



ADDRESSING THE MENTAL HEALTH CHALLENGES IN LEGAL PRACTICE

**A statement of best practice,
for firms, and in-house counsel**





INTRODUCTION

There is a well-documented crisis of mental health within the legal profession globally. The Mindful Business Charter is a community of businesses (legal and otherwise) committed to reducing the unnecessary stress in the ways we work so as to enable healthier and more effective ways of working – addressing the causes of much of the distress experienced.

This guidance is focussed specifically on the legal sector and on what organisations in that sector should be doing to understand and manage mental health and wellbeing more broadly.

We are clear that the legal profession is a demanding and also rewarding environment. High performance and wellbeing should be seen as complementing each other rather than being in tension with each other. Lawyers work hard and we do not seek to restrict that, but rather to recognise that this creates risk factors which need to be understood and managed.

Further, the more demanding the work environment is in terms of these factors, the greater the need for meaningful and informed systems and cultures to mitigate the risks that can be created.



This document is focussed primarily upon the following factors which, while not being directly predictive in any individual case, are significant risk factors for mental illness and mental health crises:

- Persistent long term stress;
- Persistent and unpredictable long hours of work without adequate breaks and rest;
- Lack of sleep;
- Disconnection from loved ones and other emotional supports.

We recognise that mental illness and mental health crises are complex and personal. It is impossible to extrapolate from general data how any one individual will react in a particular set of circumstances. That said, the factors listed above are consistently identified and recognised as being part of the challenge. By focussing on these factors, we do not downplay the relevance and impact of other factors and we are not seeking to set out a comprehensive statement of what a good mental health strategy should include.

We also recognise that a wide range of socio-demographic factors can create challenges for particular individuals that may impact their mental health and wellbeing, such as gender, race, ethnicity, sexual orientation, neurodivergence, class, gender identity, disability, religion and others. We encourage users to further their understanding and inclusion of these factors, both in terms of the culture in their organisations and the supports they provide.

In addition, while this guidance focusses upon general factors, there are any number of particular events and circumstances which may present a material risk to the mental health of any individual, such as transitions to new roles, particularly challenging assignments, opponents and/or clients, professional setbacks of different kinds, prolonged quiet periods, world events and personal challenges such as illness, bereavement and relationship breakdown. We encourage users to be aware of these factors and of the need to provide particular support when they occur.

USING THIS DOCUMENT



We do not expect users to adopt every action in this guidance immediately, but it is intended to be a set of goals to work towards. We hope that organisations will seek to measure themselves against the guidance. There may well be elements that are considered not practical or not relevant to particular organisations which is understood but at least the point will have been considered.

We hope that, in time at least, law firms and in house legal teams and other regular clients of private practice law firms will come to reference their adherence to it internally and externally and to invite those with whom they work, as clients, service providers or fellow professionals, to do the same.

As the Mindful Business Charter, we will provide mechanisms for users to share with each other (in so far as is appropriate) the steps that they have taken and the resources they have used so that the legal profession can learn and evolve together.

The recommendations (unless otherwise stated) apply equally to legal and other team members and are, of course, subject to obligations around confidentiality, data protection and acting in what is believed to be the best interests of an individual in any given circumstances. The recommendations should also be considered alongside legal obligations (for example, in the UK, to make reasonable adjustments under the Equality Act).

CULTURE



1. Build wellbeing into the heart of your business strategy, recognising that it is intrinsic to sustainable high performance and ethical standards. Be mindful of the demands your business model makes on your people and adopt proportionate risk-based measures.
2. Encourage senior leaders to role model, and actively demonstrate, care for their own mental health and wellbeing.
3. Identify and support a senior level sponsor who will champion mental health and wellbeing within the organisation and actively support and ensure the effectiveness of the actions set out in this guidance.
4. Recognise that there are factors inherent in the personality characteristics of many lawyers and their professional sense of responsibility, as well as the nature of the work lawyers do, that create additional risk factors for lawyers' mental health. These will vary according to individual and to the nature of work being undertaken. Take meaningful steps to understand these factors and to support your people in understanding and managing them.
5. Provide training and resources to all staff, when they join the organisation and at regular intervals, around understanding mental health and how to nurture and support good mental health in themselves and others.
6. Provide training and/or coaching to leaders and managers on how to promote positive mental health and maintain mentally healthy and psychologically safe teams.
7. Introduce performance assessment, promotion and rewards systems that take meaningful account of the behaviours of individuals as well as their financial and other outputs, and in particular the extent to which those behaviours are supportive of the wellbeing of their team members and colleagues and contribute to sustainable high performance.
8. Promote the adoption of the Mindful Business Charter by and throughout your organisation as an effective measure to complement the steps set out in this guidance.



REPORTING

9. Introduce systems to report to an appropriate senior level board (with the information suitably anonymised) on a regular basis on the extent of mental health related illness and absence within the organisation and on the risks identified as a result of the steps set out below.

10 .Identify suitably senior individual(s) who will be responsible and accountable for the mental health and safety of your organisation and give them the resources and authority to exercise that responsibility and accountability meaningfully.

SUPPORT

11. Take reasonable steps to ensure that all members of staff have adequate regular contact with relevant and appropriately skilled line managers to discuss any wellbeing needs, professional development or other support that may be required, and put in place mechanisms to ensure this is taking place. Ensure that line managers, supervisors and others tasked with the provision of pastoral support are adequately and periodically trained on how to manage and support people.

12. Nominate, train (to include keeping that training up to date) and support specific individuals in the organisation, at a ratio of at least 1:20 with a broad range of roles and levels of seniority, that people can talk to, without judgement, in order to enable them to access the mental health support you can offer. Ensure that these individuals and their role are well publicised. Actively monitor how effectively this is working, appreciating that a low proportion of people seeking support may not necessarily mean that there are no issues present but may be indicative of other factors such as low levels of psychological safety enabling individuals to seek the support they need.

13. Establish a buddy system for people at all levels, including senior leaders, so that everyone has a nominated person to check in with on a regular basis.

RISK ASSESSMENT AND INTERVENTION ON AN INDIVIDUAL BASIS



14. Include appropriate questions and information relating to mental health in your onboarding of new staff.
15. Provide regular opportunities for individuals to disclose known mental health conditions should they so wish, along with requests for the support and adjustments they may need as a result.
16. Put in place systems whereby an individual who is concerned about the wellbeing of another individual (however senior) has the ability to raise that concern with an appropriate person and on a confidential basis.
17. Ensure that if concerns about an individual's wellbeing are raised by their family, a third party or colleagues, that those concerns are acted upon.
18. Implement measures to understand the hours people are working (and not just chargeable hours) and over what periods and to provide alerts when there is cause for concern (it being for individual organisations to determine at what level those alerts should apply and to consider whether the impact on wellbeing of low working hours as well as high working hours should be considered).
19. Where there is cause for concern, check in with the individual over (1) how they are doing including how much rest and sleep they are getting, what steps they are able to take to switch off from work and how much meaningful contact they are getting with their emotional supports outside of work and (2) what the organisation can be doing to support them.
20. Where risk is identified, actively and proportionately manage that risk. Consult with the individual (and where appropriate relevant professionals) over what this might involve, for example checking in more regularly with them, restructuring team projects to add resources to staff the project, or changing the timetable of the project, allowing time off, and recommending and providing access to professional support.

RISK ASSESSMENT AND INTERVENTION AT AN ORGANISATIONAL LEVEL



21. Appropriately assess work related psychosocial risks (for example the way that work is organised, social factors at work, the work environment, and work tasks) to understand the likelihood of mental ill-health arising from or being compounded by such factors.

22. Develop effective mechanisms (tailored to your organisation) to understand and identify risk to particular demographic groups and practice areas through surveys and other data gathering methods.

23. Where risk is identified, step in to actively and proportionately understand and manage that risk. Where interventions are implemented, monitor their effectiveness through appropriate measures and data analyses.

THIRD PARTY ORGANISATIONS

24. Be mindful, to the extent relevant and possible, of the welfare and demands placed upon individuals in client, supplier and fellow professional organisations and where concern exists be proactive in raising that concern with an appropriate person in that organisation.

25. As private practice law firms have, and encourage your partners to have, honest and open discussions with your clients as to how to meet the clients' requirements within the scope of the actions set out in this guidance.

26. As in house legal teams have honest and open discussions with your internal clients as to how to meet the clients' requirements within the scope of the actions set out in this guidance



27. As in house legal teams and other significant purchasers of private practice law firm services, recognise the influence you are able to exert and the permission you are able to give to your external law firm suppliers to adopt and effect the actions set out in this guidance and support them and, to the extent reasonably possible, hold them to account in the work they do for you to those actions.

28. As private practice law firms include in your pitches, proposals and tender documents reference to your adherence to this guidance, the measures you have in place to effect it and how you propose to do so in the context of the work under discussion.

29. As in house legal teams and other significant purchasers of private practice law firm services include in Requests for Proposals and other tender processes reference to your adherence to this guidance, request detail of how the tendering party will adhere to this guidance and confirmation of your support in assisting them to do so.

30. Hold regular review meetings with clients and suppliers in which adherence to this guidance in the context of the relationship is a key agenda item.

DOCUMENT ORIGINS

This guidance follows on from a Summit of senior leaders of the legal profession convened by MBC in June 2024 to discuss measures the profession could adopt to address the challenges and risks to health often associated with law firm culture.

Following that meeting a Working Group was established to consider detailed proposals and this guidance represents the outcome of their work. The Working Group also had the benefit of input from a wide range of other people including mental health professionals, academics and others. We are grateful to everyone for their contribution.

This is intended to be a living document which we will update from time to time with learning from users and insights from research and other sources. It is also our intention to supplement it with resources to support users' application of it. We would welcome feedback and we encourage users to share their learnings and resources with us and the wider community.



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