



## WELLBEING POLICY

### 1. Introduction

- 1.1 Today, every UK business has a duty of care requirement to look after the health and safety of its people, including their wellbeing.
- 1.2 Chambers is committed to providing a working environment in which its people are safe, secure, and healthy. A work environment conducive to good physical, emotional and psychological health is one that is stimulating and challenging.
- 1.3 The aim of this policy is to provide a framework within which Chambers encourages and facilitates good working practices and services that support wellbeing. It aims to draw upon good practice, recognising informal support arrangements among barristers and staff, and to be flexible rather than prescriptive. By this policy, Chambers intends to create a workplace culture in which people have a sense of autonomy and voice, feel supported by colleagues and leaders right to the top of the organisation, and that therefore promotes and supports the health and wellbeing of everyone in Chambers.
- 1.4 This Policy:
- (a) applies to everyone in Chambers (i.e., MOCs, pupils and staff); and,
  - (b) sets out Chambers' approach to health and wellbeing.

### 2. Responsibility and monitoring of wellbeing in Chambers

- 2.1 Chambers' wellbeing and this policy will be monitored via the heads of the practice management teams, the Senior Practice Managers, and the Chambers Director, together with Chambers' wellbeing representative(s) and the Chambers Mental Health First Aiders (**MHFAs**).
- 2.2 This policy will be reviewed by Chambers' wellbeing representative(s), who is/are member/s of Chambers' Corporate and Social Responsibility (**CSR**) Committee, at least every two years.
- 2.3 Chambers' wellbeing representative(s) shall report to Chambers' Management Board on the effectiveness of this policy and make recommendations as required, at least every two years.

### 3. Areas covered by this policy

- 3.1 This Policy focuses on three key themes:
- (a) Culture,
  - (b) Education and training, and

(c) Support.

3.2 In addition, this Policy sets out how people's wellbeing in Chambers can be measured and assessed to monitor the success of Chambers' wellbeing strategy and to support the ongoing business case for investing in wellbeing.

3.3 Under the three main themes, Chambers aims to minimise the risk of physical and mental ill-health and promote wellbeing by:

**(a) Culture**

- (i) creating and embedding a culture that offers social support and a structure for learning and which supports the wellbeing of all,
- (ii) promoting work practices and behaviours that are conducive to a healthy and productive environment,
- (iii) ensuring in particular that senior MOCs, and people in a position of leadership and responsibility are promoting a positive culture to support wellbeing in Chambers,
- (iv) tackling the stigma associated with mental ill-health in the workplace and encouraging openness about mental health and wellbeing.

**(b) Education and training**

- (i) raising awareness of wellbeing, in particular mental health and equality and diversity including disability, and providing information about mental and physical wellbeing in Chambers,
- (ii) equipping everyone in Chambers with the skills to support their own mental health and wellbeing, to build their own individual resilience, and to recognise symptoms of physical and mental ill-health in themselves and others,
- (iii) training barristers and staff, in particular those in positions of seniority or responsibility, to spot the warning signs of poor wellbeing and offer appropriate and ongoing support and guidance.

**(c) Support**

- (i) mentoring of individuals, in particular, pupils, junior tenants and junior members of staff, from more senior MoCs, and senior staff,
- (ii) supporting anyone in chambers experiencing physical and mental ill health, e.g., by talking to the individual, which is often the first step to take when they are going through a hard time, or encourage/find/offer professional support,

or set out specific goals that are realistic and can be approached by the individual one step at a time.

- (iii) assisting and offering support and guidance to those returning to work after a period of ill-health, to enable their rehabilitation and return to Chambers; and

- (iv) assisting the rehabilitation of those recovering from physical and psychological ill health.

3.4 Chambers aims to monitor its wellbeing strategy by using information available to assess trends and patterns of absences and illnesses to enable Chambers to respond proactively with relevant support and preventative measures as required.

#### **4. Wellbeing, mental health, and stress**

4.1 'Wellbeing' is a broad concept that includes more than the state of being comfortable, healthy, and happy.<sup>1</sup> It is described by the World Health Organisation as a state "where the individual realises his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully and is able to make a contribution to his or her own community."

4.2 Responsibility for health and wellbeing at work belongs to everyone in Chambers. Factors that can influence whether people will have a positive or negative relationship with work include:

- (a) relationships between staff and barristers, and between workgroups (e.g., the Clerks Room),
- (b) relationships between managers and other staff,
- (c) whether staff and barristers feel involved in organisational issues and decisions,
- (d) job design/barrister practice,
- (e) income to meet more than just basic needs,
- (f) availability and acceptability to others of flexible working,
- (g) awareness of occupational health issues and whether they are taken seriously by others,
- (h) whether the principles of fairness, equality and diversity are experienced in the workplace.

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<sup>1</sup> As it is defined in the Oxford English Dictionary.

- 4.3 The term 'stress' is used in many different contexts and is a subjective term that means different things to different people. For the purposes of this Policy, the medical term for stress as defined by the Health and Safety Executive is used, which is 'an adverse reaction people have to excessive pressure or other types of demands placed on them'.
- 4.4 'Stress' is not the same thing as 'pressure'. Those working in an environment which involves challenging demands on their time with responsibility for meeting deadlines and solving difficult problems for their clients, as in most professional services organisations, will often face competing demands and continually face pressure to achieve high performance. Such pressure can be motivating and challenging and improve an individual's performance. Stress,

for these purposes, is the negative response to too much pressure or too many demands, whether work-related or personal, which the person finds difficulty coping with and which consequently affects that person's psychological or physical health. This is demonstrated by the following graph below:<sup>2</sup>



<sup>2</sup> Reproduced from Counsel Magazine, available at: <https://www.counselmagazine.co.uk/articles/wellbeing-the-bar>

4.5 No pressure at all in the workplace may be as damaging as too much stress and can leave people under-involved, bored, frustrated and under-performing. This Policy therefore aims to ensure that people in Chambers are operating in the optimal functioning zone.

4.6 'Mental health' is not just the absence of mental disorder. Good mental health is concerned with how an individual handles stress, builds resilience, relates to others, and makes choices. This Policy aims to educate and promote good mental health for everyone in Chambers.

## 5. **Policy statement and commitment – Culture:**

5.1 Chambers acknowledges and seeks to raise awareness that because barristers are self-employed there is an assumption that they have control of their work-life balance. However, the very fact of being self-employed adds pressures that are not experienced by employees. The desire to maintain a busy practice and to keep practice managers and solicitors happy can result in taking on too much work. The uncertainties and frequent urgency of disputes and

their developments can also mean that work taken on becomes unmanageable in the time available. This can seriously upset work-life balance and may lead to unhealthy work-related stress.

5.2 Chambers also acknowledges and seeks to raise awareness that the breadth of a practice manager's role, and the uncertainties and frequent urgency of disputes and their developments, can also impose pressures to work antisocial hours. This can seriously upset work-life balance and may lead to unhealthy work-related stress.

5.3 Pupils and MOCs displaying more than occasional cognitive, emotional, physical or behavioural symptoms of stress and which give rise to concerns by colleagues or senior staff may be invited, in the first instance, to meet with their mentor, a mental health first aider of their choice, a practice manager of their choice, or head of the Pupillage Committee (as appropriate) to discuss their workload and the management of their practice.

5.4 At any time, MOCs can arrange to see one of the practice managers, and pupils can arrange to see the head of the pupillage committee if they feel a need to rebalance their practice for whatever reason.

5.5 Pupils are not expected to work long hours or at weekends and are expected to take 20 days' holiday leave. Details of the arrangements for pupils are set out in Chambers' pupillage policy, which is available online, and the Notes to Pupillage, which are provided to pupils at the commencement of their pupillage. It is important that pupil supervisors are alert to the signs of stress and intervene at an early stage where possible.

- 5.6 Staff should inform their manager at any early stage if they are finding their work commitments too demanding, even if the reasons for their difficulties are external to Chambers. Managers should speak to their colleagues or to the Heads of Chambers.
- 5.7 There is substantial evidence that a flexible approach to working patterns can have significant organisational benefits, including reduced absenteeism, improved morale, and greater productivity. There are different ways of structuring working patterns and Chambers will consider requests from staff members for part-time working, flexible working hours, compressed working hours, annualised hours, job sharing, or working at or from home. Chambers will always consider positively requests for flexible working arrangements from staff and will only decline them if they cannot be accommodated for business or operational reasons. Chambers operates flexible working and is supportive of providing adjustments, for short reviewable periods where the barrister feels that this is appropriate for them to manage their work/life balance.
- 5.8 This Policy is also complementary to Chambers' established Parental Leave Policy. The staff Paternity Leave policy is available [here](#). A copy of the staff Maternity Leave Policy is [here](#).
- 5.9 In addition to ensuring that people in Chambers have and maintain a work/life balance and to assist with that aim, Chambers will:
- (a) create a working environment in which individuals feel supported and where stress is not viewed as a weakness,
  - (b) be clear about the role, responsibilities, and expectations of its people,
  - (c) consider workloads/working hours to ensure that its people are taking regular breaks whilst recognising that, by the nature of the work that we do at Chambers, people are required to increase their workload to meet client demands. Everyone should be aware and be reactive if this occurs over an extended period and should take care to identify early signs of stress,
  - (d) monitor holidays and encourage people to take holidays/their full entitlement,
  - (e) for staff, maintain an appraisal process to ensure the suitability of workloads, supported by a [capability procedure](#),
  - (f) be prepared to make any of the following reasonable adjustments to facilitate an individual with a stress-related issue:
    - (i) a temporary (short or long-term) reduction in workload,
    - (ii) a temporary or permanent adjustment to working duties e.g., temporary removal from client-facing role, where this can be facilitated,



- (iii) additional training or support, more flexible working arrangements to allow attendance at appointments, and more regular supervision and support.

5.10 Chambers shall ensure that bullying and harassment are not permitted in any form, and shall address violence, aggression, and other forms of inappropriate behaviour through disciplinary action. Anyone being subject to any such forms of inappropriate behaviour in relation to their, or another's, wellbeing and mental health should report the matter to Chambers' Equality and Diversity Committee (EDC).<sup>3</sup> Chambers operates an anti-bullying and harassment policy containing further details of Chambers' policy on these issues. Chambers is committed to the promotion and advancement of equality and the fair treatment of all people. Chambers operates an Equality and Diversity Policy, available [here](#), which sets out its policy on equality and diversity and fairness. In addition, Chambers maintains a:

- (a) Fair access to work and the allocation of unassigned work policy, which seeks to monitor and record the fair allocation of work, ensuring its fair access between barristers in Chambers, and a
- (b) Reasonable Adjustments Policy, to remove or reduce disadvantages for people with disabilities.

5.11 Any issues concerning wellbeing and mental health may be raised directly at a Chambers' Management Board subject to any level of anonymity/confidentiality that has been agreed by the parties involved. The purpose will be to raise awareness at the highest management level and to help develop a supportive work environment, assistance and support to any member, pupil or member of staff who has experienced wellbeing and/or mental health issues.

## 6. Policy statement and commitment - Education and Training

6.1 Chambers' CSR Committee shall aim to organise and provide regular (aiming for once every quarter) seminars or training sessions for Chambers, or groups in Chambers, to inform and educate people in Chambers upon maintaining their own good mental health and wellbeing and learning to recognise the symptoms of poor mental health in others.

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<sup>3</sup> *The new draft Harassment Policy says that the recipient might wish to make the individual concerned aware that their conduct is causing offence and ask them to stop the behaviour. Alternatively, the recipient could write to the individual or ask a member of Chambers, a more senior employee, or a colleague to talk to them on the recipient's behalf. The recipient may also wish to ask a member of Chambers, a more senior employee or colleague for advice and support even if they prefer to speak to the individual themselves in the first instance.*

- 6.2 Chambers shall provide regular training to staff and MOCs to ensure that there are at least 7 qualified mental health first aiders (**MHFA**) in Chambers. MHFAs are not trained to be therapists or psychiatrists, but they can offer initial support through non-judgemental listening and guidance and can point individuals to further sources of support and guidance. A list of current MHFAs is displayed in prominent locations in Chambers and made available online or by e-mail to people in Chambers.
- 6.3 Pupil supervisors shall be trained in accordance with the requirements of the Bar Standards Board and shall refresh their training at least every five years. Pupil supervisors shall be made aware of wellbeing and poor mental health symptoms to look out for in their pupils.
- 6.4 Chambers operates a feedback scheme between leaders and juniors in Chambers. Further details of this are available [here](#). Where possible, MOCs shall be given feedback, positive or negative, from their leader and/or practice management team in relation to any work completed.
- 6.5 Barristers shall be provided with regular updates from the marketing team in Chambers of the external and internal talks and other events being given by MOCs and encouraging participation in those talks to develop knowledge, skills and involvement in Chambers, and a record will be maintained of barristers and staff who attended those talks and events.

## **7. Policy statement and commitment - Support**

- 7.1 Chambers ensures that each pupil has a shadow pupil supervisor, and that junior tenants have a mentor in Chambers. Mentoring is also available under Chambers' Parental Leave policy for

those returning from parental leave. Mentors are responsible for maintaining regular contact with their mentees and for providing support and guidance, as well as being aware of, and enquiring after, any signs of stress

- 7.2 Chambers understands that pupillage can be a particularly stressful period of a barrister's career and pupil supervisors will aim to reduce and manage such stress by, among other things, giving their pupils clear guidance in relation to their expectations and ensuring regular communication with their pupils, during any period of remote pupillage. Further information to support pupils and pupil supervisors is available in the links identified at the end of this Policy. Any pupil or pupil supervisor seeking further guidance and support should (with the permission of their pupil if a pupil supervisor) speak with the head of the Pupillage Committee and/or a MHFA.
- 7.3 Chambers' practice management teams operate a formal review meeting with each MOC over the course of a year to discuss the MOC's practice and to provide an opportunity to raise any



concerns, including wellbeing matters. A MoC may request additional PM meetings at any time.

7.4 Chambers shall ensure that there is a supportive work environment in which assistance, advice and support is offered to any person in Chambers who is experiencing or has experienced a period of poor mental health.

7.5 Where a person in Chambers is returning after a period of incapacity due to self-harm, Chambers shall undertake a risk assessment, as set out in Annex 1 to this Wellbeing Policy.

## **8. Confidentiality**

8.1 Confidentiality is an important part of this policy. Every member, pupil and member of staff is responsible for observing the high level of confidentiality that is required, whether they are suffering from stress, supporting a colleague who is suffering from stress or because they are otherwise involved in the operation of a policy or procedure dealing with stress.

8.2 Breach of confidentiality may give rise to disciplinary action.

8.3 However, there are occasions when matters reported by someone suffering from stress may have to be put to third parties. For example, where duties need to be reallocated or where, as the result of reported bullying or misconduct, a disciplinary investigation and/or proceedings take place. If this is the case, matters will be discussed with the said member or member of staff concerned before any action is taken.

## **9. Sources of further information and support**

The wellbeing representatives on the CSR Committee would be glad to talk to anyone with any thoughts or concerns on these issues, whether about themselves or others. No one

(including MHFAs) is a trained counsellor or psychologist, but we will do our best to offer a friendly and understanding ear and may be able to access further resources and information.

9.1 Other resources available online are:

- Further information on mental health and wellbeing generally:
  - NHS information on mental health and wellbeing:  
<https://www.nhs.uk/conditions/stress-anxiety-depression/>
  - Information on types of mental health disorder:  
<https://www.mind.org.uk/information-support/types-of-mental-health-problems>



- How to take care of yourself in the workplace:  
<https://www.mind.org.uk/workplace/mental-health-at-work/taking-care-of-yourself/>
- Further information for barristers on wellbeing:
  - <https://www.wellbeingatthebar.org.uk/>
  - <https://www.wellbeingatthebar.org.uk/help-for-barristers/>
- Further information for pupils and pupil supervisors:
  - <https://www.barcouncil.org.uk/becoming-a-barrister/pupil-barristers/pupil-supervisors-network.html>
  - <https://www.wellbeingatthebar.org.uk/support-for-students-and-pupils/>
  - <https://www.wellbeingatthebar.org.uk/problems/overwhelmed-by-work/>
  - <https://www.counselmagazine.co.uk/articles/pupillage-special-the-psychology-of-pupils>
- Further information for practice managers and staff:
  - <https://www.wellbeingatthebar.org.uk/help-for-clerks-and-staff/>
  - <https://ibc.org.uk/clerks/> (a list of contact details of clerks willing to give confidential advice to other clerks)
- Further information available from the Inns of Court:
  - Gray's Inn <https://www.graysinn.org.uk/members/support-and-wellbeing-the-bar>
  - Lincoln's Inn <https://www.lincolnsinn.org.uk/members/wellbeing/>
  - Middle Temple operates the Survive and Thrive Programme, and offers morning readings for a clear mind  
<https://www.middletemple.org.uk/members/wellbeing-bar>
  - Inner Temple <https://www.innertemple.org.uk/membership-services-support/wellbeing/>

9.2 Here is a collection of websites and helplines to discuss mental health and wellbeing:

- Wellbeing at the Bar Assistance Programme (available to all self-employed barristers with a practising certificate; and members of the IBC, funded by the BMIF): <https://www.wellbeingatthebar.org.uk/assistance-programme/>
- LawCare: <https://www.lawcare.org.uk/contact>
- Mind: <https://www.mind.org.uk/need-urgent-help/using-this-tool>
- The Samaritans: <https://www.samaritans.org/>



- NHS: <https://www.nhs.uk/using-the-nhs/nhs-services/mental-health-services/where-to-get-urgent-help-for-mental-health/>

## Risk Assessment – Member returning to Chambers after a period of incapacity

### 1. Background

This risk assessment relates to managing a member of chambers who is returning to work following a period of incapacity due to self-harm. Although it refers to “members” throughout, this risk assessment can apply equally to pupils and to staff members.

Its purpose is to help develop a flexible approach to risk in relation to the matter and preventing any negative event from occurring and minimising any harm that may be caused.

All members and staff must be capable of demonstrating sensitivity and competence in this matter. Risk can never be eliminated, and Chambers is aware that plans inevitably must include decisions that themselves carry some risk.

Chambers should manage the information-sharing on this matter very carefully. Advice and information should only be shared on a “need-to-know” basis”.

The risk assessment will not be overstated or needlessly used to exclude the member from services or contact with clients, etc. to which they would normally be entitled.

It will be reviewed regularly by the Management Board for reassessment so that it is not simply amended as a reaction to a crisis or other event. It will also look back at any adverse incidents, identify any mistakes that were made, learn why they happened and update the risk assessment so that practices can be changed for the better.

The main area of legislation that relate to mental well-being in the workplace are:

- The Health and Safety at Work Act 1974
- Disability Discrimination Act 1995 & 2005 (DDA)
- Human rights Act 1998
- Management of Health and Safety at Work Regulations 1999

A key point to bear in mind is that disability is defined by the DDA as: “*A physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities*”.

Chambers promotes a working environment, which is conducive to the professional growth of its members and staff and to the promotion of equality of opportunity. Chambers is committed to providing a safe working environment that is free from any form of bullying or harassment and where everyone, including members, pupils, mini-pupils, staff, clients, and the public, is treated with dignity and respect. Everyone has a responsibility to comply with this policy as chambers operate a zero-

tolerance approach to bullying or harassment on any grounds. This extends to behaviour outside of the workplace, including business trips and social functions. All allegations of bullying or harassment

will be fully investigated and, if an allegation against a member or employee is substantiated, disciplinary action will be taken.

## 2. Main risk factors relating to the member's return to Chambers

- The member's on-going well-being (we must remain open-minded about the potential for self-harm and should not expect the member to conform to any basic stereotypes (e.g., the member may be stigmatised as 'always' difficult in some way)).
- The member's ability to cope with the demands of their job
- The member's relationship with and behaviour towards:
  - Fellow members
  - Junior members
  - Staff (particularly the Practice Managers)
  - Clients, and outside organisations who serve Chambers (e.g., suppliers)
    - E.g., offending behaviour, through anger, impulsivity, a low self-esteem, or feelings of hopelessness; depression (particularly if it lasts for more than 2 weeks); evidence of further self-harm or self-neglect)
    - Some of the key things to look out for are changes in the member's 'usual' behaviour, lower performance, tiredness, loss of humour, changes in emotional mood.

## 3. Systems considered to respond to these risks

- Enhanced Observation: Regular meetings between a trained Mental Health First aider and/or a close associate (of the member) and the member, to discuss how the member is adapting back into Chambers and to assess their general well-being. A positive and open relationship between the member and their key contacts in Chambers can be a positive and vital step towards recovery:
  - Work with the member to identify what is likely to work to help them back into Chambers life
  - Invite the member to say what they need (the member will probably be the best expert of managing their condition and well-being. The greatest barrier they may face is the chance to prove their effectiveness)
  - Find out if there is any aspect of their medical care that it would be useful to know about. Chambers has no right to this information, but it cannot be expected to make reasonable adjustments under the terms of the DDA if it is not informed about the problem. However, they may be taking medication that causes adverse side-effects



(it can be easy to confuse side effects with any mental illness issues). It would be important for Chambers to know this information

- Provide support to help them prioritise their work
  - The meetings should be open and sensitive to make the member feel supported
  
  - If necessary, be clear about confidentiality and who will be told what. Explain the limits of our confidentiality (such as personal information) but issues that may have a H&S risk will need to be discussed further
  - Establish with the member what they wish colleagues to be told and who will say what. Any inappropriate breach of confidentiality or misuse of this information might constitute discrimination under the DDA
  - Aim at giving the member more awareness of their own behaviour (if they have shown uncharacteristic behaviour) and of how others view them, which may enable the member to manage their life and relationships more effectively
  - Ask the member how they are getting on with everyone
  - Record in writing all conversations accurately, including any outcomes or actions.
- **Reasonable Adjustments:** On-going consideration of any reasonable adjustments that may be needed to the member's work style, environment etc. that may be required to support them (it usually takes some time to recover speed, strength and agility of both mind and body). Reasonable adjustments will include:
    - Keeping the member's physical environment under review
    - Continuation of a phased return to work and building up over a period of weeks or months
    - Reviewing types of work that would be particularly stressful and assigning it elsewhere (Chambers must avoid making assumptions about workloads and the capacity of the member to cope – it is discriminatory to make assumptions about the member's capabilities based on their illness unless they ask for or agree to help or there are clear signs through their behaviour/previous behaviour)
    - Working at home
    - Time off for attending counselling/therapy, etc.
    - Providing a quiet place for the member to go in case of feelings of stress or anxiety
- **Training:** Offer of training and advice on mental health conditions to everyone.
- **Line of Reporting:** Systems in place to respond to any individual or group concerns
    - Everyone will receive adequate advice, information and if required, support in relation to the member (the information shared may vary in detail according to the intended audience)



- A reporting line will be made known to everyone, if anyone notices any signs about the member that causes them concern (e.g., unacceptable, or unusual behaviour such as, low mood, irritability/emotional changes, loss of interest, withdrawal from social interaction, etc.)
- Assurances that any reported concerns will remain as confidential as possible and ensuring that everyone feels comfortable raising any concerns.