



Key Factors in Wellbeing and Why They Matter

Sopra Steria, BLS International, Appendix W, Brexit – All Change!! Sound familiar? As UK Immigration practitioners we find ourselves having to come to terms with an ever-changing legal landscape and other unexpected surprises! Not only do we need to quickly absorb the details of the changes, but we also have to adjust our mind-sets, and accurately and confidently advise demanding clients, all whilst maintaining our sense of equilibrium. A big ask when changes come fast and furious - and a major challenge to our wellbeing and resilience.

How do we rise to these challenges and ensure that we and our colleagues remain able to cope and thrive in the face of the inevitable pressures and stresses? As a founding partner of an Immigration Law Practice (Beder-Harrison & Co) 26 years ago, and simultaneously as a practising Wellbeing Coach, I am acutely aware that these challenges are more pressing than ever.

The personal impact of high levels of wellbeing

Wellbeing is the subjective assessment of an individual's physical and mental state – and a key differentiator in individuals' performance at work.

Wellbeing is holistic, affecting many interrelated areas of human functioning: it engenders a sense of ease, motivation and energy, fulfilment at work and out of work, rewarding relationships and personal resilience, as well as adaptability and resourcefulness to be able to deal positively with setbacks.

Critically, it enables enhanced productivity, effectiveness and adaptability to change and uncertainty.

The immigration law practitioner

The immigration lawyer has daily pressures: constantly changing or unclear regulations, inconsistent decision making, administrative delays, and resulting frustration and sustained stress. The lawyer's success not only depends on their own professional and intellectual competence to deliver against testing timeframes, but is also contingent on factors outside their control, such as changes in government policy, uncertainty in relation to poorly-drafted forms and guidance, and demanding, sometimes unreasonable, clients. A key factor for the lawyer is our ability to maintain our own health, wellbeing and work-life balance, and to cope with emotions we may be unconsciously absorbing from our clients, in parallel with a seemingly endless call on our reserves of compassion.

Clients may experience stress, tension, urgency, uncertainty and pressure as intrinsic features of the immigration process itself (including desperation to

get away from persecution in their home countries, separation from their country of origin and from family members and familiar customs, and navigation of unfamiliar cultures). The pressures of acculturation, employment problems, a reduction in standard of living, and traumatic experiences, as well as discrimination and racism, can be hard to tolerate and manage. For some the result may be challenges to their mental health¹, including anxiety, depression and post-traumatic stress disorder.

The Law Society Junior Lawyers Division *Resilience and Wellbeing Survey Report* (April 2018), revealed that over 82% of respondents reported regularly or occasionally feeling stressed in the month before completing the survey, with 26% of those individuals being severely or extremely stressed.

Lawyers with low levels of wellbeing are compromised when it comes to managing challenge, stress and pressure. Our creativity, versatility in the face of the unexpected or the uncertain, and our capacity to think freshly tend to diminish. Relationships with colleagues can become difficult, or worse. Client relationships may suffer.

Paul Hemp writes, in his 2004 Harvard Business Review article 'Presenteeism: At Work, - But Out Of It'²: 'Woody Allen once said that 80% of success in life can be attributed to simply showing up. But a growing body of research indicates that – in the workplace, at least – this wry estimate may be somewhat optimistic. Research shows that presenteeism (the problem of workers being on the job, but because of illness or other medical conditions, not fully functioning) can cut individual productivity by one-third or more. In fact, presenteeism appears to be a much costlier problem than its productivity-reducing counterpart, absenteeism'.

Wellbeing at work impacts the bottom line

Wellbeing has a very real influence on the efficiency, success, profitability, sustainability and reputation of an immigration law practice or set of chambers. When wellbeing is good, levels of productivity, effectiveness, creativity and innovation (which boosts development and can sharpen a competitive edge) tend to rise. Rates of absenteeism and presenteeism diminish, and a mood of energy, dynamism, optimism and collaboration, and higher levels of engagement, become more apparent.

How can employers boost wellbeing at work?

Beware the high flyer: stories abound of how such individuals have crashed and burned because no-one recognised the personal cost of their exceptional performance levels.

An example is Antonio Horta Osório, Chief Executive of Lloyds Banking Group, who stepped aside from his role for six weeks in 2011, suffering from extreme exhaustion and insomnia³. As a direct result of that experience he is embedding a change in culture at Lloyds in which individuals can feel free to talk about their mental health without embarrassment, knowing they will be supported. He advocates a way of thinking that recognises that 'we all have mental health just as we all have physical health... As with our physical health, all of us can experience periods of mental ill health when immediate treatment is needed, or we run the risk of developing long-term conditions that will need continuing support.'⁴ Mr Horta-Osório is encouraging a positive culture to inspire open conversations about mental health.

In cultures such as this, partners in law firms are able to hold conversations confidently about wellbeing and mental health. They are able to provide a listening environment and unconditional support and consideration for individual circumstances.

The law profession has been slow to embrace this ticking time bomb, but encouraging signs are starting to emerge with solicitors from Clifford Chance and Herbert Smith Freehills numbering among the first 42 leaders on the InsideOut Leaderboard⁵, an initiative which aims to smash the stigma of mental illness by bringing new role models into the light. The Bar Council is now also addressing mental health and wellbeing at the Bar through its Wellbeing at the Bar programme which offers recognition of, and support for, the impact of pressures and demands on the barrister's daily existence.

It is partners within firms of solicitors who have the primary responsibility for changing the culture so that it is acceptable to talk about such issues, but ultimately wellbeing is everyone's responsibility. Without the freedom of honesty, wellbeing problems can become seriously threatening to the success of a firm or set of chambers because, unacknowledged, they will grow and may erupt.

Your next steps

If you're interested in building your own wellbeing and that of your staff with some practical, simple approaches, be sure to attend our workshop, 'Building wellbeing, resilience and profit', at the ILPA Wellbeing Conference coming up on Thursday 16 May 2019 (see details on page 11).

Article by Brendan Beder.

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¹ See, for example, 'Working With Immigrant-Origin Clients: An Update for Mental Health Professionals by the American Psychological Association' (2013)

² <https://hbr.org/2004/10/presenteeism-at-work-but-out-of-it>

³ <https://www.independent.co.uk/news/people/profiles/antonio-horta-osorio-insomnia-and-me-6277787.html>

⁴ <https://www.theguardian.com/commentisfree/2018/may/01/removing-taboo-mental-health-work-lloyds-banking-group-antonio-horta-osorio>

⁵ <https://inside-out.org/leaderboard/>

⁶ <https://www.barcouncil.org.uk/supporting-the-bar/wellbeing-at-the-bar/>