

MBC signatories call 8 September 2020

Attendees – Richard Martin (RM) and Lisa Swinney at byrne-dean were joined by over 40 participants on the zoom call. In view of the number of those participating we haven't listed all attendees by name except where a full update was given.

We welcomed PLMJ in Portugal, ZICO Law in ASEAN, DLA Piper (who have been involved with the Charter for some time) and Charles Russell Speechlys.

1. Updates from signatories:

For the benefit of those new to these calls, the purpose of signatory updates is to learn from each other - underscoring the collective nature of the initiative. Organisations share their MBC related activity, may in turn seek input from the broader group and generate further discussion.

Goldman Sachs – Jolie Norris

Goldman Sachs signed in January 2020 with a launch event and internal panel event. Panellists included Phil Aiken (Barclays), Jonathan Chertkow (Hogan Lovells), the GS on-site BUPA lead physician and Jolie as MD sponsor for the EMEA Legal Division working group. The EMEA Legal Division had taken a lead on resilience and mental health discussions, the broader legal department throughout the global business being at differing stages of activity, and it had been decided that accession to the MBC would, initially, be limited to EMEA. Other areas within GS, including Compliance and Internal Audit, attended the event. It says a lot to the simplicity of the Charter that it isn't construed as limited to the legal function. There is a lot of relevance to broader institutions and divisions.

The Charter had facilitated valuable discussions within legal teams both about how to operate for the better wellbeing of those within those teams and how to operate with internal clients (depending on what revenue desk is being supported the demands and practices vary widely). GS have also ensured that resilience and the MBC are on the agenda for their regular review meetings with relationship law firms.

Thought has been given to how to draw on the Charter to manage expectations internally. Creating sufficient openness and trust so that the legal team know their internal clients well enough to know whether a deadline is real or convenient. Where they also have a good relationship with the external law firms that they instruct, a request to turn something around quickly is trusted by the law firm to be truly reflective of need.

They are keen to make it understood that the Charter is not a means of getting out of work but is for the better health and wellbeing of everyone; that we can best achieve that if we understand the drivers and have confidence on both sides that the right instructions are being given with the right deadlines.

The Charter has seemed equally if not more relevant to work during lockdown. There was an assumption from some internal clients that needed rebutting, namely that working from home equated with being available all hours. It can be difficult, as a manager, to have a clear idea of colleagues' working environments and the work pressures they are being put under. They aimed to empower staff to have conversations with their internal clients about their working constraints and make sure they felt able to push back against eg a call at 9pm. There might sometimes be a need to be accommodating that but shouldn't be business as usual.

Irwin Mitchell – Sam Cook

Irwin Mitchell are in their first year of MBC membership. They benefitted from an established wellbeing programme - with MHFA equivalent reps, a wellbeing calendar of resources and events, a steering group, wellbeing apps, digital GP, line management training (a useful area to introduce the Charter) and multiple resources around tackling specific meetings.

They are moving towards a more proactive, preventative approach to ways of working, in line with the MBC.

Since lockdown, wellbeing activity has increased. Partly as a result of colleagues' feedback, but equally because the executive board has put wellbeing at the centre of what they are doing and want that to translate into change rather than just talk.

The MBC is seen as a more critical tool than their reactive support at present. H&S team stress risk assessments have identified the root causes of poor mental wellbeing as being aligned to working practices: ways of working, Teams and Zoom fatigue, and domestic pressures alongside an equal or increased expectation from colleagues, clients and both internal and external stakeholders. Culture change is therefore being prioritised.

They are taking wellbeing initiatives forward in a way that mirrors the Charter, focusing the agenda on: email usage, meeting etiquette, expectations from clients/colleagues, devising more creative ways of working and sharing learning (particularly for those missing out on learning through observation) and respecting rest periods.

The firm are still largely working from home. There is particular concern for the experience of trainees, paralegals and apprentices who have moved from an office environment and opportunity to obtain knowledge through osmosis to a more structured relationship with short sharp meetings. Managers are trialling ways to address this and have created a group to discuss and share what works. One senior partner is spending periods of time with juniors on Teams in the background. The partner makes clients aware that the juniors are observing and can turn to those juniors on Teams to interact, inform and invite them to take things on.

The next action will be looking at their introductory line manager training, using the Charter to frame basic concepts around communication and expectations and making considerate decisions about how they manage, support and communicate.

Communication is one of the main challenges. They do a lot but there is sometimes a lack of awareness of what they have and do.

DLA Piper – Rachel Bedford

DLA announced their health and wellbeing strategy last October in line with World Mental Health Day along with their commitment to the Charter. They have Executive sponsorship from their Global co-CEO and Managing Partner, Simon Levine, demonstrating that health and wellbeing is a key priority for the firm.

They have an international SteerCo made up of Country managing partners, senior partners and board members as well as working groups across the firm to help implement their initiatives and bring them to life. They have introduced various programmes; building resilience, MHFA ambassadors and various support platforms.

Covid happened just as they were getting running so there had to be changes around delivery of programmes and the support given. Both the workload and spotlight on mental health has increased.

Before lockdown they had discussed implementation of the Charter. Ideas of desk drops and messages on screen that would appear before people logged in were put forward. It was decided to create an animation - a short video launched in July to explain what the Charter is, what some of the changes in behaviour could be and what small changes might represent. They linked it to DLA values to bring it to life. They have developed a toolkit, initially for managers, which gives practical guidance on what they can do and how to help teams implement behavioural changes

Within Rachel's own team there has been positive feedback on MBC involvement and she has noticed that changes are being made, for example with more thoughtful email use. She has noted that a better understanding of different working practices during remote working has sometimes led to less expectation that emails require an immediate reply regardless of when the email was received.

They have been engaging with different groups across the firms, leveraging for example the support of values champions. They are gathering feedback and anecdotal evidence with a view to showcasing what has gone well in the future

Over the next 6 months their focus is on continuing awareness and introducing a mechanism of measuring success. They are running a monthly wellbeing pulse survey so there is potential to use that to gather feedback. They will then consider how best to bring the health and wellbeing topic into conversations with external clients.

Barclays - Melissa Hardisty

It had struck Melissa, when circulating a list to the team in preparation for the update, how the little things done over the past two years had collectively added up to a lot of activity.

Barclays launched the MBC in Legal. They have MBC champions who meet every month to share tips and drive the initiative. One of trickiest things is keeping the initiative top of mind.

Smaller things done include talking within team meetings about what the Charter means to that team of 5-10 people, sharing their non-negotiables – the things they need to function well. More widely they have brainstormed each pillar of the MBC on team offsites, using flipcharts to bring it to life.

Their focus is on easily achievable, small yet impactful steps. Not sending emails to people on holiday or adding a 'for when you're back' subject line. Looking at email addresses in lists and reducing email traffic by thinking whether all need to be there.

They created a Mindful Ninja comic strip which was sent out weekly to keep the MBC front of mind and allow colleagues to call out non-MBC compatible behaviours. It's intended to be semi-humorous and the comic strip depiction of what people do (eg setting up a call with Asia at 6pm UK time) highlights how daft some behaviours are.

They have added on to auto signatures a 'we support the MBC...' with a link to their internal page. Melissa is endeavouring to get as many MDs as possible within Legal and beyond to adopt it. The challenge is lack of technical knowledge as to how to add it rather than lack of commitment! The auto signature message does generate requests for more info.

Barclays have set a Line Manager Objective so that there is with a marker for line managers with specific commitments. The Objective has a detailed title and list of activities set out eg ensuring regular one to one discussions, reading the Line Managers' Commitment (launched at a signing ceremony to ensure a top down commitment).

Their next steps are to take the MBC beyond Legal. Discussions are underway with other teams including their regulated lending, business management and compliance teams to roll out a version of the Charter tailored to them. Some of that activity is coming out of people seeing the MBC on auto signatures.

In Asia and the UK Barclays are talking to various organisations to seek to extend the scope of MBC membership. These include the Bar Council, the Bar Wellbeing Group, Chambers, the British and American Chambers of Commerce, the Law Society in Singapore and the in-House Community in both England and Singapore. They are also seeking to build in the MBC as a standing agenda item within relationship management meetings, not as something else to mark people against but as a sharing experience and to invite feedback. They welcome feedback both positive and negative!

Phil Aiken has spoken about trying to prevent the elastic band effect - trying to avoid all the good work being done as part of lockdown and Covid fire drills disappearing as and when we go back into the office. Avoiding people snapping back to previous behaviour and forgetting the learnings. There are no answers as yet but keeping it top of mind is the first step.

2. RM update on:

MBC Charitable Incorporated Organisation

The constitutional documents are agreed and the application is expected to be submitted this week.

A number of people have put themselves forward for the trustee role, for which thank you. The trustees from the founder organisations are expected to be Phil Aiken (Barclays), Kate Dodd (Pinsent Masons) and Mary Peterson (Addleshaw Goddard). We also have interest thus far from Martin Hamilton (Capsticks), Lizzy Stewart (4 New Square), Joanna Carver (Lloyds), Moira Slape (Travers Smith) and Michael Cavers (CMS). There is an opportunity for further people to put themselves forward.

We will update as the process of incorporation progresses.

Upcoming events

We have an event on **15 September** to discuss Covid and a return to the office, learning from what's happened and thinking about what we need to keep in mind as we move to the next stage. The purpose of the event is to explore the learning, wisdom and insight from the group which we will aim to distil and feed back.

Part of this feeding back will take place on **8 October**, our 6 monthly celebration, running from 5.30-6.45pm. The speakers include James Pereira QC who will give a view from the Bar as to wellbeing and Charter issues and, building on the Covid related theme, Dr Rumina Taylor will discuss, from a clinical psychologist's perspective, things that we need to consider with our people as we work through this process .

On **14 October** we are holding a virtual event with ULaw nationally, the purpose of which is to engage the next generation of lawyers in thinking about mental health and wellbeing. It also

presents an opportunity for those organisations who want to connect with students to do so and more particularly to get together with future or potential trainees in a breakout room.

The Irish Law Society is hosting a conference on **30 September** about the business of mental wellbeing at which RM will speak about the MBC. They are keen to further promote interest within the Irish community.

3. Annual Evaluation

As a reminder we will ask organisations to complete an annual evaluation on the anniversary of their joining and yearly thereafter, the form of and rationale behind which we have previously discussed.

We will shortly be circulating the form for completion with an accompanying note. We see the evaluation as having various intentions: it gives the organisation an opportunity to reaffirm their commitment to the Charter, it provides an opportunity to reflect on what has been done and what has or hasn't worked and it gives an opportunity to share and benefit from each other's learning.

4. AOB

Victoria Hills (Freshfields) reported that she had attended an interesting collaboration discussion about mental health and wellbeing in the legal industry that morning, chaired by the City of London Corporation. Similar themes to those expressed on this call emerged in that conversation. She had taken the opportunity to flag the existence of the Charter.

Hanim Hamzah (ZICO Law) introduced herself to the group. ZICO are excited to be part of the signatory group, to continue their MBC related collaborations with those signatory organisations with presence in the South China Sea region and beyond and to continue to spread the word. Their efforts in advocating on behalf of the Charter are much appreciated.

Talia Chirouf (Hogan Lovells) queried whether there has been focus around the ethnic diversity or gender split of the CIO trustee group? RM confirmed those to be issues which we should certainly and will have in mind.

The next bi-monthly signatories call will take place on 11 November at 1pm. A calendar invite will follow.