

MBC signatories call 9 March

Attendees – Richard Martin (RM) and Lisa Swinney at byrne-dean were joined by over 40 participants on the call. As usual, in view of the number of those participating we have not listed all attendees by name.

1. Update from RM on new signatories

Welcome to Allen & Overy, Firefish, 4 New Square, Hill Dickinson, Linklaters, Matheson and Travers Smith.

Fourteen new signatories have confirmed their readiness to sign in May. Based on continuing conversations that number is expected to rise to twenty.

2. Updates from signatories on recent activity:

Ashurst - Deborah Dalglish

Ashurst's approach was not to try to impose the principles across the whole London office immediately, but to start with their projects practice, allowing other practice groups to see what was happening and take it at their own pace. This does seem to have worked, with almost all groups now having adopted the MBC. Consequently different groups are at different stages; like a metaphorical orange tree with blossom, ripening fruit and ripe fruit!

One of the more recent adopter groups have developed cards to keep on their desks and at coffee points summarising the key concepts to keep them front of mind. Their projects practice is currently focusing on how best to integrate among new joiners, particularly trainees. This is encouraging as it keeps the MBC principles fresh for those that first learnt about them a year ago.

Partners running a debrief session with newly qualifieds noted that they cited Charter compatible behaviour when giving an overall view of departments. It has genuinely permeated the firm's consciousness.

Sharing what hasn't gone quite so well, one group had looked at MBC implementation a year ago and concluded that it was unnecessary as their behaviour already met the standards required. They are revisiting this initial thinking and have now decided that they will implement it.

Kate Dodd (Pinsent Masons) echoed that this is a familiar story. People think that they don't need to adopt the Charter but then revisit that decision when they realise they've been left behind. Some of this movement comes from the junior lawyers who see that the initiatives have been adopted by other groups and ask for the same.

Discussing whether there is overlap where practice groups have developed their own ways of working, it was noted although no side by side comparisons have been made there does seem to be significant overlap. In this context Pinsent Masons have a Code of Conduct, which informs Charter implementation. They are rolling the Charter out through the whole firm on 1 May and it is anticipated that each group that adopts the MBC will be required to adapt this precedent to create their own Code of Contact to suit their part of the business. This will reflect the different stages that groups are at and the different ways in which they are interacting with clients and third parties.

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Freshfields - Carrie–Ann Odlum

Freshfields signed the Charter last May. The firm prioritised which MBC principles should be tackled first. They identified respecting rest periods and smart emails and meetings. There has been a thorough behind the scenes review of policies to identify where the principles were reflected or undermined and where the MBC sits within the wellbeing programme and cultures and behaviours programme. How is it best tied together to effect change?

Highlighting examples where policies needed amendment to take into account the aims of the MBC, the annual leave policy was very outdated, requiring that a personal mobile contact number be left when on leave and that a work mobile phone be taken. There is a proposal for a two week blackout period in the summer to which strikingly different reactions have been received.

Carrie-Ann has been working closely with partner sponsors and has presented to the London management group where the MBC is now a rolling agenda item. A series of partner, team leader and manager roadshows across London are underway, talking about the detrimental impact of continuously sending emails at weekends etc and how behaviour might change. Feedback from those involved who have since had conversations with their team around planning cover to meet deadlines, email communication and using the delayed reply function on outlook is positive. One said: “I am finding that I am asking myself do I really need to send this email now, whereas before these conversations I would have been guilty of firing them out without a second thought”.

Baker McKenzie – Sarah Gregory

Sarah was not able to attend the call and will give an update in May.

3. MBC toolkit

The updated version was circulated with the agenda and will be live on the website within the next few days. To recap, references that tied it specifically to lawyers have been removed, it has been updated generally in line with experiences over the last eighteen months and the evolution tool has been incorporated.

It can be regularly updated so feedback and thoughts are always welcome.

4. Updates from RM on:

International activity

As most will be aware, we had planned to hold a February Singapore event which was postponed due to illness and the virus to later in the year. A planned Hong Kong event similarly had to be postponed due to the local unrest. An update on rescheduling will follow as soon as available.

In Scotland an event is planned on 6 May hosted by Morton Fraser. The day involves the Scottish government’s legal team and centres on wellbeing and related issues, with an MBC specific event in the evening. Hopefully an opportunity for Scottish firms who are ready to do so to sign up and to spread the word more broadly through the legal community. The Scots Law Society are supportive and are involved. Anyone with an office or presence there is encouraged to attend, as part of the opportunity that the event provides is for interested organisations to speak to existing signatories. We need to identify people to present at the event, so as per the recent email to all signatories, those who feel they have a contribution to make to the panel event. Signatory organisations have a commitment to introduce clients to the Charter this year and the event accordingly presents a good opportunity for those with clients or suppliers in the area that would be useful to invite, please do so.

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In Ireland an event is planned on 22 April. It is a wellbeing event run by the Irish Law Society. Richard Martin, Kate Dodd and others will speak about the MBC and encourage the Irish Law Society to not feel the need to create an Irish specific version of the Charter.

A reminder from Kate Dodd that Pinsent Masons are rolling out in the Middle East and setting up a cross organisational working group. This comprises Pinsents, Allen & Overy, Ashurst, CMS, Addleshaw Goddard and Lloyds to date. If anyone else wants to get their Middle Eastern operation involved they should please let Kate know.

The same goes for any part of the world if signatories have a presence and would like to introduce the Charter. Collaborating with others is a helpful way of making that happen and signatories shouldn't hesitate to make contact with each other directly or via byrne-dean.

Endorsement by other bodies

By way of reminder, it was thought that it would be useful for appropriate organisations to indicate their support for the MBC by endorsing it. A number of organisations, both within the legal profession and beyond, have been approached. The City Mental Health Alliance (CMHA) have confirmed that they will endorse and discussions continue with other organisations. A formal announcement and promotion on the website will follow when a few more organisations have confirmed that they will endorse.

5. Corporate structure

As explained on previous calls, we are aiming to get a membership based structure in place by the end of August, the point at which the current funded period ends. A couple of firms have kindly indicated that they may be able to assist with pro bono support in furthering the creation of a formal structure.

From a conceptual perspective there are different ways of perceiving what membership involves. It is hoped that membership will of itself be of significant value in itself. There is, further, a campaigning element – membership represents being part of a broader, valuable business initiative.

6. Measuring impact

Measuring impact has been under discussion over the last few months. In terms of timing, significant effort will take place after work on corporate structure but thoughts are being refined as we go. It would be helpful to show, if we can, that involvement with the Charter has a significant positive impact upon the wellbeing of people in those organisations. There are two reasons for the Charter; one is to promote good health and one is to promote productivity and effectiveness. And to the extent that progress isn't being made we can look at why. We are thinking that there are different levels upon which measuring impact would be useful. Firstly, for an organisation to be able to look at its own data and identify, perhaps annually, what is working well and what needs changing. Secondly, there is a broader exercise utilising data from individual signatory organisations and then mapping that across all signatories to demonstrate that organisations make progress through being involved with the Charter. It may be that we track on two levels; specifically against the four pillars but also looking at broader wellbeing questions.

So as to ensure academic credibility, byrne-dean is seeking the input of an organisational psychologist who will provide clarification around objectives, the questions being asked and interpretation of data.

Thought is also being given to a document to be completed on the anniversary of an organisation signing, demonstrating that Charter commitments are kept front of mind and that meaningful

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progress is being made in relation to them. Hopefully an opportunity to demonstrate what has been achieved.

7. 14 May signing event

Format and content are under consideration. Any suggestions as to keynote speaker are welcome. In terms of theme, the event will focus on and celebrate progress. It is likely that each pillar will be considered in turn, with speakers describing their organisation's activity in relation to that pillar followed by a panel discussion.

It has emerged that a US firm may, in some of their client pitches, be suggesting that their non-involvement with the MBC would be a reason why clients might want to use them. There is an insinuation that the Charter is in some way a 'slacker's charter'. The event will seek to rebut that implication.

As Richard Reade (Coats) points out, on the assumption that the initiative falls broadly under the D&I umbrella, a statement that a firm does not subscribe to principles inherent in the MBC is tantamount to a statement that there are aspects of D&I that they don't subscribe to.

It would be inappropriate to label what may be an isolated incident as representative in any way of all US firms, or to bracket US firms together. Indeed there are US firms involved with the Charter. It does however behoove those of a different mindset to speak up and push back on such behaviour. It is encouraging that the organisation to whom the approach was made were unimpressed.

A reminder that the signing event represents a great opportunity to invite clients or organisations who may want to get on board. The more organisations we can get on board the more change we can effect.

8. AOB

A question had been raised by Squire Patton Boggs, asking whether there is any experience among the signatory groups of the following situation: where two Charter signatory law firms are involved in a transaction, but the client is not necessarily a Charter signatory, is there a protocol for those firms conducting work along MBC lines?

Kate Dodd confirmed that, although not related specifically to firms on different sides of a transaction, kick off calls are being used and timetables set with the MBC in mind. Those involved are able to use the MBC as a platform for setting boundaries: Do we think that deadline is realistic? With the MBC in mind do we think this is necessary? etc A particular anecdote that demonstrates the MBC's use as a platform to discuss a deal timetable concerns a partner who reported that she was talking to a partner at a magic circle firm on a Friday night. They were involved in turning around documents ready for signature on Monday morning. Both would have been working throughout the weekend, but started having a conversation about the MBC which led to the discovery that one had unmoveable plans on Saturday and the other on Sunday. They agreed they would take turns turning the documents around on their respective free days, allowing them to fit in their family commitments. Seemingly common sense, but had the MBC not prompted the conversation, their families would have been let down unnecessarily.

Michael Cavers (CMS) raised a question about the MHAW Commitment and whether as a group we might want to share thoughts. CMS are considering signing up but are wary of initiative fatigue and

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dilution of existing messaging. Has there been thinking around how the initiatives sit alongside each other? Immediate thoughts from RM were that the Commitment can be interpreted as a statement by an organisation that actions are being taken; a confirmation that the Thriving at Work principles are actively being implemented rather than a set of principles in itself. Where an organisation is actively implementing the principles of the MBC they will, by direct correlation, be meeting the first MHAW standard: “Prioritising mental health in the workplace by developing and delivering a systematic programme of activity.” Separately RM is in ongoing dialogue with Mind and the other organisations behind the Commitment, along with the Lord Mayors Campaign and CMHA to get everybody round the table to think about the extent to which different initiatives are mutually supportive rather than overlapping and to promote sufficient mutual understanding of different initiatives to be able to create a coherent voice.

Laura Rosario (Hill Dickinson) raised a query in advance of the firm signing in May as to whether other signatory firms announced their involvement to clients with a blanket email to all, or whether a more tailored approach was taken. A broad answer would be that it has depended on the individual organisation. Some firms have clearly tied their Charter activity to a particular client. Where an existing client is also a signatory that presents an opportunity to build from that relationship. Beyond that firms have taken varying approaches as to implementation. Michael Cavers relayed CMS’s approach as having been one of striking the balance between making people aware that the firm had signed up (both internally and externally) and not wanting to make it seem that the firm was now going to be adopting behaviours that had been lacking in their organisation before or that impeccable behaviour would happen overnight. They have intentionally had a top down soft launch so that when announcements were made, those with leadership positions were genuinely able to support and explain the principles.

The next call will take place on 11 May 2020 at 1pm.

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