



Law Society
of Scotland



Full report

The status of mental health stigma and discrimination in the Scottish legal profession

June 2020



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[Appendix: See the original survey questions as a PDF here](#)

Foreword from President

As the conversation about mental health and wellbeing grows louder and more prominent, we too must continue to be part of it.

Through our Lawscot Wellbeing initiative, we have organised events and training, and have worked with a range of organisations to provide information to help our members and their colleagues find the support they may need.

However there is much more work to be done.

That's why in 2019, we collaborated with See Me to run a survey to provide benchmark data on the status of mental health stigma and discrimination in the legal profession, exploring themes such as attitudes and perceptions in the workplace, access to training and available support from managers or through reasonable adjustments.

The findings show a clear desire to better understand mental health and provide support, however there is a significant training gap. It was also discouraging to learn that, while in the minority, respondents reported seeing or experiencing stigmatisation or discrimination relating to mental health issues.

There is no room for this in our profession. We want to see a change to workplace cultures, so that everyone feels confident enough to speak out and seek help without fear of being stigmatised or discriminated against.

We could never have predicted at the time of carrying out the survey that months later, we would be in the midst of a global pandemic. Now more than ever we need to work to support the mental wellbeing of colleagues. By embedding a more open culture and proactively speaking about and supporting mental health more effectively, people will be healthier and feel more confident in bringing their whole selves to work. Investing time and energy to promote positive mental health now will also help deliver future sustainability as a profession – we are in this for the long haul.

Our new seven-step action plan to address stigma and discrimination, which accompanies the report, sets out how we will take forward our work in this area to achieve our goals.

I urge you to read our new report and action plan, and very much hope you will be part of the conversation on how we can bring change.

Amanda Millar

President
Law Society of Scotland

Executive Summary

Between May and June 2019, members of the Scottish legal community were asked to complete a survey in relation to mental health. The purpose was to gauge the level of stigma and discrimination in workplaces, assess how workplaces currently support employees and examine what improvements could be made to create a more open and supportive culture.

This report is the first that has been undertaken in relation to mental health in the Scottish legal profession, therefore the findings provide benchmark data. An accompanying action plan has been published alongside this report which lays out a clear framework to address key findings, with the aim of improving how organisations across the legal profession support their employees' mental health.

A number of key themes emerged from the analysis of the data:

- Many respondents told us that they have had personal experience of mental health problems.
- Observed or perceived stigma and/or discrimination means many respondents would not feel comfortable disclosing mental health issues at work.
- Respondents reported low confidence in the skills of managers to be able to effectively support employees experiencing mental health issues.
- Respondents expressed that more provision of mental health training for employees and managers would be beneficial, but current availability of training is low.
- Respondents would like their organisations to better communicate about support available and embed practical arrangements to support employees in relation to their mental health to stay in / return to work.
- The data suggests that some organisation types better support a mentally healthy workplace, where others have specific challenges.

Key findings

Many respondents told us that they have had personal experience of mental health problems.

- 61% of respondents told us that they have experienced mental health problems, 44% of which said this was while working in their current organisation.
- Across areas, a higher proportion of females identified as having experience of mental health problems, 64% in comparison to 57% of males.
- Respondents aged under 25 most commonly identified as having experience of mental health problems (72%)

Observed or perceived stigma and/or discrimination means many respondents would not feel comfortable disclosing mental health issues at work.

- 24% of respondents have observed (or are aware of) stigmatising attitudes towards mental health in their organisation, with 23% feeling the same about discriminatory behaviour.
- 37% of respondents would not want to speak about their mental health in work for the fear of the reaction they would receive from colleagues; 45% from fear of the reaction they would receive from managers.
- 31% of people do not feel they could disclose their mental health problem without fear of being moved to another post or of passed over for promotion
- 77% of people felt they would be actively supported by their colleagues on returning to work after mental health illness. Confidence is slightly lower with regard to support from management (69%) and reasonable adjustments being made (64%).
- When respondents were asked for additional comments on the topic of mental health stigma and discrimination, the theme of bullying emerged, which suggests it has an impact on mental health for some.

Respondents reported low confidence in the skills of managers to be able to be able to effectively support employees experiencing mental health issues to stay in / return to work.

- 39% of respondents felt the senior leaders in their current organisation showed their commitment to staff mental health (e.g. communication about mental health related topics and engaging in mental health related activities).
- 37% of respondents felt their supervisor/manager prioritised their mental health and well-being.
- 24% of respondents thought supervisors/line managers knew how to support staff in relation to their mental health and wellbeing, and confidently signpost to further support.
- 64% of respondents disagreed (42% strongly) with the statement: 'I have regular conversations with my supervisor/line manager about my mental health and wellbeing'.
- Respondents highlighted inconsistent approaches from managers to supporting employee mental health.

Respondents expressed that more provision of mental health training for employees and managers would be beneficial, but current availability of training is low.

- Mental health training for managers (62%) and mental health training for staff (54%) were identified as being areas respondents' organisations could expand upon, in order to create a mentally healthy working environment.
- 77% of people actively want a better understanding of mental health problems so they would know what to say/do to accommodate someone.
- Overall, 26% of respondents received mental health related training in their current organisation, in their current and previous legal sector organisations and in their current organisations and previous non-legal sector organisations.

The most commonly selected training options that respondents would like to be made available are: Mental Health Awareness (67%), Resilience (54%), Mental Health First Aid (54%), Mindfulness (54%), Emotional Intelligence (50%).

Respondents would like their organisations to better communicate support available and embed practical arrangements to support employees experiencing mental health issues.

- When asked about what might help create a healthier workplace culture, some of the responses were:
 - o Review of workload pressures (58%)
 - o Creating opportunities for staff to have open and honest conversations about mental health (46%)
 - o Communication of support available (42%)
 - o Reviewing implementation of policies and procedures as a way to improving a mentally healthy workplace (38%)
- The wellbeing-specific policies respondents were aware of in their organisations were: bullying and harassment (51%), flexible/agile working (50%), reasonable adjustments (41%) wellbeing in work (31%), managing stress at work (31%), mental health in work (31%).
- 44% of respondents were not aware of any workplace improvement programmes. This may be because they don't exist, or employees aren't aware of their existence.
- 29% of people don't feel like they know enough about reasonable adjustments to have a discussion about them.
- 39% of respondents believed line managers understood and adopted reasonable adjustments to support staff to stay in/return to work.

The data suggests that availability of support and specific challenges are not uniform across the profession

- More in-house rather than private practice employees, have received training at their recent organisations (31% in-house, 20% private practice).
- Support for staff (e.g. employee assistance programmes, occupational health) accessible to 48% of in-house and 19% of private practice respondents.
- Participating in mental health campaign activities accessible to 44% of in-house and 25% private practice respondents.
- Respondents highlighted that those in smaller firms may find it difficult to support employee mental health appropriately due to a lack of structures and time to implement good practice.
- Sole principals and respondents in senior positions highlighted a lack of mental health support.

Traffic light status

This summary uses the See Me 'traffic light' system and the categories follow the order of the full report.

Colour codes are attributed in accordance with how much respondents agreed/disagreed with a range of statements and the results for each statement were converted to a point score. This allows an at-a-glance version to understand where it is recommended that improvements are made and identify areas of good practice.

Red code denotes an area where improvements are recommended.

Amber code denotes an area where improvements could be made.

Green code denotes areas of good practice.

General awareness of existing practice

All staff are inducted in policies and procedures	Amber
I'm confident that my supervisor/ line manager is well informed and able to implement organisational policies and procedures relating to my mental health effectively	Amber
My supervisor/line manager regularly provides updates regarding changes to policies and procedures.	Red

Attitudes and perceptions of stigma and discrimination (Pre-employment)

An applicant who disclosed a mental health problem would be encouraged to apply for a position within our organisation	Amber
If an applicant disclosed a mental health problem they would be treated fairly, would not be discriminated against and would be given the opportunity to adjust reasonable adjustments required, should they be given the job.	Amber
An applicant would feel safe to disclose mental health problems during the recruitment process.	Amber
An applicant would feel confident that they would not be asked about mental health problems until after they were offered a job.	Amber

Attitudes and perceptions of stigma and discrimination (In work)

An employee would feel comfortable they could disclose their mental health problem without fear of being discriminated against by colleagues	Amber
An employee with mental health problems would be supported by colleagues	Amber
An employee with mental health problems would be supported by management	Amber
An employee would feel they could disclose their mental health problem without fear of losing their job	Amber
An employee would feel they could disclose their mental health problem without fear of being moved to another post or of passed over for promotion	Amber
An employee who disclosed a mental health problem would be supported to remain in work by making reasonable adjustments to their role	Amber
I would want an employee with a mental health problem working in my team	Amber

I would not be concerned about the impact an employee with a mental health problem would have on team morale and performance	Yellow
I would not be concerned that an employee with a mental health problem would become unreliable and put extra pressure on the rest of the team	Yellow
Respondents feel they know enough about reasonable adjustments [to have a discussion about them]	Yellow
Respondents would be confident to open up a conversation about their mental health if appropriate	Yellow
Respondents would want a better understanding of mental health problems so that they would know what to say and/or do (to disclose them)	Green

Attitudes and perceptions of stigma and discrimination (Return to work)

An employee who disclosed a mental health problem would be supported by management to return to work	Yellow
Reasonable adjustments would be made to an employee's role who has mental health conditions where possible, to help them back into work	Yellow
An employee with mental health problems would be supported by their colleagues on returning to work	Green

Organisational culture

The organisation has clear policies and procedures relating to mental health and wellbeing	Yellow
My supervisor/line manager prioritises my mental health and wellbeing	Red
People in this organisation have a good understanding of the importance of staff mental health and wellbeing	Yellow
I would discuss my mental health in this organisation without fear of the reaction I would receive from managers	Red
I would discuss my mental health in this organisation without fear of the reaction I would receive from colleagues	Yellow
I would be confident to speak to colleagues in this organisation about my mental health	Yellow
I would be confident to speak to my manager about my mental health	Yellow
I would ask for help in this organisation if I was struggling with my mental health	Yellow
I know where to get information and support for mental health problems in this organisation	Yellow
My organisation encourages staff to talk openly about mental health problems	Red



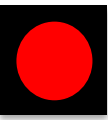

Structural stigma

The organisation's commitment to creating a stigma free culture and ethos is explicit in strategies and plans	Yellow
The senior leaders in this organisation show their commitment to staff mental health	Red

I have regular conversations with my supervisor/ line manager about my mental health and wellbeing	
Supervisors/ line-managers know how to support staff in relation to their mental health and wellbeing, and confidently signpost to further support	
The organisation's policies and procedures enable staff to disclose a mental health problem	
My organisation encourages the adoption of reasonable adjustments to support staff to stay in work/return to work	
Supervisors/ line managers understand and adopt reasonable adjustments to support staff to stay in/ return to work	
I have not observed (or am aware of) stigmatising attitudes in this organisation	
I have not observed (or am aware of) discriminatory behaviour in this organisation	
This organisation makes clear efforts to increase staff's mental health awareness	
This organisation offers and encourages staff to take up mental health training and development	

Training

In terms of training, the legal profession as a whole was awarded a 'red' status based on the responses received.

Traffic light	What the results indicate	Rating
	<p>75-100%</p> <p>The results of this survey indicate that organisations in the legal profession offer a mental health training programme and that staff have access to mental health training.</p>	
	<p>51-75%</p> <p>The results of this survey indicate that there may be inconsistent access to mental health training and education in organisations in the legal profession. Training may not include an element focusing on mental health stigma and discrimination and how it impacts in work</p>	
	<p>0-50%</p> <p>The results of this survey indicate that either few staff take up opportunities of mental health training in organisations in the legal profession, or they provide few opportunities for mental health training for staff</p> <p>Consider staff access See Me in Work e-learning programme: https://www.seemescotland.org/workplace/training-and-e-learning/</p>	

Introduction

The Law Society of Scotland (“the Society”) is the professional body for over 12,000 Scottish solicitors.

See Me is Scotland’s national programme to end mental health stigma and discrimination, enabling people who experience mental health problems to live fulfilled lives.

The Society and See Me entered a partnership in 2019 to work together to identify the needs of the membership and inform the strategy for Lawscot Wellbeing, the Society’s project which provides guidance and support to the legal profession and employers on accessing services and support in relation to mental health and emotional wellbeing. Lawscot Wellbeing aims to deliver appropriate guidance, tools and approaches to reducing mental health stigma and discrimination in the Scottish legal profession.

In response to the survey results, the Society has produced an action plan, which aims to to reduce mental health stigma and discrimination in the Scottish legal profession. In order to measure progress, another similar survey should be conducted in three years’ time, to provide comparable data.

Data in context

As the discussion around the role of employers in supporting employee mental health has gained traction over the last few years, so too has research. However, there remains a limited pool of data from which to draw comparisons with other professions. Firstly, this is because profession-wide data collection remains uncommon. Secondly, when data has been collected, there is a vast variance in the types of questions that are asked of respondents, making it hard to compare like-for-like responses.

This research seeks to understand the scale of mental health stigma and discrimination in the legal profession, and how open and proactive the Scottish legal profession is in supporting employees with their mental health. This research touches only lightly on personal experience of mental health issues, whereas much other data will focus predominantly on personal experience and seek to identify the source of poor mental health in the workplace.

However, throughout this report, an effort has been made to provide some context to data, by referencing a number of other reports; chiefly the 2017 Stevenson/Farmer ‘Thriving at Work’ review commissioned by the UK Government, as well as the 2019 Teacher Wellbeing Index.



Look out for this symbol where data comparisons have been given in the report.

Methodology

The online survey was open during May and June 2019. The survey sought to gather attitudes and perceptions of solicitors, trainees, accredited paralegals, paralegals, legal technicians and all support staff working in practice units and in-house legal teams regarding mental health stigma and discrimination within the sector.

The survey was hosted on the Society’s website and was promoted directly to the legal profession through all available communication channels. The anonymous data was gathered and analysed by See Me.

2,221 individuals within the legal profession responded to the survey, with 2,206 agreeing to participate. A total of 1,242 individuals provided complete responses to the survey and are included in the data analysis.

See Me traffic light indicator

The survey consisted of 28 closed questions and one open question.

In the survey, participants were asked to respond to a series of ‘closed’ statements, such as ‘my organisation encourages staff to talk openly about mental health problems’, using a 5-point scale:

- 1 = strongly disagree
- 2 = slightly disagree
- 3 = neither agree nor disagree/prefer not to say/don’t know (i.e. neutral response)
- 4 = slightly agree
- 5 = strongly agree

The See Me in Work ‘traffic light’ system was used to analyse the survey responses indicating how the legal profession perceive their workplace in regard to mental health stigma and discrimination. The table below provides details of the traffic light coding.

Average score	Traffic light indicator	What it means
1.0-2.9	Red	Improvements required in the given area, including gaps in awareness and practice, and lack of confidence on the part of employees and managers in talking about and dealing with mental health problems. There may be areas where legal requirements are not fully understood or implemented.
3.0-3.9	Amber	Improvements could be made in the given area. There may have gaps in the way employers support employees experiencing mental health problems, such as in confidence or skills of staff and managers in talking about mental health or awareness of managers about what to do when an employee tells them about a mental health problem.
4.0-5.0	Green	The given area has areas of good practice and employers are likely to be supportive of staff with mental health problems; with managers and employees able to talk

		about mental health, and managers clear about what to do. This is likely to be underpinned by clear policies, procedures and practice to support staff with mental health problems.
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General

To aid understanding, the graph scales in this report are cut off at the highest response rate for each section, with the total response rate 100%. 'Prefer not to answer' option was removed from the profile of respondents' data, as such, not all scores will add up to 100%.

The open question 'In light of this survey, is there anything else you would like to note?' was analysed thematically to identify areas of commonality.

Analysis was undertaken on the results by in-house and private practice roles and experience of mental health problems (gender, age, length of time in role, region, employment and working arrangement, managerial/supervisory role and HR duties within role).

Care was taken when analysing different sub-groups of respondents, to ensure anonymity was maintained. This included:

- in-house and private practice respondents
- personal experience of mental health problems (respondents who answered yes in any form)

If the number of respondents in a sub-grouping was considered too small to protect anonymity, those results have either been combined with another sub-group or not reported on.

Training received and to be made available was analysed for age, region, management/supervisory role and HR duties. Current practice and areas of improvement focused on creating workplaces free of stigma and discrimination were analysed by age and geographical area.

Mental health definition

We all have mental health. Everyone's experiences of mental health are different and it doesn't always stay the same. It can change as circumstances change and as you move through different stages of your life. We all have times when we feel down or stressed. Often these feelings pass, but sometimes they can develop into a more serious problem. Some examples but not an exhaustive list: Anxiety and panic attacks, bipolar disorder, depression, eating disorders, obsessive-compulsive disorder (OCD), personality disorders, post-traumatic stress disorder (PTSD), psychosis, schizophrenia, self-harm and suicidal feelings or thoughts.

Profile of respondents

Respondents were asked 11 questions to provide a profile of respondents.

The survey was not limited to the Society's core membership of solicitors, but open to individuals working in a range of roles throughout the legal sector, including for example, support roles. Therefore, we would not expect the profile of respondents to be a wholly accurate reflection of the profile of the Scottish solicitor membership.

Gender

A significantly higher proportion of respondents identified as female (70%) than male (29%).

Gender	n=1242	%
Female	867	70%
Male	366	29%
Other	9	1%

Age of respondents

Over one third of respondents were aged 25-35 (35%).

Age range	n=1242	%
Under 25	61	5%
25 - 35	437	35%
36 - 45	291	23%
46 - 55	278	22%
56 - 65	157	13%
66 - 72	11	1%
73 and older	3	0%

Length of time in current organisation

Respondents were asked how long they have worked for their current organisation.

Time frame	n=1242	%
Less than 6 months	84	7%
6 months – 1 year	113	9%
1 -2 years	161	13%
2 - 4 years	190	15%
4 – 6 years	127	10%
6 – 10 year	139	11%
Over 10 years	419	34%

Geographical areas of work

Respondents were asked about the geographical area or region they work in.

41% of respondents stated that they worked in Lothian and Borders and 25% stated that they worked in Glasgow and Strathkelvin, making them the most frequent locations.

Location	n=1242	%
Lothian and Borders	506	41%
Glasgow and Strathkelvin	307	25%
Tayside, Central and Fife	152	12%
Grampian, Highlands and Islands	129	10%
South Strathclyde, Dumfries and Galloway	55	4%
North Strathclyde	46	4%
England and Wales	21	2%
International	15	1%
Northern Ireland	1	0%

EU/EEA	1	0%
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Current position within a firm or organisation

Respondents were asked to identify their position within their firm or organisation. The answers given by respondents are noted in the table below.

Position	n=1242	%
Other sectors - Solicitor team member, or equivalent	159	13%
Private practice – Assistant	132	11%
Private practice – Associate	124	10%
Other sectors - Senior team member, or equivalent	124	10%
Private Practice - Equity Partner	100	8%
Private practice - Senior Associate	80	6%
Private practice - Trainee Solicitor	72	6%
Private practice - Salaried Partner	66	5%
Private practice – Other	48	4%
Other sectors - support role	46	4%
Other sectors - Director or equivalent	41	3%
Other sectors – Other	41	3%
Private practice - Accredited Paralegal	36	3%
Private practice - support role	35	3%
Other legal professional (advocate, legal academic, senator)	29	2%
Private practice – Paralegal	27	2%
Private practice – Consultant	22	2%

Other sectors – Paralegal	15	1%
Other sectors - Trainee solicitor	10	1%
Private practice – PSL	9	1%
Other sectors - Accredited Paralegal	6	0%
Not working (aggregate)	5	0%

The most common responses to the ‘other legal professional’ answer option were:

- Support, non-solicitor role
- Crown Office and Procurator Fiscal Service (COPFS)
- Private practice solicitor
- Accountant

Human resources duties within role

Respondents were asked to identify whether their role included any human resources duties. The majority of respondents (76%) did not have any human resources duties within their role.

Human resources duties	n=1242	%
No	947	76%
Yes, it's a small part of my remit	220	18%
Yes, it's a large part of my remit	61	5%
Yes, I work within the HR department	13	1%

Employment arrangement

Respondents were asked to identify their employment arrangement. 71% of respondents hold a full-time permanent position.

Employment arrangement	n=1242	%
Full-time permanent	878	71%
Part-time permanent	167	13%

Self-employed (Partner, Sole Practitioner)	98	8%
Full-time temporary	59	5%
Other	21	2%
Consultancy arrangement	13	1%
Part-time temporary	5	0%
Zero hours contract	0	0%

The most common responses to the 'other' answer option were:

- Traineeship
- Fixed term contract
- Compressed hours

Working arrangement

This question asked respondents to identify what alternative working arrangements were made available by their workplaces.

Access to flexible working (44%) and working from home (41%) were identified as the two most common working arrangements available to respondents. Respondents were able to select all arrangements that applied to them.

Arrangement	n=1242	%
Access to flexible working	546	44%
Working from home	514	41%
Flexi time	349	28%
Other (please specify)	307	25%
Agile working	266	21%

The most common responses to the 'other' answer option were:

- None of the arrangements detailed
- Lack of awareness of the options available to them

- Informal/occasional approach to implementing the arrangements detailed

Management responsibility

Respondents were asked whether they held a management or supervisory role.

Management position	n=1242	%
No	701	56%
Yes	533	43%

Employees managed/supervised

Of respondents who had a managerial or supervisory role, the majority (61%) supervised one to four employees.

Number of employees managed	n=533	%
1-4	326	61%
5-9	130	24%
10-15	42	8%
16-29	16	3%
30-50	7	1%
Over 50	12	2%

General awareness of existing practice

Employer engagement in workplace improvement programmes

Respondents were asked to identify which improvement programmes they were aware that their organisation offered. Respondents could select all answer options that applied.

44% of respondents were not aware of any of these improvement programmes.

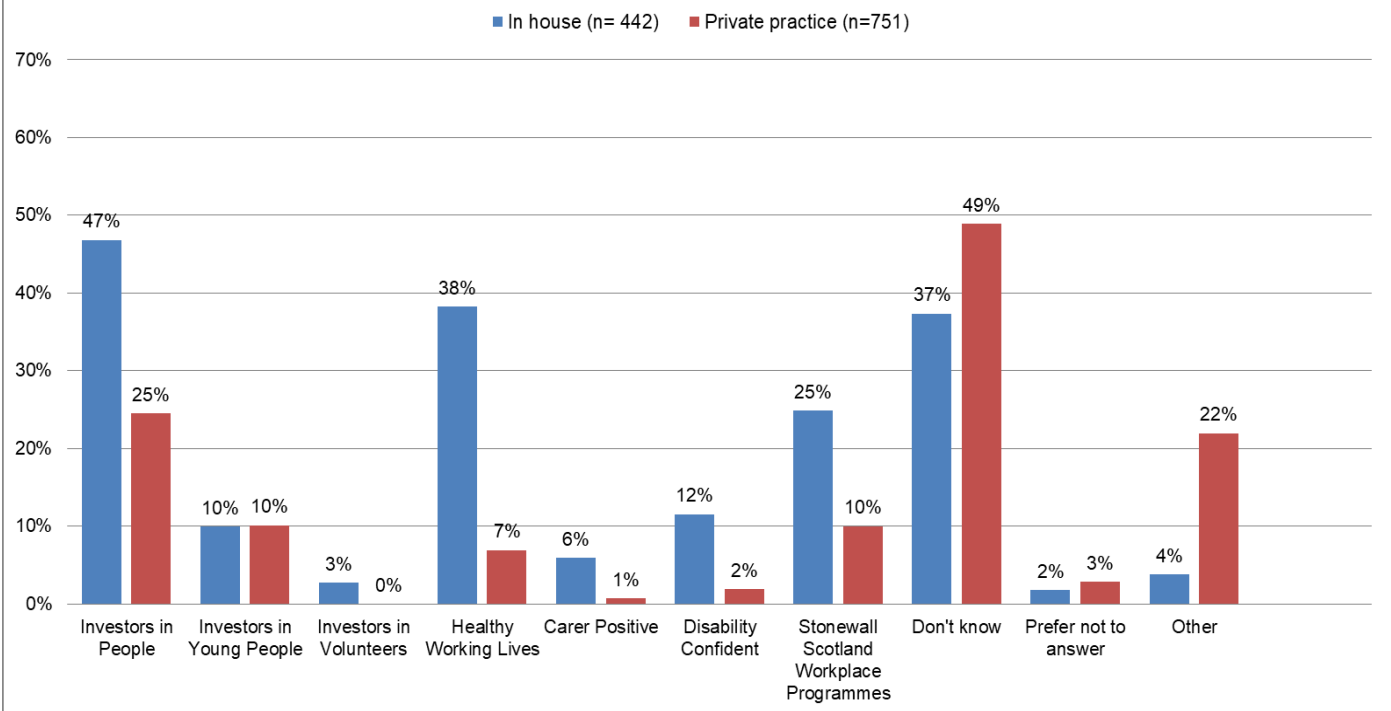
Improvement programme	n=1242	%
Don't know	550	44%
Investors in People	405	33%
Healthy Working Lives	231	19%
Other	206	17%
Stonewall Scotland Workplace Programmes	194	16%
Investors in Young People	122	10%
Disability Confident	66	5%
Carer Positive	31	3%
Investors in Volunteers	12	1%

206 respondents selected the 'other' answer option. 187 of those respondents identified that none of the above noted improvement programmes were in place in their organisation. Some respondents highlighted that due to being in a small practice or a sole practitioner practice unit, engagement in these programmes would not be possible.

In-house respondents most commonly reported an awareness of the 'Investors in People' programme (47%), in comparison to private practice, where the most commonly reported response was 'don't know' (49%).

Across all of the improvement programmes, in-house respondents reported more (or an equal) awareness of improvement programmes their employers were engaged in, in comparison to private practice respondents.

Engagement in improvement programmes



Organisational policies

Respondents were asked to identify which of the following policies they were aware of within their organisation. Respondents could select more than one policy.

78% of respondents were aware of their organisation’s sickness absence policy and 73% were aware of their organisation’s data protection policy.



Data in context*

According to the Stevenson/Farmer ‘Thriving at Work’ report¹, 39% of organisations have policies or systems in place to support employees with common mental health problems.

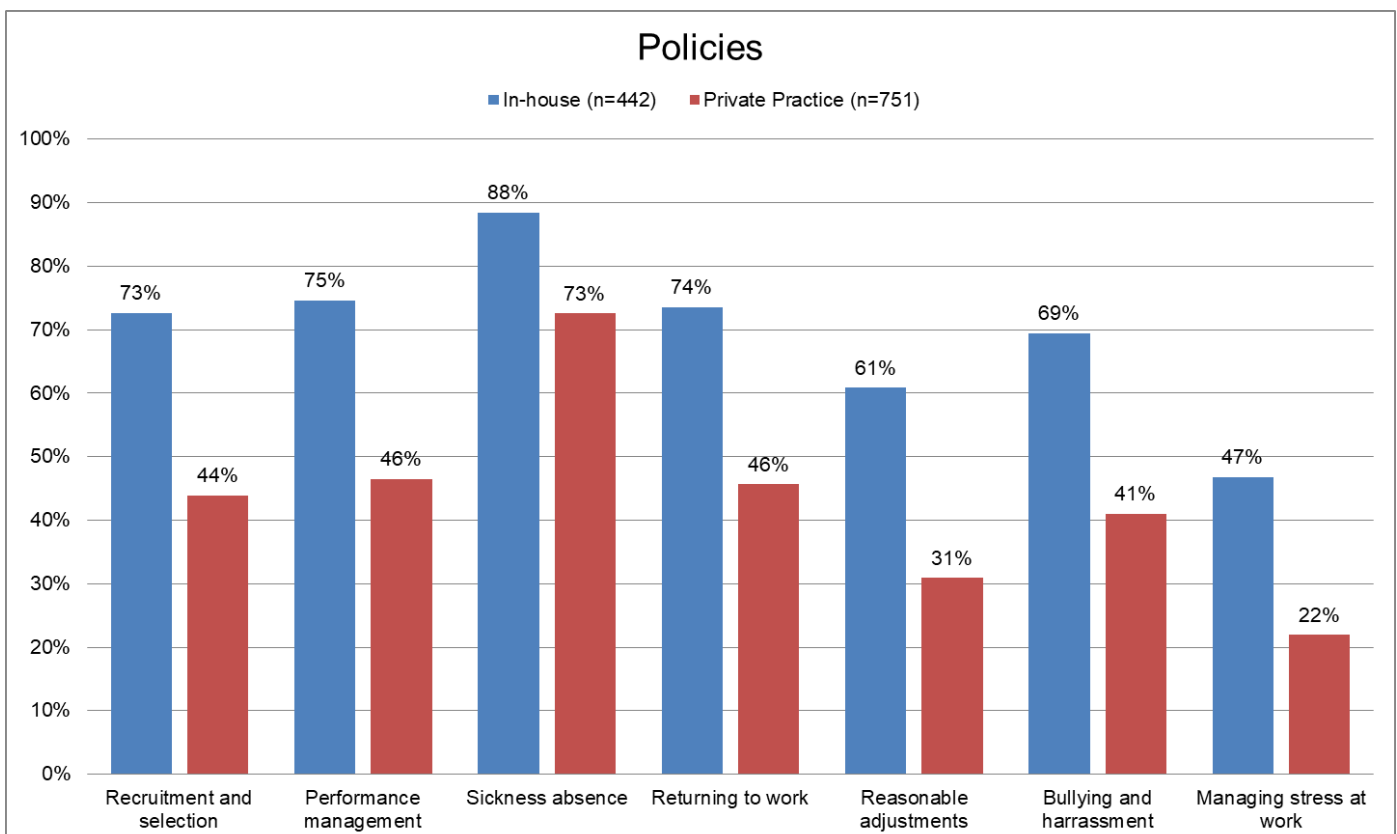
Policy	n=1242	%
Sickness absence	969	78%
Data protection	911	73%
Health and Safety	788	63%
Appraisals	743	60%
Performance management	699	56%
Returning to work	691	56%
Recruitment and selection	671	54%
Bullying and harassment	632	51%
Grievance	631	51%
Flexible and/or agile working	626	50%
Reasonable adjustments	512	41%
Induction	510	41%

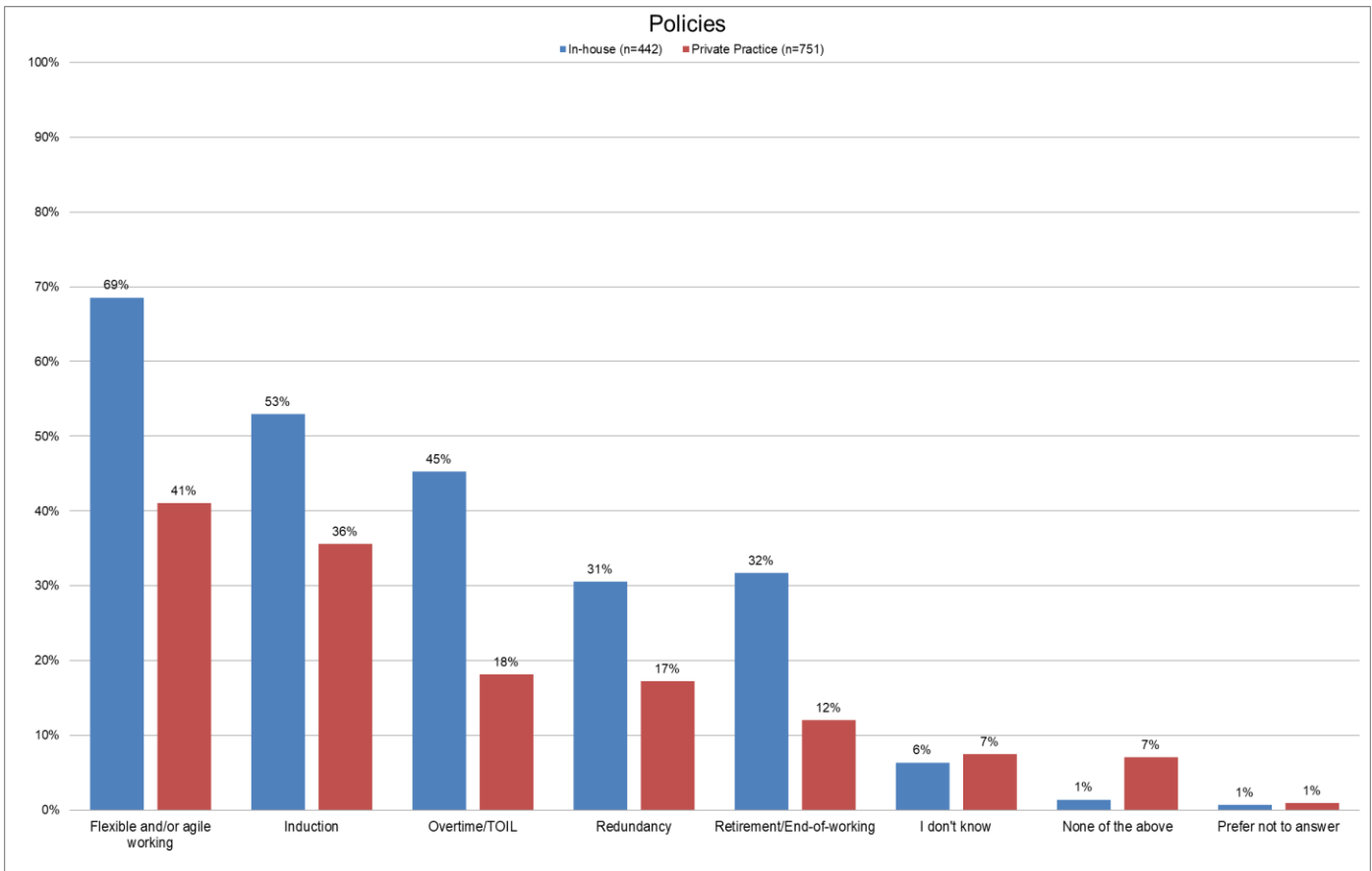
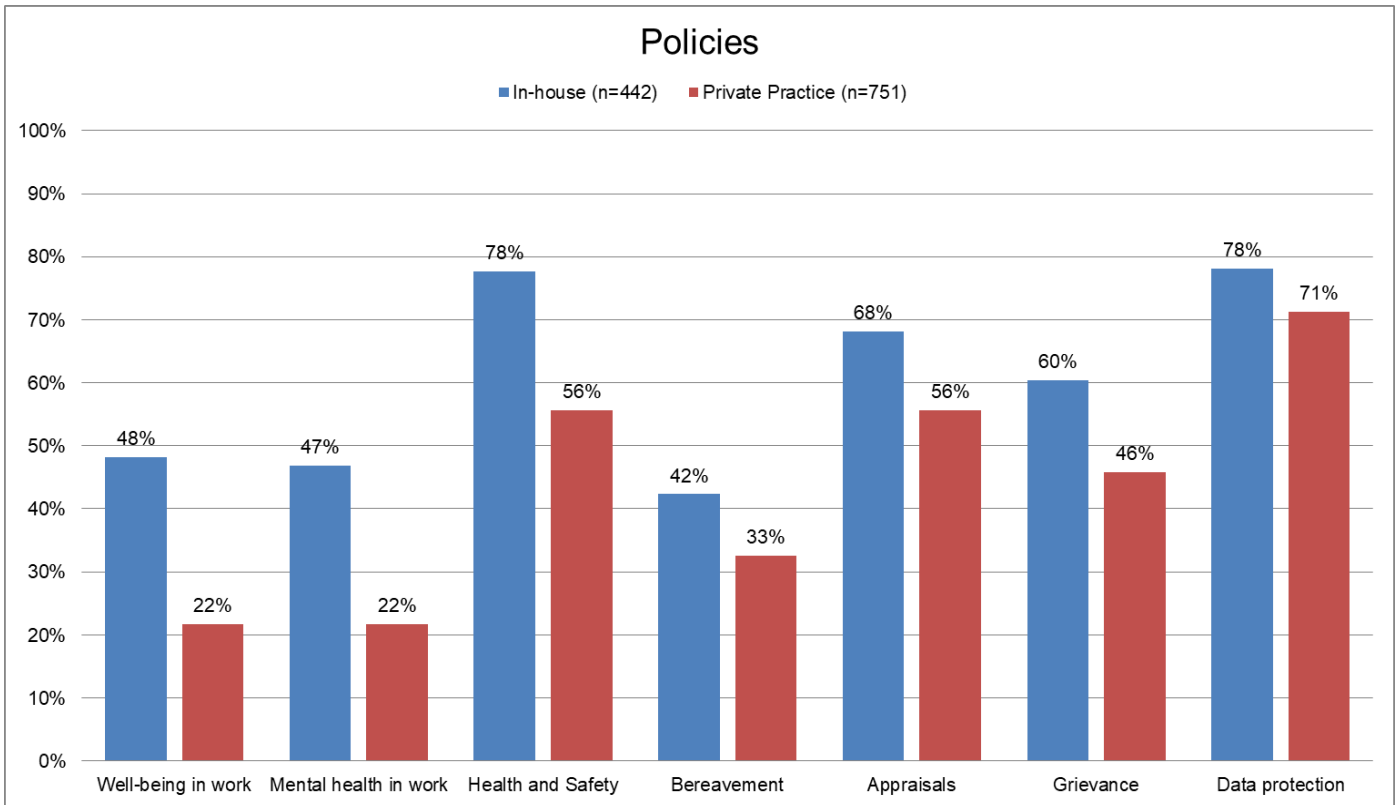
¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/658145/thriving-at-work-stevenson-farmer-review.pdf

* While not directly comparable with the data collected in this survey, this is provided to give some context.

Bereavement	446	36%
Well-being in work	389	31%
Managing stress at work	380	31%
Mental health in work	379	31%
Overtime/TOIL	348	28%
Redundancy	273	22%
Retirement/End-of-working	236	19%
I don't know	88	7%
None of the above	66	5%

Both in-house and private practice respondents were most commonly aware of their organisation’s sickness absence policy (88% and 73% respectively). The results for in-house and private practice respondents are shown over three graphs below to aid interpretation.





Organisational policies inclusive of and supporting equalities and diversity

Respondents were asked to identify which of the policies noted in the previous question they felt were inclusive and supported equality and diversity in their workplace. Respondents could select more than one policy.

43% of respondents identified 'recruitment and selection' and 33% identified 'bullying and harassment' and 'sickness absence' policies as being inclusive of and supporting equality and diversity.

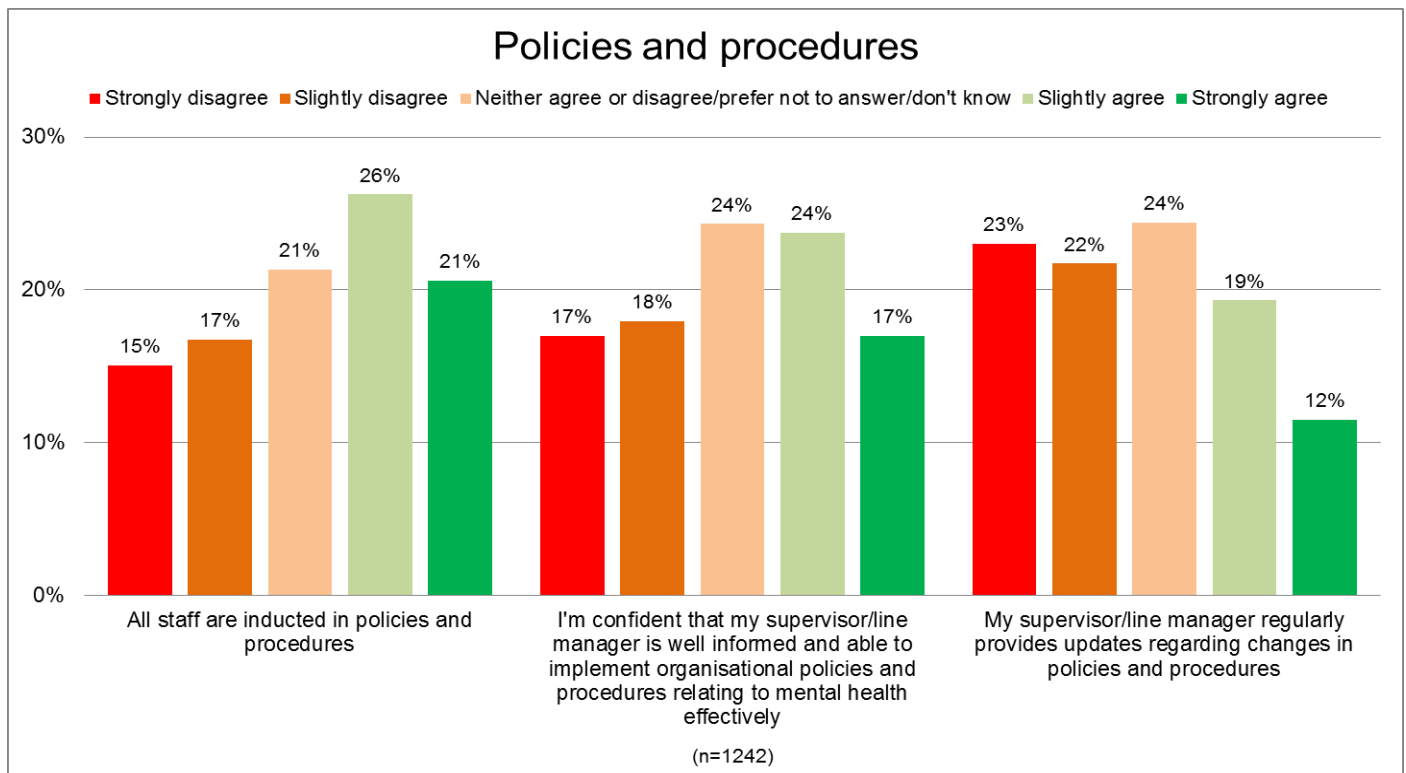
Policy	n=1242	%
Recruitment and selection	531	43%
Bullying and harassment	416	33%
Sickness absence	404	33%
Flexible and/or agile working	400	32%
Reasonable adjustments	397	32%
Returning to work	375	30%
Performance management	345	28%
Health and Safety	333	27%
Mental health in work	322	26%
Well-being in work	312	25%
I don't know	305	25%
Grievance	295	24%
Appraisals	293	24%
Data protection	283	23%
Managing stress at work	279	22%
Bereavement	268	22%
Induction	221	18%
Overtime/TOIL	177	14%
None of the above	159	13%

Retirement/End-of-working	150	12%
Redundancy	134	11%

Communication and implementation of policies and procedures

Respondents were asked to consider the following statements relating to the way in which policies and procedures are communicated and implemented consistently throughout their organisation.

Overall, all areas scored 'amber', apart from 'my supervisor/line manager regularly provides updates regarding changes in policies and procedures' that scored 'red' on the See Me traffic light indicator.



Personal experience of mental health problems

Respondents were asked to share whether they have personally experienced any mental health problems and where they were working at that time.

31% of respondents who answered this question said they had not experienced any mental health problems.

61% of respondents identified as having experience of mental health problems.

40% of respondents told us that they have experienced mental health problems whilst working in their current or current and previous legal sector organisation.

Furthermore, this percentage increases to 56% of respondents when considering past and current experience within the legal sector as a whole. The survey does not identify when a respondent experienced a mental health problem or the frequency.



Data in context*

According to Business in the Community's 2019 Mental Health at Work 2019 report², 30% of the UK workforce have been formally diagnosed with a mental health condition at some point in their lifetime.

Other lawyers: In their 2019 survey³, the Law Society of England & Wales' Junior Lawyers Division reported 48% of their members had experienced mental ill-health (whether formally diagnosed or not) within the last month.

Medical profession: In their 2018 survey of doctors and medical students in the UK⁴, the British Medical Association reported 40% of respondents were currently suffering from a psychological and emotional conditions at the time of the survey.

Teachers: According to the Teacher Wellbeing Index 2019⁵, run by Education Support, 34% of all UK educational professionals have experienced a mental health issue in the past academic year.

² <https://www.bitc.org.uk/report/mental-health-at-work-2019-time-to-take-ownership/>

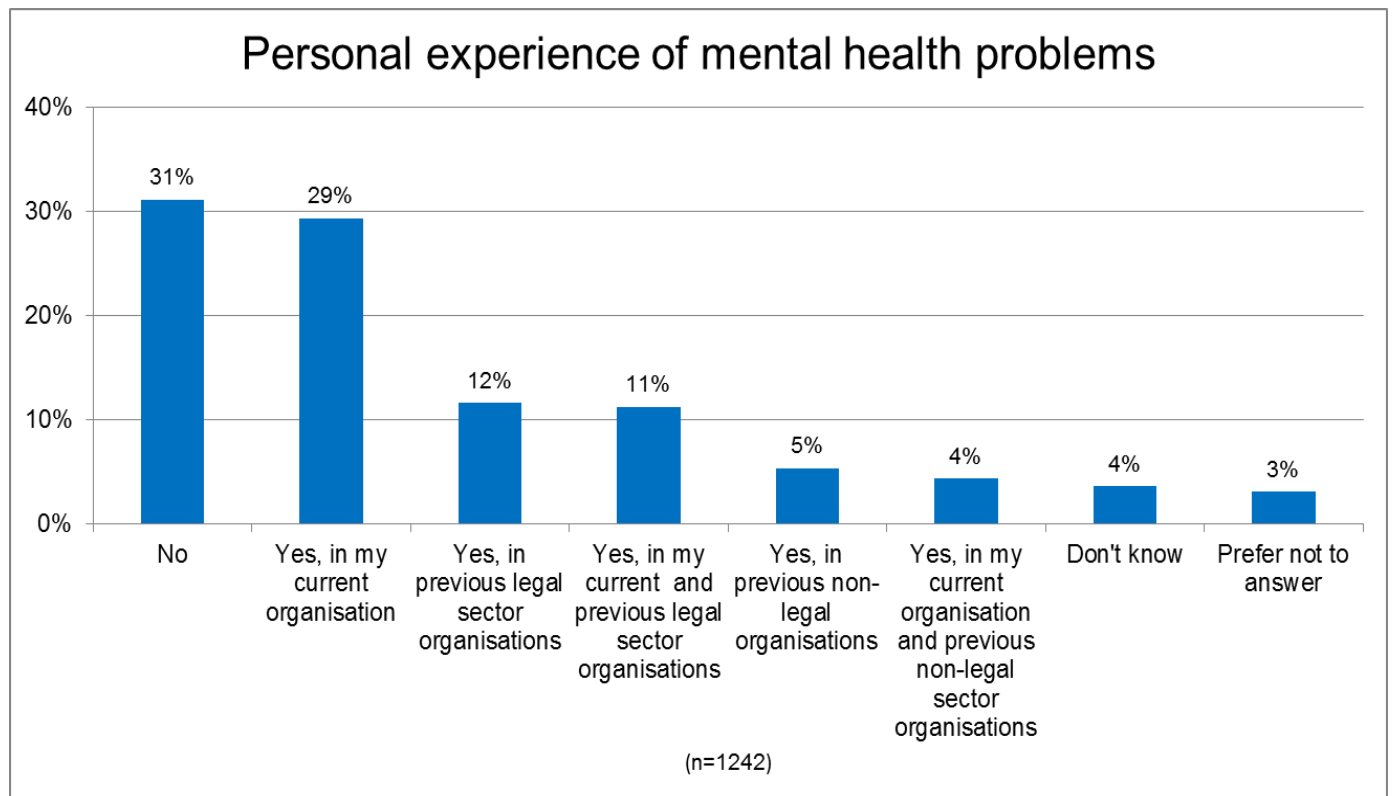
³ <https://communities.lawsociety.org.uk/Uploads/b/y/k/resilience-wellbeing-survey-report-2019.pdf>

⁴ <https://www.bma.org.uk/media/2076/bma-supporting-health-and-wellbeing-at-work-oct-2018.pdf>

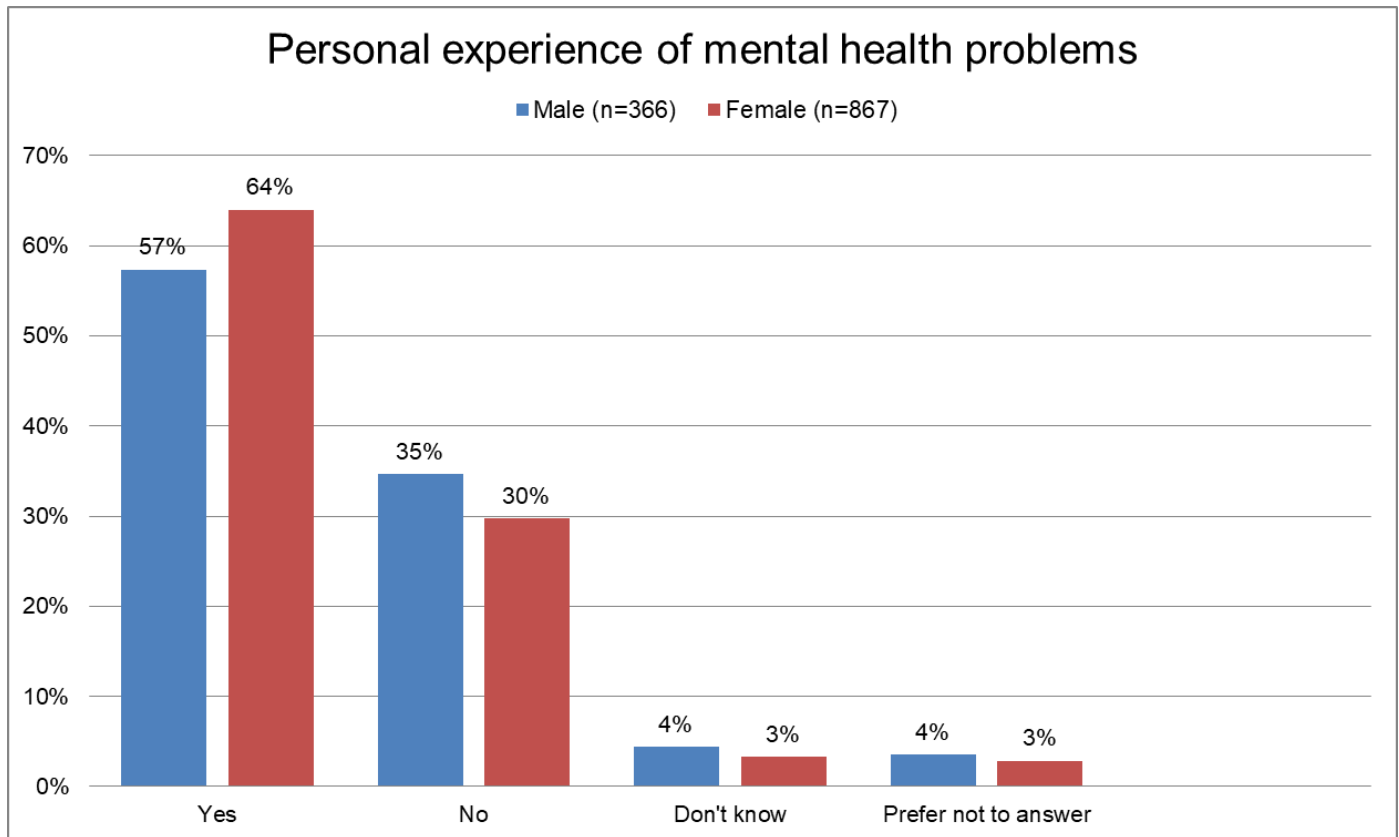
⁵ https://www.educationsupport.org.uk/sites/default/files/teacher_wellbeing_index_2019.pdf

* While not directly comparable with the data collected in this survey, this is provided to give some context.

Experience of mental health problems	n=1242	%
No	387	31%
Yes, in my current organisation	365	29%
Yes, in previous legal sector organisations	145	12%
Yes, in my current and previous legal sector organisations	140	11%
Yes, in previous non-legal organisations	67	5%
Yes, in my current organisation and previous non-legal sector organisations	54	4%
Don't know	45	4%
Prefer not to answer	39	3%

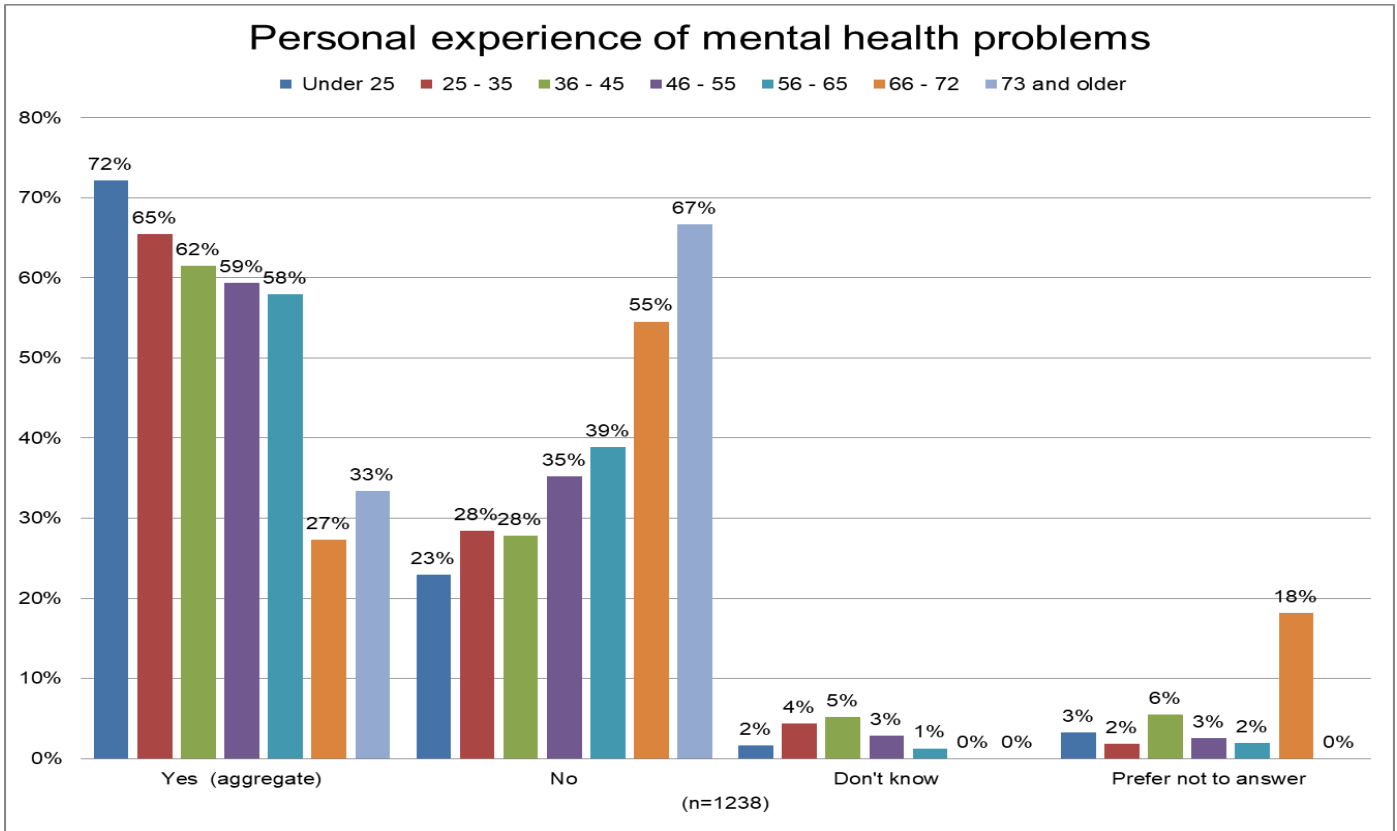


Across areas, a higher proportion of females identified as having experience of mental health problems, 64% in comparison to 57%.



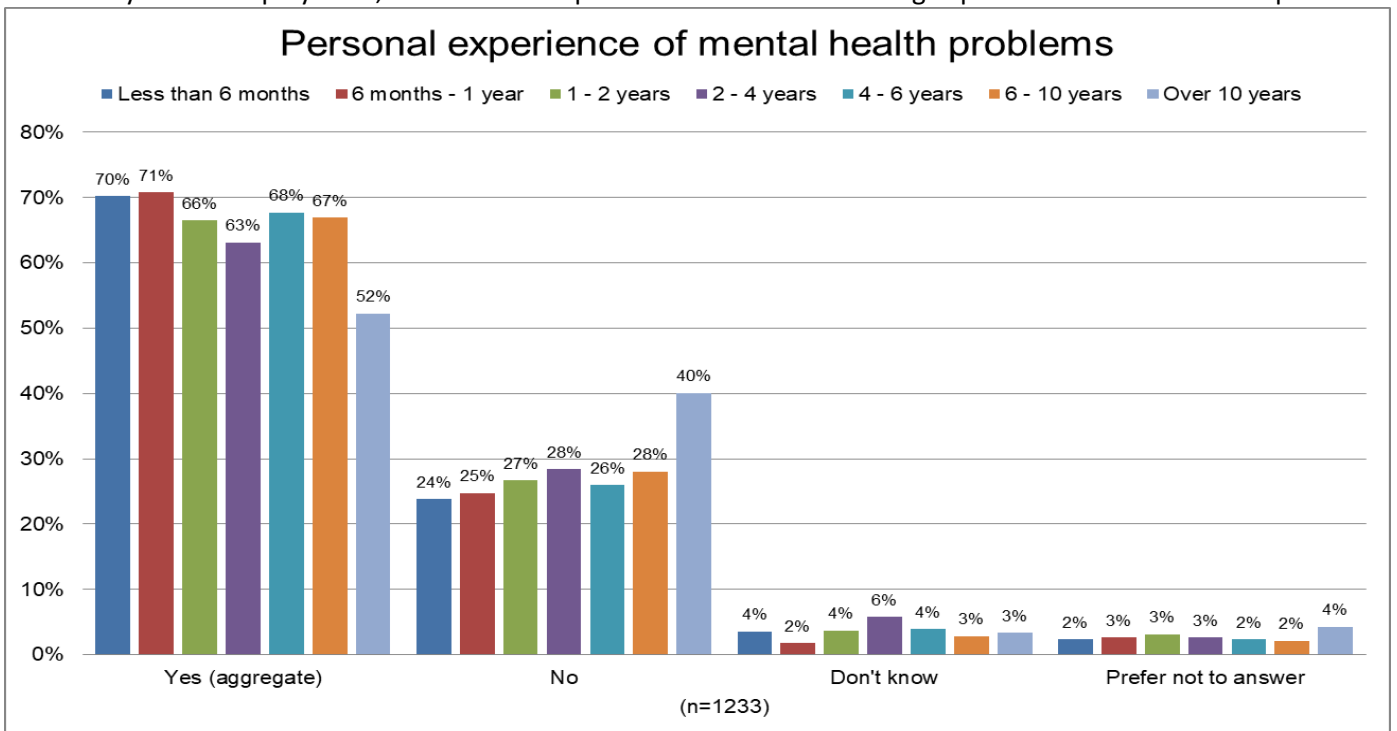
Respondents aged under 25 most commonly identified as having experience of mental health problems (72%), however across all age groups (excluding 66-72 and 73 and older age ranges), more than 50% reported experience of mental health problems.

Across all groups analysed in relation to experience of mental health problems, 'prefer not to answer' was highest (18%) in the 66-72 age bracket.

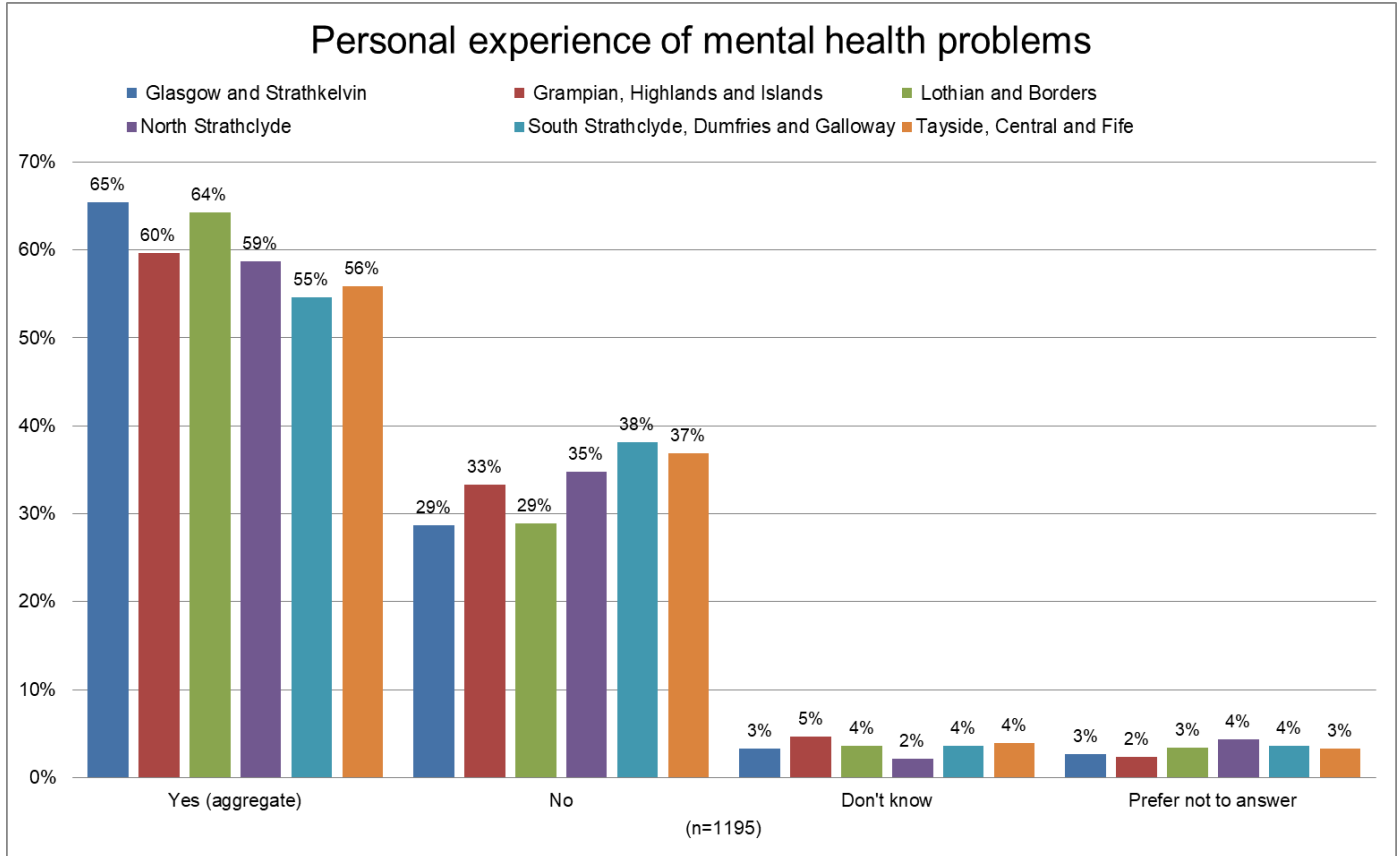


Those who had worked with their current organisation for 6 months – 1 year most commonly reported experience of mental health problems (71%), closely followed by those who had worked within their organisation for less than 6 months (70%).

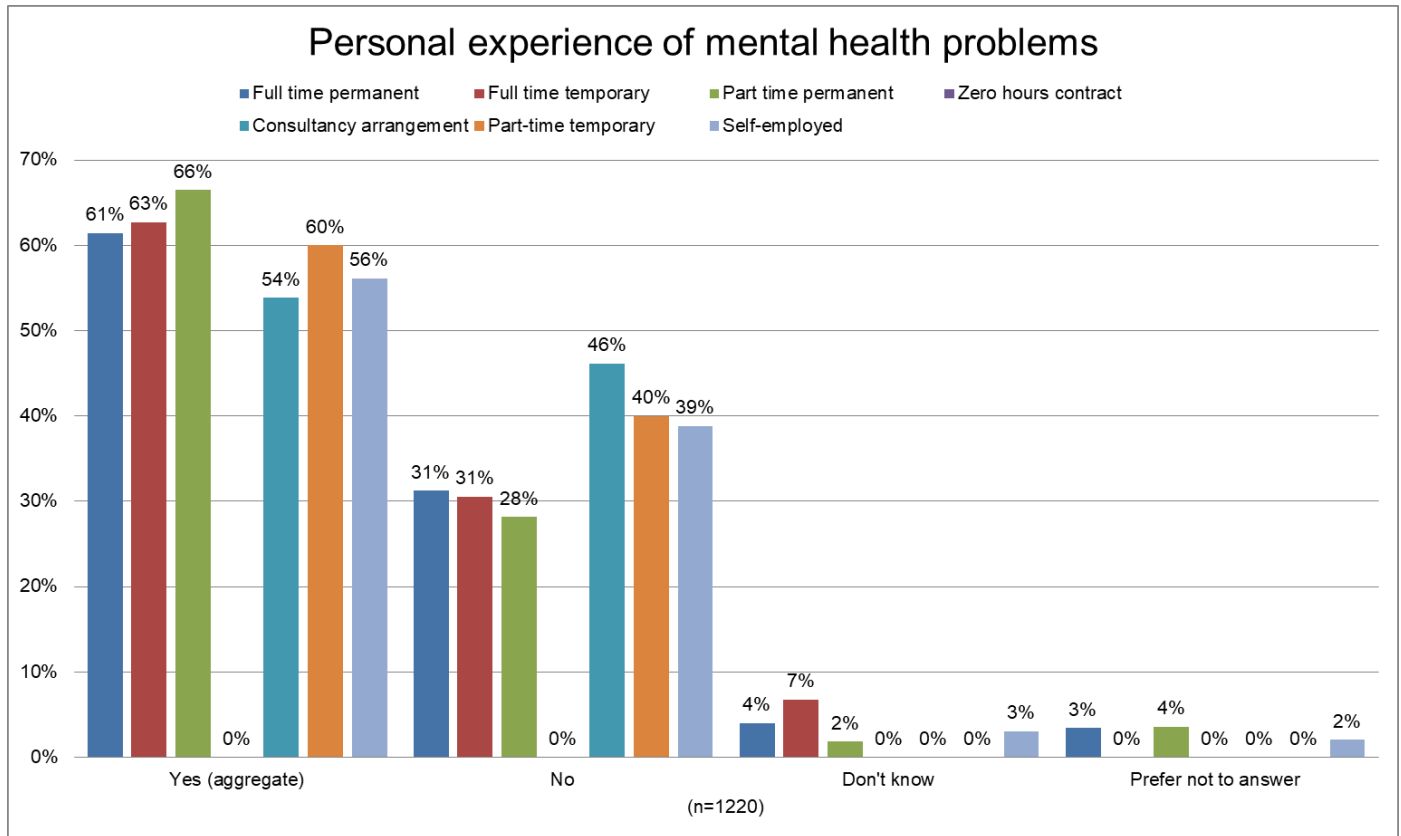
Across all years in employment, over 50% of respondents identified as having experience of mental health problems.



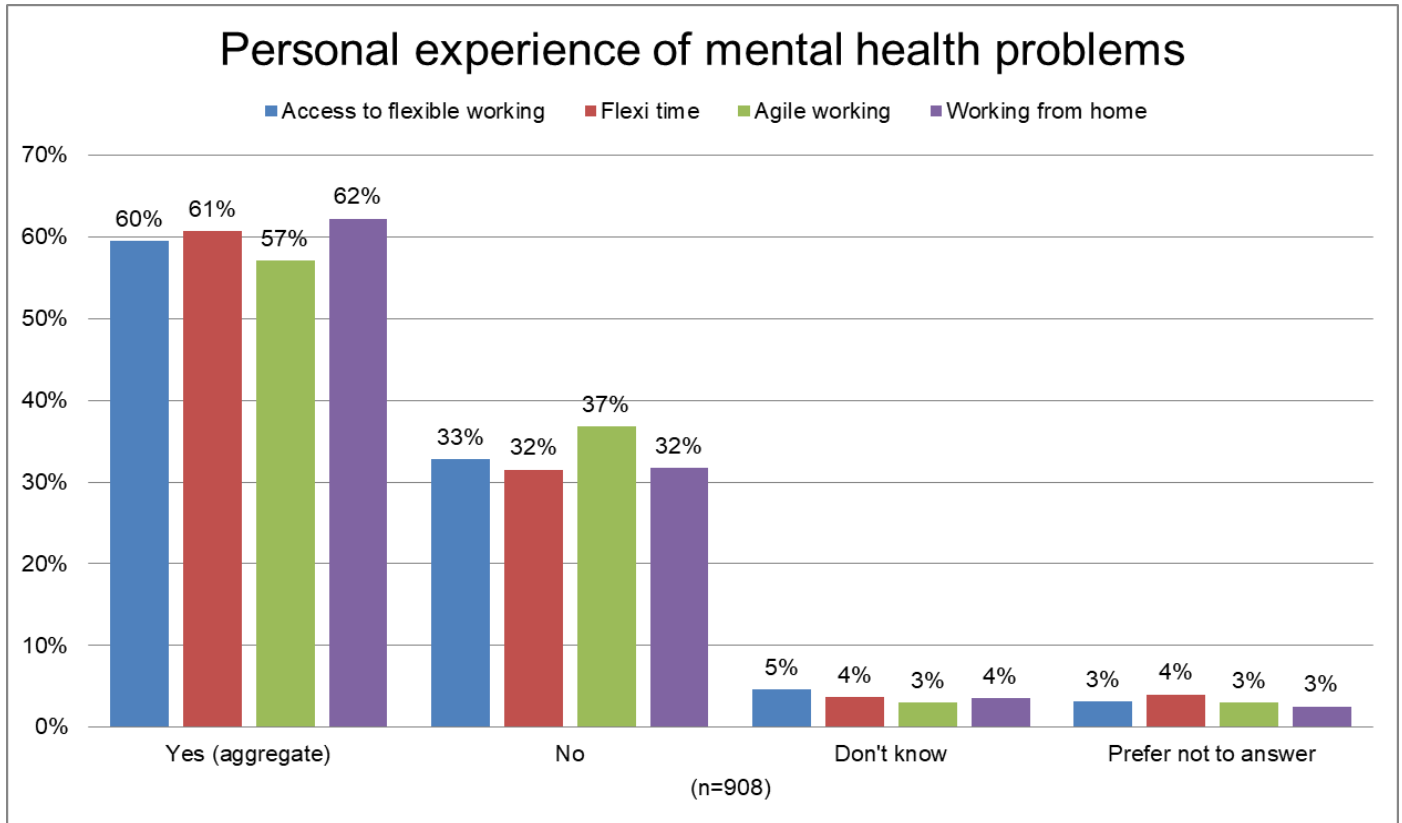
65% of those in the Glasgow and Strathkelvin area and 64% in Lothian and Borders identified as having experience of mental health problems and all areas had over 50% of respondents with experience of mental health problems.



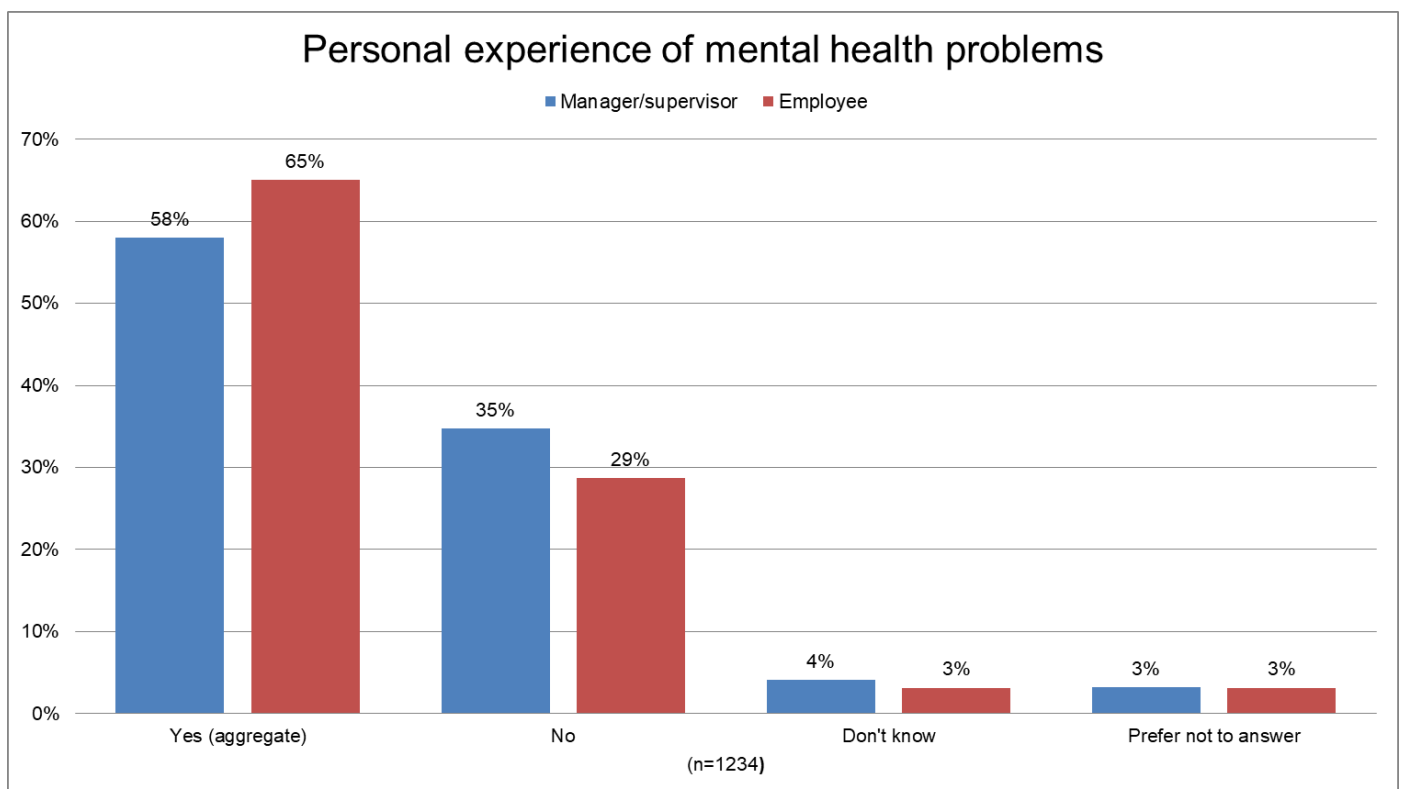
66% of respondents with a part-time permanent role identified as having experience of mental health problems. Excluding 'zero hours contract' (0% response for all areas), again all areas had over 50% of respondents identifying as having experience of mental health problems.



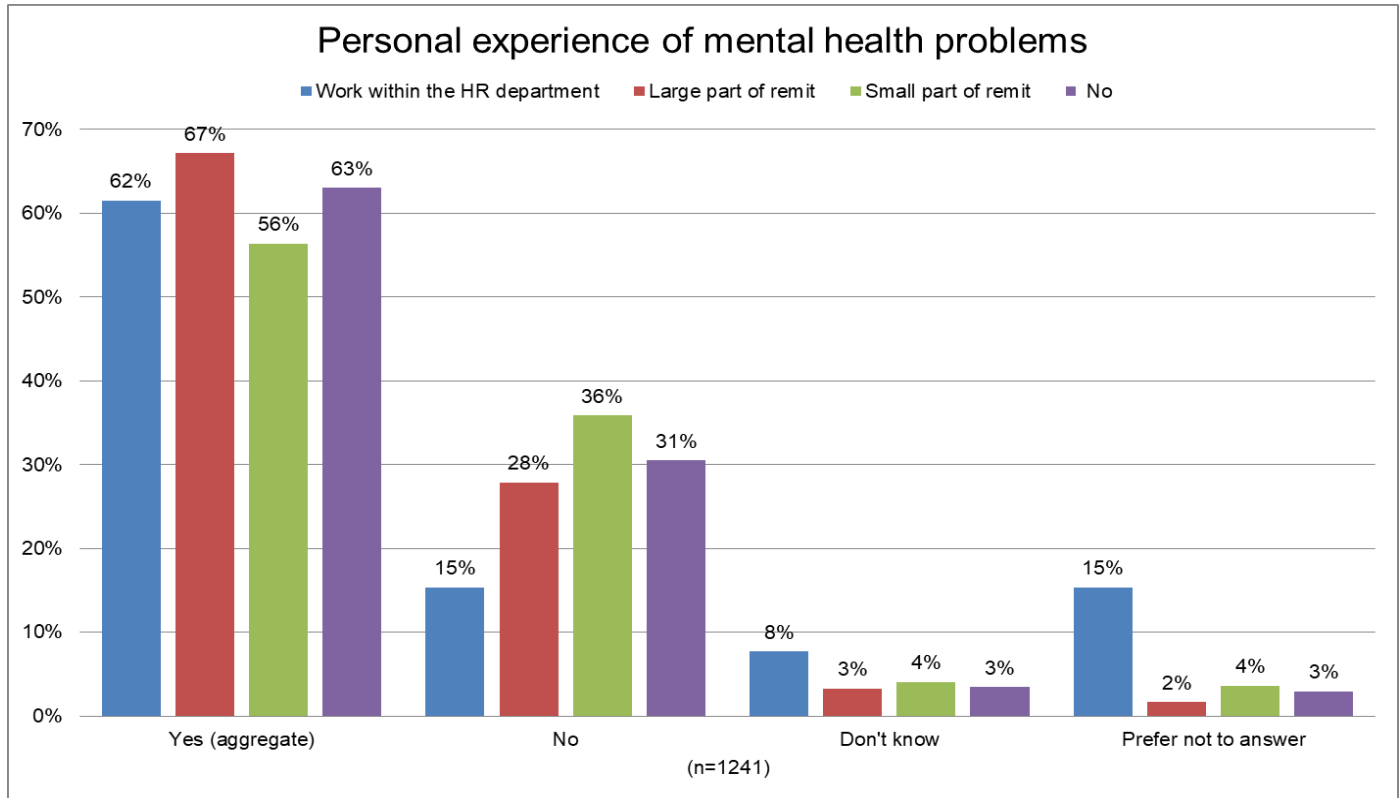
There was little difference between respondents who had access to working from home (62%), flexi-time (61%) and flexible working (60%) and their identifying as having experience of mental health problems.



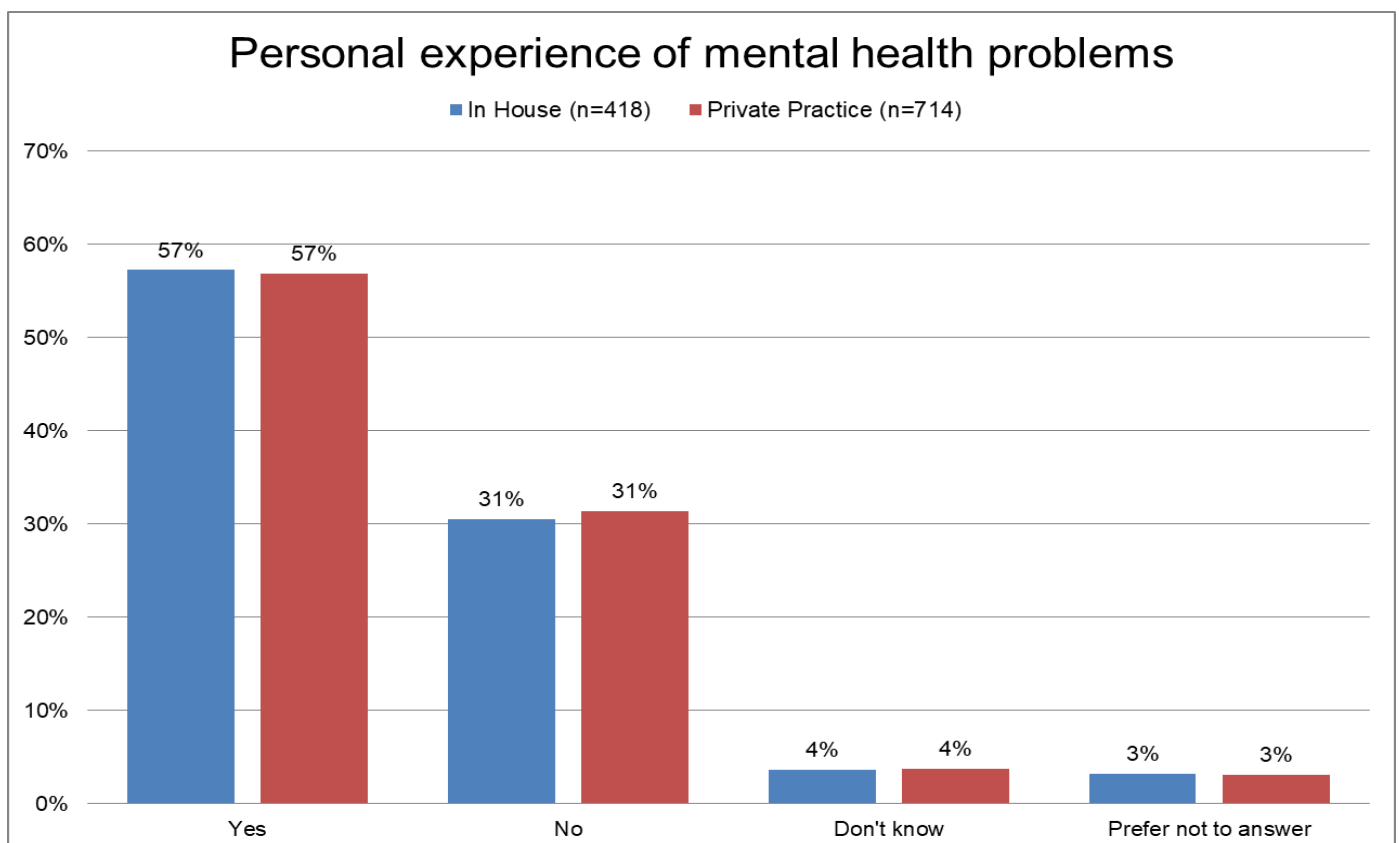
Experience of mental health problems was most commonly reported by employees (65%), in comparison to those who held a management or supervisory role (58%).



67% of respondents with an HR role as a large part of their role identified experience of mental health problems. In line with other areas analysed, over 50% of respondents identified experience of mental health problems.



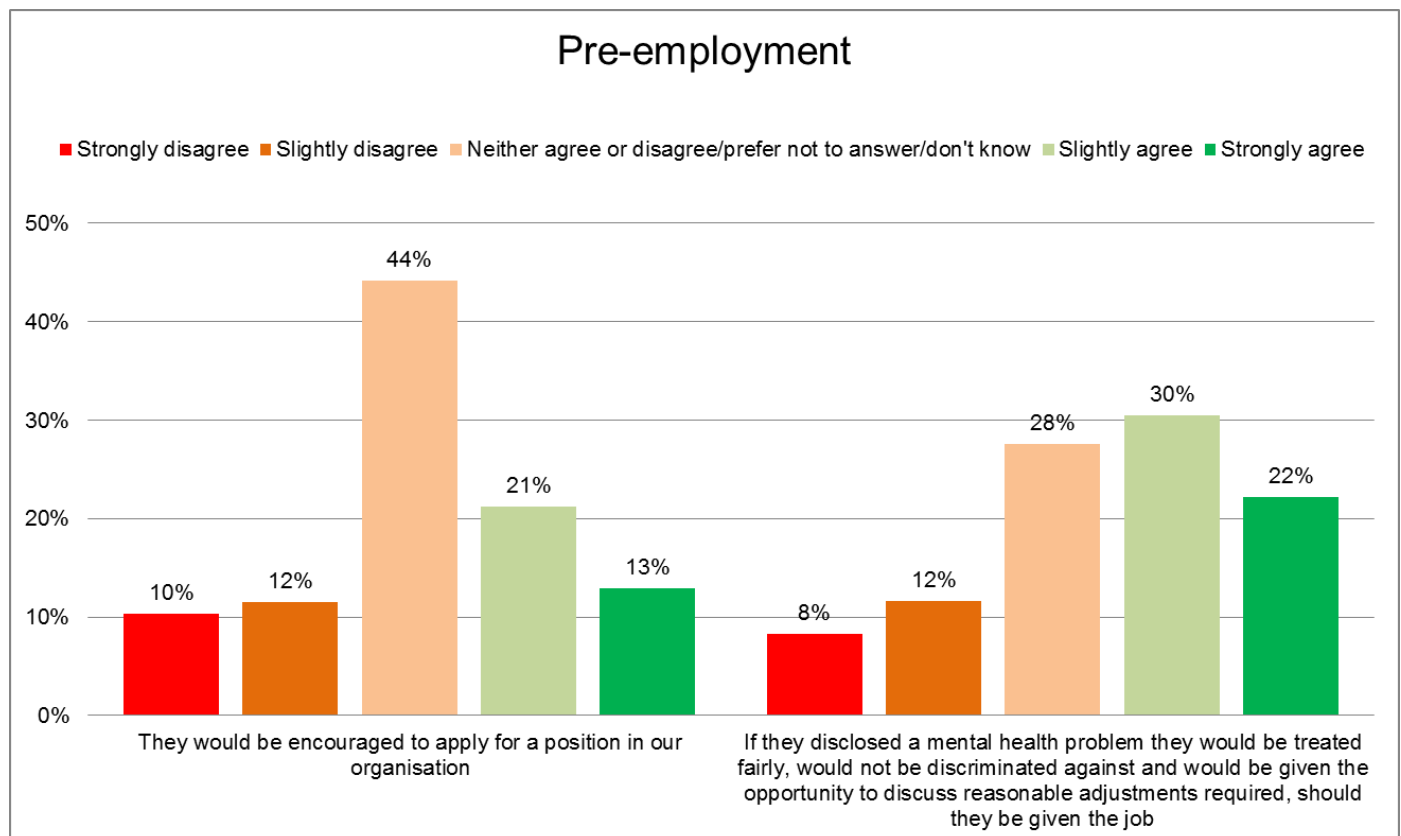
Equal proportions of in-house and private practice respondents had experienced mental health problems.



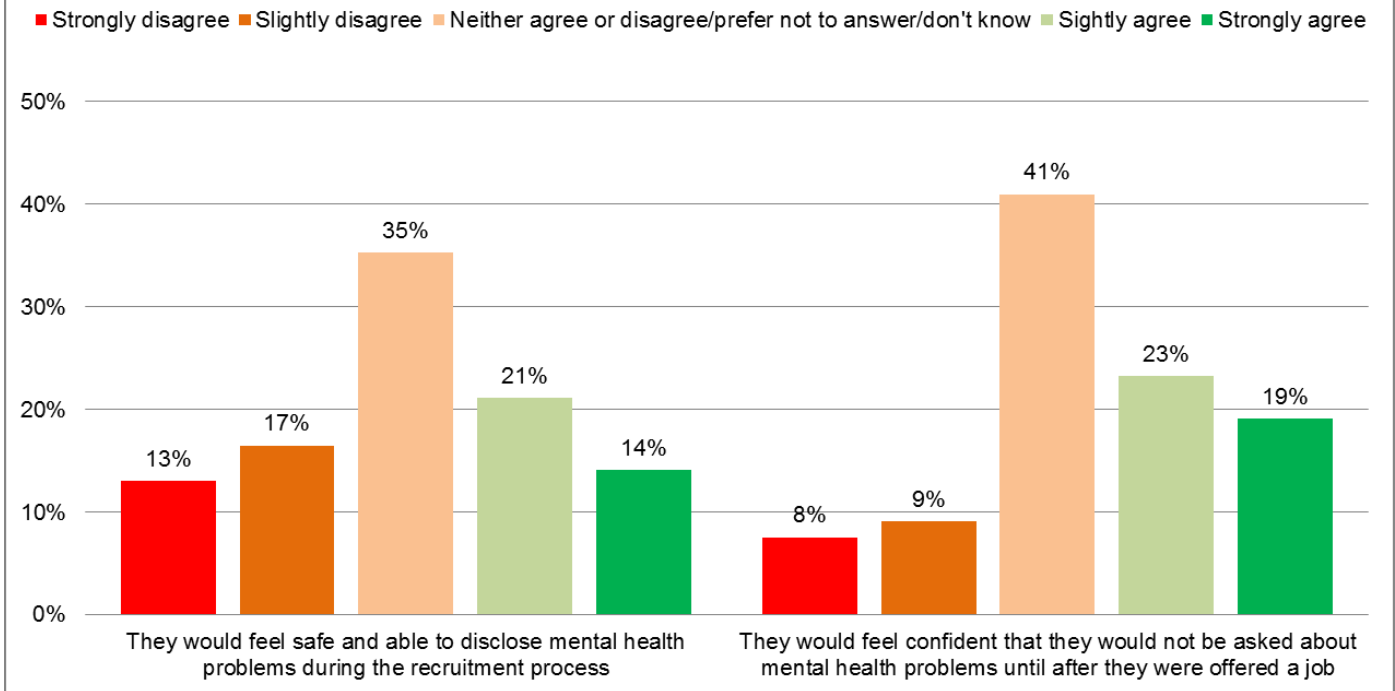
Attitudes and perceptions of stigma and discrimination

Pre-employment

Respondents were asked to answer four statements to identify how they perceived their organisation would respond to an individual with experience of a mental health problem seeking to apply for a job within their organisation. Overall, all areas scored 'amber' on the See Me traffic light indicator.



Pre-employment



In work perceptions of mental health stigma and discrimination

Respondents were asked to consider twelve statements to identify how they perceived their organisation including management and other colleagues, would respond if a member of staff in their current workplace was experiencing a mental health problem.

All statements scored 'amber' on the See Me traffic light indicator, except for the statement 'I would want a better understanding of mental health problems so I would know what to say and/or do [to disclose them]', which scored green. Notably, for all statements, the percentage of respondents who answered that their organisation would respond positively outweighed the percentage of respondents who perceived their organisation may not be as supportive.

Data in context*



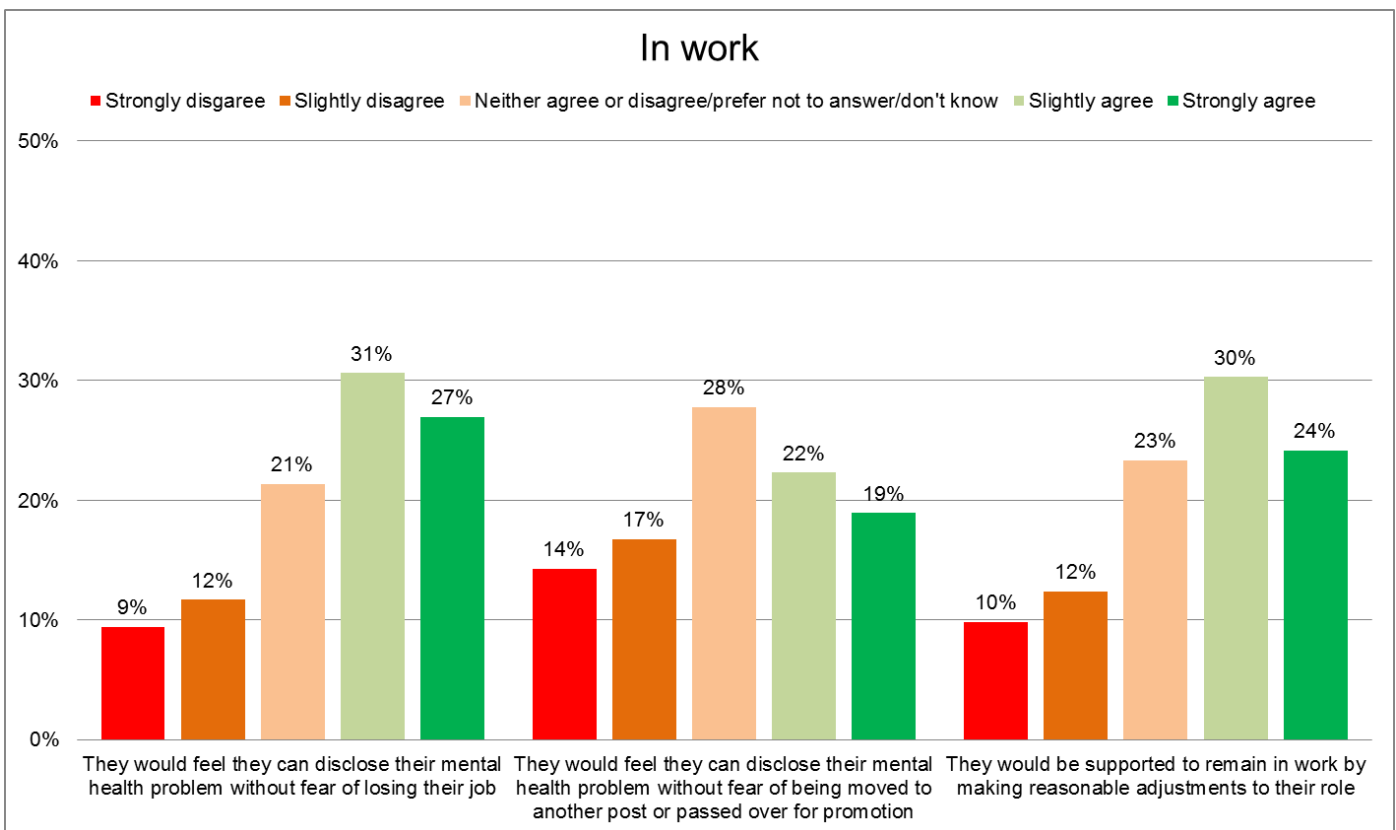
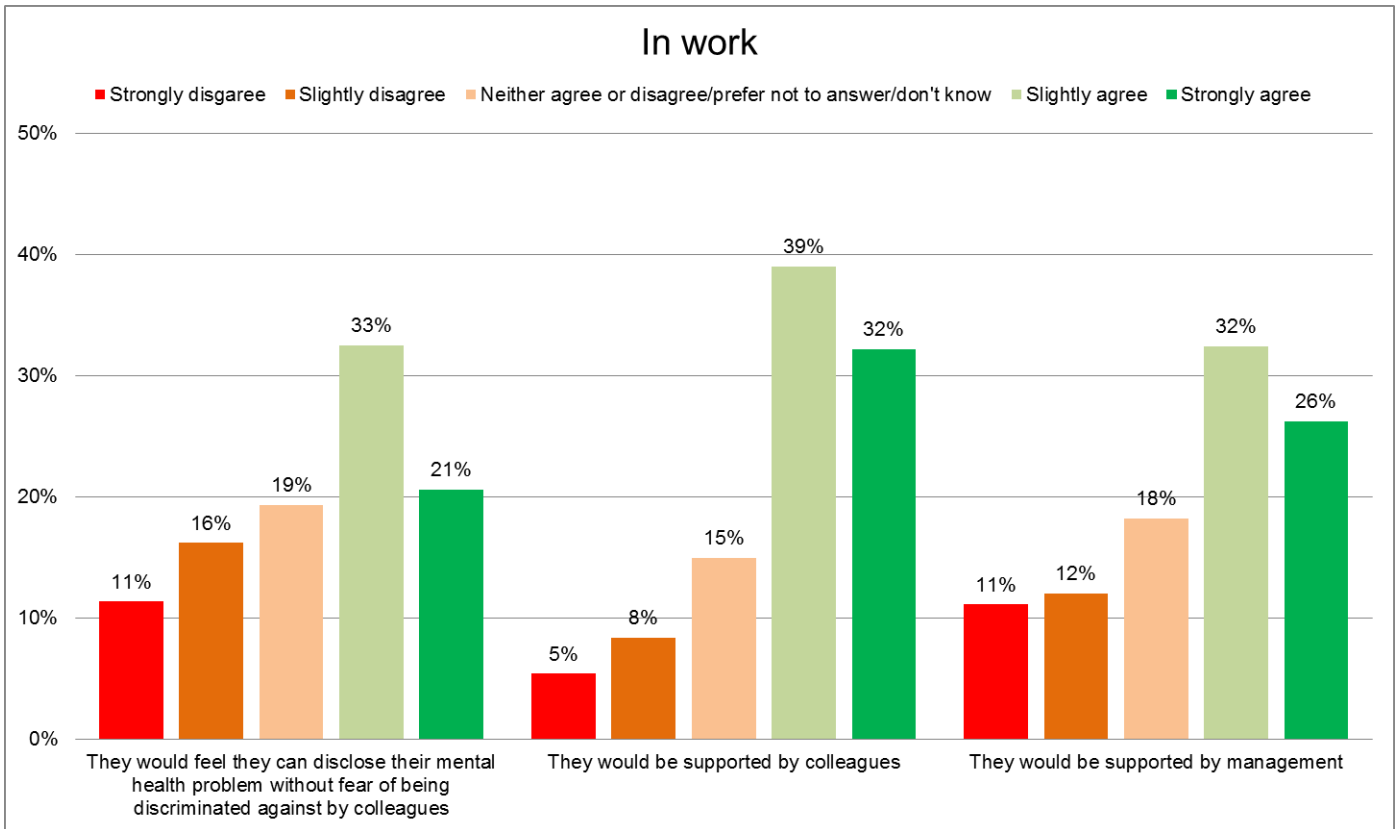
According to Business in the Community's Mental Health at Work 2019 report,⁶ 43% of scots would feel comfortable talking to their line manager about their own mental health

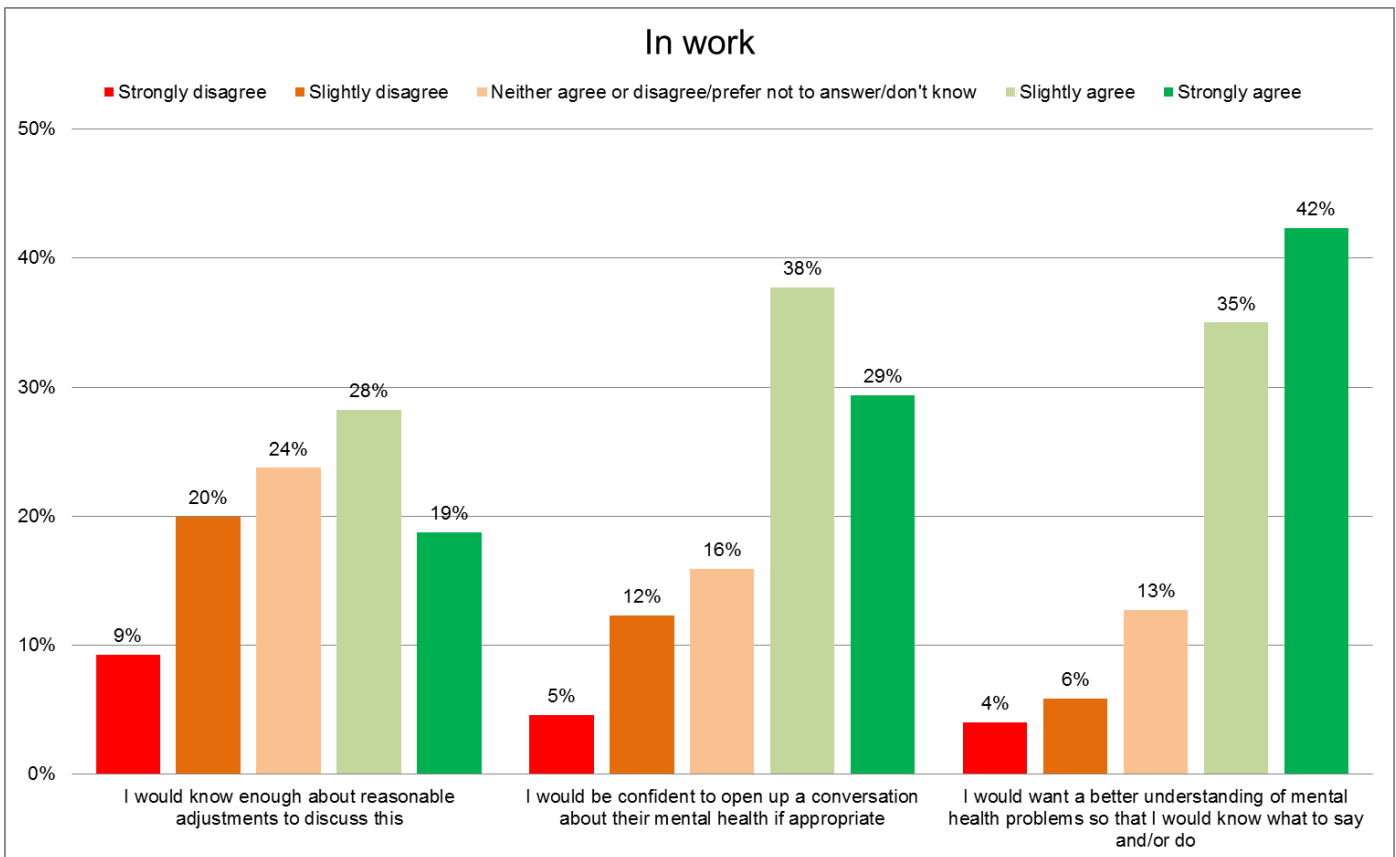
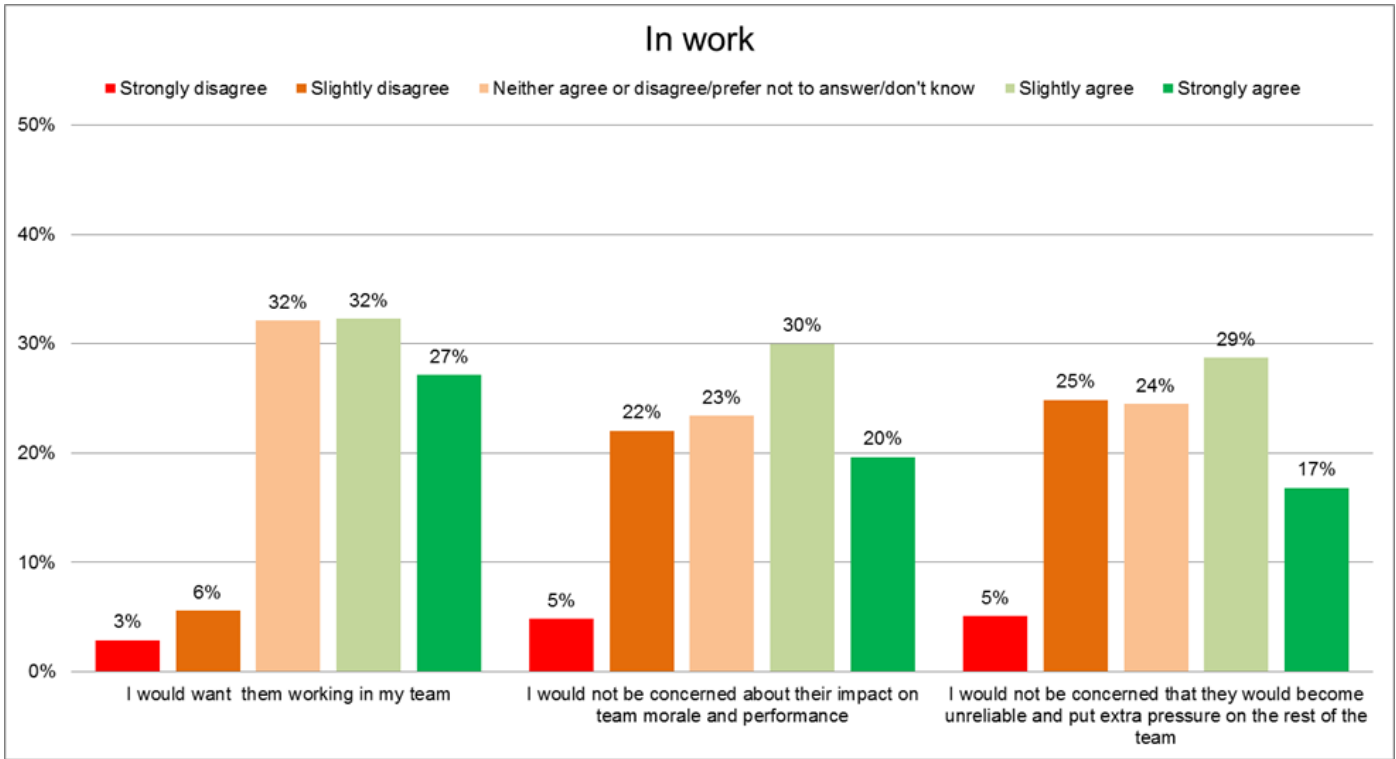
Teachers: According to the Teacher Wellbeing Index 2019⁷, run by Education Support, 39% of education professionals said they would not speak to anyone at work about mental health issues because they felt it would negatively affect people's perceptions of them.

⁶ <https://www.bitc.org.uk/report/mental-health-at-work-2019-time-to-take-ownership/>

⁷ https://www.educationsupport.org.uk/sites/default/files/teacher_wellbeing_index_2019.pdf

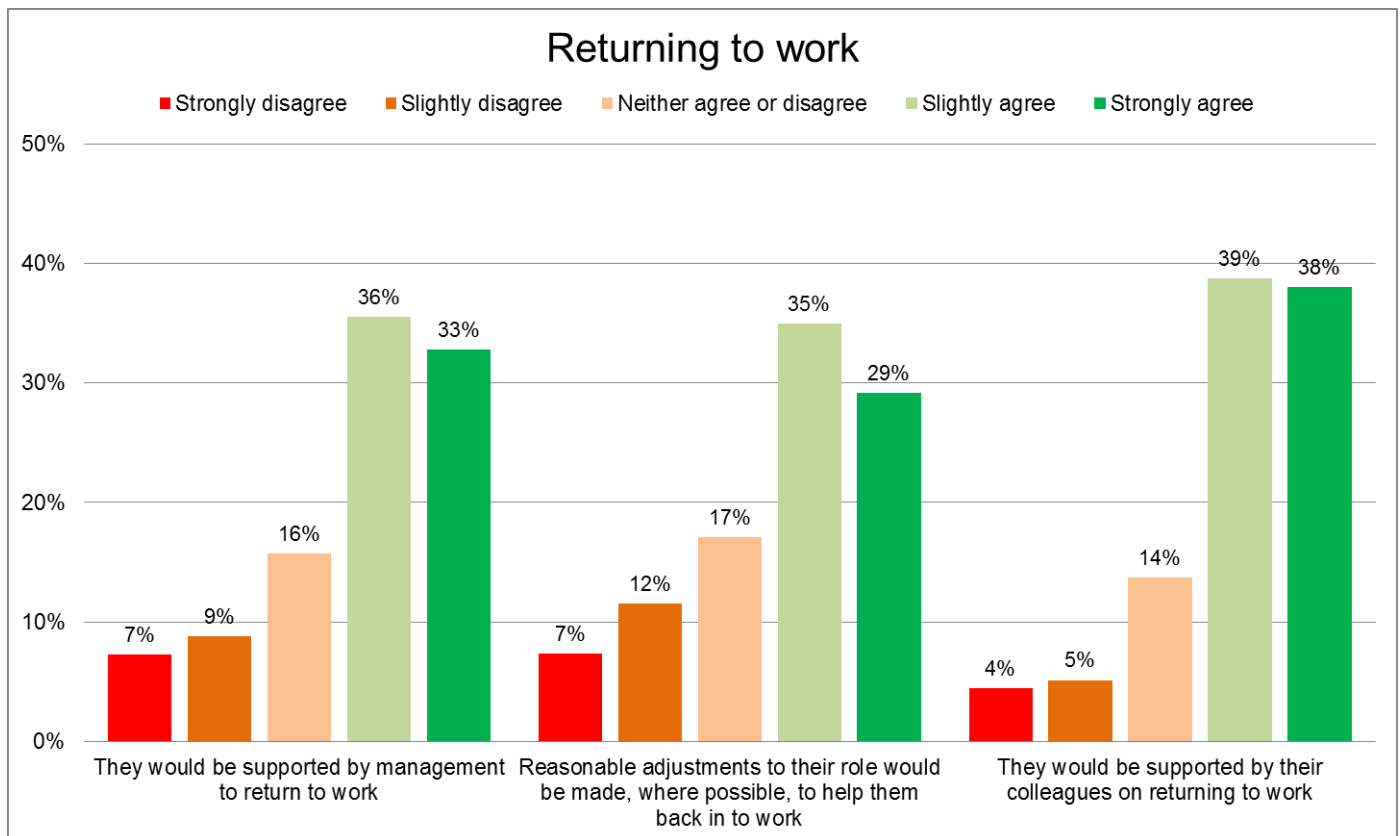
* While not directly comparable with the data collected in this survey, this is provided to give some context.





Returning to work

Respondents were asked to consider the following three statements based on their perceptions of their organisation’s response to a colleague returning to work following a period of mental ill-health. The statements scored ‘amber’ on the See Me traffic light indicator except for the statement ‘they would be supported by their colleagues on returning to work’ which scored green.



Organisational Culture

Respondents were asked to consider ten statements regarding their perceptions of the culture around mental health stigma and discrimination within their organisation.

The majority of statements scored 'amber' on the See Me traffic light indicator. The following statements scored 'red' on the See Me traffic light indicator:

- 'My supervisor/manager prioritises my mental health and well-being'
- 'I would discuss my mental health in this organisation without fear of the reaction I would receive from managers'
- 'My organisation encourages staff to talk openly about mental health problems'



Data in context*

According to the Stevenson/Farmer 'Thriving at Work' report⁸, half of employees said they would not discuss their mental health with their line manager

According to See Me's 'Journey of the social movement' report⁹, 35% of people with experience of a mental health problem do not feel comfortable talking openly about their own mental health.

According to Business in the Community's 2019 Mental Health in Work survey¹⁰, 64% of managers in the Scottish workforce faced situations where they placed the interest of their organisation above the wellbeing of colleagues

Teachers: According to the Teacher Wellbeing Index 2019¹¹, run by Education Support, 60% of education professionals would not feel confident disclosing unmanageable stress/mental health issues to their employer.

43% of education professionals believed that their institutions did not properly support employees who experienced mental health and wellbeing problems

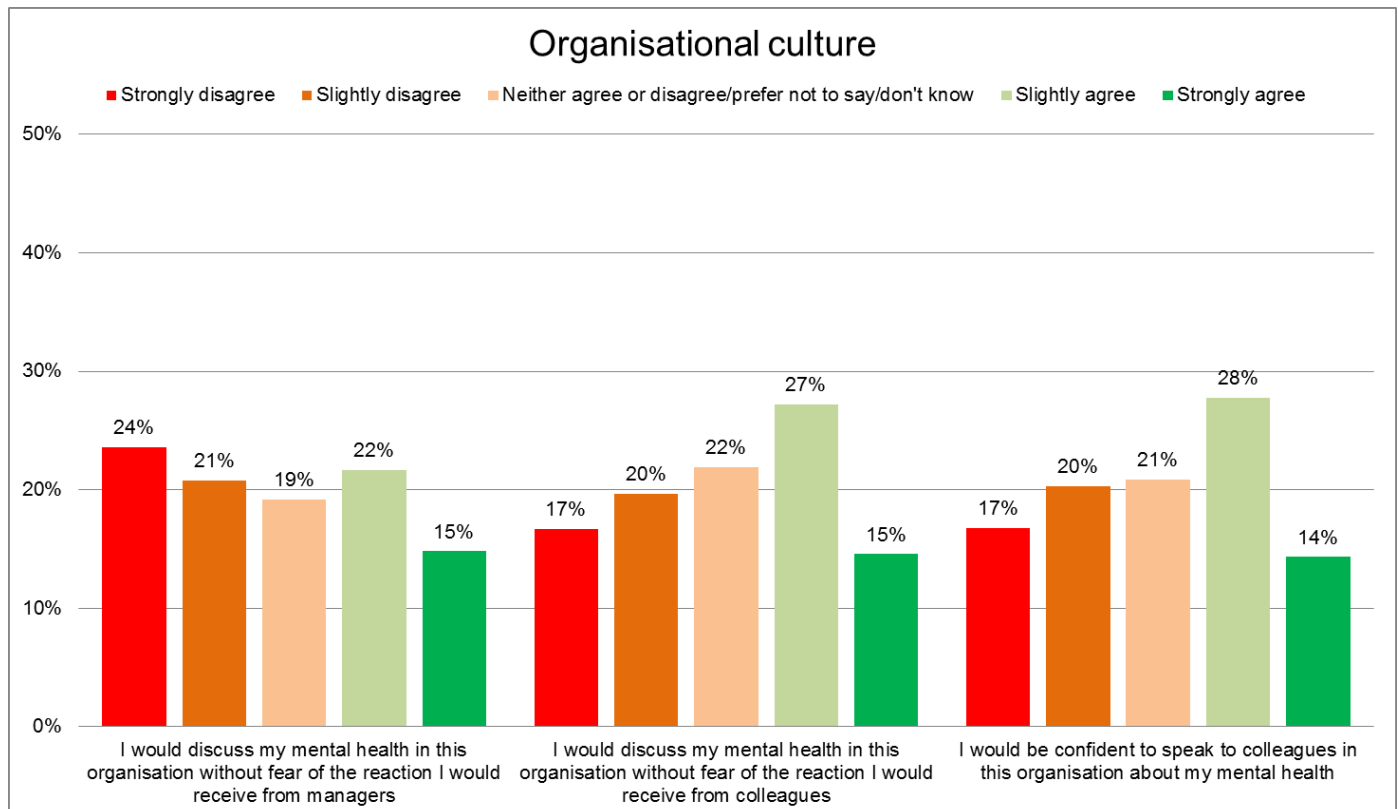
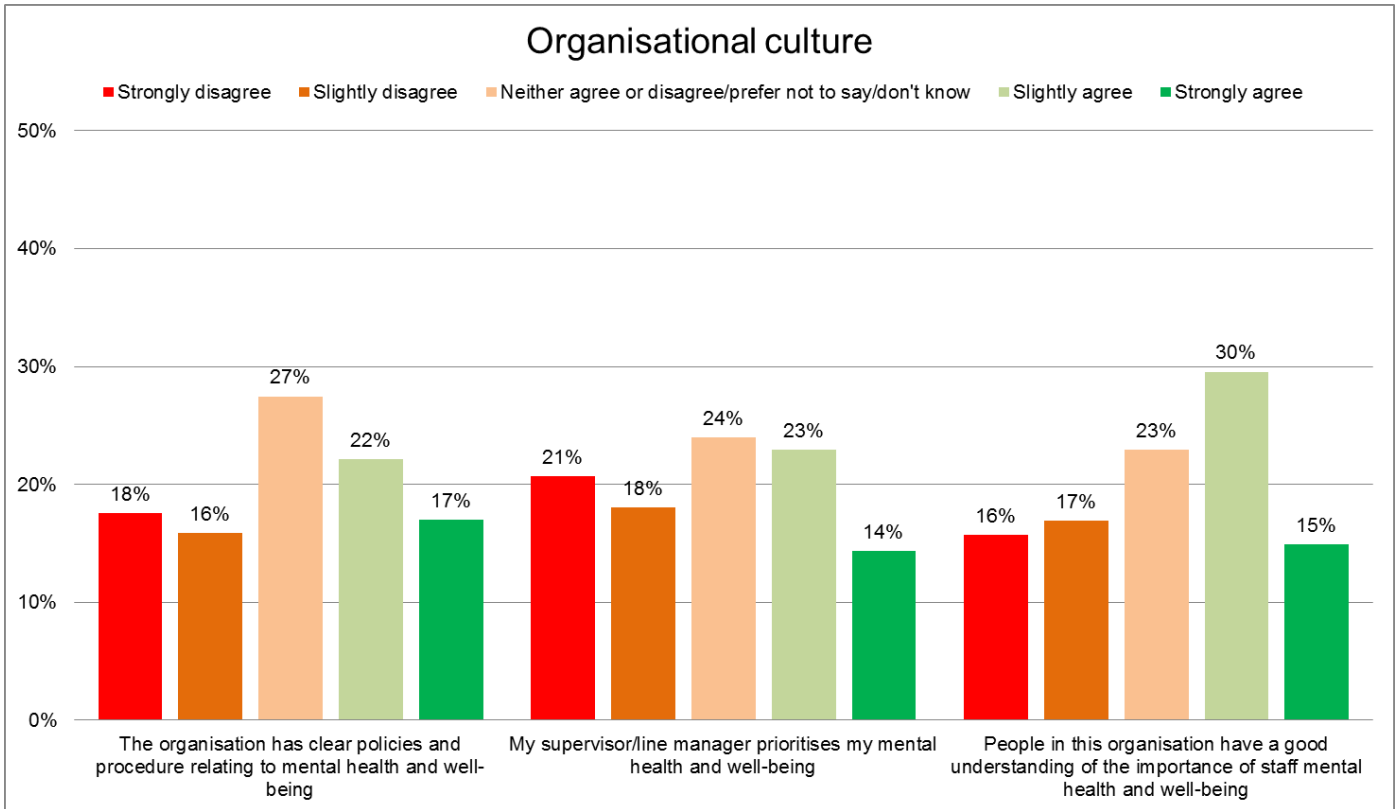
⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/658145/thriving-at-work-stevenson-farmer-review.pdf

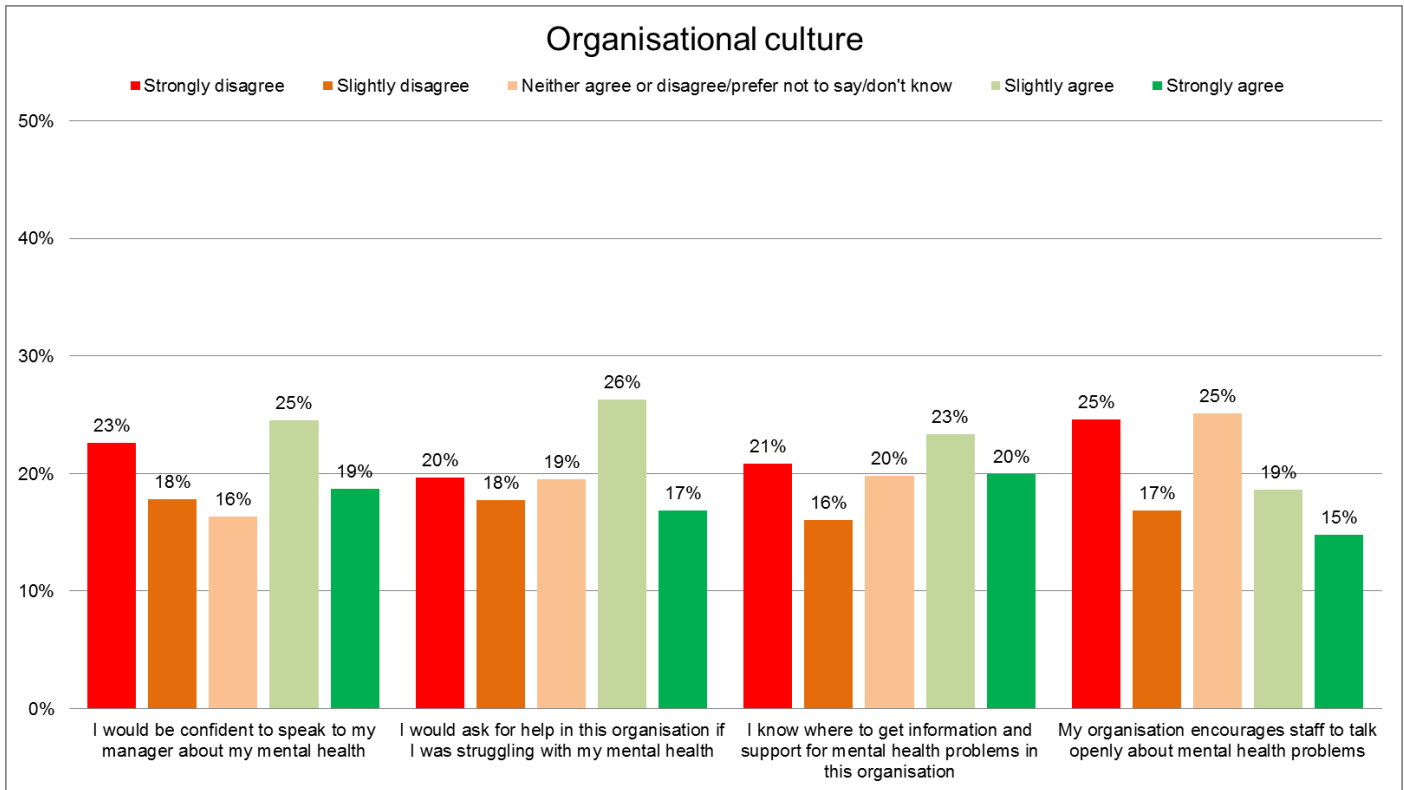
⁹ <https://report.seemescotland.org/see-me>

¹⁰ <https://www.bitc.org.uk/report/mental-health-at-work-2019-time-to-take-ownership/>

¹¹ https://www.educationsupport.org.uk/sites/default/files/teacher_wellbeing_index_2019.pdf

* While not directly comparable with the data collected in this survey, this is provided to give some context.





Structural stigma

Structural stigma refers to the rules, policies, and practices of social institutions that arbitrarily restrict the rights of, and opportunities for people with mental health problems.

Respondents were asked to consider what their organisation does to ensure their working environment is free from stigma and discrimination.

All the statements scored 'amber' on the See Me traffic light indicator, apart from the following statements which scored 'red':

- 'The senior leaders in this organisation show their commitment to staff mental health (e.g. communication about mental health related topics and engaging in mental health related activities)'
- 'I have regular conversations with my supervisor/line manager about my mental health and wellbeing'
- 'Supervisors/line managers know how to support staff in relation to their mental health and well-being, and confidently signpost to further support'
- 'The organisation's policies and procedures enable staff to safely disclose a mental health problem'

Data in context*



According to the CIPD Health and Wellbeing at Work report 2020¹², 61% of respondents believe that employee wellbeing is on senior leaders' agendas

Teachers: According to the Teacher Wellbeing Index 2019¹³, run by Education Support, 26% of education professionals considered there was a stigma which prevented them from talking about mental health issues at work.

69% of education professionals considered they did not have enough guidance about mental health and wellbeing at work

Construction sector: Construction News' 2018 survey¹⁴ reported 30% of respondents had taken time off work due to mental health issues or stress, but 63% of these respondents did not tell their employer the reason for their absence.

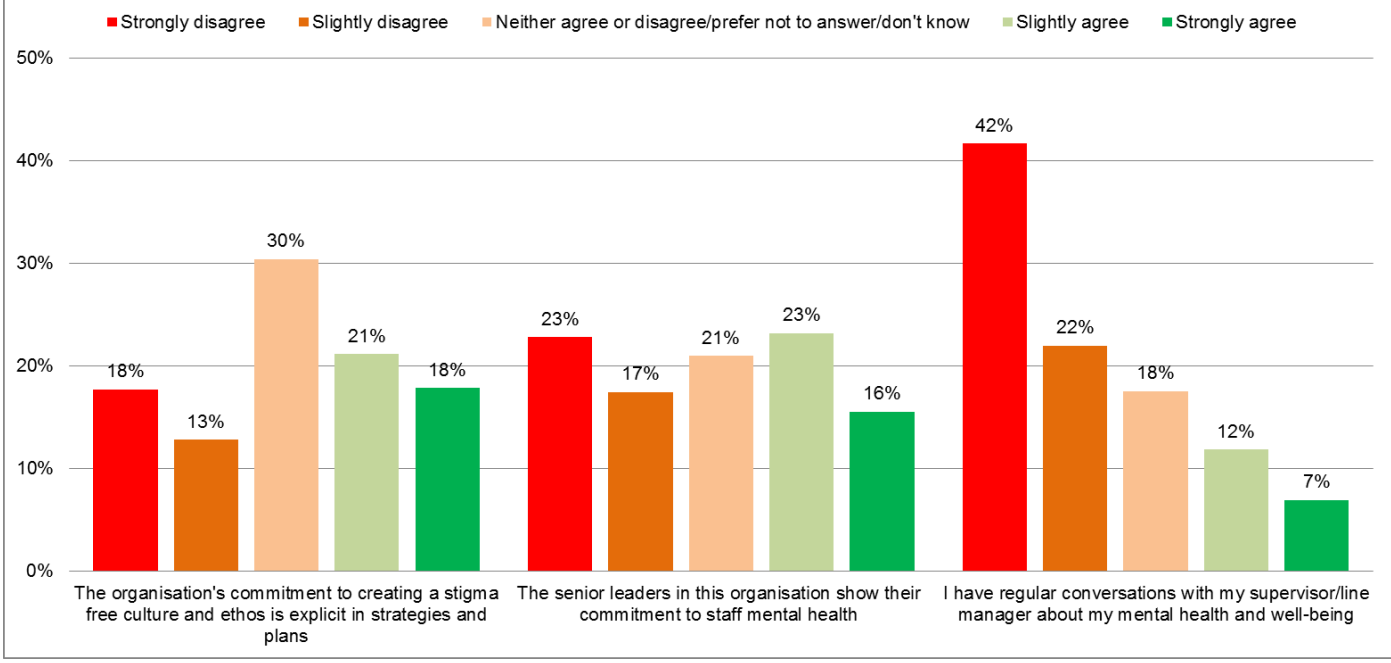
¹² https://www.cipd.co.uk/Images/health-and-well-being-2020-report_tcm18-73967.pdf

¹³ https://www.educationsupport.org.uk/sites/default/files/teacher_wellbeing_index_2019.pdf

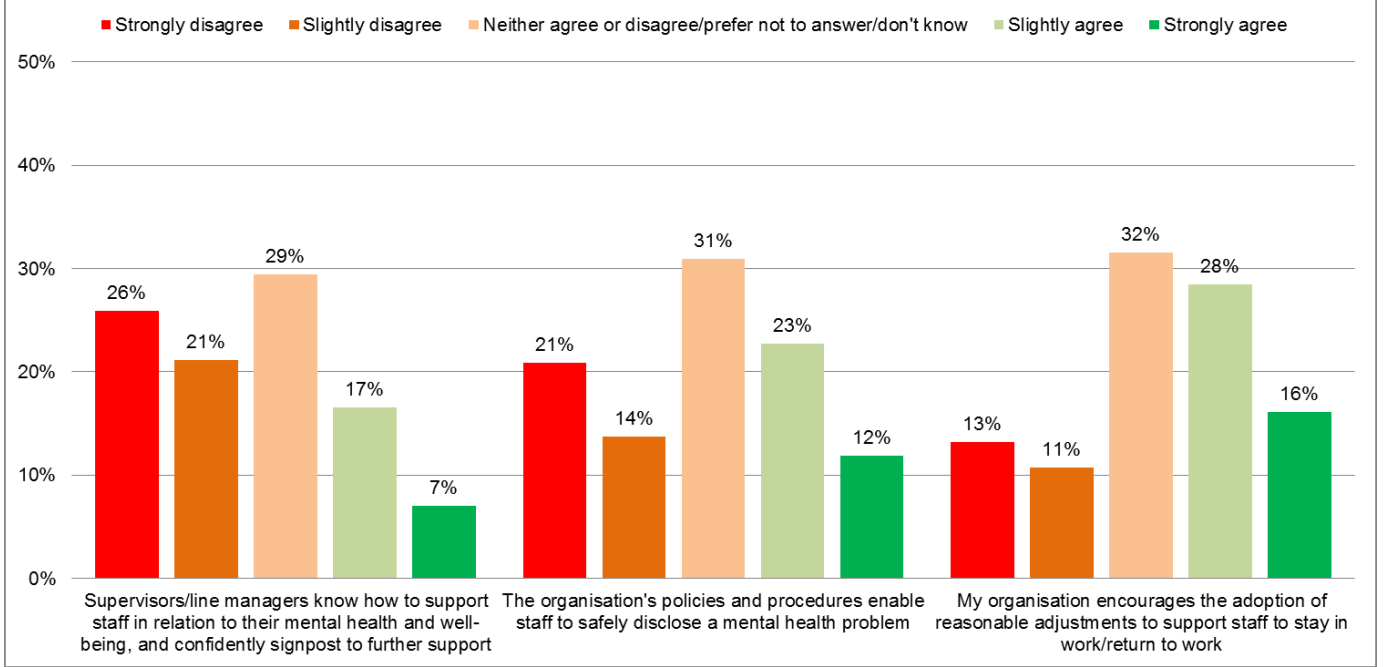
* While not directly comparable with the data collected in this survey, this is provided to give some context.

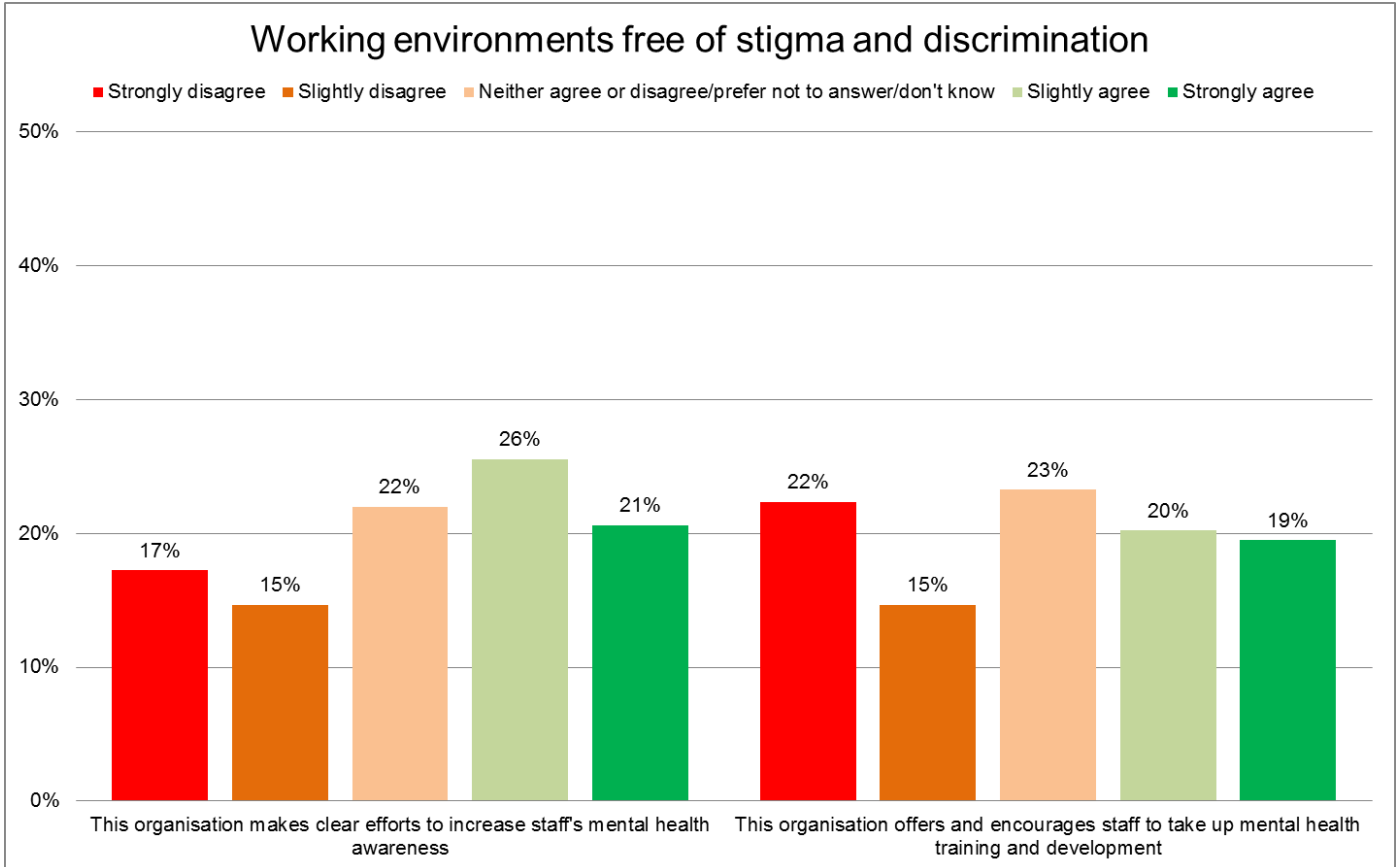
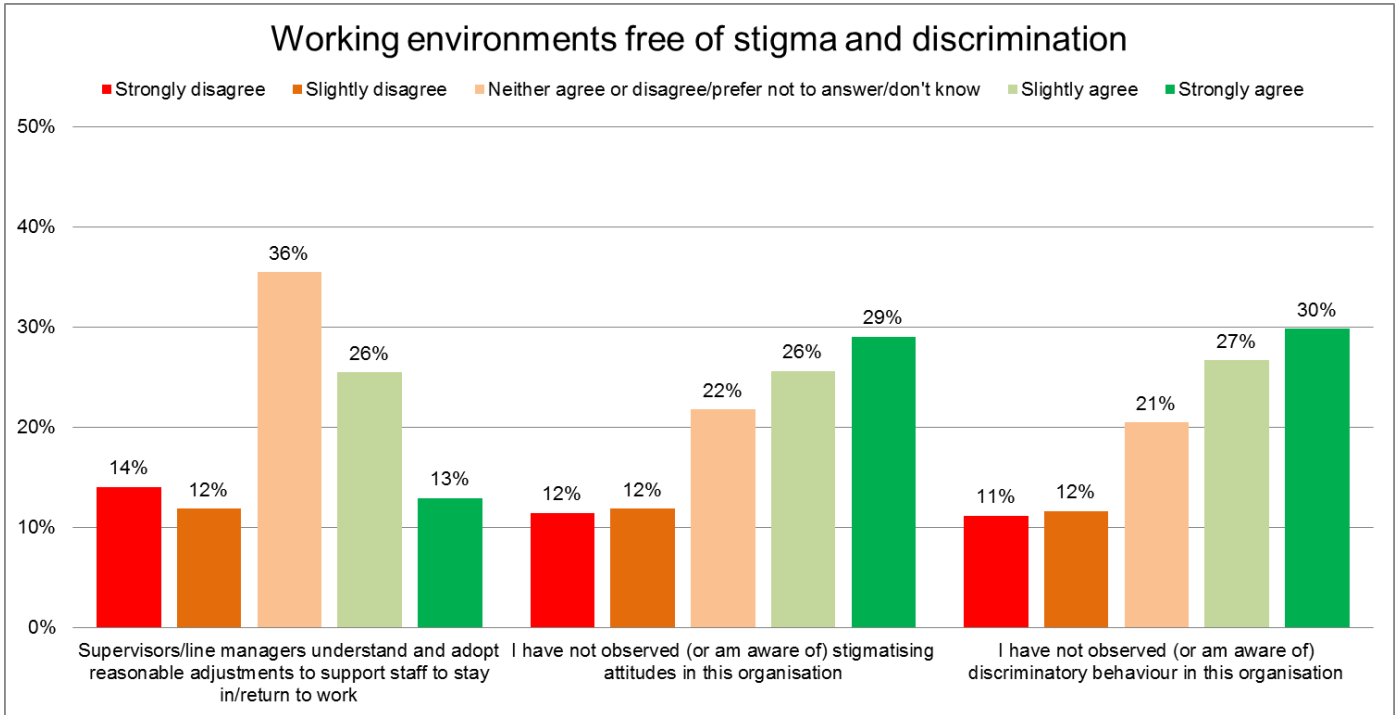
¹⁴ <https://workinmind.org/2019/02/16/mental-health-in-construction-breaking-down-the-stigma/>

Working environment free of stigma and discrimination



Working environments free of stigma and discrimination





Training

Respondents were asked four questions focused on mental health training. They were asked to:

- confirm whether they had received training
- the time frame of the training
- the type of training received
- the training they would like to be made available to them

When considering training on mental health issues, all answer options were grouped for 'yes', apart from 'training received within current organisation' due to the small sample size.

Responses to questions about training as an overall theme was awarded a 'red' score on the See Me traffic light indicator, suggesting that either few staff take up opportunities of mental health training in organisations in the legal profession, or they provide few opportunities for mental health training for staff.

Overall, 61% of respondents had not received any training, either in their current or previous legal or non-legal organisations.

Overall, 26% of respondents received training in their current organisation, in their current and previous legal sector organisations and in their current organisations and previous non-legal sector organisations.

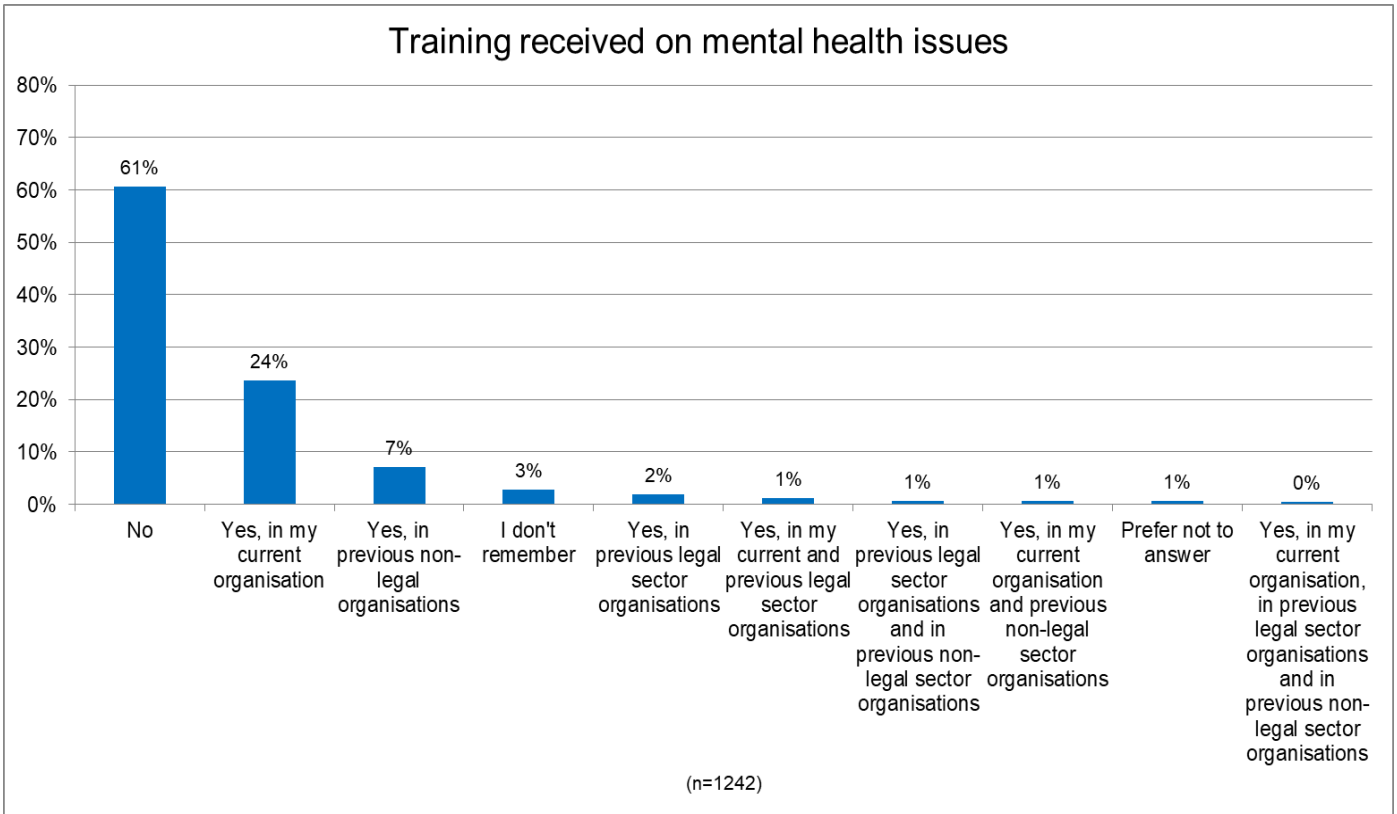


Data in context*

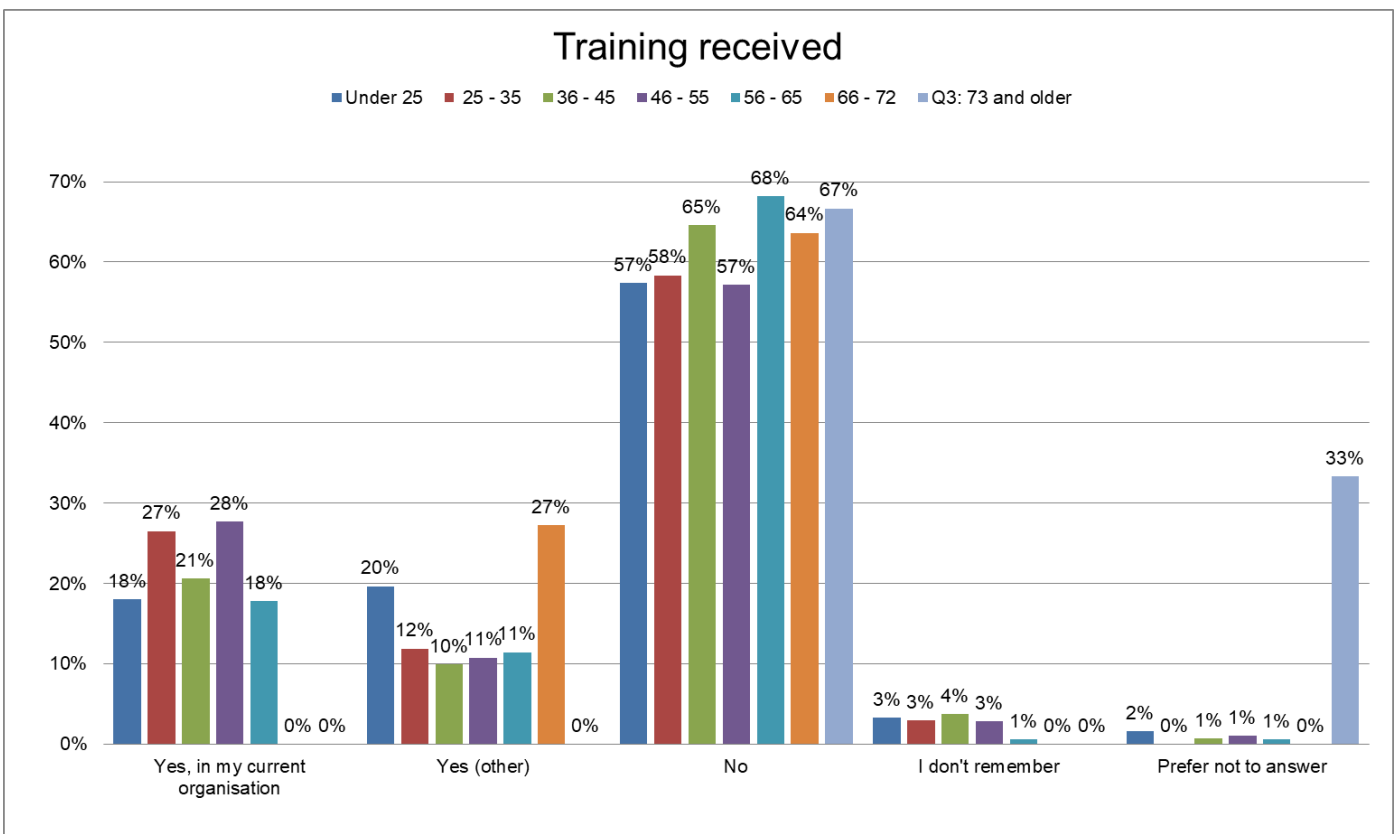
According to the Stevenson/Farmer 'Thriving at Work' report¹⁵, 24% of managers had received some training on mental health at work.

¹⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/658145/thriving-at-work-stevenson-farmer-review.pdf

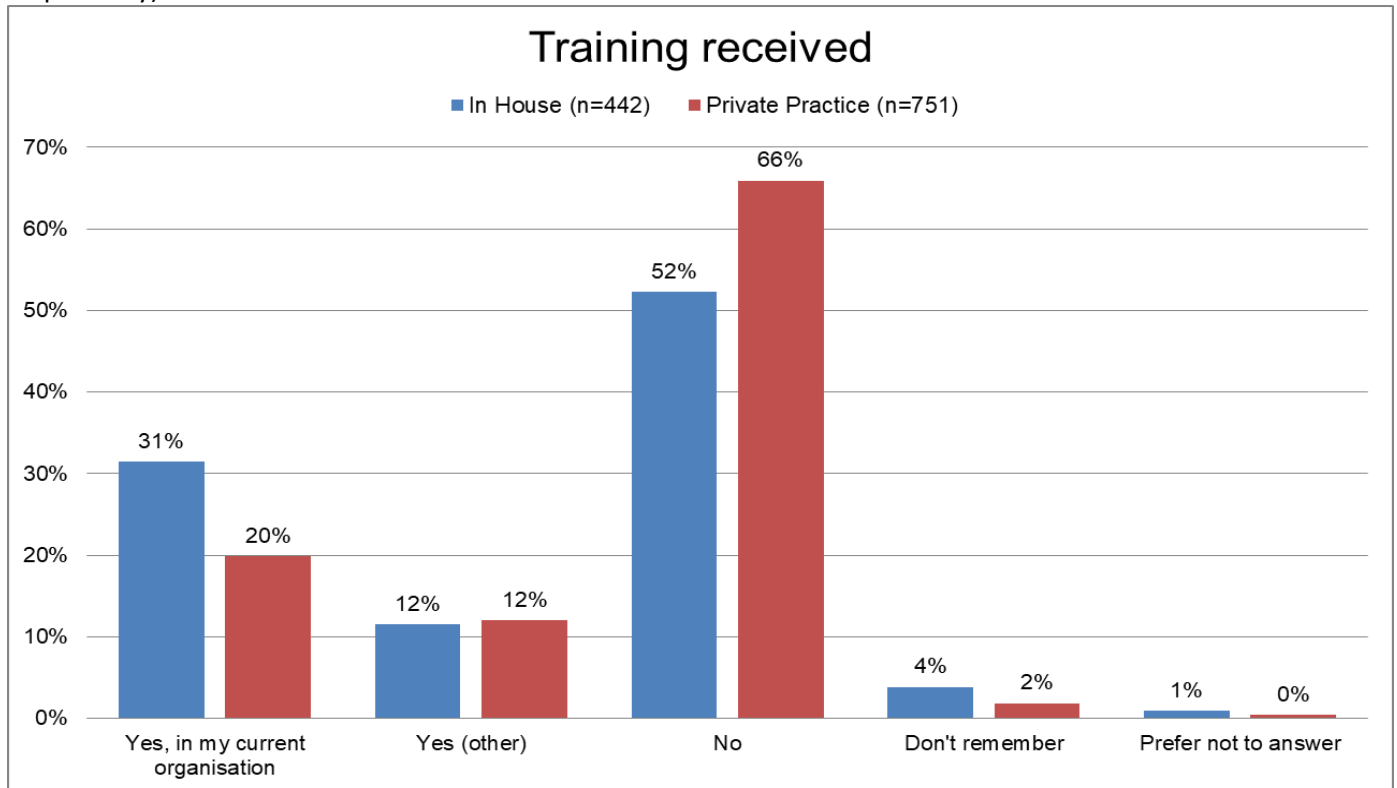
* While not directly comparable with the data collected in this survey, this is provided to give some context.



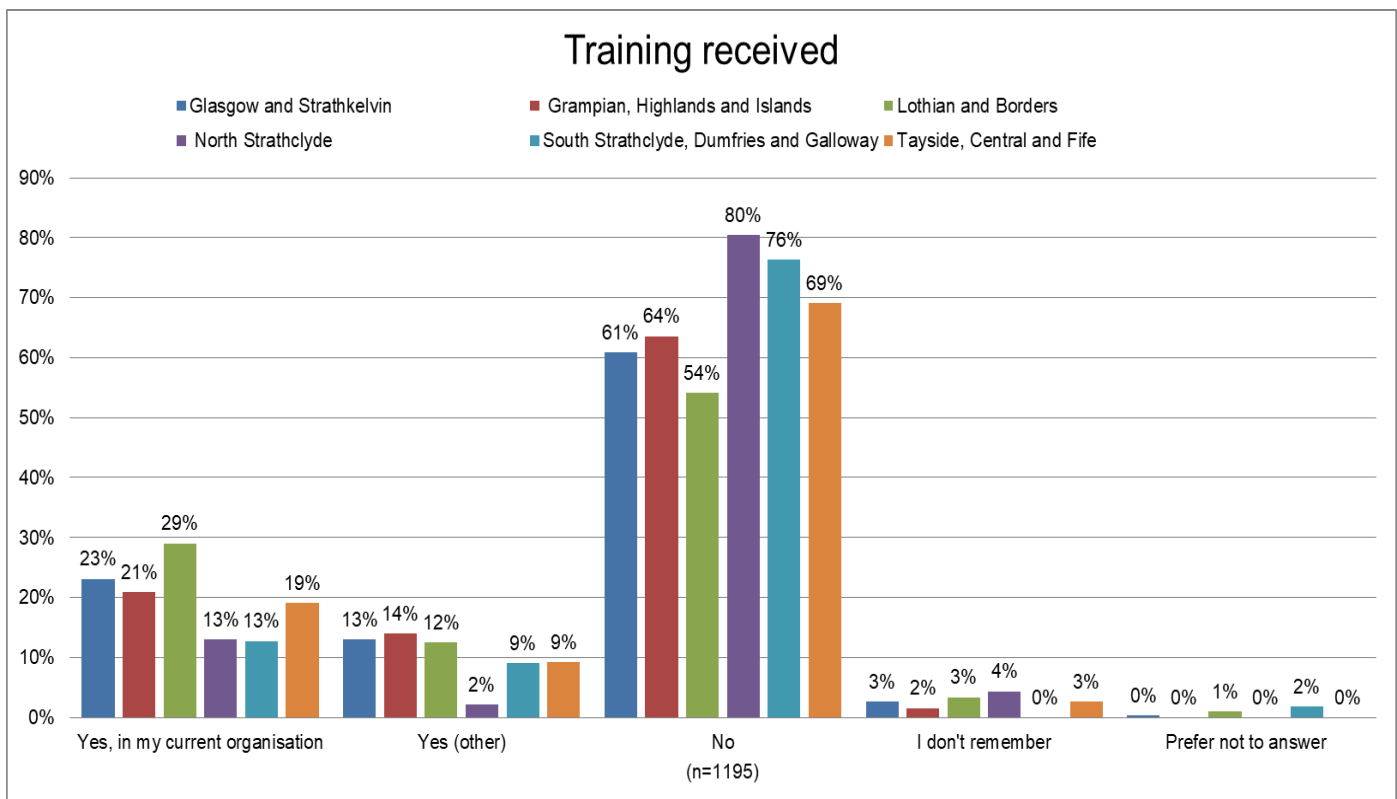
39% of respondents aged 25-35 and 46-55 had received training, followed closely by those aged under 25 (38%). Respondents aged 56-65 and 73 and older most commonly reported not having received any training (68% and 67% respectively).



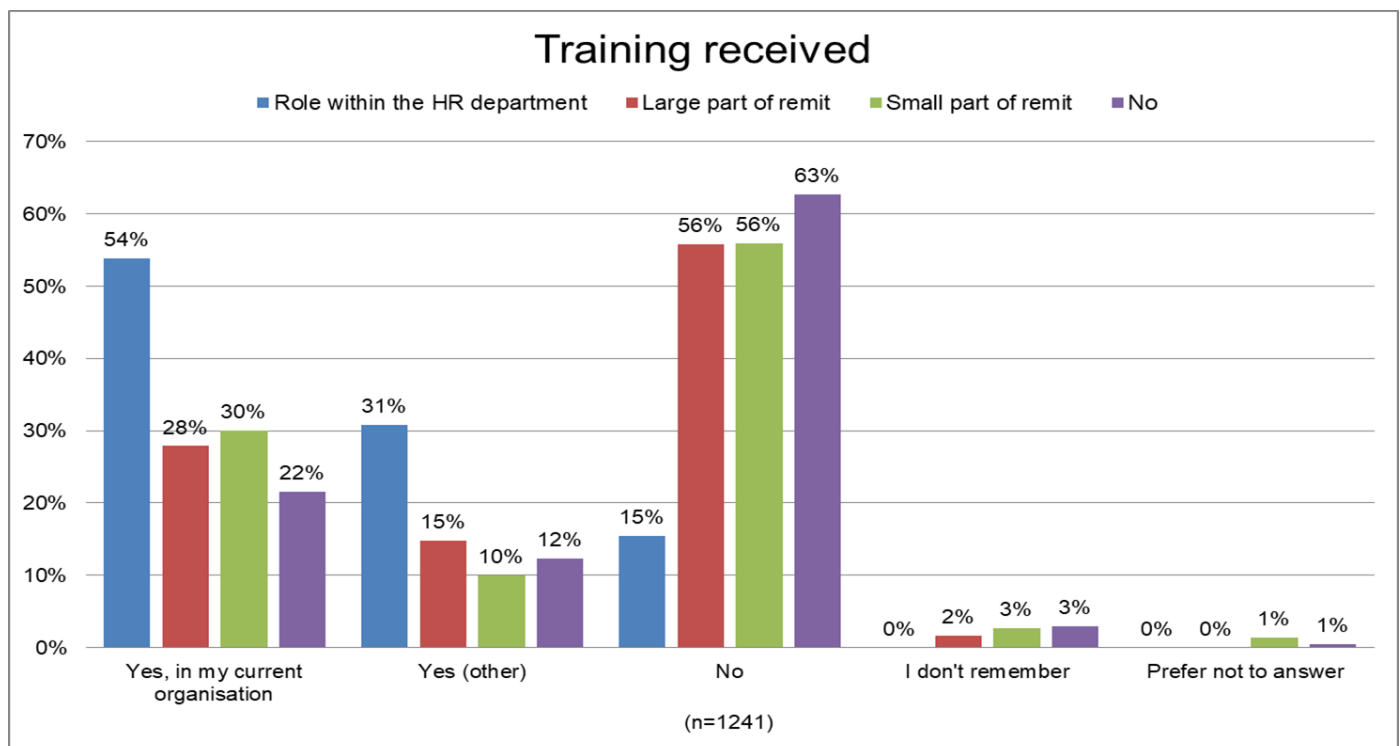
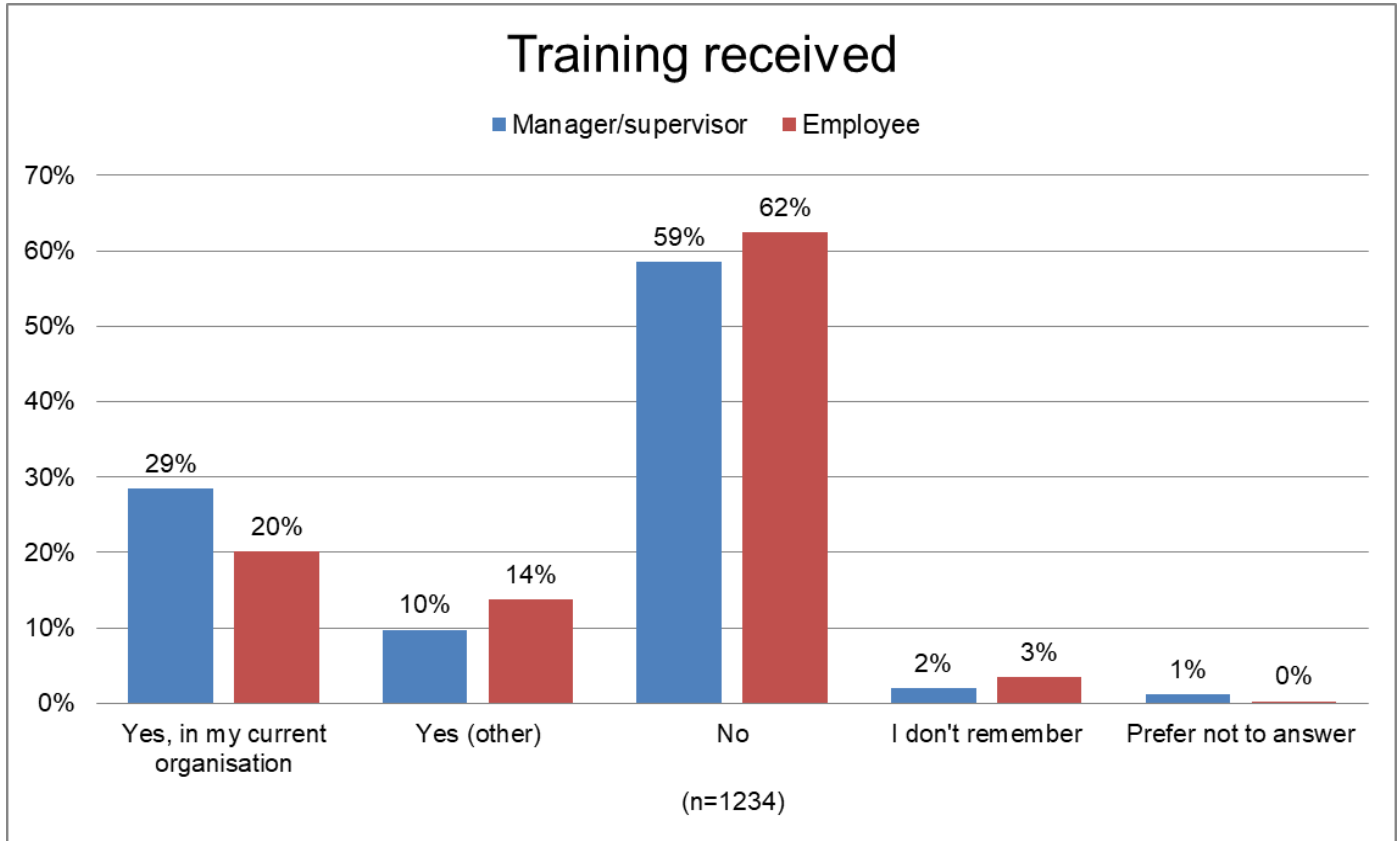
The majority of both in-house and private practice respondents have not received training (52% and 66% respectively).



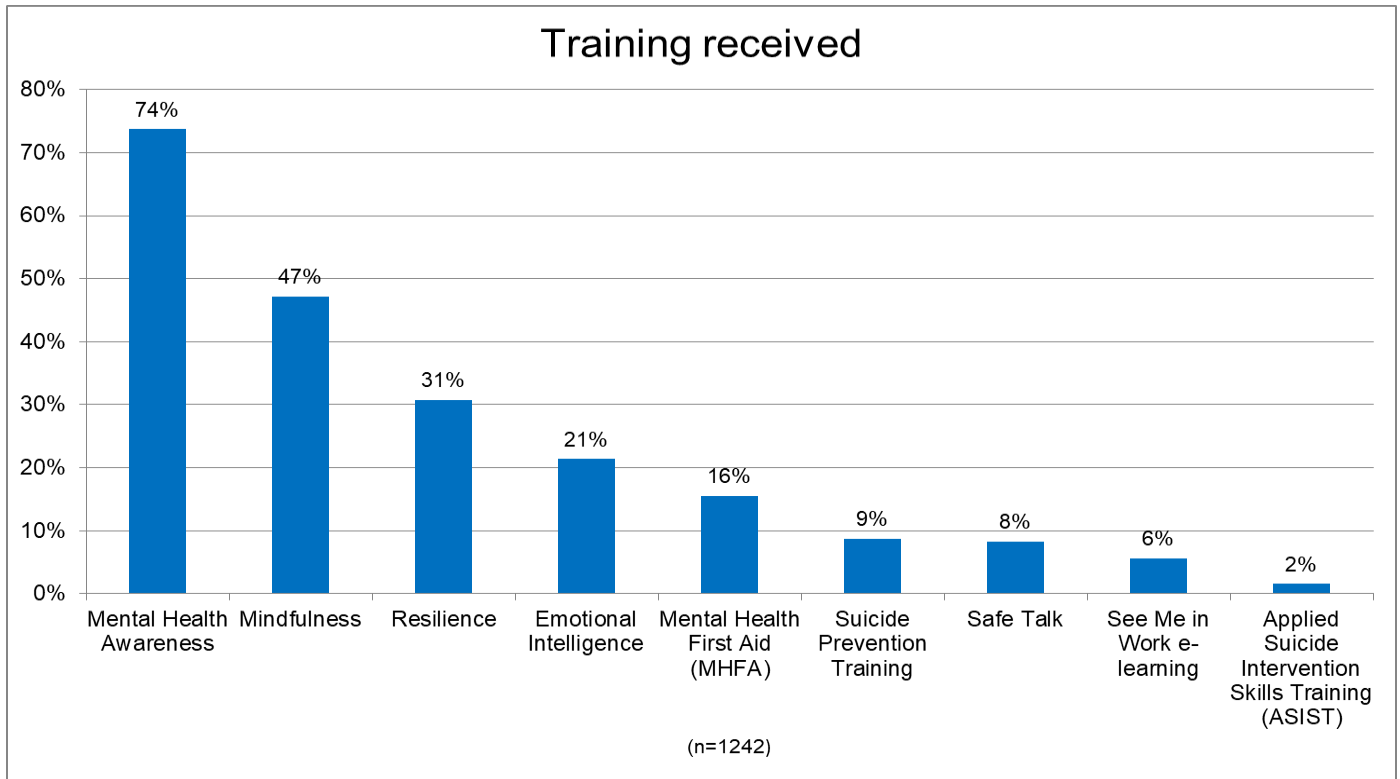
Respondents in Lothian and Borders most commonly reported receiving training (29%), while those in North Strathclyde most commonly reported not receiving training (80%).



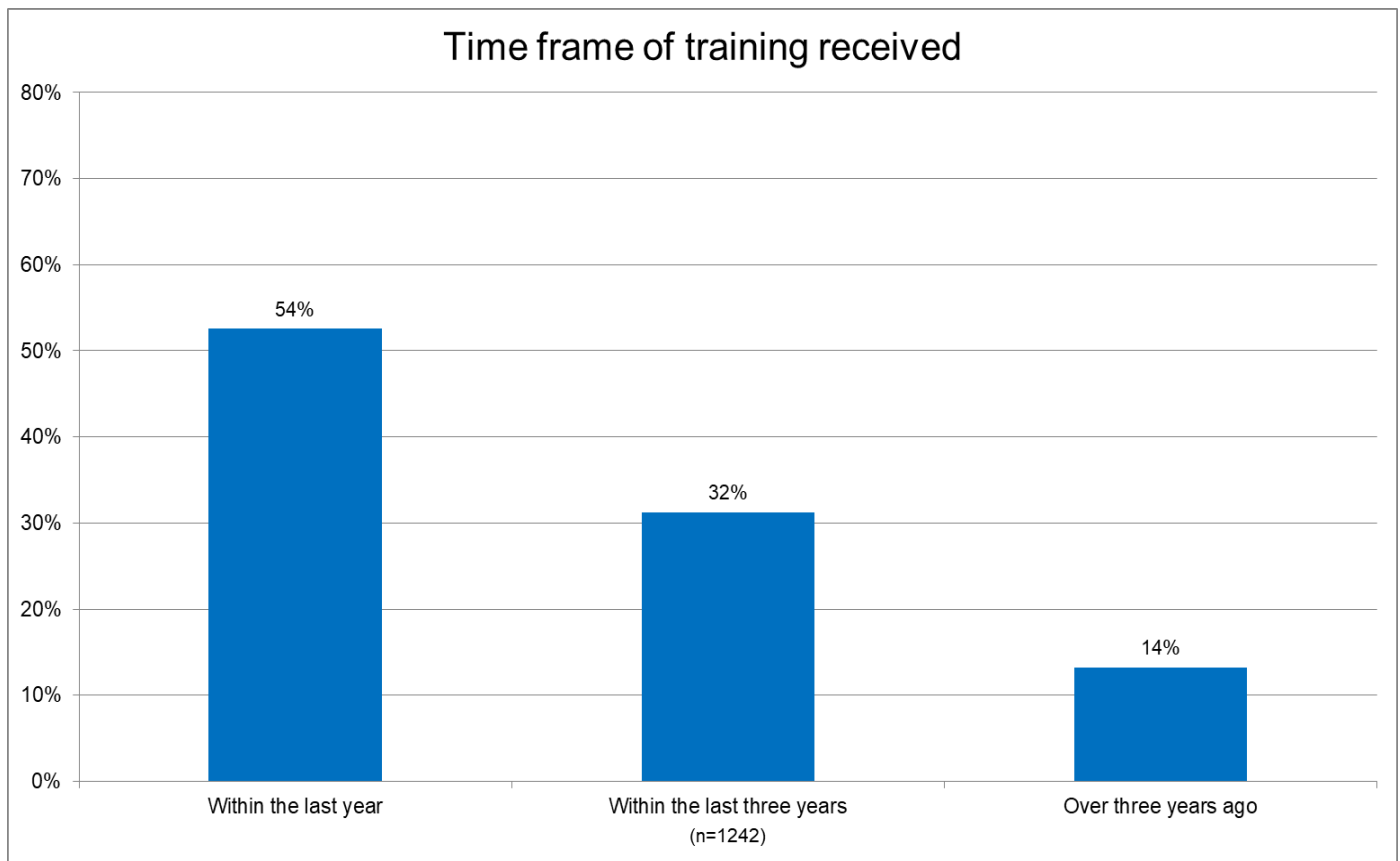
In their current organisations, those in supervisory or management roles had received more training (29%) than those in non-supervisory or management roles (20%).



Of those who had received training, the most commonly received was Mental Health Awareness Training (74%).

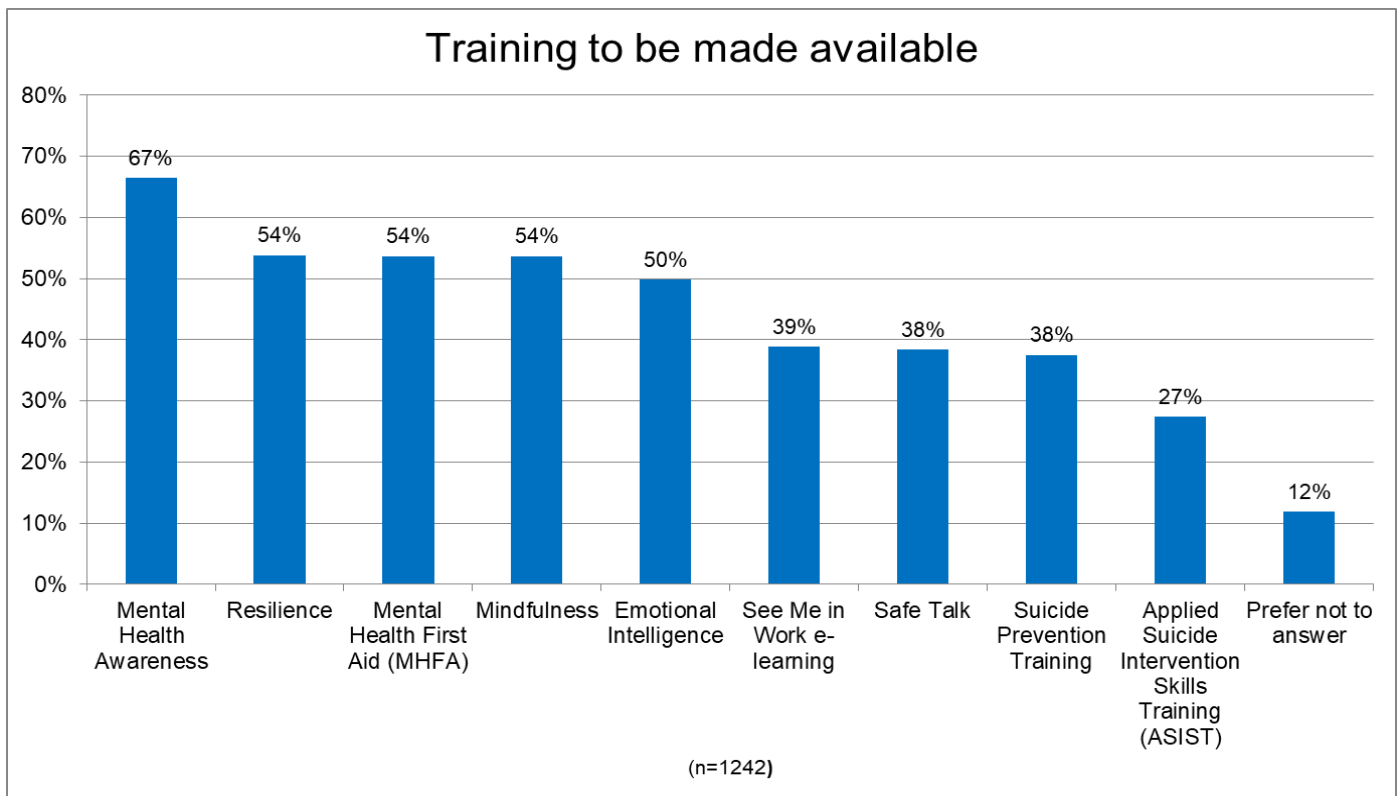


54% of respondents who had received any form of training had received it within the last year.

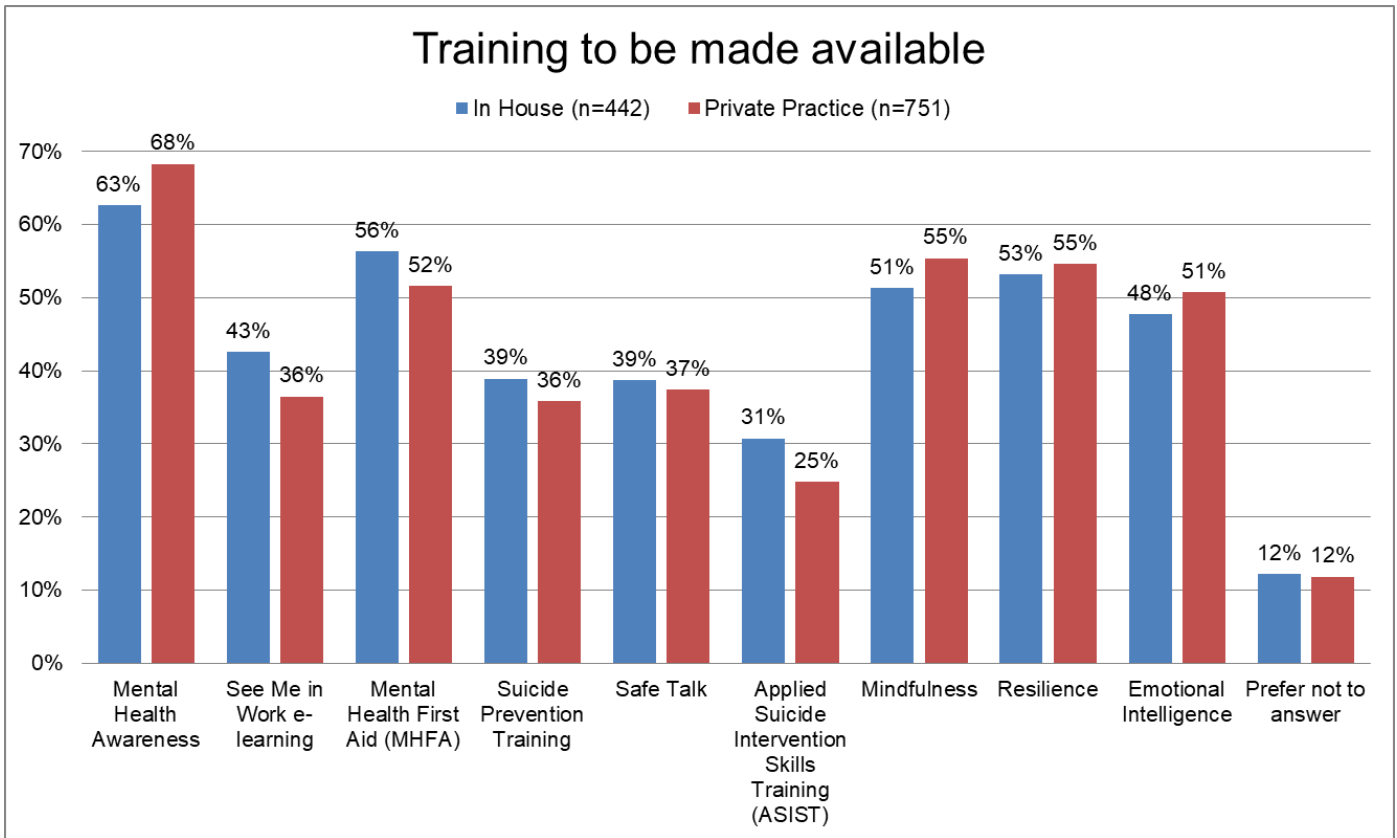


When asked about what training options respondents would like to be made available, the most commonly selected options were:

- Mental Health Awareness (67%) – for both in-house and private practice respondents
- Resilience (54%)
- Mental Health First Aid (54%)
- Mindfulness (54%)
- Emotional Intelligence (50%)



There were some small variations in the responses between in-house and private practice respondents regarding training they would like to be made available.



For all of the groups detailed, Mental Health Awareness Training was the most commonly selected response, with some variation between age groups for responses thereafter.

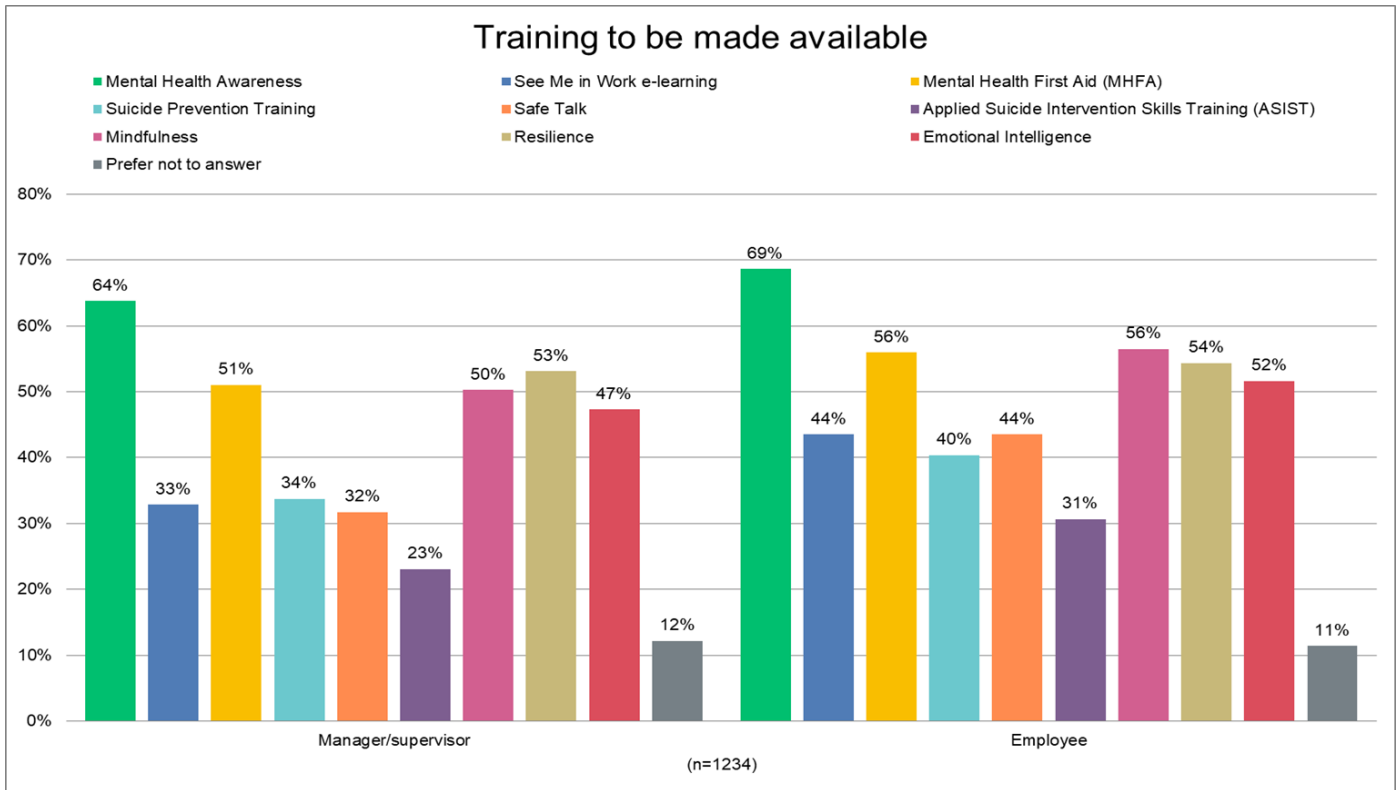


When analysed by geographical area, responses for preferred training to be made available remained fairly consistent.

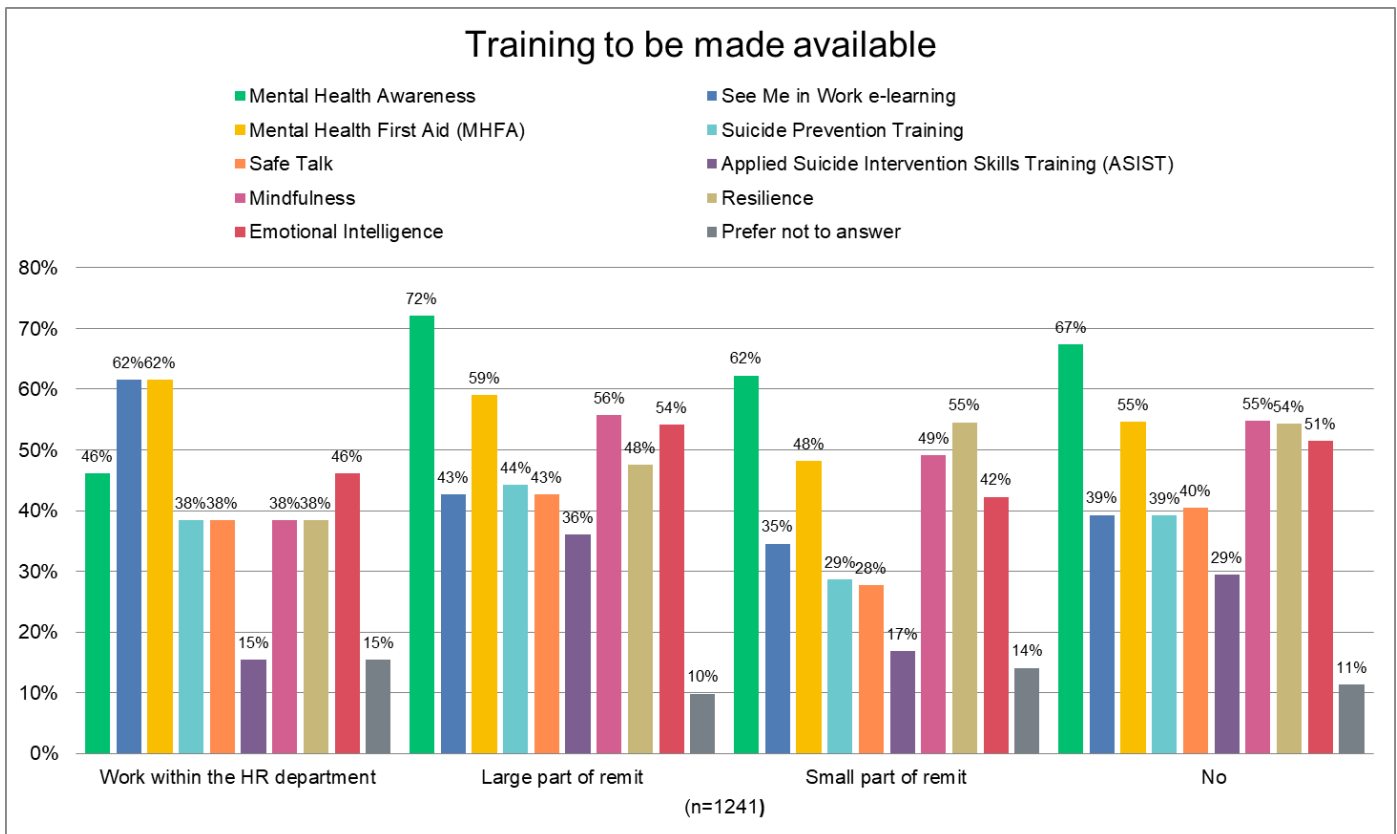


The top three training options that managers/supervisors indicated they would like to be made available were mental health awareness (64%), resilience (53%) and mental health first aid (51%).

The top three training options that employees without any management or supervisory responsibilities would like to be made available were mental health awareness (69%), mental health first aid (56%) and mindfulness (56%).



Mental health awareness training was identified as the top training option for people working outside the HR teams, whereas mental health first aid and See Me in Work e-learning was identified by HR professionals most frequently.



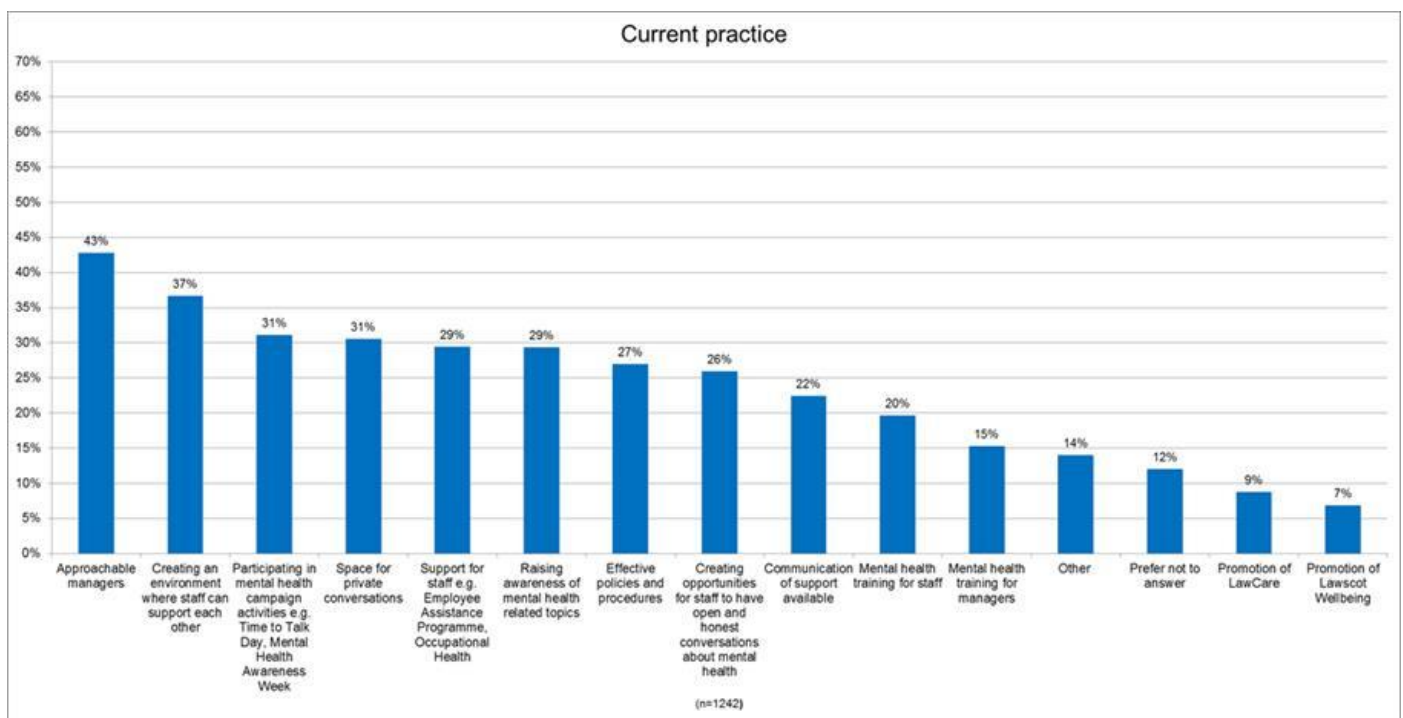
Creating a working environment free of stigma and discrimination

Respondents were asked to identify what their organisation does well to create a mentally healthy working environment, free of stigma and discrimination. Respondents were able to select all of the answer options that applied.

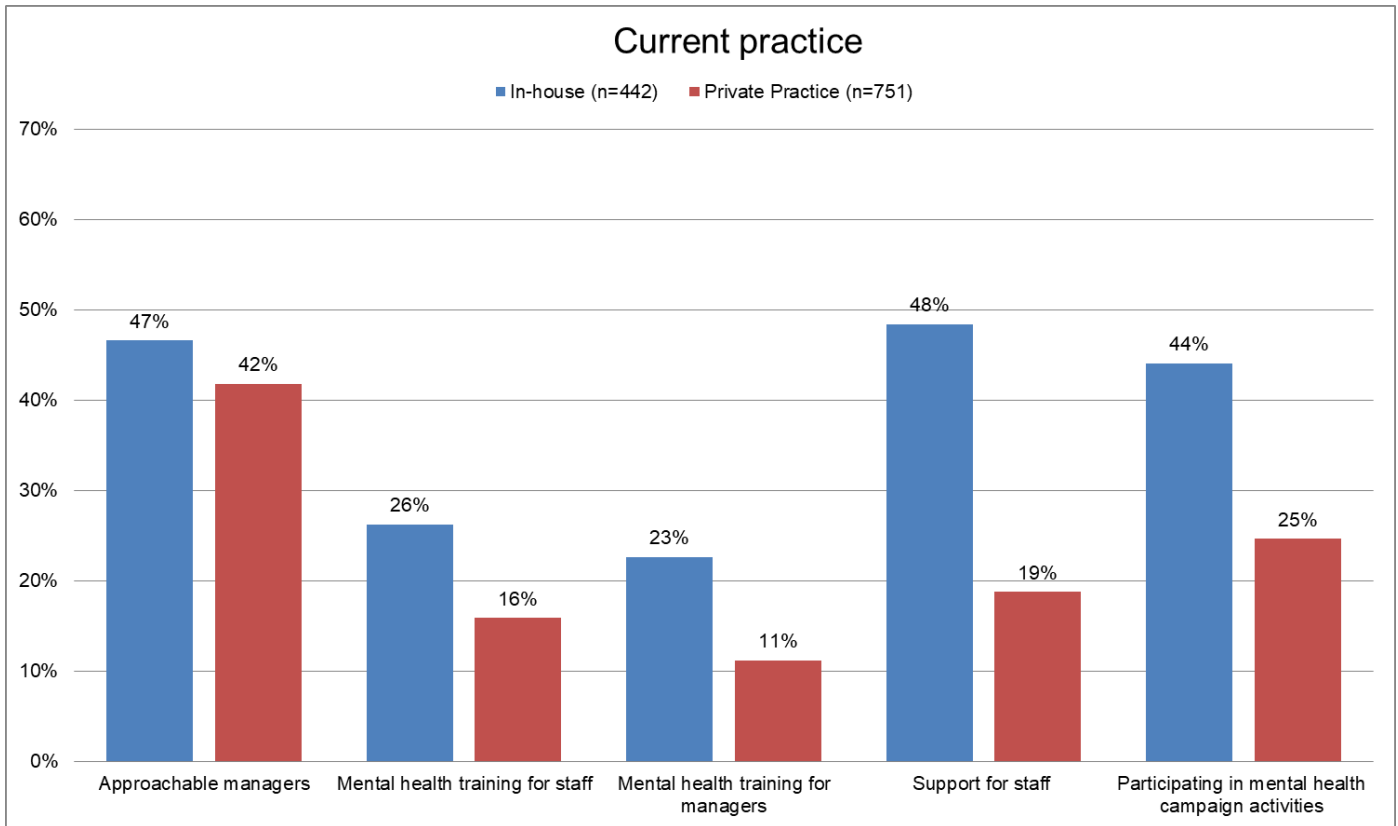
Respondents identified the following positive practices that created a supportive working environment:

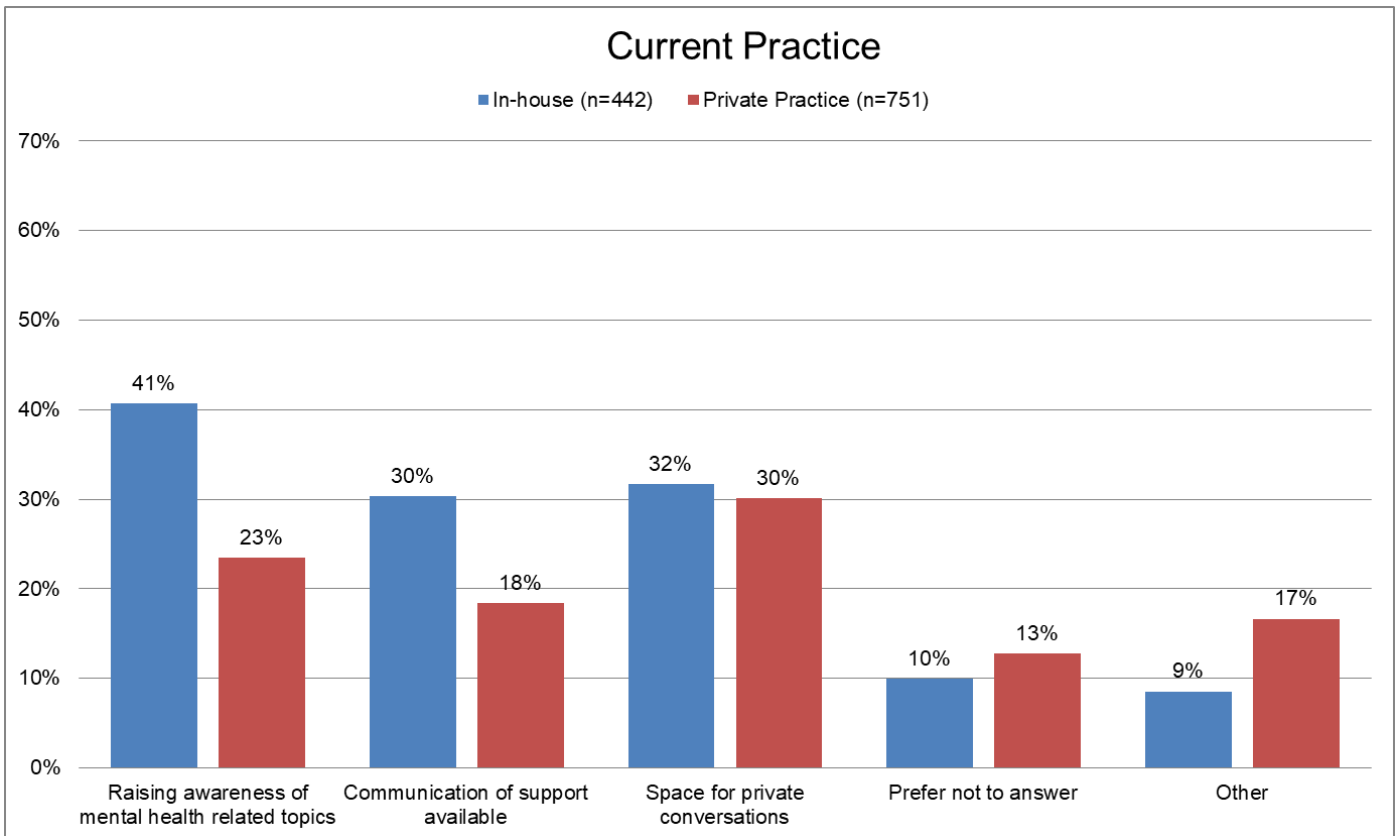
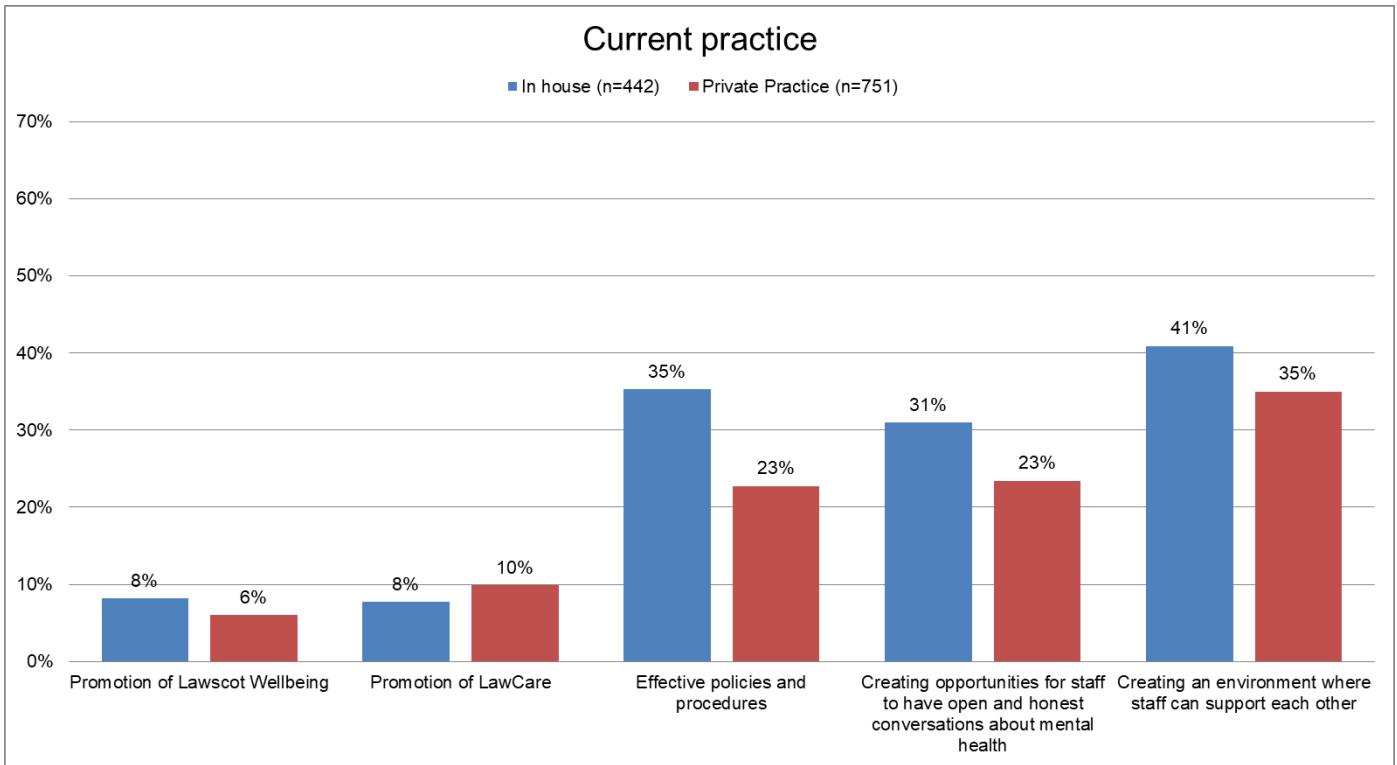
- Approachable managers (43%)
- Creating an environment where staff can support each other (37%)
- Participating in mental health campaign activities (31%)
- Space for private conversations (31%)

14% of respondents selected the answer option 'other'. 149 respondents felt that nothing was currently in place within their organisation to create a mentally healthy workplace free of stigma and discrimination. Upon further analysis, these numbers reflected some respondents in small practices and sole practitioner practice units who may have difficulty providing the practices detailed.



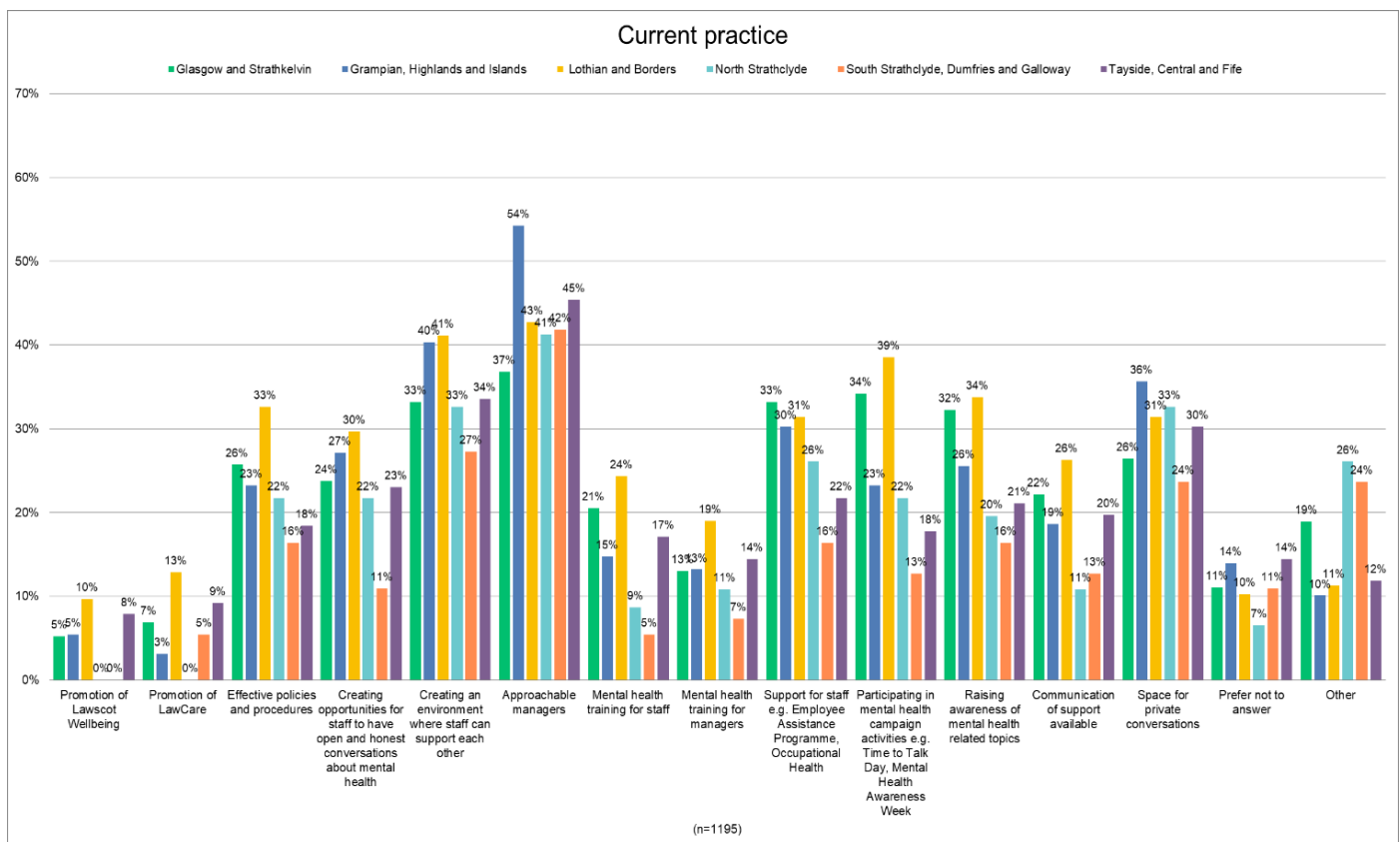
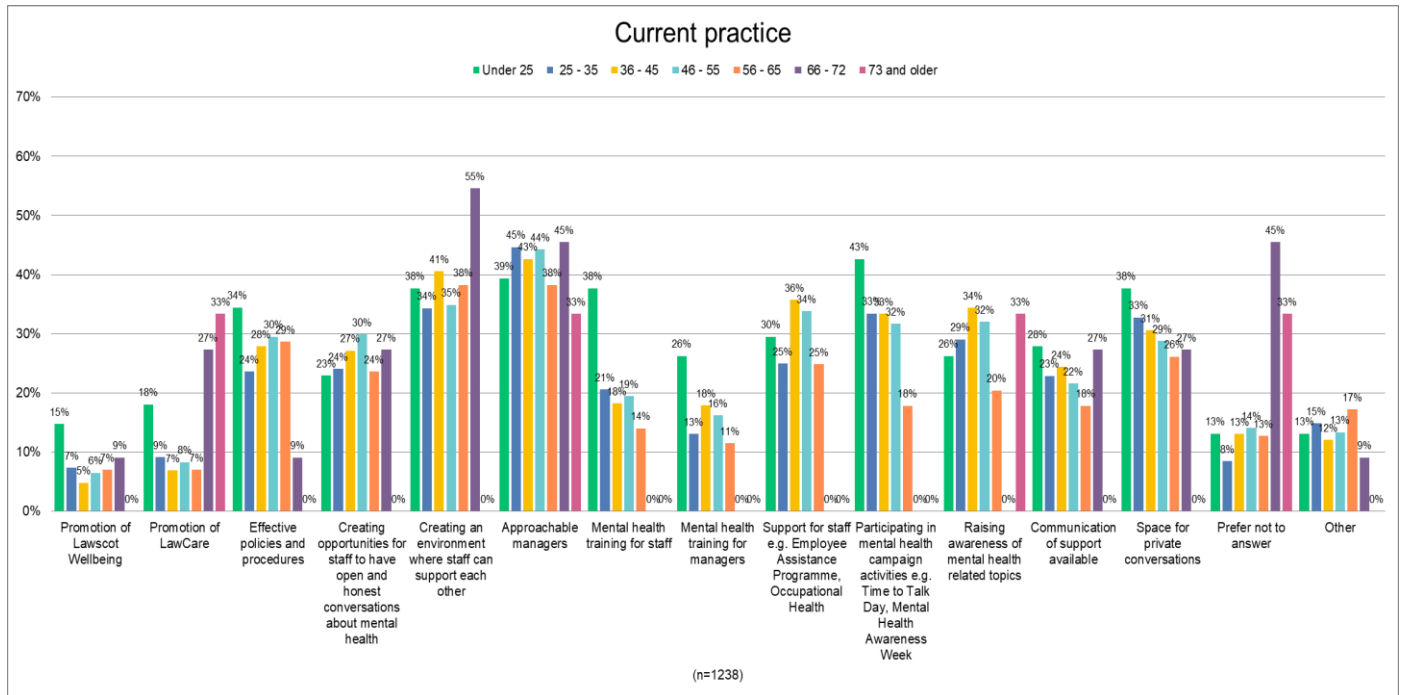
47% of in-house and 42% of private practice respondents identified that they currently have approachable managers. The results for in-house and private practice respondents are shown over three graphs below to aid interpretation.





Data for both geographical areas and the ages of respondents were analysed to identify current practice and areas of improvement in relation to creating working environments free of stigma and discrimination.

For both areas, respondents viewed approachable managers as creating positive working environments.



Areas of potential improvement

Respondents were asked to reflect on what additional practices their organisation could implement or expand upon, in order to create a mentally healthy working environment, free of stigma and discrimination. Respondents identified the following as their top priorities:

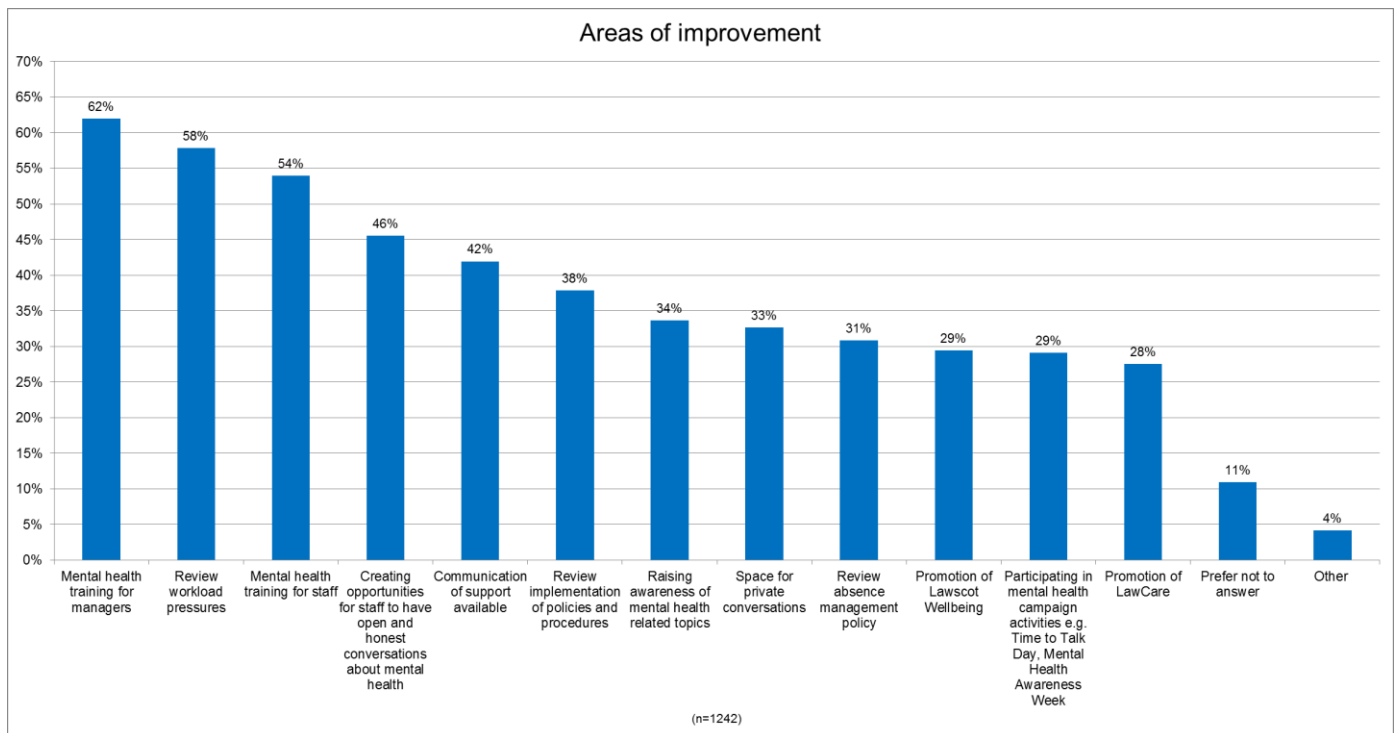
- Mental health training for managers (62%)
- Review of workload pressures (58%)
- Mental health training for staff (54%)

Private practice respondents identified mental health training for managers as a top priority for them.

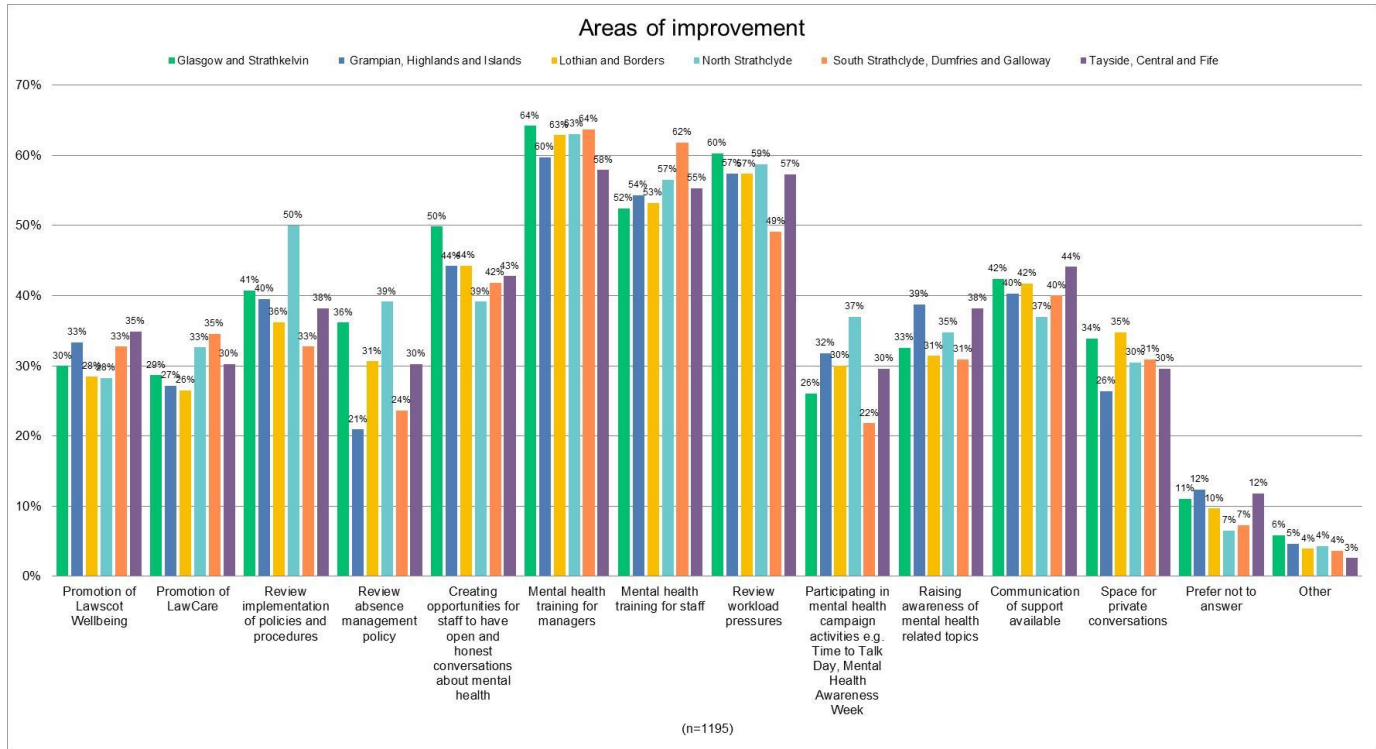
In-house respondents also identified mental health training for managers and a review of workload pressures as top priorities (55% respectively for both answer options).

Four percent of respondents selected the ‘other’ answer option and highlighted the following as areas for consideration by organisations:

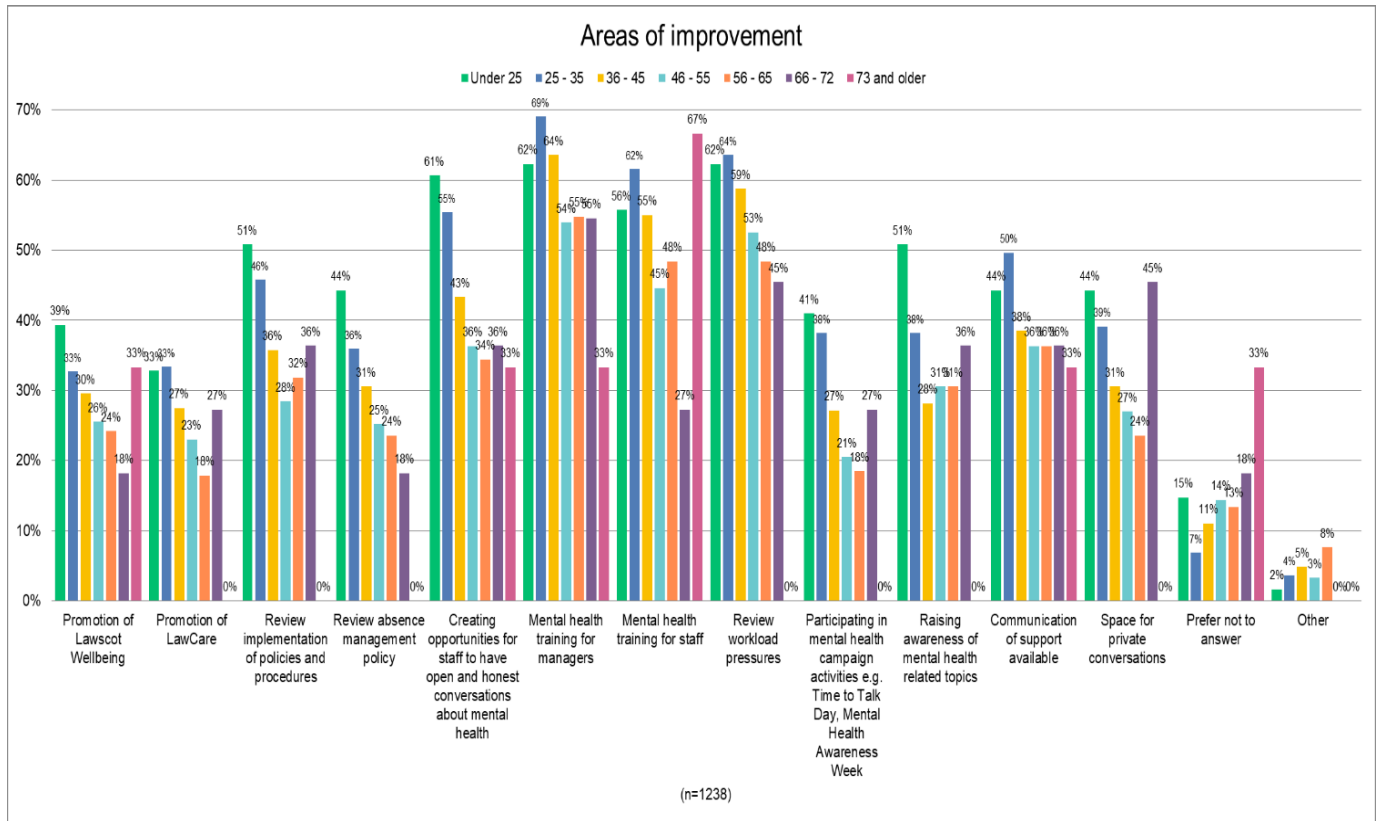
- Development of managers’ skills in relation to supporting employees (policies, training)
- More focus on employee wellbeing rather than targets/profits
- Effective implementation of organisational policies
- Reduce workload pressures, including the opportunity to engage in mental health related activities



When considering areas of improvement, in geographical areas, mental health training for managers, followed by reviewing workload pressures were identified as areas of improvement.



Based on age ranges, mental health training for managers was viewed as a key area of development, apart from in the over 73 age range, where mental health training for staff was identified as a priority area. Mental health training for staff as a key area of improvement was reflected by all other age groups, as it was the second most commonly reported area of improvement.



Additional comments: Key themes

Respondents were given the opportunity to provide any additional comments on the topic of mental health stigma and discrimination. 301 responses were received. Themes were identified by See Me and a selection of responses that illustrate each theme have been included below.

1. Respondents highlighted that workload pressures within the sector were often a cause of stress and mental health problems

"I think this is a significant problem within the legal profession, leading to burnout of staff. There is a culture that solicitors just need to work long hours and they just have to accept that if they have chosen this career, and work-life balance is an aspiration that people are judged for seeking. I don't know many solicitors who have a manageable workload."

"... we are consistently let down by systemic failure to recognise and address the underlying causes of work-related mental ill-health, in particular where stress, depression and anxiety are triggered or exacerbated by workload, bullying or management style/expectations."

"There does not seem to be time in this profession for mental health issues. The pressures to fee do not leave time for this."

"Generally, I feel my organisation prioritises work output over employees' personal life and mental health. I feel I have to give my whole life during the working week (to the detriment of my physical and mental health, personal relationships and overall wellbeing)."

"When push comes to shove, workload and client commitments are prioritised with limited regard for "short term" mental health...I think Law as a profession is not always conducive to good mental health."

"Training is available but time to take the training is not easily available. It would be good if there was some way to make mental health a priority, part of the goals/training programme."

2. Respondents perceived some organisations focused on employee mental health to be viewed positively outwardly rather than due to genuine concern for employees' wellbeing

"My experience is that law firms focus on aesthetics - e.g. making a fuss about mental health awareness days / different coloured lanyards and badges - but do nothing to adapt the culture or policies which would support healthier working lives. I believe these efforts are all for show..."

"I am concerned that lip service is paid to Mental Health Issues but that good practice is not well embedded."

3. A bullying culture was identified as an ongoing issue within the profession

“There is a culture of bullying in the legal profession at all levels, including partner to partner bullying, which contributes to stress, anxiety and poor mental health. I have experienced this in every firm I have worked for.”

“I was in private practice... and the stigma and amount of bullying that still goes on is significant.”

4. Respondents identified a culture of stigma towards people experiencing mental health problems

“My experience is that stress is endemic in law but that disclosing it can lead to stigmatisation, particularly in private practice, where the incorrect assumption is made that the sufferer is “weak” or “emotional.”

“Mental health is very much stigmatised and those experiencing issues are afraid to raise them for fear of being seen as weak or unable to cope with the demands of the job.”

“There is also considerably more stigma attached to mental health problems amongst solicitors than there is in other areas of the organisation and an expectation that solicitors have to be 'stronger' than professionals in other sectors in the same organisation and are expected 'just to get on with it'.”

5. Respondents highlighted that those in smaller firms may find it difficult to support employee mental health appropriately due to a lack of structures and time to implement good practice

“As with all aspects of health & well being, as part of a small business it is very easy to aspire in theory but the reality of work & the requirements of the business due to the nature of the work undertaken make such aspirations not only impractical but impossible.”

“In smaller firms, due to a lack of independent HR departments and perhaps more pressure on individuals due to range of work, implementing policies such as the ones listed in this questionnaire are often not considered a priority. These topics are only considered when a specific employee requires time off or specific support for an issue.”

6. Sole principals and respondents in senior positions highlighted a lack of mental health support

“I am a sole principal and there is no support for me. I carry the can for everything.”

“I am a Principal. There is very little, if any, support available for practice managers like myself. There is a perception, whether true or not, that we are all “super-humans” but we are not. “

“Support for partners who are sitting at the top and seeking help or support from other partners is an entirely different matter. Particularly when those are all self employed on profit share basis and are entirely without the protection of any legislation.”

7. Respondents highlighted inconsistent approaches from managers to supporting employee mental health

“...ensuring solicitors with a supervisory/management role know how to deal with human beings including those with mental health problems is paramount to solving this problem.”

“A requirement to be 'resilient' is there and an overall approach from management of, 'if you can't stand the heat, get out of the kitchen' is absolutely present throughout the profession. Solicitors also do not make good managers; they are too busy and have been given no training on this whatsoever. Feeing time is seen as more important than business management.”

“Managers need to engage with and be more tuned in to the problems faced by their staff.” “...in fact the support from many managers is very poor and the wellbeing of employees is at the very bottom of the list of priorities.”

“Several colleagues have indicated that they too have mental health worries but are very reluctant to reveal this to line managers as the only thing they can be confident of is that they will be stigmatised as a result. “

“I feel that mental health awareness training should be mandatory for employers and managers - and not optional.”

8. Senior partners and leaders within organisations were identified as having a key role in ensuring that mental health is prioritised

“Due to the inherent hierarchy of private practice, the above initiatives need to be led from the top down which they currently are not. The attendance of partners and senior staff at these events is low but they need to be the drivers of this change.”

“There remain firms where a culture of bullying exists among those in upper management and who quite openly look down on those with mental health issues. When those in senior management hold these views, it is impossible to effect meaningful change in an organisation. Unfortunately in law firms, the partnership structure means that the partners are not answerable to HR and so if the partners don't care about mental health issues, there is little meaningful or real support for staff.”

“At my own organisation, having very senior equity partners discussing their own experiences with depression and anxiety was very powerful.”

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