



Law Society
of Scotland

Guide to creating a Wellbeing Strategy

In partnership with

 **karaconnect**



Contents

Introduction	3
Secure leadership buy in	4-5
Find out what support your colleagues want	6-7
Create a plan	8
Case Study 1	9
Case Study 2	10
Case Study 3	10
Post-implementation.....	11
Further information	11
Appendix A - sample survey	12-14
Appendix B - pulse survey themes	15

Introduction

This guide takes you through three simple steps which any employer, large or small, can take to support their employees with their mental wellbeing.

It is easy for wellbeing to be seen as an add-on, or a 'nice to have'. However, looking after colleagues' wellbeing is critical to any business.

The law is known as a particularly stressful sector, that traditionally has not been forward-thinking when it comes to supporting people with the mental challenges that surface alongside the job. But in recent years there has been a greater focus on mental health and the role employers can play in ensuring people are supported.

A small rural conveyancing practice will have different challenges and a different structure to a multi-national law firm, or an established in-house legal team. Therefore, there is no 'one way' to go about improving the wellbeing of your employees/team.

A common myth is that creating a strategy for wellbeing will be costly, require external partnerships like health plans and fitness workshops, and therefore be unattainable for many smaller employers.

However, creating a wellbeing strategy is fundamentally about understanding people's needs, communicating well, and having a strong leadership and management team. Your budget, people, resources and aims for a wellbeing strategy will then dictate what add-ons you might want to implement.

This is not a 'quick win' or a 'tick-box' exercise but will require a long-term plan with a commitment to review progress on a cyclical basis.

The three steps for creating a wellbeing strategy

- 1. Secure leadership buy-in**
- 2. Ask staff what support they want**
- 3. Create a plan**



1. Secure leadership buy in

From the outset, one of the most important things is for senior leaders to get on board with a wellbeing strategy. Given the business case arguments for supporting colleagues' wellbeing, it is clear why it warrants a place among a leadership team's regular business items.

Bring everyone on board

Nominate a 'wellbeing lead' or 'sponsor'

Having someone to champion the wellbeing agenda can be highly effective, especially in larger businesses where getting visibility and buy-in is important. In other workplaces, a committee or team might be best placed to take ownership.

Prioritise your people managers

All people managers need to be aligned to the same agenda, otherwise there is guaranteed to be inconsistency in wellbeing support across the organisation.

This can breed frustration among colleagues, as people don't feel they are being treated fairly. Clarify expected behaviours and attitudes towards supporting wellbeing with managers. We strongly recommend people managers take part in training sessions, as skills in pastoral support don't always come naturally and need to be developed, even with established managers.

Do managers walk the talk?

We know members of staff take cues from how leaders behave, which is why you need to ensure a proactive approach comes from the top. Here are a few things managers could focus on:

- Creating a culture of openness with all staff by initiating wellbeing conversations
- Proactively helping teams to maintain a work/life balance and looking positively at flexible working requests

- Being respectful of holidays, weekends and evenings, for example by sharing when they need to leave the office to get to a parents' evening, or openly switching off and handing over work before annual leave, to encourage staff to do the same
- Supporting events like Mental Health Awareness Week by attending sessions and encouraging others to attend
- Being clear about where to go when staff have wellbeing concerns, whether that's via an 'open door' policy to speak to the manager, HR, LawCare or an Employee Assistance Programme
- Ensuring a clear and accessible support system is in place by having comprehensive policies, and that people are trained to deliver it.
- Acting on employee feedback. This is one of the most important elements as it helps staff feel listened to and the culture of the organisation can grow and improve.

Colleague engagement

Alongside adopting a manager-led approach to set the tone, good colleague participation leads to wellbeing becoming firmly embedded in an organisation's culture.

Developing a plan for regular communication will underpin staff engagement. Having regular emails, posts on an intranet, colleague conversations in-person or remotely, or providing information on a noticeboard (physical or digital) are all ways to communicate wellbeing support that is available. You might also want to share stories via blogs or articles or promote events for your staff team to attend.

There are a vast number of free events that relate to wellbeing and mental health that take place throughout the year, whether that is through Lawscot Wellbeing, LawCare or other providers. Many large law firms open events to external attendees. You can promote these events to your colleagues, or you may want to host events yourself.

If you have a budget for wellbeing, the sky is the limit when it comes to hosting paid-for events, and you can explore any theme from digital wellbeing to offering Mental Health First Aid training.

Making the case

There is a clear evidence base for developing a wellbeing strategy, so use this to motivate senior colleagues to invest time and money to make it work for your organisation.

We often hear the arguments for positive mental health being defined in three ways.

The legal case

[Employers have a duty of care, which means they must do all they reasonably can to support their employees' health, safety, and wellbeing.](#)

There are also instances where a mental health condition may be considered a disability under the law (The Equality Act 2010), if all the following apply:

- it has a 'substantial adverse effect' on the life of an employee (for example, they regularly cannot focus on a task, or it takes them longer to do)
- it lasts at least 12 months, or is expected to
- it affects their ability to do their

normal day-to-day activities (for example, interacting with people, following instructions, or keeping to set working times)

The business case

According to research, the total cost of poor mental health to UK employers has risen in recent years, calculated at £53-56 billion between 2020-21.

Research also suggests investment in this area is money well spent, with an average £5 return for every £1 spent on wellbeing support.

You can use [See Me's cost calculator](#) to get an instant estimate for how much mental ill health costs your business.

Some of the potential costs to the business:

- Higher sickness absence rates - around 10% of all sickness absences from work are due to a mental health reason. Feasibly, this could be higher due to individuals labelling their illness as something else, usually due to stigma
- Short-term illnesses can lead to long-term sick leave - if a formal support system is not in place, short-term ill-health could turn into a long-term condition, then a long-term absence
- People choose to leave - if poor mental health is caused or exacerbated by work, they may

choose to leave the organisation if they feel nothing ever changes. For those who have mental health conditions that don't relate to work itself, but aren't getting any support, they may also choose to leave, as work and health become incompatible

- Lack of applicants and lack of diversity - the drawback of promoting or even appearing to be a tough workplace where only a select group of people feel they can succeed is that talented people can be turned off at the outset – from your business or even the sector more widely. This can lead to a lack of diversity of personalities and skills within your organisation, a lack of neurodiversity in your team members, including those who may have long-term mental health conditions
- Lack of productivity and motivation - increased levels of stress and anxiety, combined with a lack of support can lead to a drop in performance, which is not good for the individual or the business and can result in a vicious cycle
- Costs incurred in replacing staff - cost can be high when taking into account recruitment costs, training and reduced productivity.

The moral case

This is the reason we could describe as 'we're going to prioritise mental health

because it's the right thing to do'.

Our mental health, like our physical health, is just part of being human. We need to look after ourselves, and sometimes need to be able to access additional support.

Our 2020 research suggests that people working in the Scottish legal profession are likely to be affected by poor mental health. 61% of respondents told us that they have experienced mental health problems, 44% of which said this was while working in their current organisation.

Putting wellbeing at the heart of performance

At the heart of being a good lawyer are strong interpersonal skills, so measure your managers and leaders against their performance in this area.

- Introduce wellbeing as an annual operating plan objective
- Make senior leadership team accountable for the delivery of wellbeing goals
- Incorporate wellbeing support into performance reviews for people managers, eg, are they checking in with their teams regularly? Are they participating in mental health activities? Are they promoting relevant surveys and research actively within their teams?

LawCare: A free wellbeing resource for all legal professionals

LawCare offer free, confidential, emotional support, peer support, and resources to those working in the law in the UK, Channel Islands and Isle of Man. Your business may provide extra resources like an Employee Assistance Programme, however many do not have the resources, or staff might prefer to speak to an independent service specifically for legal professionals.

All calls, chats and emails are responded to by trained staff and volunteers who have first-hand experience of working in the law. Their staff will provide a space to talk through how things are for you, whatever is on your mind, and can signpost you to other support agencies too.

They also offer ongoing peer support sessions and have a host of personal stories and case studies on their website. They have also conducted research in the legal wellbeing field and offer an online course called Fit for Law.

Telephone helpline: 0800 279 6888. 9am-5pm Monday-Friday

Online chat: 9am-5pm Monday – Friday

More information is available at: www.lawcare.org.uk



2. Find out what support your colleagues want

While it might be tempting to jump in and launch a wellbeing strategy straightaway, finding out more about what would be valued by your team is critical to a successful wellbeing strategy.

So, while you might want to get started by marking mental health days with events or having senior leaders talk about the importance of wellbeing or by implementing enhanced support for employees, there is huge benefit to doing your research.

That way you can understand what is missing from your organisation, and the types of activities and support your employees will value most.

Your research doesn't have to be a formal survey. If, for example, you work for a small organisation or practice, an anonymised survey might be difficult to carry out. It may be that you ask your staff on a more informal basis what they might find helpful.

The important thing is to give staff the opportunity to contribute to whatever plan you introduce.

Creating your own survey

If you decide that you would like to create your own survey, so you can be specific to the requirements of your staff team and the type of organisation, there are a few things to consider.

The smaller your organisation or team, the more generic some questions may need to be to protect anonymity.

In general, your survey should:

- Allow colleagues to remain anonymous where possible
- Distinguish between colleagues with differing levels of responsibility – for example you may want to have different questions for those at a senior or junior level
- Cover questions around stigma and discrimination
- Allow staff to be open about their mental health status (without sacrificing anonymity)
- Assess challenges and issues, such as workloads, working patterns, colleague relationships, management skills and perceptions of leadership
- Ask what wellbeing initiatives staff would like your organisation to introduce

Dependent on your type of organisation, you may want to ask more in-depth questions about certain issues. For example, gaining an understanding of:

- The impact of demands from external clients
- Challenges faced by those working in the court system
- Perceptions of time-recording
- The impact of vicarious trauma
- The connection with non-legal colleagues for those working in-house
- The uptake of existing mental health resources
- Challenges caused by isolation/ remote working

See a sample survey in Appendix A

Benchmarking

It is always helpful to have comparative data where possible, so you can benchmark your findings with other organisations or the profession more widely.

So, whether you are using an established standardised survey like the one from See Me in Work, or creating your own, we recommend using some

questions that will allow you to get some context via comparative data. Some suggested surveys for reference are:

[Law Society of Scotland 2020 research into mental health stigma and discrimination](#)

[LawCare's Life in the Law survey 2021](#)

[Law Society of Scotland's Profile of the Profession survey 2023](#)

[IBA's 2021 Professional Wellbeing Commission's research study](#)



Case study: Using See Me in Work's resources

See Me in Work is See Me's offer of support to employers, made up of different stages to help you take action on a small scale or make more sustained change for your organisation.

It offers a range of approaches, tools and resources to help employees and employers tackle mental health stigma and discrimination in a way that works for you and your organisations, following what works according to the evidence base.

See Me have some excellent resources available for employers and individuals. The three stages of support available are:

- Tools and resources from the See Us movement for individuals looking to take action to tackle mental health stigma and discrimination in their workplace
- The starter pack for organisations looking to take action against stigma, but are not in a place to commit to the ongoing change of the digital portal
- The See Me in Work Portal for organisations looking to sign up to the continuous improvement process.

To get a flavour for the See Me in Work portal, we encourage you to check out our 2020 research into the status of mental health stigma and discrimination [LINK], a major project which we partnered on with See Me. The survey we undertook and the action plan that was produced is an example of the type of output you could expect from using the See Me in Work portal.

Be aware that to be eligible for the See Me in Work portal, organisations must have nominated senior leaders on board and meet a specific uptake rate for the survey.

More information is available at: www.seemescotland.org/workplace/see-me-in-work/



Collecting other data from your workplace

To get a more comprehensive view of challenges specific to your organisation, in addition to surveying staff members, you may want to collate information on:

- Sickness absence rates
- Sickness due to mental health
- Staff turnover rates
- Common themes raised in exit interviews
- Level/nature of complaints made internally by staff

Pulse surveys: regular check-ins with your staff

Designed to regularly 'check the pulse' of an organisation and check-in with employees more regularly than a standalone survey, pulse surveys can be used in addition to larger pieces of research. Or, if you work for a smaller organisation, you can use them instead of undertaking a big staff survey.

Many organisations run pulse surveys every month or so. If it's much less frequent than that, you can lose the value of collecting real-time data, which

is one of the main benefits of pulse surveys.

Some of the other reasons to use a pulse survey are being able to identify minor issues before they become major challenges, compile, and analyse results quickly, see trends over time and importantly, show employees you care about what they have to say and give them a space to be open.

See examples in Appendix B

3. Create a plan

Depending on the size of your organisation and resources available, you may want to keep your action plan tightly focused, to deliver the maximum impact. The previous information-gathering stage is so important to understanding what matters most to your employees. Adopting a ‘you said, we did’ approach might help people buy in to the value of a wellbeing strategy.

Supporting colleagues with a mental health condition

Either through your research, or through having one-to-one conversations with staff, you might find that some colleagues require more tailored support, for example if they have a diagnosed mental health condition.

All employers have a legal obligation under the Equality Act 2010 to provide reasonable adjustments for those who have a disability, which covers mental health.

Communicating to all colleagues how you can support people with reasonable adjustments, having clear policies and approachable managers can encourage people to come forward and disclose if they have any mental health concerns. Therefore, showing you can have the support and signposting in place is essential to developing a successful mental health strategy.

Identifying actions and goals

To help illustrate the plans you might make, we have created three case studies based on differing sizes of firm/organisation. Regardless of the size of your organisation, your actions will vary depending on the feedback you get from your colleagues. Some of the examples we used, were drawn from responses to our 2020 survey where members identified areas that they felt their own organisations should focus on.

Adopting a ‘you said, we did’ approach might help people buy in to the value of a wellbeing strategy

Case studies

Case study 1

A large organisation of over 500 staff

Colleague feedback:

The organisation carried out an anonymised online survey and identified the following key issues:

- A high proportion of people felt leadership wasn't committed to wellbeing and they were paying lip-service to it, rather than delivering any meaningful support
- Many people felt that they would not or had not chosen to disclose any mental health conditions, due to concerns about the reaction they would receive
- Many people felt the organisation should be doing more to support staff wellbeing by delivering more opportunities to get involved and access support
- High client expectations and pressure to meet unrealistic deadlines were noted as causing high levels of stress, in many cases to an unmanageable level

Actions:

- The organisation introduced an Employee Assistance Programme, to offer tailored support to employees on-demand. They selected a service with a wide range of 1:1 support available for employees, from Cognitive Behavioural Therapy to health and financial advice
- A new process for assessing projects and casework was implemented, with a traffic-light code showing potential risk areas where challenges may arise, eg, insufficient people resources, tight deadlines, and pinch-points. These are then updated in consultation with staff, then used in leadership meetings to easily identify issues
- The organisation decided to sign the Mindful Business Charter, with the goal of introducing a framework to work with clients on a more open basis to limit levels of unnecessary stress. Showing how the Charter had been adopted by teams and used in client meetings was also incorporated into Managers' performance reviews, to boost uptake and engagement

- The organisation trained Mental Health First Aiders at a ratio of 1:50 staff to support colleagues with an outlet for immediate support
- A staff wellbeing network was created, led by a senior level sponsor, to deliver wellbeing events and signpost support regularly throughout the year
- Policies and procedures in relation to mental health support were redrafted in a more accessible format



Case study 2

A large high street firm of 80 staff members

Colleague feedback:

The firm conducted a survey with their staff and identified the following key issues:

- Staff felt mental health and wellbeing weren't actively considered and didn't know what support would be available
- People felt conversations between leadership/management and other colleagues were always focused on workload and outputs, never wellbeing
- Managers broadly felt unequipped to have conversations about mental health

Actions:

- One of the firm partners was nominated as the person responsible for taking wellbeing actions forward
- A new process was built into scheduled catch ups between managers and their team members, whereby the first part of the meeting is dedicated to a friendly chat about personal lives and how someone is getting on, before turning to workload, to encourage openness and a culture of support
- All managers had a series of training sessions focused on pastoral skills involved in supporting staff, to raise confidence and skills
- A few colleagues volunteered to be 'wellbeing reps' and will organise an internal event every six months focused on wellbeing and will keep staff informed about LawCare support and Lawscot Wellbeing events

Case study 3

A small rural firm of eight staff members

Colleague feedback:

The firm held informal conversations with team members rather than doing a survey due to its size and identified that:

- People felt unwilling to disclose any mental health concerns
- Two junior members of staff felt they were approaching burn-out
- People felt a lot of workload pressure but no-one to share the load with, as each person had their own designated cases, and everyone was busy

Actions:

- One of the firm partners was nominated as the person responsible for taking wellbeing actions forward
- A new process was built into scheduled catch ups between managers and their team members, whereby the first part of the meeting is dedicated to a friendly chat about personal lives and how someone is getting on, before turning to workload, to encourage openness and a culture of support
- All managers had a series of training sessions focused on pastoral skills involved in supporting staff, to raise confidence and skills
- A few colleagues volunteered to be 'wellbeing reps' and will organise an internal event every six months focused on wellbeing and will keep staff informed about LawCare support and Lawscot Wellbeing events

What about the clients?

Balancing wellbeing initiatives with client relationships and expectations can be a challenge.

The Mindful Business Charter was established between law firms and some of their major in-house clients, to encourage positive working practices to flow between those working either side of a transaction.

Many of the principles of the Charter are specific to legal transactions and client relationships and directly address the challenges that can exacerbate stress and other mental health issues at work. A small sample:

- Discussing upfront with colleagues, clients and contacts their preferred method of communication and clarifying any relevant implications of an individual's working patterns.
- Avoiding over-use of email and instant chat and avoiding copying people into messages that they don't need to receive.
- When sending emails outside of business hours, being clear in the title whether it needs to be read / actioned promptly or considering sending pre-timed emails (so emails are not received late at night and at weekends).
- When being instructed on a task, being confident to flag when a deadline is unrealistic and / or unachievable.

Becoming a signatory to the Charter might not be right for your organisation, but it may provide inspiration for developing your own set of values or strategy that deals directly with unhealthy working practices

More information is available at: mindfulbusinesscharter.com



Post-implementation – repeat all your good work...

Implementing the plan is only the beginning.

An effective wellbeing strategy only works if the initiatives are not just maintained but reviewed regularly. The more it is embedded, the more normalised it becomes, the greater the benefit to your colleagues – and your business.

It is hard to overstate the importance of evaluation to know what is working and what isn't. It is critically important to regularly review progress.

A commitment to supporting wellbeing long-term in your organisation means revisiting your strategy, surveying your staff periodically (formally or informally), and updating your action plan as things develop.

Doing this will help sustain your wellbeing strategy within your organisation in the longer term and will help to generate good working practices and enhanced wellbeing for those who work there.

Further information

Law Society of Scotland wellbeing research: www.lawscot.org.uk/members/wellbeing/our-research-into-the-status-of-mental-health-stigma-and-discrimination-in-the-scottish-legal-profession

LawCare's Life in the Law survey: www.lawcare.org.uk/media/14vhquzz/lawcare-lifeinthelaw-v6-final.pdf

Law Society of Scotland's Profile of the Profession survey 2023: www.lawscot.org.uk/research-and-policy/equality-and-diversity/research/lawscotpop/

IBA's 2021 Professional Wellbeing Commission's research study: www.ibanet.org/document?id=IBA-report-Mental-Wellbeing-in-the-Legal-Profession-A-Global-Study

The Mindful Business Charter: www.mindfulbusinesscharter.com

Deloitte's Mental Health and Employers research: www2.deloitte.com/uk/en/pages/consulting/articles/mental-health-and-employers-the-case-for-investment.html

See Me in Work resources: www.seemescotland.org/workplace/see-me-in-work

Appendix A - sample survey

If you are thinking of carrying out a survey of your colleagues, here is a list of sample questions you might wish to ask.

1. Do you have experience of any mental health issues in the last five years?

- I have not experienced any mental health issues in the last five years
- Depression
- Anxiety
- Burnout
- Self-harm
- Physical symptoms due to stress (eg, chest pain, nausea)
- Unable to cope due to stress
- Suicidal thoughts
- Eating problems
- Schizophrenia
- Obsessive Compulsive Disorder (OCD)
- Personality Disorder
- Bipolar Disorder
- Other diagnosed mental illness
- Other mental health problem
- Prefer not to answer

2. To what extent do you agree/disagree with the following statements?

	Strongly agree	Agree	Neither agree/disagree	Disagree	Strongly disagree
My mental health is often negatively affected by work					
My mental health issues are/have been caused by work					
My work is a source of unhealthy stress (ie, stress that is prolonged, or becomes unmanageable)					
I am concerned about how to balance my mental health and career in the law					

Appendix A - sample survey (cont.)

3. How management/leadership at your organisation supports mental health. How much do you agree/disagree with the following statements?

	Strongly agree	Agree	Neither agree/disagree	Disagree	Strongly disagree
The senior leaders in this organisation show their commitment to mental health					
I have regular conversations with my line manager about my mental health and wellbeing					
My supervisor/line manager prioritises my mental health and wellbeing					

4. Stigma and discrimination regarding mental health. How much do you agree/disagree with the following statements?

	Strongly agree	Agree	Neither agree/disagree	Disagree	Strongly disagree
I would discuss my mental health in my organisation without fear of the reaction I would receive from my managers					
I would discuss my mental health in my organisation without fear of the reaction I would receive from colleagues					
I have not observed (or am aware of) stigmatising attitudes in relation to mental health in my organisation					
I have not observed (or am aware of) discriminatory behaviour in relation to mental health in this organisation					

Appendix A - sample survey (cont.)

5. What should be the top three priorities for your organisation to create a healthier working environment for mental health and wellbeing?

- More regular catch ups/appraisals with managers
- Professional, confidential support to be made available (eg, counselling/ Employee Assistance Programme)
- Improve culture of peer or team support
- Better communicate existing support
- Mental health training for managers
- Mental health training for staff
- Review implementation of policies and procedures
- Raise awareness of mental health topics eg, events and campaigns
- Improve flexible working
- Address staffing issues
- Review workload pressures, eg, active engagement to address high client demands
- More proactivity from leadership to act as positive wellbeing role models
- Reform billing/time-recording structure
- Generally, issues are external and not within my organisation's control, eg, legal aid challenges, volume of compliance

6. Is there anything else you would like to tell us about your experiences/ observations about mental health and working in the law (whether positive or negative)?

Free text answer:

Appendix B - Pulse Survey themes

Themes you may want to include in a pulse survey, in addition to sample questions/statements:

Levels of wellbeing and identifying mental health concerns

How would you rate your overall wellbeing? Do you feel that work is having an impact on your wellbeing? I feel confident talking about my mental health at work. I feel confident managing stress when it comes my way.

Work-life balance

I can successfully balance work and personal life. I can maintain relationships well with friends and family. The organisation sets boundaries for work and personal life which I feel able to stick to.

Workplace culture

I feel able to speak to my manager about my mental health. Senior leaders are effective role models for wellbeing. I feel there is a culture of trust and openness. I would be happy to disclose any mental health concerns to my colleagues without worrying about any negative repercussions. I feel I can manage my workload without it impacting my mental health.

Employee benefits and engagement

Is there anything additional you would like to see the company offer to support you with your wellbeing and mental health? I am happy with the level of wellbeing support I get from this organisation.





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About our partner



Revolutionise Your Workplace Wellbeing with Kara Connect

A 2021 Law Care survey found that 69% of legal professionals reported poor mental health in the past year, including depression, anxiety, and burnout, most often due to chronic stress.

Those in the legal sector deserve more than suffering in silence. Unlike traditional EAPs, Kara Connect focuses on prevention by addressing the root cause. In doing so, we address issues before they escalate.

Through our tailored Wellbeing Hub, we can help your practice to:

- Access immediate, specialised stress intervention from a global network of almost 3,000 multilingual professionals
- Empower employees to enhance wellbeing and productivity while proactively preventing burnout
- Reduce managerial and HR workloads to save time and money while gaining insights through ROI and monthly engagement metrics

With Kara Connect, you can cultivate a culture of wellbeing within your practice from the ground up, regardless of location or language. Ready for change?

Let's connect: www.karaconnect.com/employers



The Law Society of Scotland

Atria One

144 Morrison Street

Edinburgh

EH3 8EX

T:+44(0) 131 226 7411

F:+44(0) 131 225 2934

www.lawscot.org.uk

