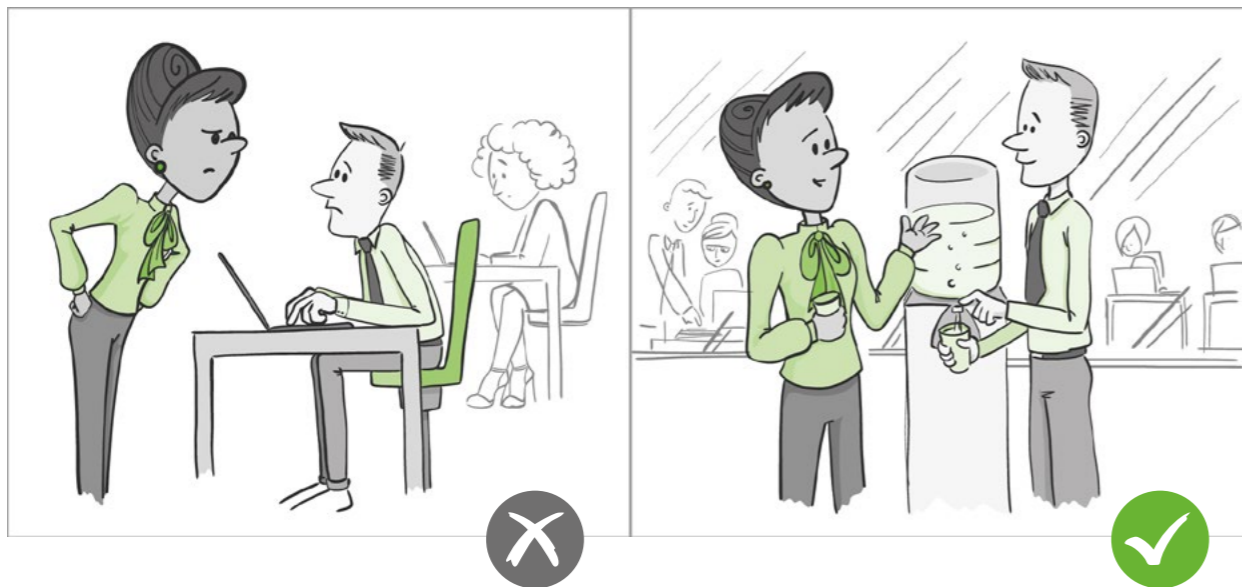
Mental health charity

HOW TO APPROACH A CONVERSATION ON WELLBEING

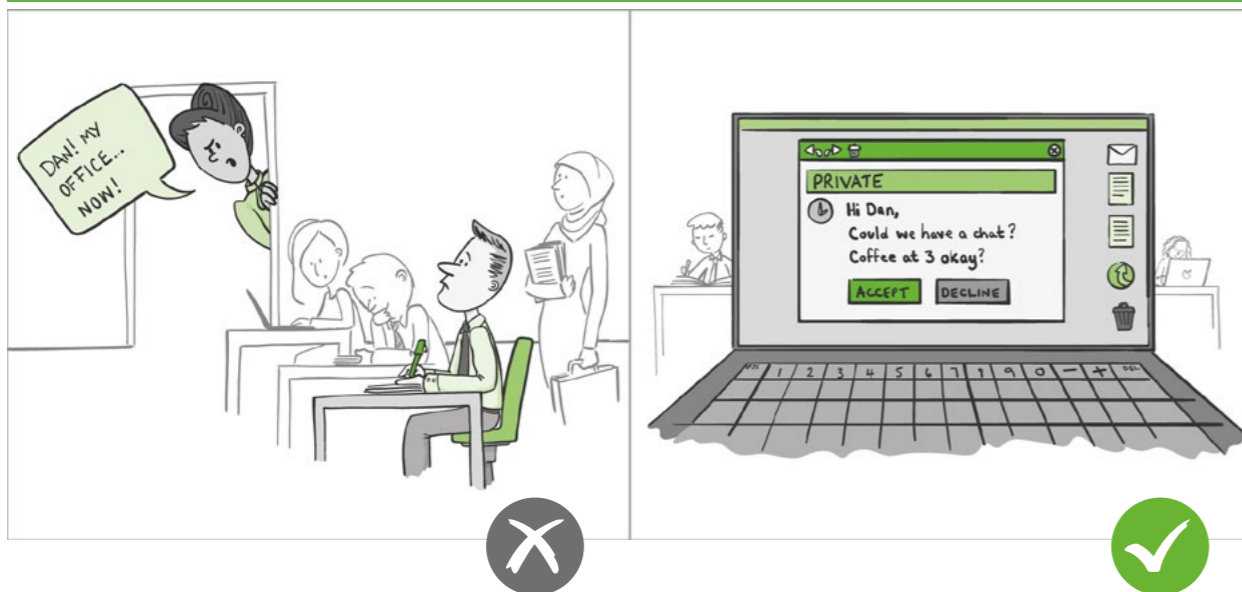
You are a manager and are responsible for supervising your team. You notice that a junior lawyer in your team, who has previously been extremely diligent and accurate in their work, has started to arrive late to work and has repeatedly made a number of mistakes.

The below cartoon strip plays out in two ways, giving pointers on how not to approach the situation and showing a more considerate and effective way to approach a conversation to best support the lawyers in your team.

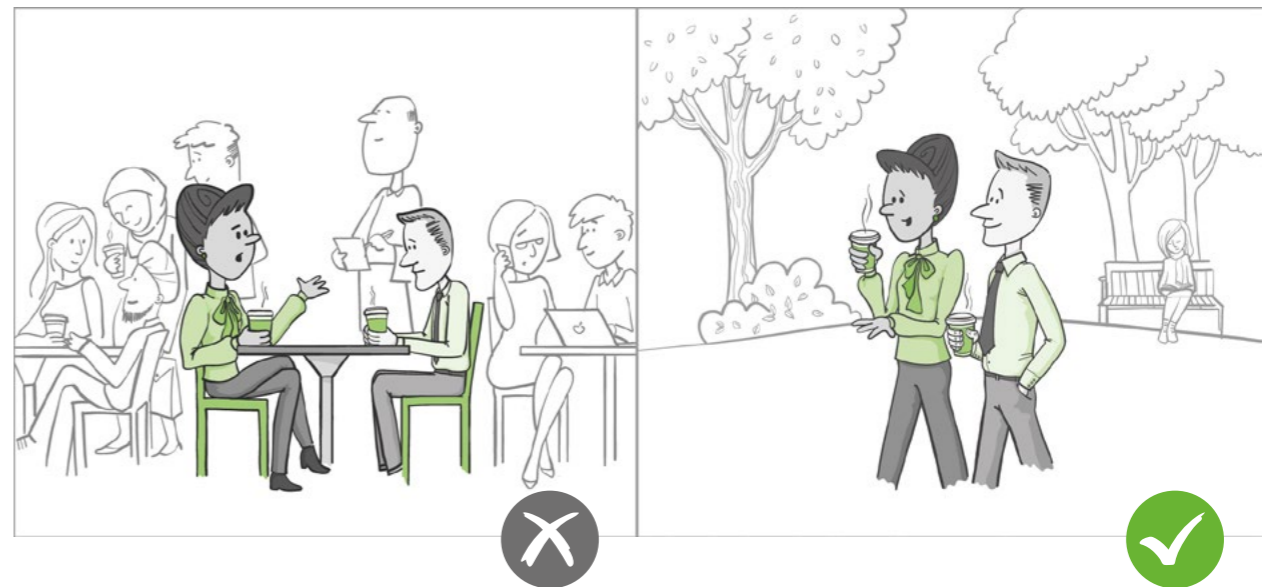
How to approach the employee...



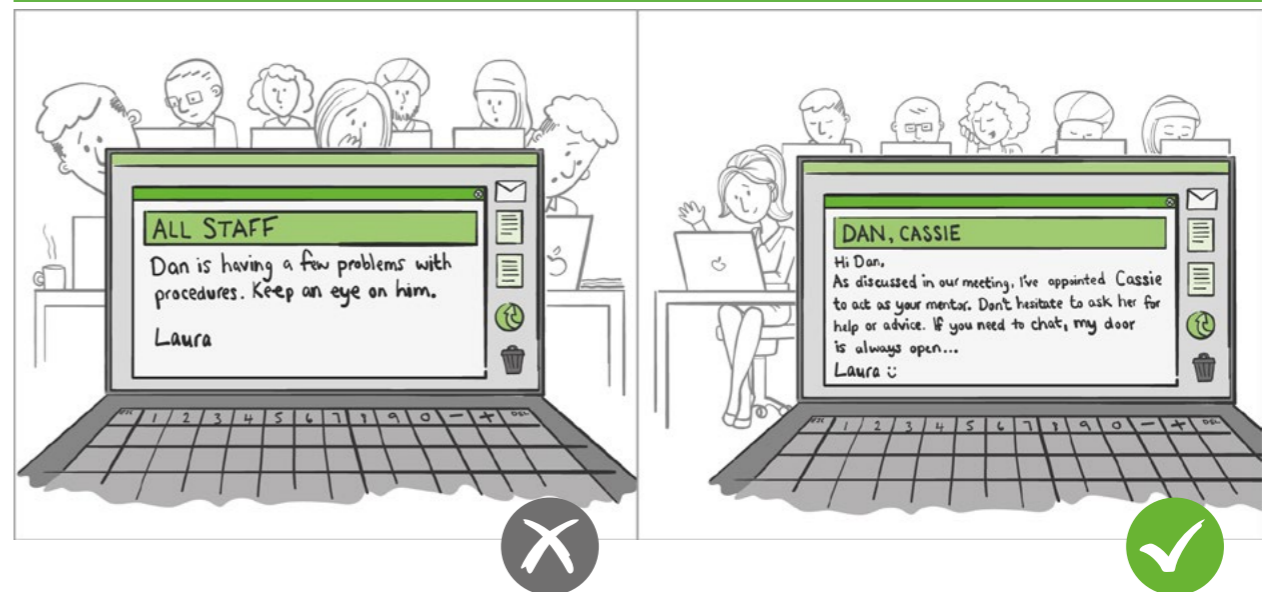
How to set up a meeting with the employee...



How to conduct the meeting with the employee...



How to decide on next steps after the meeting...





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