

MBC signatories call 6 July 2020

Attendees – Richard Martin (RM) and Lisa Swinney at byrne dean were joined by 33 participants on the call. In view of the number of those participating we haven't listed all attendees by name except where a full update was given or question raised.

In terms of agenda it was proposed that the documents around corporate structure, funding and annual evaluation be dealt with first so as to ensure enough time for discussion.

No written observations had been received beforehand.

1. Thoughts on proposals circulated concerning:

Corporate structure

In very brief summary, as discussed before, the proposal is for the MBC to become a Charitable Incorporated Organisation (CIO). We have had valuable insight and assistance from Dan Bastide of Irwin Mitchell. The working group have considered the proposal and are comfortable with it. The papers circulated in advance of the call reflect the outcome of the recent working group discussion.

Signatories were invited to share questions and comments.

Rachel Holder (Lloyds) queried what the next steps would be. She would value an opportunity to run the proposal past corporate colleagues. RM clarified that at this stage we were seeking general confirmation from the signatory group that all are happy, in principle, with the corporate form suggested and direction of travel so that we can progress to the next stage of drafting constitutional documents. These documents would then be considered, in the first instance, by the working group. In terms of timescale we had hoped to have a structure in place by the end of August.

Lucy Norman-Wells (TLT) thanked Richard for the work on the documents thus far. TLT have had an opportunity to review the proposal and are supportive, seeing the new structure as a good move in terms of the sustainability of the Charter.

Ross Caldwell (Morton Fraser) queried whether any steps been taken to appoint the new entity's trustees and working group members. No decision on trustees for the CIO, assuming that to be the form agreed, has been made. It is expected that the three originators of the MBC may want to be founder trustees to provide ongoing guardianship. The other (up to nine further) trustee positions would be filled by inviting people to put themselves forward. Going forward, trustees would be elected by votes of members. The standard form constitution provides for a third of the trustees to resign by rotation and put themselves up for re-election every year. It has been suggested that the trustees may want to create a group that reflects the way the current working group operates to ensure that a range of thoughts are represented. It would seem to be desirable to have a broad range of organisations represented on the trustee body and any consulting body in terms of length of time involved, geography and size.

Funding model

Signatories were invited to share questions and comments on the briefing note that had, again, resulted from discussion with the working group.

Kate Dodd (Pinsent Masons) confirmed her support for the model. There is a need to get a funding proposal bottomed out and this looks sensible. Trying to run the MBC, alongside Barclays and Addleshaws, from the side of her desk had proved to be impossible and the involvement of byrne dean has allowed the Charter to make progress in a way that it wouldn't otherwise have done. She

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would encourage everyone to think about the fact that the MBC does need to be properly funded to be sustainable because it is not something that can be done by the signatories themselves.

Martin Hamilton (Capsticks) seconded Kate's comments. Capsticks were among the second wave of signatories and have seen the work that has gone into the MBC to date. The structure of funding model based upon size of organisation seems fair to all at Capsticks.

Annual evaluation

This document was created as an opportunity, upon each anniversary of signing, to reflect on signatories' activity, successes, challenges and what support they could benefit from. It is designed to be as light touch as possible. It is suggested that we invite organisations to complete the evaluations from September onwards.

Wendy Ramshaw (Squire Patton Boggs) concurred that it seemed an appropriate thing to do and suggested that we give thought to how we utilise the information that comes back. How do we translate that into best practice? RM confirmed that, over and above an organisation's internal use, he sees two main uses for the evaluation in terms of the Charter. The first is to inform best practice and the second is a 'what are the challenges?' exploration, highlighting what we might be doing as a collective group and as consultants to help meet those challenges.

Wendy suggested that, for those that might find a challenge in securing funding for such initiatives, having something behind it that demonstrates ROI and benchmarking helps with the business case. Thinking about consultant activity beyond the current work around structure etc, RM would envisage that the consultant to the Charter going forward would be working one to one with organisations to provide more hands on support in that regard. Regarding assistance with seeking funding approval, there is a summary of suggested benefits within the funding proposal.

Byrne dean will re-circulate the three proposals and would ask that if any signatory organisations have any major objections that they indicate as such by close of business on Wednesday. In the absence of objections we will assume that we have general consensus for moving on to the next stage of corporate structure work. Organisations are also asked to self-identify their funding band, as set out within the paper. We can then do a quick calculation to ensure that the self-identification supports the overall model to give certainty so that people can then submit funding requests.

2. Updates from signatories on recent activity:

Nationwide – Nick Kirton

Nationwide became a Charter signatory last October. This broadly coincided with Nationwide's Legal & Secretariat Department adopting its own MBC related set of protocols which reflect their nature as an in-house function and reference the broader scope of work carried out by colleagues in their Company Secretariat team. They have worked hard to embed these principles with the wider business and external counsels, many of whom are already Charter signatories. When engaging counsel himself Nick is mindful of the timing of instructions and agreeing sensible response times. This behaviour is being embedded across the function.

As a mutual, Nationwide has an ingrained sense of community and support, and a longstanding programme of colleague health and wellbeing measures. A recent tool made available is the Unmind app, launched via an internal webcast hosted by their CEO. This has made the conversation around mindful working practices easier.

They have been working to promote the Charter and protocols amongst other departments – identifying Internal Audit as a parallel function/fertile target. Activity has been significantly impacted by the pandemic which has put everything on a more practical footing. A positive is the increased readiness to talk about mental health, support each other without judgment and acknowledge

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the importance of mindful working. For now efforts are focussed on the immediate needs of colleagues. As things start to return to normal they will reflect on learning over the last months and consider how to progress the conversation around mindful working further.

Nick kindly agreed to share details of the internal protocols and Unmind app (there being interest among the signatory group for pooling information on wellbeing app uptake and what information to best populate apps with.)

TLT - Lucy Norman-Wells

TLT also signed the Charter last October, in the context of the firm raising awareness around people taking positive steps for their own wellbeing. They launched a six month firmwide webinar programme which included seminars on smart working and strategies for work/life balance and was used as a platform to introduce the Charter. The seminars were well attended with subsequent anecdotal feedback that individuals were committing to positive habit changes.

Legal directors from their Banking and Lender Services Group began monthly meetings with the HR team, taking one MBC pillar at a time and devising an action plan. A guide around internal meetings and emails followed. This was shared back to key group partner to give everyone a common language and framework to challenge behaviours that were inconsistent with the MBC. Legal directors were given a brief training session on having the conversations that would support the action plan.

A bite-sized webinar series was launched when enforced home working commenced. Some time was spent on each pillar focussing on top tips. This allowed TLT to frame the MBC within the context of COVID by giving practical tips, for example around applying it those working in the evening to accommodate childcare. Anecdotally the series has been well received. TLT have just concluded their latest health related pulse survey to explore what the MBC means in respect of the return to work phase. TLT use the Thrive app which they would recommend.

A discussion arose on return to work surveys. Pinsent Masons are using the MBC to ensure that there is a baseline in terms of etiquette in the way people are described and how they speak to each other. It is recognised that people feel very differently about coming out of lockdown. There shouldn't be a sense of a 'brave' Team A back in the office and Team B at home as there are multiple individual circumstances that inform these decisions. Dentons recognise that there are issues around the compatibility of timings of those back in the office and those still logging on early and late to suit home working. There is also a suggestion that the difficulties around moving back to the office may disproportionately affect women.

Baker McKenzie – Sarah Gregory

Baker McKenzie's focus on the Charter has sat within their overall focus on mental wellbeing. Their Managing Partner's messages throughout lockdown have focussed on wellbeing. Weekly firmwide emails have included real life examples of what people have been doing to support their wellbeing during this period.

Leadership – they held a session in December for the whole partnership and leadership group focussing on mental wellbeing and self-compassion which was very well attended. As one of the follow ups attendees were asked to instigate discussions in their teams around wellbeing including the principles of the Charter. As a large organisation, things tend to be adopted more effectively when they are drilled down into individual teams rather than simply shared firmwide.

Process – Baker McKenzie have a working group of lawyers and others across the office who have been systematically looking through the Charter to create standard documents. The standard documents are then passed on to individual groups to discuss and decide how to adopt them.

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Decisions are taken on both a group and project basis as it is often the project group which needs to agree the mechanics of how people are working.

Clients – they have had good conversations with clients around the Charter, particularly around engaging with law firms and how to send instructions. Mindful working requests have also come from clients, for example asking to avoid setting conference calls at certain times. Some clients do still have an expectation of round the clock responses so this is a work in progress. There has been debriefing after projects about what has gone well and what might have gone differently and an effort is being made to have these discussions at the beginning of projects as well.

Baker McKenzie undertook a survey a few weeks ago to test the waters in terms of returning to the office. There was a marked wish to avoid public transport for some time to come. The small group who are keen to come back to the office tend to be people living on their own or more junior people either struggling with space and facilities or with the difficulty of learning in a remote environment. There is a need for careful thought around introducing some ‘in person’ contact during the continuation of remote working.

Pinsent Masons - Kate Dodd

Pinsents had previously gone out through their UK Banking & Restructuring teams and their Hong Kong and Singapore businesses. 1 May marked their all UK MBC launch, covering an additional c. 2,500 people. It was marked with a well attended virtual event. The MBC has provided them with a strong framework through which to respond to Coronavirus and to use the MBC working groups for wellbeing related work. As of 1 May each of the five major groups have their own MBC working party, led by their own senior partner or bus opps leader, tasked with embedding the Charter into their teams. They are taking some of the learning from their Banking & Restructuring rollout. Pinsents asked for volunteers for these groups and were pleased to have 30/40 applicants for each working group for 12 positions. Each group’s first job is to develop their own code by looking through the Pinsents Code of Conduct. They can decide whether to tailor it, avoiding the chance of any suggestion that parts of the MBC code might not be workable for X team when they had originally been drafted for Y team.

The Banking team have undergone a long process of 3 monthly pulse surveys, checking in on where they’re up to with the Charter. The survey has now gone out to everybody, creating a baseline to work from. It is interesting to see differences between different groups. There are monthly delivery board meetings to meet as a central group – useful as a focus for those groups that have lagged behind in terms of activity to catch up.

The MBC has now launched in the Middle East as well as Singapore and Hong Kong. Australia and Dublin are coming on board. There is not much traction in Germany, France or South Africa so if any other signatories have presence in those areas please get in touch about connecting them. (Sarah Gregory offered that Baker McKenzie’s Johannesburg office have been focussing on the Charter).

Conversations are ongoing with clients to convince people to come on board. Kate has spoken about the MBC on various webinars over lockdown.

3. Updates from RM:

International activity - byrne dean spoke recently to a Portuguese firm, PLMJ, who are very interested in the Charter so do let us know of any Portuguese presence that we could put them in touch with.

There is an MBC event planned in Singapore on 20 August, run by the Singapore Law Society, on which more information will follow.

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Events - byrne dean are talking to the University of Law - ULaw - about an event later this year that will showcase the Charter in relation to the wellbeing of law students and junior lawyers. A good opportunity for signatories to demonstrate commitment to those coming into their professions.

Endorsement –alongside ULaw, who have expressed a commitment to endorse or sign, byrne dean are in conversation with Social Investment Scotland who we hope will endorse or, most probably, sign. The Lord Mayor’s Appeal have confirmed that they will formally endorse. The Scottish Law Society are actively signposting people to the Charter within the action plan that supports their recently published report on the status of mental health stigma and discrimination in the Scottish legal profession.

The next signatories call is scheduled for Tuesday 8 September at 1pm.

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