

The Patent Regulation Board and the Trade Mark Regulation Board

Agenda

Thursday 18 May 2023 at 1.00 pm

Orwell Room, 20 Little Britain, EC1A 7DH and online

Before the formal Board meeting starts there will be a guest speaker at 1pm. Julia Gwilt (Chair epi Professional Education Committee) will talk about the European Qualifying Exam reforms.

1. Apologies
2. Notification of any conflicts of interest

Items for decision/discussion

3. Minutes of March meeting and matters arising
4. IT upgrade (FG/SE) – no paper
5. Review of Regulatory Arrangements – implementation (FG/SE) – no paper
6. Regulatory performance framework – new arrangements (FG/VS)
7. Performance Management dataset (VS/SE/FG)
8. Queen Mary University London – assessment of accreditation implementation plan (VS/CS)
9. Patent Examination Board – accreditation implementation plan (VS/CS)
10. Complaints update (SE)
11. CEO's report (FG)
12. Governance Action Plan implementation (FG)
13. Working group reports – Education (VS/CS) – no paper

Items to note

14. Action Log (FG)

15. Red Risks (FG) – no paper

16. Finance Report (KD/FG)

17. Regulatory Statement

Confirmation that, except where expressly stated, all matters are approved by the Patent Regulation Board and the Trade Mark Regulation Board.

Board Meeting 17 May 2023

Regulatory performance framework – assurance mapping

Agenda Item: 6

Author: Fran Gillon, CEO (fran.gillon@ipreg.org.uk)

This paper is for decision/discussion.

Annex A to this Board paper will not be published – draft paper.

Summary

1. This paper updates the Board on “assurance mapping” IPReg's compliance with the LSB's [new regulatory performance framework](#) which came into effect on 1 January. The new framework comprises three Standards and 20 Characteristics; these replace the previous five Standards and 27 Outcomes. The LSB will issue an information request on regulators' compliance in early June with a six-week response time; a further paper will be presented to the July Board prior to submission to the LSB.
2. We have had a meeting with the LSB and also attended a workshop at which the LSB to set out its expectations of regulators' responses to its forthcoming information request. An initial draft assurance mapping document is at **Annex A**. This takes each element of the LSB's “Sourcebook of Standards and Characteristics” and provides evidence of how IPReg achieves them. The mapping is not yet complete but the document gives the Board an overview of the assurance that it can take from the work we are undertaking. The Board paper in July will include a comprehensive assessment of any gaps that we identify and a plan to address them.
3. The LSB explained that the information request will focus on two of the three new standards: Well-led; and Effective approach to regulation, in particular:
 - a. Transparency of decision making (C5);
 - b. Capacity and capability (C6);
 - c. Use of evidence (C12);
 - d. Proactive supervision (C9);
 - e. Resources, capability and capacity for enforcement (C6).
4. The LSB will also require information about compliance with its Statements of Policy on ongoing competence and on consumer empowerment. It will also require information about areas where its most recent assessment under the previous framework identified areas of “partial assurance” by IPReg; these were: well-led, regulatory approach and supervision.

Recommendation(s)

5. The Board provides feedback on the assurance mapping.

Risks and mitigations

	Risk	Mitigation
Financial	Our approach to building our evidence base has led to criticism from the LSB that we have not allocated sufficient priority to this area.	We have allocated £15k from reserves to fund research. We have contracted with Cut-Through Consulting (David Bish) to provide support on data and evidence gathering and analysis and he is actively participating in the regulators' research/risk groups.
Legal		
Reputational	The LSB has criticised specific aspects of IPReg's work and has raised questions about the Board's approach to governance.	We have adopted and published a detailed Governance Action Plan. Progress on implementation is reviewed at each Board meeting.
Resources	Responding to the LSB's information request and the assurance mapping process is taking a significant amount of resources.	The Director of Policy should increasingly be able to focus on this area of work as the new Education and Diversity Officer gets up to speed with his role.

Background

6. The LSB uses the performance framework to determine whether regulators have provided it with assurance that they meet three regulatory performance standards:
 - a. Well-led: Regulators are well-led with the resources and capability required to work for the public and to meet the regulatory objectives effectively;
 - b. Effective approach to regulation: Regulators act on behalf of the public to apply their knowledge to identify opportunities and address risks to meeting the regulatory objectives;
 - c. Operational delivery: Regulators' operational activity (e.g. education and training, authorisation, supervision, enforcement) is effective and clearly focused on the public interest.

7. These standards are supported by 20 characteristics which the LSB uses to describe the features of effective regulators (e.g. knowledge, processes). The standards and characteristics require regulators and their boards to take ownership of the statutory regulatory objectives and provide assurance that they are well-led and effective in their approach to, and delivery of, regulation.

8. The LSB's website states that to assure itself about regulators' performance, it will ask regulators to provide assurance of their performance and will expect:
 - a. Evidence of how their own programmes of activities are designed to meet the regulatory objectives and deliver their own outcomes; and
 - b. Evidence which shows that they meet the standards and demonstrate the characteristics of a regulator that is well-led and effective in its approach to, and delivery of, regulation.
9. The LSB states that the standards and characteristics are high level and it does not prescribe how the regulators should demonstrate that they meet the standards. It recognises that this will vary across the regulators and that performance against some standards may need to be assessed within the context of a specific regulator.
10. The LSB considers that regulators are best placed to demonstrate how they meet the standards. To assess their performance, it will consider a range of evidence including documents published by the regulators, those supplied to it by the regulators and also feedback from stakeholders, where relevant. If a regulator is unable to assure the LSB that it meets the performance standards from the available evidence or it has other reasons to be concerned about the regulator's performance, it may undertake a review of the regulator's performance against one or more of the standards.

Options

11. Options to fill any identified gaps will be presented to the July Board meeting with the final assurance mapping.

Discussion

12. The Board is asked to provide feedback on the approach taken for assurance mapping.

Next steps

13. Finalise the assurance mapping for consideration at the July Board meeting prior to submission to the LSB.

Supporting information

Links to strategy and business plan

14. The evidence set out in the assurance mapping document draws from all the work we are doing as set out in the business plan and strategy.

Supporting the regulatory objectives and best regulatory practice

15. This work supports all the regulatory objectives.

Impacts

16. There do not appear to be any impacts on specific types of regulated persons.

Communication and engagement

17. Not directly relevant.

Equality and diversity

18. There are no specific equality and diversity issues.

Evidence/data and assumptions

19. There are no specific issues for this paper. We are in the process of building our evidence base and this will help to inform our approach to the new regulatory performance framework.

Board Meeting 18 May 2023

IPReg Performance Management Dataset 2022-23

Agenda Item: 7

Author: Victoria Swan, Director of Policy (victoria.swan@ipreg.org.uk)

This paper is for decision/discussion.

Annex to this Board paper will not be published – draft document to be redesigned.

Summary

1. Each year IPReg publishes an April to March performance management dataset (PMD). This paper proposes the 1 April 2022- 31 March 2023 PMD.
2. As with this year's annual report, we plan to engage an external agency, Ocean, to help us redesign the PMD to make it more accessible and user friendly. The PMD provided as the Annex has not yet been subject to that redesign.
3. The PMD identifies significant improvement in the time taken to:
 - a) process an application from a firm looking to enter on to the IPReg registers (either a registered entity or licensed body application), with the longest timeframe being less than a third of that reported 3 years ago:- 85 working days in 2020-21, reduced to 50 in 2021-22 and nearly halved, at 26 working days, in 2022-23; and
 - b) investigate complaints, with the median value timeframe from the initial receipt of a complaint to the final decision being less than a third of that reported 3 years ago:- 221 working days in 2020-21, 120 in 2021-22, down to 67 working days in 2022-23.
4. The PMD identifies:
 - a) a slight increase in the median time (8 working days) taken to process attorney admission applications; typically, a complete application – that is one with all the necessary information and fees received - is decided the same day as the decision maker (the Head of Registration or the Registrar) looks at it, or perhaps up to 4 working days later, if there is annual leave or illness which prevents the a decision maker from reviewing the application more quickly. Our system currently records the date the payment was received and the date the decision was made. As of the next PMD, we will record the date on which the last *action* on an application takes place (which will generally be either receipt of payment or receipt of information) and our timeliness metric will reflect the difference between that date and the date the decision is made. This way, any delay because of a deficient application will not artificially expand the application processing timeline.
 - b) a seeming decrease in the number of patent attorney admission applications, 117 in 2022-23, from 173 in the 2021-22 figures, though that number had been an artificial

increase owing to a backlog due to the European Qualifying Examinations not taking place in 2020 due to the Covid pandemic.

Recommendation

5. The Board agrees to publication of the 2022-23 PMD following its redesign.
6. The Board agrees the PMD data to be captured going forward.

Risks and mitigations

	Risk	Mitigation
Financial	No specific financial risks. The redesign work to be done on this PMD does not commit us to work with the same company in future.	N/A
Legal	[REDACTED]	[REDACTED]
Reputational	The redesigned PMD should enhance IPReg's reputation and encourage more people to read it. This will in turn support our moves to greater organisational transparency.	N/A
Resources	The work has been managed within existing resources. External support will be provided by design experts.	N/A

Background

7. The PMD was an annual requirement of the Legal Services Board (LSB) as part of its previous oversight regulatory performance assessment process. This is the first year the PMD is no longer a requirement. IPReg is to continue compiling and publishing the PMD for governance purposes of accountability and transparency.

IPReg Performance Management Dataset 2022-23

8. This PMD includes the data requested historically by the LSB and upholds its authorisations, supervision, enforcement and governance and leadership sections. It includes for the first time, a summary of data findings, a 3 year trend comparison where relevant, and Voluntary Removal data in light of the cost of living crisis.

Authorisations

9. A reduction in processed applications from individuals for admission to the patent and/or trade mark registers: IPReg received 176 applications from individuals for admission to its registers (117 patent attorneys, 59 trade mark attorneys).¹ The 176 figure is a reduction from the 228 applications (173 patent attorneys, 55 trade mark attorneys) reported in the 2021-22 dataset, but it is comparable to the 174 applications (108 patent attorneys, 53 trade mark attorneys, 11 to both registers) reported in the 2020-21 dataset. The 2021-22 figure is as a result of the European Qualifying Examinations not taking place in 2020 due to the Covid-pandemic.

10. An increase in the time taken to process applications to the attorney register(s): there is a slight increase in the median time (8 working days) taken to process attorney admission applications; typically, a complete application – that is one with all the necessary information and fees received - is decided the same day as the decision maker (the Head of Registration or the Registrar) looks at it, or perhaps up to 4 working days later, if there is annual leave or illness which prevents the a decision maker from reviewing the application more quickly. Our system currently records the date the payment was received and the date the decision was made. As of the next PMD, we will record the date on which the last *action* on an application takes place (which will generally be either receipt of payment or receipt of information) and our timeliness metric will reflect the difference between that date and the date the decision is made. This way, any delay because of a deficient application will not artificially expand the application processing timeline.

11. A reduction in applications from firms for admission to the registers as a registered entity (a firm owned solely by lawyers): IPReg processed 11 applications from firms to be admitted to the registered entities register(s) (6 trade mark firms, 5 patent attorney firms). This is a decrease from 17 applications reported in the 2021-22 dataset (14 patent firms, 1 trade mark firm, 2 both patent and trade mark), but is the same as that reported in the 2020-21 dataset (patent/trade mark split not provided).

12. Again, the impact of two years' worth of candidates sitting the European Qualifying Examination in 2021 is likely to have been the cause of this statistical anomaly, with 2022-23 now returning to a more recognised pattern of application numbers. We are also aware that the Covid-19 pandemic was the catalyst for some attorneys to move from being employed in larger firms or in-house, to setting up their own single-attorney firms. 13 of the 17 applications in 2021-22 were single attorney firm applications.

13. Broadly consistent number of applications from firms for admission to the registers as licensed body (a firm with some non-lawyer ownership and/or management): IPReg processed 5 applications from firms to be admitted to the licensed body register(s) (3 patent firms, 1 trade mark firm, 1 both patent and trade mark firm). This is less than the 6

¹ An additional 35 applications were received between 27 – 31 March 2023 but these were deemed incomplete as no application fee was included and they were therefore processed after 31 March.

applications reported in the 2021-22 dataset (3 both patent and trade mark firms, 2 patent firms, 1 trade mark firm), but more than the 4 applications reported the dataset before (2020-21) (patent/trade mark split not provided).

14. Applications from firms are being considered more quickly: the longest time taken to process an application from a firm (either a registered entity or licensed body application) was 26 working days. This is a significant reduction from 50 working days in the 2021-22 dataset and 85 working days in the 2020-21 dataset.

15. Voluntary Removals: The level of voluntary removal from the registers remains broadly consistent, with 37 removals during this period compared to 41 in the previous period. The majority of attorneys leave the register due to retirement (62% in the relevant period, 75% in the previous period) with other common reasons being career change (21%) and ill health (11%).

Supervision

16. Consistently responding to regulatory enquiries within target times: of the 383 regulatory enquiries received, 98.2% (376) were dealt with within the 4-5 working days target. This is the same percentage reported in the 2021-22 dataset and up from the 97.5% reported in the 2020-21 dataset. Of the 383 regulatory enquiries, 77.2% (292) were dealt with within 1 working day (this figure was not reported on in previous PMDs).

17. The regulatory enquiries FAQs were updated during this period, to reflect the ending of the sunset clause applied to specified historic qualifications, which, going forward, typically, will not provide exemption for entry on to the IPReg register(s). This included provision of guidance as to the factors which might be taken into consideration should an individual make an application to the register based upon extenuating circumstances which meant an individual had been previously unable to apply for entry on to the register on the basis of such a qualification.

18. The regulatory enquiries will be updated again shortly in light of the new regulatory arrangements going live as of 1 July 2023 and will include information on the new outcomes focused approach to Continuing Professional Development and the process for recognition of non-UK legal qualifications.

Enforcement

19. Regulatory enforcement – significant reduction in the time to investigate complaints: IPReg received 10 complaints about the conduct of an individual or firm on its registers. This is less than the 12 received in 2021-22 and half the number received in 2020-21.

20. In terms of the time taken to investigate complaints, there was a median (middle) value of 67 working days from the initial receipt of a complaint to the final decision; this is significantly down from 120 working days reported previously (2021-22) and 221 working days reported before that (2020-21). The longest timeframe was 198 working days, up from

146 working days in the 2021-22 dataset but significantly less than 561 working days in the 2020-21 dataset.

Governance and leadership

21. Restructuring the IPReg team to ensure efficient use of resources: IPReg is small team and currently has 7 members of staff. During the reporting year, the IPReg team was restructured. Two new posts were created: a Compliance and Authorisations Officer and an Education and Diversity Officer; the previous Assurance Officer post was abolished. The PMD reports on staff turnover and shows that this was 25%. Although this is double that of 12.5% in the previous dataset (2021-22) and significantly more than zero in the dataset before that (2020-21) the turnover figure has to be considered in the context of IPReg's small size and the restructuring – there were 2 joiners and 2 leavers.)

22. Consistently very low or no complaint levels made about IPReg: there were no complaints reported in both this PMD and in the previous dataset (2021-22); only 1 (not upheld) was reported in the 2020-21 dataset.

Options and discussion

23. The Board is asked to discuss what is wanted for the PMD going forward and whether to keep, and/or indeed remove any of the figures that may perhaps have been useful at one time for LSB purposes but not necessarily that useful to us on a performance basis (for example, the number of news items and the number of consultations, though these might perhaps find a place in the Annual Report).

Next steps

24. Arrange for redesign of PMD and then publication on the website and sharing of the link with stakeholders.

Supporting information

Links to strategy and business plan

25. The PMD provides registrants and others with details about how we have performed.

26. Delivery of IPReg's strategic priorities requires effective regulatory performance (and by extension, monitoring).

Supporting the regulatory objectives and best regulatory practice

27. Publication of the PMD supports all the regulatory objectives since it covers the regulatory work that we undertake and performance in those areas. It also supports the better regulation principle of transparency of regulatory activities.

Impacts

28. There is no direct impact on any group of attorneys.

Communication and Engagement

29. The PMD is a key document about our regulatory performance. It will be published on the website and drawn to registrants' attention. A link to the PMD will be provided to both CIPA and CITMA.

30. This version of the PMD provides both a summary at the outset, 3 years data trends where relevant, and explanations of terminology (such as what is meant by licensed bodies and registered entities), in order to make it more readily accessible and digestible.

31. Additionally, the redesigning of both the Annual Report and the PMD helps both be more accessible and informative. The re-design is a major change which should make the PMD, like the Annual Report, more eye-catching and readable.

Equality and diversity

32. No direct impact, although a new design would seek to make information about our performance easier to read. As with the annual report, where/if necessary, tags will be added throughout the document to help aid readers using reading software. These will be manually checked by Ocean in the final draft to ensure none have gone out of sequence.

Evidence/data and assumptions

33. The PMD seeks to provide a snapshot of regulatory activities undertaken in the last year and in doing so provides a range of data including admissions, appeals, complaints, regulatory enquiries and accreditations.

Board Meeting 18 May 2023

IPReg Accreditation Assessment – Queen Mary University London

Agenda Item: 8

Lead Board Member: Caroline Seddon, Chair of Education Working Group

Author: Victoria Swan, Director of Policy (victoria.swan@ipreg.org.uk)

This paper will be published

Summary

1. The Foundation Level Qualifications for the attorney qualification pathways offered by Queen Mary University London (QMUL):

- Masters of Science in Management of Intellectual Property
- Postgraduate Certificate in Intellectual Property
- Postgraduate Certificate in Trade Mark Law and Practice

were subject to IPReg accreditation assessment in late 2021/early 22. That assessment found there to be 19 Mandatory Requirements and 8 Recommendations which QMUL needed to take forward in order to meet the [IPReg accreditation standards](#) and to demonstrate best practice.

2. The 17 March 2022 meeting of the IPReg Board endorsed accreditation for 5 years, only upon a review at 1 year, to determine whether the QMUL accreditation implementation plan has been actioned.
3. This paper introduces the independent specialist assessment of QMUL's implementation plan. The assessment provides the assessors and the IPReg Education Working Group (EWG, hereafter) with confidence that the accreditation implementation plan has been implemented.

Recommendation(s)

4. The Board agrees to endorse the standard 5 years accreditation endorsement of the 3 QMUL attorney qualifications, meaning that they are accredited until March 2027 (the accreditation period being taken from the 17 March 2022 decision of IPReg Board to require a review in 1 year and this paper presenting that review).

Risks and mitigations

	Risk	Mitigation
Financial	N/A - As with all standard accreditation exercises, the costs of review of the implementation plan, by the independent specialist consultants, are	N/A

	re-charged to the accreditation applicant body, in this instance QMUL. The independent specialist assessment cost £4,035.	
Legal	[REDACTED]	[REDACTED]
Reputational	There is a reputational risk to the IPReg accreditation process should an accredited qualification provider fail to deliver the Mandatory Requirements identified through its assessment. QMUL failed to deliver in a timely manner the Mandatory Requirements from their 2017 accreditation assessment.	This targeted assessment exercise seeks to address the risk that QMUL may not have delivered its accreditation implementation plan in a timely manner.
Resources	There is a risk to the accreditation process should there not be the appropriate specialist and independent resources to consider an application.	The independent, specialist resources of [REDACTED] (lead consultant, qualified solicitor, Associate Professor, professional legal education consultant) and [REDACTED] (professional practitioner input, previous IPReg Board and EWG member) were appointed as the assessment team to review the QMUL accreditation implementation plan, having been the assessors of their initial accreditation application.

¹ As long as an offer meets the specified standards there is no stipulation as to the form a pathway element might take, such as a course, or examination, or other.

Background

5. In 2017, the 3 foundation level courses provided by QMUL as elements of the qualifying attorney qualification pathways:

- Postgraduate Certificate in Intellectual Property Law
- Postgraduate Certificate in Trade Mark Law and Practice
- Masters of Science in Management of Intellectual Property.

were subject to an accreditation assessment which identified a number of improvements needed across those programmes in order that IPReg's accreditation standards would be met. QMUL provided a time-framed implementation plan for taking forward those improvements.

6. In early 2019, the Chartered Institute of Trade Mark Attorneys gathered and shared student feedback with IPReg which identified a number of quality issues with the QMUL offer, issues which should have been addressed by QMUL implementing its accreditation action plan. In response, the IPReg Board created its Education Working Group (EWG, hereafter) which has been working collaboratively with QMUL over the intervening period to address those issues. The typical IPReg accreditation cycle is 5 years with a new QMUL accreditation assessment considered by the 17 March 2022 meeting of IPReg Board. The Board agreed to confirm another 5 years of accreditation only upon being provided with confidence that QMUL has delivered its accreditation implementation plan.

8. Accordingly, IPReg tasked the independent specialist assessors who had undertaken the accreditation assessment itself, with reviewing whether the QMUL implementation plan had been successfully delivered after 1 year. Their review is provided as an Annex to this paper.

Options

9. The EWG reviewed and endorsed the assessor report at its 27 April meeting. It recommends that the standard 5 year accreditation status should be endorsed. It did not consider another option, such as a different timescale, instead relying upon the 17 March 2022 determination of Board that if confidence is provided of delivery of the implementation plan then the 5 year accreditation status is to be confirmed to QMUL.

Discussion

10. The Board is asked to endorse the QMUL programmes for 5 years.

Next step

11. Should the Board endorse the Recommendations as at item 2 of this paper, the next steps will be:
- a) issuing formal confirmation to the QMUL of the Board’s accreditation decision – 25 May 2023,
 - b) report to be published on IPReg website – by 1 June 2023,
 - c) QMUL Annual Report to be considered by the EWG – December 2023/January 2024.

Supporting information

Links to strategy and business plan

12. The accreditation assessment is central to items a, b and d of item 9 “Education Work” of the [IPReg Business Plan 2022-23](#):
- “9. We will continue to work on important issues concerning accredited attorney qualification providers:
- a. Working with providers to ensure accreditation recommendations are taken forward and quality assurance mechanisms are fit for purpose, including responding to student and client feedback. Where there are concerns, IPReg will raise these with the provider to ensure that action is taken,
 - b. Working with providers to ensure that online delivery of courses meets the required standards (a change in the method of delivery as had been triggered as a result of the pandemic),
 - c. Working with stakeholders and potential providers to encourage new qualification pathway options,
 - d. We will continue to undertake reaccreditation assessments (typically every 5 years) of qualification providers. We will consider the outcomes of the European Qualifying Examination Modernisation Discussions and Proposals and the Mercer Review”.

Supporting the regulatory objectives and best regulatory practice

13. Regulatory Objective - Encouraging an independent, strong, diverse and effective legal profession – the [IPReg Accreditation Handbook](#) sets out the standards to be met to ensure qualification pathways are fit for purpose and contribute to an attorney profession which is appropriately qualified, competent and effective. An accreditation application which meets, or could meet, the accreditation standards is typically accredited for five years². If, during that time, there is a verified significant risk to the accreditation standards, and thereby the regulatory objective, action would need to be taken as under the [IPReg Accreditation Withdrawal Procedure](#). By significant³ risk we mean a serious, sustained and systemic issue,

²This is underpinned by an annual reporting requirement on accreditation standards within that timeframe.

³ By contrast, for example, an issue reported by a single student or exam candidate would be considered a minor risk, and accordingly would be referred to the relevant qualification provider’s complaint process.

such as one reported by an entire student cohort or a professional membership body. Examples of a serious, sustained, systemic issue might be: not covering the IPReg syllabus, wholly and consistently inaccurate or out-of-date course materials, or inadequate assessment arrangements. Conceivably, it could even include wider-reaching significant risks, such as the broader institution's action/ inaction (e.g. losing accreditation status with another agency, or a financial issue which threatens the viability of the course or examination). A decision to withdraw accreditation would not be taken lightly, would be made by the IPReg Board, and would be reached only when all other remedies had been considered and/or pursued, and the significance of the risk(s) to the accreditation standards, and thereby the regulatory objective, were so pronounced that remedies were insufficient to address it.

Regulatory Principles

14. The Regulatory Principles as set out at item 21 of the [Legislative and Regulatory Reform Act 2006](#) state that:

“regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, regulatory activities should be targeted only at cases in which action is needed.”

The following items assess the accreditation process against these principles.

15. Transparent: both the accreditation implementation plan and the assessment of its successful delivery will be published on the IPReg website.
16. Accountable: the [IPReg Accreditation Handbook](#) sets out the standards which an IPReg accredited qualification provider needs to meet, or is capable of meeting. QMUL's successful delivery of its accreditation implementation plan means the IPReg Board can have confidence that those standards are met.
17. Proportionate: only the MRs are compulsory in order that the IPReg accreditation standards are met, the Recommendations are advisory only to further improve the offer.
18. Consistent: QMUL's progress against this accreditation implementation plan has been independently assessed by a legal education specialist and a professional practitioner consultant as are the accreditation in assessments themselves.
19. Targeted: this exercise has been targeted at the risk that the IPReg accreditation standards are not met due to a qualification provider's failure to deliver its accreditation implementation plan in a timely manner.

Impact

20. Impact on qualification pathway provider: implementation of specified suggested improvements typically have a resource impact upon the accredited qualification provider.

In the case of the MRs these are wholly necessary to ensure that the qualification meets the specified accreditation standards and does not have a negative impact on the learning and/or assessment of its students/examination candidates when compared with other accredited qualification offers. QMUL appointed a new Director of IP Programmes, Jasem Tarawneh, to take forward the accreditation implementation plan. Dr Tarawneh is a permanent placement – rather than the role alternating between lecturers as has been the case - and is a very welcome appointment.

21. Impact on students candidates: the implementation of the MRs (and Recommendations) by the qualification pathway provider seeks to provide students with an improved offer.

Communication and engagement

22. The draft assessor report was shared with the QMUL team for fact checking, and any objections, with no amendments suggested nor any objections raised.
24. QMUL was informed of the endorsement by the EWG of the assessor report on 2 May 2023.
25. The outcome of today's discussion of Board will be communicated to QMUL within 5 working days.

Equality and diversity

26. There are no specific equality and diversity factors to consider.

Evidence and data

27. The [IPReg Accreditation Handbook](#) sets out the evidence and data requirements of an application for accreditation of a qualification pathway. The assessor report details the documentation which was provided as pertinent to whether or not the accreditation implementation plan has been delivered. Additionally, the assessors met with QMUL representatives and students for feedback.

**IPReg Assessors Review of QMUL, CCLS Comprehensive
Action Plan March 2023**

IPReg Assessors Review of QMUL, CCLS Comprehensive Action Plan

27 March 2023

The Assessors were asked by IPReg to review and comment on the implementation of the Action Plan complied by CCLS in response to the Assessors Report dated 18 January 2022 (in respect of the reaccreditation of three programmes: MSc in Management of Intellectual Property (dual patent attorney and trade mark attorney FLQ), Postgraduate Certificate in Intellectual Property Law (dual patent attorney and trade mark attorney FLQ) and Postgraduate Certificate in Trade Mark Law and Practice (trade mark attorney FLQ).

The Assessors were sent the action plan, a full explanatory note and supporting documentation. They requested and received further documentation (please see annex 2).

The Assessors visited CCLS on 13 March 2023 and had a very helpful and informative discussion with the CCLS team (Dr Jasem Tarawneh, the Intellectual Property Specialist Programmes Director and Catherine Mills the Teaching and Learning Manager at CCLS). The Assessors concentrated on understanding how the requirements had been implemented and, in particular, IPReg requirements re credits, managing student expectations re workload, communication of information and transparency, learning opportunities (formative assessment), assessment processes including marking criteria and the overall quality assurance processes.

The Assessors conclude that:

CCLS have made excellent progress in implementing the requirements and also the recommendations made in the Assessors Report. Most importantly there is now a robust documented process of annual review and quality assurance taking place. The collaborative working relationship that has been established between the CCLS and IPReg reflects a joint willingness to improve training and include all stakeholders

The Assessors welcome the opportunity to engage in the ongoing discussion re improvements and developments.

The Assessors have updated the Action Plan with their own comments in the hope that this will be of most use for CCLS. The notes that the Assessors took during the focus group with students is attached (annex 1).

Action plan: CCLS have developed a comprehensive overview of the steps taken by key colleagues by way of response to the IPReg report (18 January 2022) which outlined the mandatory requirements and recommendations CCLS needed to make. This overview comprised the two

**IPReg Assessors Review of QMUL, CCLS Comprehensive
Action Plan March 2023**

columns headed Mandatory Requirement/Recommendation and Action (see below). The Assessors added the two columns headed Issue raised by Assessor Report and Assessors comments.

Issue raised by Assessor Report 18 January 2022 (references below are to para numbers in report) with additional information from documents supplied to Assessors Feb 2023	MANDATORY REQUIREMENT	ACTION	Assessors comments
1.1	Mandatory requirement 1: all documentation to be corrected to reflect that Trade Mark Law and Practice is a Postgraduate certificate	All documentations have been updated and modified with accurate information. All details can be found in the Programme Specification and Programme Handbook.	Assessors provided with Postgraduate Certificate in Trade Mark Law and Practice programme specification - this has been corrected.

**IPReg Assessors Review of QMUL, CCLS Comprehensive
Action Plan March 2023**

<p>2.2 Proposal was for 90 credit course at level 7 comprising IPLC134 Fundamentals of Law & Ethics (15 QMUL credits, 10+1 IPReg credits), <u>IPLC140 TM Law (30 QMUL credits, 30 IPReg credits, IPLC141 Patent Law (30 QMUL credits, 20 IPReg credits), IPLC 132 D&C (15 QMUL credits,10 IPReg credits). IPReg standards dual FLQ 31.b 80 QAA credits min level 6</u></p>	<p>Mandatory requirement 2: that the proposed postgraduate certificate in IP Law satisfies IPReg Accreditation Standards para 31.b) in terms of credit value.</p>	<p>PG Cert IP was changed from a 90 credit to an 80-credit postgraduate certificate to meet IPReg standards. Changes to credits on some modules were made ensure we satisfy IRReg standards.</p>	<p><u>“IPLC140 Trade Mark Law, previously IPLC131 (15 credits), was increased to 30 credits and IPLC141 Patent Law, previously IPLC133 (15 credits), was increased to 20 credits.”</u> le Patent Law 10 credits less than original proposal. Programme specification changed to 80 credits. Modules Proposals IPLC140 Trade Mark Law and IPLC141 Patent Law assessors checked that the credit changes are reflected throughout the student documentation so that credits, estimated learning hours and therefore workload expectations are clear. Amended mapping document, syllabi and notional hours document are clearer as to hours and content and consistent. Team explained that with move to face-to-face teaching inconsistencies had been removed. Assessors recommend team continue to keep under review.</p>
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<p>2.4 use of wording “dual exemption of 60 credits” did not meet IPReg standards and students doing far more work than 600 study hours</p>	<p>Mandatory requirement 3: all documentation to be corrected to indicate correct credit values</p>	<p>Formal Documentation from the University has been provided which confirms amended changes to credits and approval of the 80 credit PG Certificate.</p>	<p>Doc 7 Summary Notional Hours Table shows changes. Assessors asked team how they calculated independent learning time- had taken into account nature of students. Asked focus group about number of hours worked per week. General response was that workload high but this was expected and was doable (see annex A).</p>
<p>2.11 Programme calendars identified 857 notional learning hours. 2.12 Not clear how much time spent in class, directed learning, independent study and assessment</p>	<p>Mandatory requirement 4: notional learning hours need to be corrected across all documents for consistency.</p>	<p>The calculations on notional hours for all 3 programmes have been revised and updated to ensure they are consistent. They are reflected on all relevant documentation.</p>	<p>Assessors asked team what documents are used by students to access this information. Team explained is all covered by online student handbook.</p>

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<p>MSc in Management of IP 2.27 IPReg Standards dual FLQ 31.b 80 QAA credits min level 6. Proposal 180 credits level 7, IPLC 134, IPLM 200 (30+15 QMUL credits, 30 IPReg credits), IPLM 202 (30+15 QMUL credits, 20 IPReg credits), <u>IPLM 204 (30 QMUL credits, 10 IPReg credits note this module same as IPLC 132 which has 15 QMUL credits, 10 IPReg credits)</u></p>	<p>Mandatory requirement 5: Credits need to be corrected in IPLM 204, if this is the same module as IPLC 132, for consistency. The 10 credits required by IPReg must remain unaltered.</p>	<p>A mapping exercise took place to ensure all credits are accurate and corrected. All 2022/23 syllabus' have all been updated to be updated reflects all the changes that have been made.</p>	<p>“IPLM041 the Law of Patents II and II (45 credits) was split into two modules. IPLM202 Patent Law: British and European Patent Law (30 credits) and <u>IPLM203 Patents: Practice and Procedure (15 credits)</u>.</p> <p>IPLM044 Trade Mark Law I and II (45 credits) was split into two modules. IPLM200 Trade Mark Law: Registration and Filing Strategy (30 credits) and <u>IPLM201 Trade Mark law: Trade Mark Office Proceedings and Litigation (15 credits)</u>.</p> <p>IPLM127 Research Project (45 credits) became IPLM205 Study Project (30 credits).</p> <p>PGCert and the MSc have become two discrete programmes.” Team explained now separately taught, share Fundamentals of Law.</p> <p>The Assessors checked the revised and corrected mapping exercise. The content of Design and Copyright IPLC 132 (15</p>
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			<p>credits) and Design and Copyright IPLM 204 (30 credits) is the same, but the delivery is quite different. This is because it is assumed that students on IPLM 204 have no/little knowledge and relevant experience.</p>
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	Mandatory requirement 5 continued.		<p>It is also assumed that students on IPLC 132 do have some experience and knowledge. IPLC 132 has 45 taught hours and 105 self-study hours, whereas IPLM 204 has 30 taught hours and 270 self-study hours, although the content is broadly the same. The Assessors have a concern that the assumption re IPLC 132 maybe flawed. The focus group feedback from Certificate students was that Design work is not a large part of a firms practice, and that IPLC 132 is too compressed and assumes knowledge/experience that is not present (see annex 1). The Assessors recommend that the team gather information from the full student body as to the exact nature of prior experience and if necessary alter modules accordingly.</p>
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<p>2.31 Schedule A(d) “law of passing off...” missing from mapping document and syllabus</p>	<p>Mandatory requirement 6: content identified above in respect of IPLM201 and IPLM202 to be added to the syllabus</p>	<p>All syllabi for 2022/23 have been updated in order to reflect all the changes that have been made.</p>	<p>Assessors checked Module Syllabus for IPLM201 IPLM202 and IPLM203 -topic now included.</p>
<p>2.35 - 2.37 not clear from MSc prog spec that a student would know which of the compulsory modules, if successfully completed, would allow a student to obtain the FLQ and what award they would be given if that were the case ie what is the exit award. Terminology “gain an exemption “outdated + incorrect</p>	<p>Mandatory requirement 7: the programmes specification must reflect the requirements of IPReg Accreditation Standards paras 31.b) and 47.</p>	<p>Programmes specification documents have now been updated to reflect the changes that have been made. The University website has also been updated.</p>	<p>Programme specifications for IP and MSc still refer to “exemption”. Assessors suggest using wording in Programme Specification Postgraduate Certificate in Trade Mark Law - see para “Programme specific rules and facts”. Was still not clear to Assessors that students would understand the exit award? Team confirmed that wording will be modified as recommended by the Assessors and a clear explanation will be given to students to avoid confusion.</p>

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<p>2.38 students all 3 programmes find workload heavy, students in employment find balancing study and work commitments difficult, only synchronous lectures timetabled, employers underestimate total learning hours</p>	<p>Mandatory requirement 8: now that the online course has bedded down each module <u>convenor calculates the actual amount of notional learning hours</u> (pre-reading, asynchronous lectures and synchronous lectures, MCQs, revision time and exam time etc) that is being set/expected of the students and <u>carries out a pruning exercise of extraneous content</u> (without compromising the IPReg requirements). That the amount of notional learning hours (workload) is made clear to all stakeholders including students and their employers.</p>	<p>Notional hours for each programme and module have been accurately calculated and are now reflected on all relevant documentation. This has been made visible to all stakeholders including students and employers.</p>	<p>Team: “From 2022-23 intake, all modules on both programmes are now taught face-to-face. Lectures and seminars are recorded and made available on QM+. Online and face to face meetings with the Module Convenors and the Programme Director are available if requested...all assessments/exams are taken online.”</p> <p>Assessors discussed calculation of notional hours with team. Team explained that TM Law delivered Sept-March, comprises 300 study hours, (45 contact & 255 independent study-) over 10 weeks equates to 20 study hours per week -part time. IP Sept - Dec/Jan, full time, 45 study hours per week. Both courses approx 95% home students. MSc Sept-Aug FT and PT 85% overseas students. Process is: assess syllabus/content and map against IP Reg Handbook; make clear division between contact and independent study hours. Currently students informed of</p>
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			hours in online handbook in Sept -aiming to bring this forward to July/August. Issue is persuading students to look at info in handbook.
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	Mandatory requirement 8 continued		The Programme Director and the Teaching and Learning team will encourage students to access the handbook during the induction sessions.
3.1 -3.11 not clear as to modes of delivery, due to pandemic face to face programmes taught online	Mandatory requirement 9: QMUL to clearly state in the programmes specifications whether a course is full time or part time and the teaching methodology being used face to face/blended/online etc.	All specific teaching methodologies are now reflected in all the relevant documentation.	MSc programme specification clearly states 1 academic year FT or 2 years PT and explanation of modes of delivery in para: "How will you learn". TM Law programme specification clear that 9 months PT. Postgrad Cert IP Law programme specification states over 1 semester - not clear FT. Assessors suggest consider amending wording. Every lecture is recorded and uploaded to QM+ where there is an online page for each course.

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<p>3.1 concern that current synchronous sessions are a different learning activity/experience for those students learning online than the proposed face to face lectures with capture -latter offers less opportunity to engage with lecturers at time of watching plus lack of small group work and lack of formative assessments+ written feedback</p>	<p>Mandatory requirement 10: confirmation that the learning experience of students learning online will continue to be equitable with studying face to face, with equivalent opportunities for engagement with the tutor.</p>	<p>New IP Programme Director has outlined the student engagement offering such as Tutor engagement; office hours; module convenor/academic leads availability. This is included in the Student Handbook and has been made visible on QMplus pages.</p>	<p>See above - teaching now face-to-face, assessment online. Also see answer to Mandatory requirement 13 below.</p>
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<p>3.18</p>	<p>Mandatory Requirement 11: ensure that vulnerable and non-traditional route students have opportunities to access and progress through the programmes.</p>	<p>CCLS has clarified their admission criteria for the 3 programmes to ensure that work experience is not a prerequisite to entry on their specialist IP programmes. Learning sessions for students who have no work experience and/or are not currently employed in the profession have been designed to help ease these students into the subject matter.</p>	<p>“...an in-sessional programme, consisting of three parts, has been devised to help students who have no prior work experience and/or are not currently employed in the profession. This consists of 1) a recorded session on the basics of IP Law and concepts (beginning of October); 2) a face-to-face session on legal methodology with emphasis on IP (end-October); 3) a Q&A face-to-face session on the basics of IP (early November). All sessions will be recorded and available on QM+.”Assessors discussed content of these additional learning sessions (how delivered, take-up, evidence of usefulness) with team. Noted that admission policy changed for 22/23 -no longer require 6 months work experience- exam results will be reviewed and compared to previous years. All students 22/23 had access to these “top-up” sessions plus can follow-up on a one to one basis face to face with tutors in office hours.</p>
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			<p>Assessors suggest once Team reviewed results, if necessary, discuss policy with IPReg. In the context of aim of open access.</p> <p>Team confirmed that starting from the next academic year 23/24 the recorded session will be available to students before the start of the teaching in early Sept.</p>
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	Mandatory requirement 11 continued		The follow-up face-to-face session will be delivered as part of the induction week activities.
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<p>3.31 without formative assessments other than MCQs and with no small group tutorials how do tutors know how an individual student is progressing .</p> <p>*Programmes Evaluation 21/22: “ Students would appreciate if lecturers could link teaching materials to examination questions: ‘The copyright practice scenarios were useful, but we didn't actually get much direction on how these would be marked and assessed.’ ”</p> <p>Module evaluation scheme TM Law comment “Maybe mock exams.” “More guidance on writing legal answers, especially as most people are not from a legal background. Clarity from beginning about method of assessment - we have been given lots of mixed messages from various people about the style and format of our exams.” “Provide more feedback on work direct from [lecturer] , and help with approaching to answer</p>	<p>Mandatory requirement 12: CCLS team to consider offering formative assessments with individual student written feedback (in addition to current MCQs) in each module. QMUL should be resourced sufficiently to provide formative assessment.</p>	<p>CCLS IP Teaching team has been working with Queen Mary Academy (institute which supports QMUL in teaching and learning) to explore how we can offer formative assessment feedback to students. All IP programmes will offer a peer-assessed formative essay released with the marking criteria via QM+ in the first week of November.</p>	<p>“modules taught on the programmes will offer a peer-assessed formative essay released with the marking criteria via QM+ in the first week of November. Students will be divided into groups of 5 and will be asked to provide a <u>500 word answer</u>. Three weeks after releasing the essay question, a <u>model answer will be provided to the students</u> by the Module Convenor and <u>each group will be encouraged to meet and discuss their answers.</u> Moreover, students will have the opportunity to <u>discuss the essay and their answer with the Module Convenor in the revision session/ lecture</u> at the end of the course in December. This type of formative assessment will give the students the opportunity to engage with their peers and tutors as well as encourage them to reach their potential.” Assessors discussed student comments * (see column 1) with the team. Team encourages reading and formative essays.</p>
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<p>exam style questions. We had some tutorial workshops but it required peer feedback on our own written work. no peer in my group even bothered to read my work. while I am capable of self critiquing my own work- feedback from someone else was missing “, “</p>			<p>Team monitor students willingness to engage and keep an eye on students who do not. Each programme has separate introductory talks. Please also see focus group (annex 1). Whilst acknowledging resource constraints, Assessors consider written tutor feedback ideal, suggest students taught to peer assess.</p>
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<p>3.34 students identified issues with enrolment online and access to materials</p>	<p>Mandatory Requirement 13: QMUL to confirm that online technical issues have now all been resolved.</p>	<p>All courses on the all the IP programmes will be delivered entirely face-to-face with lectures and tutorials being recorded and posted on QM+ shortly after the delivery of the lecture/tutorial.</p>	<p>“The online processes for assessment submission have been used successfully since Spring 2020 for all Queen Mary’s postgraduate law assessments (and for the overwhelming majority of assessment on Queen Mary’s other programmes), and no technical issues are outstanding.”</p> <p>Assessors concerned that issues identified by students re enrolment could still be relevant despite face-to-face teaching. Team explained that new policy re late starters -not allowed to register within week before start of course- had removed issues with accessing materials. Focus group revealed concerns with using unfamiliar systems re online examinations (annex 1). Assessors suggest consider a mock run-through of accessing/ downloading etc online examinations. Team confirmed that this will now be provided in a dedicated examination and assessment session delivered by</p>
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			the Teaching and Learning team during the induction week.
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<p>4.2 no assessment criteria or marking schemes -CCLS use “points of answer”-learning outcomes not broken down formally as assent criteria.</p> <p>*Note External Examiners comment, 2022, PG Certificate in Intellectual Property – IPLC131 Papers A and B; IPLC133 Papers A and B : “Apart from the patents MCT, the other question papers sent for my review were not provided with model answers or an indication of the content or length of answers which I believe they should. This would have assisted in the review by the external examiner and help confirm a consistent marking approach.”</p> <p>Teaching Associates in Programmes Evaluation 21/22 “Hold in-depth meetings to discuss second marking, e.g., certain wordings used to mark and grade.”</p> <p>Student evaluation “As an international student, it would be helpful to have more guidance on</p>	<p>Mandatory requirement 14: review of assessment strategy to include introduction of assessment criteria and marking schemes for each module.</p>	<p>A full review of the assessments on all 3 programmes will take place this academic year. The review will ensure effective assessments are being used. The Programme Director, Module Convenors and External Examiners will all be involved in this review.</p>	<p>“The marking criteria that are set out in the Student Handbook, in combination with each module <u>“points of answer”</u>, will be used by markers as the assessment criteria. This approach will ensure the consistency and the transparency of the marking process.”</p> <p>“All summative assessments will be doubled marked by the primary marker (academic lead) and a second marker. The agreed marks will be reviewed and approved by an external examiner.”</p> <p>The assessors were given a copy of general marking criteria (7 columns ranging from poor (below 50)-outstanding (80+); 7 rows covering relevance & accuracy, independent &/or original analysis; quality of logic&analysis; use&scope relevant sources; accurate&approp source; organisation; writing. Focus group were aware of marking criteria, some had been shown how they are used (annex 1).</p>
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<p>the structure of exams and how they are graded earlier on in the semester, as they vary significantly from my home institutions.</p>			<p>Assessors are satisfied that work has been done to incorporate some marking criteria into the assessment process, however they suggest that more work needs to be done for criteria to be integrated throughout process and fully tied into learning outcomes.* see column 1.</p>
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<p>4.3-4.8 not clear which examiners cover what, 4 out of 8 reports missing,</p>	<p>Mandatory requirement 15: review the number of external examiners and review roles to include input from external examiners into any module/programme review as the assessment is integrally linked to learning outcomes.</p>	<p>The Programme Director has reviewed the role of the external examiner and in the process of appointing/assigning an external examiner for each module. As part of the programme reviews, the external examiners will now be invited to provide their input towards assessment and learning outcomes.</p>	<p>No references to Academic Reflective Summary on marking discussed at para 4.8 Assessors report</p> <p>“There are 4 external examiners (2 new appointments from October 2022) divided between all the modules (covering IPReg requirements). The 4 external examiners cover all 3 programmes and each external examiner is attached to specific modules as detailed in mandatory requirement 15.</p> <p>The Teaching and Learning Services office (formerly known as PGT office) will monitor the receipt of the external examiners reports, which in turn will be reviewed and acted upon, if needed, by the Programme Director and new SEB Chair, Duncan Matthews. Moreover, the exam boards will be utilised as a platform to engage with the external examiners and address their concerns. “</p>
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			<p>Team explained that they hope the changes made to the examiners will lead to receiving a full complement of reports.</p>
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<p>4.5 team response to examiners comments an issue</p>	<p>Mandatory requirement 16: review of process by which external examiners comments are responded to so that there is a consistent and adequate response.</p>	<p>The new Head of School wrote to the new School Exam Board (SEB) Chair outlining the IPReg Requirements and their designated responsibility where external examiners are concerned.</p>	<p>The team were asked whether they are receiving the full complement of examiners reports. Two recent reports had been sent to the Assessors. Now have 3 external examiners. In 21/22 received 2 out of 4 reports. Expecting 3 this year. The team assured the Assessors that the process for responding to examiners is working.</p>
<p>4.10-4.13</p>	<p>Mandatory Requirement 17: Reports on progression, awards and destination data eg student profiles, results and outcomes, by degree classification, domicile, ethnicity, gender and disability should be used as part of the Annual Programme Review.</p>	<p>CCLS will undertake its annual review for the September 2021 student intake in October 2022. The September 2022 intake will be reviewed in October 2023.</p>	<p>Assessors asked what has happened to Annual Programme Review and extended Programme Review (see para 5.12 of Assessors report). Supplied with annual report for 21/22 dated October 2022 which was a very useful and full review.</p>

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<p>5.2 -5.15-student feedback- unable to identify connected action plans with time scale for implementation. Difficult to understand cycle of QA. Are processes being documented? Importance of Programme management Review Group. Who has responsibility for QA?</p>	<p>Mandatory Requirement 18: that the Programme Management Review Group has a continuing role in the internal review of modules required by IPReg.</p>	<p>The Programme Management Group (PMG) will continue to meet throughout the Academic year and will be the formal meeting used to address and review all programmes and feedback from all stakeholders involved in these programmes. Dates for the meetings have been set.</p>	<p>“The PMG will meet 4 times in the coming academic year as detailed in the table below and this will continue in future academic years.” Assessors provided with minutes of these meetings which showed robust process of identifying issues, actions and responsibility for actions, with follow-up in the next meeting. Assessors satisfied that there is now a documented continuing QA review process. The team intend to ask IPReg to attend one of these meetings each year.</p>
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5.10	Mandatory Requirement 19: CCLS team to implement a simple system to capture in writing every element of the quality assurance process, ensure that actions are followed up on and to store these documents online so that they are easily accessible to all stakeholders.	Teaching and Learning Service team will set up a dedicated page on Microsoft Teams to capture all of the quality assurance processes and ensure that actions are followed up on and banked.	The team assured the Assessors that a dedicated page has been set up for staff. They had been able to immediately access additional documents requested by Assessors.
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Recommendations:

Issue raised by Assessors report	RECOMMENDATIONS	ACTION	Assessors comments
1.3-1.4	Recommendation 1: that CCLS organisational charts be made easily accessible to all stakeholders in particular programme level staff and students.	Organisational charts for both Academic and Professional Services staff have been included in the Student Handbooks. Additionally, QMplus pages now show all of the roles and responsibilities of each staff member involved in the IP Programmes.	Discussed with Assessors.
2.42	Recommendation 2: QMUL, and ideally other examination agencies, should liaise with Nottingham team to identify gaps that are evident to Nottingham when students arrive and adjust trade mark certificate course accordingly.	The IP Programme Director held a meeting with colleagues from Nottingham and formed a communication channel that will continue throughout the Academic Year. The next meeting has been arranged for November.	Discussed with Assessors.

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2.44	Recommendation 3: CCLS team consider additional learning sessions for students eg who have no work experience and or are not currently employed in the profession to help ease them into the subject matter.	An in-session programme has been designed to help support students who join the programme with little to no work experience. Sessions have been scheduled and will be recorded and made available on QMplus.	Discussed with Assessors.
3.32	Recommendation 4: CCLS to consider introducing activities/exercises to encourage students studying online to get to know each other at the beginning of each programme, extending the use of breakout rooms, delivering small group sessions of less than 10-15 students and setting up online study groups for students.	The IP Programme Director arranged new induction initiatives including a lunchtime meet and greet and evening drinks which took place on 06/09/22. Additionally, a new social agenda has been developed to further facilitate and encourage student engagement.	Discussed with Assessors.

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3.33	Recommendation 5: guidelines for consistent, systematic training and review of tutors (including external tutors) and teaching assistants and use of teaching assistants across all modules should be developed.	Full guidelines for Teaching Assistants (TAs) have been devised and the Programme Director has met with current TAs to discuss their roles and responsibilities.	Discussed with Assessors.
4.10-4.14	a. Recommendation 6: reports on trends over last 3 years should be used as part of the Extended Programme Review.	Annual Monitoring Reviews will be taking place and will include a full extensive review on the previous year's programmes.	Discussed with Assessors.
4.17	2. Recommendation 7: revision sessions cover how to approach and get the best out of a 24 hour exam.	CCLS introduced a 4-hour timed format for all its exams. Following this format students will get 4 hours to complete their exam, which is more than the usually allocated time for "in-person" exams.	Discussed with Assessors. QMUL will be carrying out review.

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5.19	4. Recommendation 8: the teaching and learning team structure with names and contact details and breakdown of responsibilities for each team should be clearly available for students.	A detailed list of the Teaching and Learning Services team is included in the Student Handbook and on QMplus.	Discussed with Assessors.
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Centre for Commercial Law Studies (CCLS)

Queen Mary, University of London

29.09.2022

Assessors comments added 23 March 2023

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Annex 1

IPReg QMUL Accreditation Implementation Plan Review

Assessor focus group with students

13 March 2023

The Assessors met with three student representatives, one from each of the three programmes (being delivered currently 22/23) ie MSc, Postgraduate certificate in TM Law and Postgraduate certificate in IP.

Course content

Was the content of the course what you expected?

Or was it more/ less comprehensive than you thought it would be?

Were procedural issues covered in sufficient depth?

All three courses were “what they expected...lecturers experienced...”

MSc is “loaded towards patents, some of cohort would rather TM...”

For some “the volume was higher than expected... quite a lot to cover...”

Fundamentals of Law “quite a lot to cover in short period...one week course...especially Contract...” - has fed this back to course team

Was the content relevant to your practice?

TM course - “never worked on designs...not likely to use as TM Attorney ...TM law relevant...”

IP course - “some experience of designs and copyright...TM Law new...”

MSc student had 14 years of experience - “got what expected...”

Overlap of content? Repetition? Joined up?

How would you describe the workload?

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MSc “very busy not much time to do anything else...intensive...for native English speakers ok, others struggling a bit”. “No-one has given up but it has been discussed...is an in-depth course...not everyone researched beforehand...perhaps [information on QMUL website] not clear whether to go for MSc or LLM...”

TM -had understood that in previous years “lectures every 2 weeks Fridays and Saturdays...last year every week...made review and preparation a struggle because also working...only told once enrolled...”. Is “spending most evenings working and one day at weekends...”

IP- “very lucky, knew what getting into...workload rear ended... [thought] only one student dropped out...”. Is “solely studying - spending 8 hours a week...cannot speak for those who are working...”

Teaching and learning methods

We understand that the course is face to face with a mixture of teaching and learning methods including (recorded) lectures and private study?

Any cancellations? Uploaded in time?

Was the balance of this type of teaching/ private study appropriate?

How would you rate your learning experience of the lectures - good/bad/ indifferent?

Consistent approach in providing information and materials?

When you had questions about issues raised in lectures or discussions, did you get sufficient opportunity to have them answered?

IP - “overall good...varied quality re lecturers...” TM more academic...Patents taught by practitioners -better...”. In relation to Designs and Copyright students are “intimidated to ask questions [as] over 100 students in lecture...”

TM- “some interactive...Patents lots to cover...designs and copyright not as interactive...some things expected you to know”.

Did you have opportunities to access large/small group (tutorial) discussions?

Not unless total group size smaller eg TM 30 students and sometimes split into smaller groups of 5 within class, MSc small group in total 15-20

Did you have opportunities to submit written exercises to tutors and receive written feedback?

Did you get helpful feedback on written exercises you submitted?

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“No opportunities for feedback...”

TM had individual feedback, submitted one past exam paper...”

“Design- one question peer assessed...didn’t work as well as person to person feedback...left to do ourselves...no guide as to how to answer...didn’t know how to mark others work...otherwise would have been helpful”

“Patents-end of each topic MCQs, submitted to get marks...discussed in class”

Did you have opportunities to discuss how to prepare for the examinations including information re structure of exams?

Received some examination preparation “went through exams...shown past exams in Designs but told some not relevant as now exams are open book...no exam prep for copyright...”

The Assessors showed the students the General Examination Criteria table, all three students were aware of its existence, had been shown it early in the course. One student said “writing ethics question actually went through it [criteria table]...” another “was explained fully...”

Were there any technical issues with access to the online teaching and learning materials and if so how were they dealt with?

Regarding “online exams -no run through [meant that on the day were nervous]. Note MSc students had brought this up with team. Website - “difficult to use...”

Students were asked about new 4 hour format “ran out of time, felt pushed but not cheated [of time]...ran out of time not expecting 3 questions...”

MSc students originally thought it was 24 hours long, “receiving emails during exam time as to whether 4/24 hours [this led to feeling] rushed...eventually told 24 hours, 17 questions...”

Student support/ feedback

**Was it made clear to you how to address any concerns about course content, delivery of lectures etc while the course was actually running?
Were you offered opportunities to give feedback on the course?**

**IPReg Assessors Review of QMUL, CCLS Comprehensive
Action Plan March 2023**

Yes 'actively encouraged to give feedback'

Some MSc students missed induction [therefore missing important info re running of the course].

Overall

If you had to choose how to sum up your impression of the course overall how would you describe it?

Is there anything you would suggest to improve the delivery of the course?

What was the best thing about the course?

Would like "individual feedback on all the courses...". "they are well structured and well thought out...would like a bit more interaction -10am-5pm long time sitting [listening]...during train strikes/snow felt students not considered eg no recording from Friday's revision session and no synchronous Zoom set up-it's a problem [finding time] to watch whole day of recorded lectures when working..."

"Course content sets me up for professional exams...but organisation lacking...start date changed 2 weeks before...patent marks released before moderated...team admitted latter error plus gave reasons..."

Students "would like text notifications of changes on weekly basis...have set up own WhatsApp group"

"consider marketing of MSc and LLM ...only two people attending MSc are intending to practice... [alters atmosphere of course]..no networking opportunities... "

Annex 2

Additional documents received by Assessors prior to visit (with Assessors comments)

- 1. Programme specification for Postgraduate certificate in Trade Mark Law and Practice (missing from the documents) RECEIVED**
- 2. Clear and aligned mapping, syllabi and notional hours documentation for each module required by IPReg for the MSc in Management of IP, PG Cert in IP and PG Cert Trade Mark Law**

**IPReg Assessors Review of QMUL, CCLS Comprehensive
Action Plan March 2023**

RECEIVED TABLES FOR THREE PROGRAMMES SHOWING STUDENT/LECTURER INTERACTION, INDEPENDENT LEARNING TIME AND TOTAL NOTIONAL HOURS

MAPPING DOCUMENTS AND CREDIT ALLOCATION FOR THREE PROGRAMMES

MODULE SYLLABUSES

3. Student feedback from academic year 2021/22 and any student feedback collected in the current academic year 22/23 eg re the Postgraduate Certificate in IP.

RECEIVED

STUDENT STAFF LIAISON COMMITTEE MINUTES NOV 2022

QMUL MODULE EVALUATION SCHEME 2021/22 DESIGNS AND COPYRIGHT: RED LIGHT -MODULE IS WELL ORGANISED AND RUNS SMOOTHLY OTHERWISE ALL YELLOW (WITHIN RANGE OF TOLERANCE FOR QUALITY GUIDANCE) ;

TRADE MARK LAW IPLC 131: RED - I HAVE RECEIVED HELPFUL COMMENTS ON MY WORK, MODULE IS WELL ORGANISED,

TRADE MARK LAW A IPLC136 RED MODULE -WELL ORGANISED, -LEARNING RESOURCES -SUPPORTED LEARNING

TRADE MARK LAW B IPLC 137 NOTE CRITERIA USED IN MARKING CLEAR IN ADVANCE GREEN (OTHER EVALUATIONS YELLOW)

IP IN US IPLM 148 RED -ABLE TO ACTIVELY CONTRIBUTE, -RECEIVED HELPFUL COMMENTS ON MY WORK, -WELL ORGANISED

TRADE MARK LAW IPLC 140 NOTE CRITERIA USED IN MARKING GREEN (1/8 GREENS)

TRADE MARK LAW REGISTRATION AND FILING IPLM200 ALL GREEN

PATENT LAW IPLM 202 ALL GREEN

Note Assessors discussed methods of sharing best practice with team, assured that more team trains, meetings taking place.

4.Examiners reports for the academic year 2021/22 and any responses from the team to comments made by external examiners. We assume that none are available for 22/23?

RECEIVED EXTERNAL EXAMINERS REPORT 2022 PG CERT IN IP IPLC 131 A AND B, IPLC 133 A AND B

5. Annual review report for the September 2021 student intake

RECEIVED IP CERT PROGRAMMES EVALUATIONS SUMMARY 21/22

RECEIVED ANNUAL REVIEW REPORT FOR IPREG SPECIALIST PROGRAMMES 2020/21; INTAKE -VERY USEFUL , ONE FOR 21/22 NOT YET AVAILABLE? Note that minutes of programme management group Feb 2023 say "internal APR was put on hold for this year..." team explained will be available Oct each year.

6. Minutes of the four PMG meetings held in 21/22 and any PMG meetings held so far this year.

RECEIVED CONFIRMATION TERMS OF REFERENCE 2022/23

MINUTES MAY 2022, OCTOBER 2022, FEBRUARY 2023, NEXT MEETING 16 MARCH 2023

Board Meeting 18 May 2023

IPReg Accreditation – Patent Examination Board Final Examinations

Agenda Item: 9

Lead Board Member: Caroline Seddon, Chair of Education Working Group

Author: Victoria Swan, Director of Policy (victoria.swan@ipreg.org.uk)

This paper will be published

1. Summary

1.1 The 12 January 2023 meeting of the IPReg considered and endorsed the independent specialist assessment of the accreditation application made by the Patent Examination Board (hereafter PEB). The application covered the Final Diploma patent attorney qualifying pathway examinations:

- Final Diploma (FD) 1 – Advanced IP Law and Practice;
- Final Diploma (FD) 2 – Drafting of Specifications;
- Final Diploma (FD) 3 – Amendment of Specifications; and
- Final Diploma (FD) 4 – Infringement and Validity.



1.2 The assessment identified that there were 19 Mandatory Requirements (MRs) for the PEB to implement in order to meet the standards set out in the [IPReg Accreditation Handbook](#). It also identified 2 Recommendations thought to be beneficial for the PEB to consider. The Board agreed that it would require the PEB to provide an implementation plan to take forward the MRs and Recommendations within a period of 2 years. At that point, independent specialist assessors would review whether the implementation plan has been delivered and only at that point would IPReg endorse the standard 5 years accreditation timeframe. The PEB response to this requirement and their proposed accreditation implementation plan is provided as an Annex to this paper.

2.1 Recommendation(s)

- 2.1 The Board is asked to endorse the PEB’s accreditation implementation plan for its Final Diploma examinations.
- 2.2 The Board is asked to endorse a 2024 accreditation assessment timeframe for the PEB Foundation Certificate examinations.

3. Risks and mitigations

	Risk	Mitigation
Financial	There is a risk that the PEB does not have the resources to take forward all of the Mandatory Requirements.	Members of the IPReg Education Working Group (EWG, hereafter) will meet with the PEB to discuss the way forward.

	<p>The PEB's 2020 Annual Report to IPReg identified that a number of individuals had taken the FD4 examination more than 5 times. At c£500 an examination, for a small firm, or an individual self-funding, this is a significant outlay over time.</p>	<p>The IPReg response to the Mercer Review welcomed all of its recommendations relating to improvements to the FD4 examination and the broader assessment improvements of the assessor report should aid the PEB's Mercer Review action plan.</p>
Legal		
Reputational	<p>There is a reputational risk should the accreditation process not lead to the improvements sought.</p> <p>The long standing reputation of the Final Diploma Infringement 4 examination is challenging with a historically and consistently low pass rate.</p>	<p>The 12 January 2023 meeting of the IPReg Board agreed to an independent specialist assessment of the PEB's delivery of the implementation plan in 2 years.</p> <p>The IPReg response to the Mercer Review welcomed all of the recommendations relating to improvements to the FD4 examination and the broader MRs should aid the PEB's Mercer Review action plan.</p>

¹ As long as an offer meets the specified standards there is no stipulation as to the form a pathway element might take, such as a course, or examination, or other.

²As there is only one pathway provider for the trade mark attorney route, that being Nottingham Trent University.

	<p>Given the significant improvements the PEB needs to make there will be a need for the PEB to manage the risks inherent in revising their business and operational models to ensure they satisfactorily accommodate the requirements placed upon them. This will include any required adjustments to ensure that Equality Diversity and Inclusion (EDI) principles are met.</p>	<p>IPReg sets the accreditation standards which all qualification providers must meet, it is for the accredited qualification provider to set about implementing them. IPReg will continue to work collaboratively, with both the PEB and CIPA, as they action the implementation plan to meet the IPReg accreditation standards.</p>
<p>Resources</p>	<p>There is a risk to the accreditation process should there not be the appropriate specialist and independent resources to consider an application.</p>	<p>The independent, specialist resources of [REDACTED] (lead consultant, qualified solicitor, Associate Professor, professional legal education consultant) and [REDACTED] (professional practitioner input, previous IPReg Board and EWG member) were appointed as the assessment team who reviewed both the PEB accreditation application and this implementation plan. [REDACTED] was an assessor on the accreditation assessment of the Foundation Certificate Examinations of the PEB. The implementation plan was reviewed by the EWG at its 27 April 2023 meeting.</p>

4. Background

4.1 Origins of the PEB: the PEB operates from the office of the Chartered Institute of Patent Attorneys (CIPA, hereafter), its staff are employed (though not overseen) by CIPA and its website is part of CIPA's. IPReg requires the PEB to have independent governance³ and financial control to remove the conflict of interest inherent in a professional membership body overseeing the

³ The PEB was established as a Committee of the CIPA.

examinations (particularly given the independent recommendation⁴, and enactment, of disbandment of the historic Joint Examination Board⁵ on this basis).

4.2 Mandatory Requirements: the assessor report identified a number of areas where improvements are needed to ensure the accreditation standards as set out in the [IPReg Accreditation Handbook](#) are met. There were 19 such Mandatory Requirements which cover the following areas:

a) Examiners: clarify the roles of both the Chief Examiner and External Examiners, document the processes to be used to approve and engage external examiners, ensure appropriately briefed and robust nomination approval and engagement processes, collect external examiner feedback and inform of any changes their feedback has helped engineer.

b) Board and Committees: meetings to be fully minuted, including a full recording of Principal Examiner discussions, review roles and responsibilities of each Board/Committee,

c) Assessments: a written and transparent assessment strategy, ensure threshold standards are consistent with the relevant national qualifications framework/assessments, measure both at, and beyond, the student achievement threshold so reasonably comparable with those of other equivalent qualifications, review the type of feedback candidates find constructive, retain scripts for an appropriate length of time for (re)accreditation, align assessment methods and criteria to learning outcomes, draft clearly articulated assessment criteria, weightings and level descriptors, create a process for regular review of the validity of the assessments, consider variety in assessments which would help develop a range of skills and competencies and assess a range of learning styles, review whether each candidate has an equal opportunity to demonstrate their achievement through the assessment process, clearly inform candidates of the purpose, requirements and expected standards of each assessment, feedback on the assessments must explicitly relate to the stated learning outcomes and assessment criteria, review the ways in which external experts are used/processes to approve and engage them/clarify their roles and responsibilities to relevant stakeholders.

4.3 Additionally, the assessor report made 2 (lower-level) recommendations - these are items which are not specific requirements of the Handbook but are improvements from which the patent examinations would likely benefit - for PEB's consideration: to actively progress enhancement of quality assurance/external examination/listening to feedback, and enhance individual feedback on examinations so understandable, constructive and help them achieve.

4.4 The PEB provided 83 detailed comments on the draft Assessor Report and an initial response of 12 pages where it proposed it would take forward some of the MRs/Recommendations and of those, with EWG comments – brought to 12 January 2023 meeting of Board - on the PEB's response included:

⁴ The A Sherr Review, 'Where Science meets Law', November 2002.

⁵ The Joint Examination Board of both CITMA and CIPA.

- a) definition of learning outcomes are not dependent upon IPReg, all accredited bodies should have self-defined learning outcomes as well as any IPReg-defined (though the IPReg Accreditation Handbook review may ultimately define other/additional learning outcomes, or indeed similar, outcomes⁶;
- b) all of the MRs are essential and some of which are of a major nature and which need to be implemented in full; a further discussion is required regarding structure, governance and purpose of the PEB, some very important things here, a trigger for a meeting given the significant governance points; clearly scope for a lot of discussion about how implemented, but ultimately have to happen; and
- c) initial response insufficient, will require a detailed implementation plan for the PEB taking forward every MR and Recommendation.

4.5 Following review of both the assessor report and PEB's response to it, and extensive discussion regarding the available accreditation timeframe options (see item 4.6 below) the 12 January 2023 meeting of the IPReg Board ultimately determined, given the gravity of the issues raised, that all of the MRs and Recommendations would need to be delivered. There was concern as to whether the PEB could deliver the MRs in a reasonable timeframe and so, upon receipt of an updated implementation plan, the EWG to have discussions with the PEB to determine the capability, capacity and inclination to take the commitments forward and modernise its governance and assessment processes.

4.6 The 12 January 2023 meeting of the IPReg Board discussed whether a 5 year accreditation with a possible 2 year interim review – as proposed by the EWG – was appropriate and considered other options:

- a. Reaccredit for 5 years but IPReg would reserve right to intervene earlier if necessary – this would give the PEB the opportunity and confidence to reconfigure its business model;
- b. Reaccredit for 5 years but reserve right to have a formal independent review after 2 years if there are concerns the Mandatory Requirements are not being implemented – this would also give the PEB the opportunity and confidence to reconfigure its business model and provide an additional incentive to adhere to the required timescale;
- c. Given the severity of the concerns raised by the assessment, make clear to the PEB that after 2 years its accreditation may be removed if it has not implemented the Mandatory Requirements. The Board considered that this approach would be a targeted and proportionate response to the seriousness of the concerns raised in the assessors' report and should provide sufficient incentive to the PEB to implement the reforms.

4.7 The Board approved the 5 years reaccreditation subject to provision by 31 March 2023 of a satisfactory implementation plan which provides IPReg with assurance that the Mandatory Requirements and Recommendations will be met. That plan to enable all MRs to be delivered by 31

⁶ The PEB, as all accredited agencies, was involved in the initial drafting of the IPReg Accreditation Handbook, and all will be involved in its independent, specialist, review.

March 2025. Soon after that date there will be a formal, independent, specialist review of the PEB's progress. Should that 2025 review not provide IPReg with the necessary confidence that the Mandatory Requirements have been met, IPReg reserves the right to trigger the IPReg Accreditation Withdrawal Policy Statement and Procedure.

4.8 Additionally, IPReg will scrutinise progress of the implementation plan on a regular basis over the course of the next two years; this is likely to be undertaken more frequently than the established annual reporting mechanism.

5. Discussion

5.1 The Education Working Group (EWG)⁷ of Board met on 27 April 2023. In its review of the proposed PEB implementation plan, general comments included:

- a) the PEB needs to take forward a broad range of improvements in order to meet the IPReg accreditation standards which all accredited qualification providers need to meet,
- b) concern that given their finances are not transparent (and CIPA has declared concerns with their funding) and whether the PEB has the resources to undertake the implementation plan,
- c) given the significant improvements the PEB needs to make there will be a need for the PEB to manage the risks inherent in revising their business and operational models to ensure they satisfactorily accommodate the requirements placed upon them. This will include any required adjustments to ensure that EDI principles are met. As a regulator IPReg's duty in this context is to uphold standards and have quality assurance oversight, and those expectations include that accredited qualification providers compete fairly in their market(s),
- d) it can be difficult to recruit examiners at the low rate of pay for paper drafting (and examining), additionally, the marking schedule impacting upon Christmas/New Year marking can deter examiner applicants, so perhaps PEB need to review timing of examinations (historical timing and sequencing with European Qualifying Examinations).

5.2 Ultimately, the EWG agreed:

- a) the PEB implementation plan would appear workable, meets the threshold of confidence subject to supportive ongoing discussions with the PEB over the next 2 years and use of the annual reporting mechanism,
- b) to recommend the implementation plan to the May Board,
- c) it is for the Chartered Institute of Patent Attorneys to work with PEB regarding their concerns about PEB governance, as their concerns are not for IPReg to convey to the PEB.

5.3 The EWG reviewed a request from the PEB to defer the IPReg accreditation assessment of the Foundation Certificate examinations, scheduled for 2023 in light of the standard 5 year accreditation cycle and having been last subject to accreditation assessment in 2018. The EWG

⁷ The EWG makes recommendations, and reports, to Board, it does not have delegated authority of its own.

agreed to defer this until 2024 to enable the PEB to focus upon the Final Diploma examinations implementation plan, improvements within which should also (positively) impact upon the Foundation examinations.

6. Next steps

6.1 Should the Board endorse the PEB implementation plan, the next steps will be:

- a) issuing formal confirmation to the PEB of the Board's endorsement of its implementation plan – by 25 May 2023,
- b) PEB Accreditation Assessment Implementation Plan to be published on IPReg website – 30 May 2023
- c) meeting of representatives of both the EWG and PEB to discuss to determine the capability, capacity and inclination to take the commitments forward and modernise its governance and assessment processes – by 18 June 2023,
- d) Annual Report of the PEB to IPReg to include update on progress against the implementation plan – by 31 July 2023,
- e) Annual Report of the PEB to be considered by the EWG – by 31 August 2023
- f) IPReg to review accreditation form and process – 2023/24,
- g) IPReg to commission an independent review of the IPReg Accreditation Handbook to include Core Subjects and Learning Outcomes (credits) – 2023/24.

Supporting information

7. Links to strategy and business plan

7.1 The accreditation assessment is central to items a, b and d of item 9 “Education Work” of the [IPReg Business Plan 2022-23](#):

“9. We will continue to work on important issues concerning accredited attorney qualification providers:

- a. Working with providers to ensure accreditation recommendations are taken forward and quality assurance mechanisms are fit for purpose, including responding to student and client feedback. Where there are concerns, IPReg will raise these with the provider to ensure that action is taken,
- b. Working with providers to ensure that online delivery of courses meets the required standards (a change in the method of delivery as had been triggered as a result of the pandemic),
- c. Working with stakeholders and potential providers to encourage new qualification pathway options,
- d. We will continue to undertake reaccreditation assessments (typically every 5 years) of qualification providers. We will consider the outcomes of the European Qualifying Examination Modernisation Discussions and Proposals and the Mercer Review”.

8. Supporting the regulatory objectives and best regulatory practice

8.1 Regulatory Objective - Encouraging an independent, strong, diverse and effective legal profession – the [IPReg Accreditation Handbook](#) sets out the standards to be met to ensure the qualification routes are fit for purpose and contribute to an attorney profession which is appropriately qualified, competent and effective. An application which meets, or could meet, the accreditation standards is typically accredited for five years⁸. If, during that time, there is a verified significant risk to the accreditation standards, and thereby the regulatory objective, action would need to be taken as under the [IPReg Accreditation Withdrawal Procedure](#). By significant⁹ risk we mean a serious, sustained and systemic issue, such as one reported by an entire student cohort or a professional membership body. Examples of a serious, sustained, systemic issue might be: not covering the IPReg syllabus, wholly and consistently inaccurate or out-of-date course materials, or inadequate assessment arrangements. Conceivably, it could even include wider-reaching significant risks, such as the broader institution's action/ inaction (e.g. losing accreditation status with another agency, or a financial issue which threatens the viability of the course or examination). A decision to withdraw accreditation would not be taken lightly, would be made by the IPReg Board, and would be reached only when all other remedies had been considered and/or pursued, and the significance of the risk(s) to the accreditation standards, and thereby the regulatory objective, were so pronounced that remedies were insufficient to address it.

Regulatory Principles

8.2 The Regulatory Principles as set out at item 21 of the [Legislative and Regulatory Reform Act 2006](#) states that:

“regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent, regulatory activities should be targeted only at cases in which action is needed”

The following assess the accreditation process against these principles.

8.3 Transparent: both the [accreditation assessment](#), and the [January Board's consideration of it](#), have been published on the IPReg website as will the implementation plan upon endorsement.

8.4 Accountable: IPReg to schedule meeting(s) with PEB representatives to discuss and determine the capability, capacity and inclination to take the commitments forward and modernise governance and assessment processes. PEB annual report to IPReg expected July 2023.

⁸This is underpinned by an annual reporting requirement on accreditation standards within that timeframe.

⁹ By contrast, for example, an issue reported by a single student or exam candidate would be considered a minor risk, and accordingly would be referred to the relevant qualification provider's complaint process.

8.5 Proportionate: IPReg did not require an annual report from the PEB in July 2022 due to its accreditation application.

8.6 Consistent: the accreditation process seeks to ensure that, irrespective of the qualification provider, the IPReg accreditation standards are met.

8.7 Targeted: the MRs identify for the respective qualification provider how to meet the accreditation standards expected of IPReg accredited qualification providers.

9. Impacts

9.1 Impact on qualification pathway provider: implementation of specified suggested improvements will typically have a resource impact upon the accredited qualification provider. In the case of the MRs these are wholly necessary to ensure that the qualification meets the specified accreditation standards and does not have a negative impact on the learning and/or assessment of its students/examination candidates when compared with other accredited qualification offers.

9.2 Impact on examination candidates: the implementation of the MRs (and Recommendations) by the qualification pathway provider seeks to provide examination candidates with an improved offer, in particular, but not limited to, the Final Diploma 4, Infringement and Validity examination.

9.3 Impact on firms: the implementation of the MRs (and Recommendations) together with the Mercer Review Recommendations relating to the FD4 examination should see, in the longer term, a decrease in the number of candidates who sit the examination multiple times.

10. Communication and engagement

10.1 Please see Next Steps. Please note that it is considered appropriate for CIPA to explain the PEB governance concerns it raised with IPReg, rather than for IPReg to clarify as the PEB suggests.

11. Equality and diversity

11.1 The assessor report requires (MR 14) the PEB to,

“Review whether each candidate has an equal opportunity to demonstrate their achievement through the assessment process. If not, consider how to communicate openly with candidates as to what prior study/experience needed”.

11.2 This because the assessors determined “it is difficult to see if and how PEB are fulfilling their aim to be inclusive, those entering the profession through different routes (including those who work for small firms) do not have equal access and the same opportunities, to access the support and training required, to successfully complete the Final Diploma as candidates who work in firms who e.g. prioritise training”.

11.3 The implementation plan sets out the PEB’s proposed response to this which includes commissioning an external EDI expert to review the assessment model and sample assessment materials prior to publication.

11.4 As a regulator IPReg has a statutory duty to promote a diverse profession, and as such shall support the PEB as it works through any business and operational changes and if required. IPReg shall schedule early discussions with the PEB to assist in a way forward.

12. Evidence and data

12.1 As set out in the [IPReg Accreditation Handbook](#), the evidence and data requirements of an application for accreditation of a qualification pathway are:

Standard	Evidence Source
Quality	<ul style="list-style-type: none"> • Programme Specification • Programme learning outcomes • How Professional Ethics is dealt with • Quality assurance arrangements inc. the most recent internal and external reports • Evidence that the programme is at the right level • External Examiners Report and related action plans • How previous accreditation recommendation and requirements have been dealt with
Student choice, access and teaching arrangements	<ul style="list-style-type: none"> • Programme Admissions Policy • Programme Specification • Modes of teaching provision • Assessment strategies employed • Staff/student ratios • Equality, Diversity and Inclusion Policies • How the extremes of cohort entry will be supported • Academic and Examination Regulations (inc. in pandemic)
Assessment and appeals procedure	<ul style="list-style-type: none"> • Methods of assessment (how much by assignment, project, examination etc.) • Sample examination papers/essays/test • Sample answers/scripts • Pass and fail rates • Resits Policy
External assurance	<ul style="list-style-type: none"> • Teaching staff information/ membership of professional bodies/practitioner input • Most recent QAA Institution Audit Review (or equivalent) and any associated action plans • Student satisfaction surveys and any changes made as a result

	<ul style="list-style-type: none"> • Staff & Student Liaison Committee information & minutes of meetings • Progression, awards and destination data
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12.2 The Assessor Report identified that the following evidence sources were not applicable to the PEB:

- How previous accreditation reports, recommendations and requirements have been dealt with (first IPReg accreditation assessment of the Final Diploma Examinations)
- Programmes Admission Policy
- Modes of teaching provision (examination body only)
- Staff/student ratios (examination body only).

12.3 The Assessor Report identified that the PEB did not provide the following evidence sources it would be expected to provide:

- External Examiners Report and related action plans from the last 3 years (only one provided)
- Sample answers/scripts for last year's examinations to include one example of each of the following – pass, borderline and distinction
- Information on staff/membership of professional bodies/practitioner input
- Progression, awards and destinations data.

12.4 The PEB raised concerns that some evidence requests, such as biographies of examiners, were asking it to breach the General Data Protection Regulations, and also cited that other documentation was confidential, such as the Governance Board minutes (sought to gain a sense of how decisions are made and assessment strategy determined given other evidence sources had not provided the information they might be typically expected to). In the context of this, of meetings not being fully minuted and the number of requirements within the assessor report relating to reviewing roles, responsibilities, processes and strategies, and “it is not clear to the assessors as to how major change is driven forward” the assessment raise governance concerns (as well as IPReg's other concerns regarding the principle of the examinations body being connected to the representative body and controlling access to the profession) that IPReg has begun to discuss with CIPA.

29 March 2023

Victoria Swan
Director of Policy
IPReg
20 Little Britain
London EC1A 1DH

Dear Victoria

We acknowledge receipt of IPReg's accreditation decision letter dated 26 January.

As requested, we attach PEB's proposed Implementation Plan.

The IPReg Education Working Group's request for a meeting with CIPA and PEB representatives to begin discussions regarding implementation of the Requirements is noted. The PEB GB agrees that this would be beneficial. It would be helpful if this meeting could take place at an early stage.

Could you, please, provide details of the proposed meeting as follows:

- The names of the IPReg representatives at this meeting;
- The areas that the EWG wishes to discuss;
- Some possible dates and times.

You mention "the significant distance which needs to be travelled". The PEB GB has now met twice to consider the accreditation requirements. Given the scale of the requirements, the GB would welcome an early opportunity to discuss timelines and priorities with the EWG.

The PEB GB also notes that the published minutes of IPReg's Board meeting on 12 January, in paragraph 5(c) on page 10, state, "IPReg and CIPA to have discussions regarding PEB governance concerns (IPReg has been approached by CIPA with its own PEB governance concerns)". The PEB GB is unaware of these concerns and therefore requests clarification and an opportunity to discuss them with IPReg.

We look forward to hearing from you.

With best wishes



Damian Day
Chair of the PEB Governance Board

Board Meeting 18 May 2023

Complaints Update

Agenda Item: 10

Author: Shelley Edwards, Head of Registration (shelley.edwards@ipreg.org.uk 020 7632 7175)

This paper is to note

Summary

1. This paper stands as an update on complaints received and processed by IPReg.

Recommendation(s)

2. The Board agrees to note this paper.

Risks and mitigations

	Risk	Mitigation
Financial	We have allocated a budget of £35,000 for costs associated with processing complaints and conducting disciplinary hearings. There is a risk that an unanticipated increase in cases will cause us to exceed the budgeted figure	It is IPReg's policy to seek the external costs incurred in bringing disciplinary cases before a tribunal from the respondent, and recover any debt as appropriate.
Legal	[REDACTED]	[REDACTED]
Reputational	There may be a risk to IPReg's reputation if it were considered that IPReg was not conducting its investigation and enforcement process appropriately - pursuing cases with no evidential basis, not taking enforcement action where there is a clear breach of regulatory arrangements, poor decision-making at hearings etc.	IPReg has developed, in conjunction with legal advisers, a comprehensive decision-making policy to underpin its new enforcement and disciplinary procedures which form part of the regulatory arrangements review. A new Joint Disciplinary Panel has recently been appointed following a comprehensive recruitment campaign, and all new members have received training and induction.
Resources	IPReg manages the initial triage and investigation of cases internally, between the Assurance Officer and	Analysis of complaints data over the last 6 years shows that whilst the number of complaints received seems to be increasing,

	<p>Head of Registration. There is a risk that a significant increase in cases will outstrip the internal capacity of the team</p>	<p>IPReg has become more efficient at resolving these cases, resulting in cases being closed more quickly and the number of open cases in any given month holding steady or reducing</p>
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Background

3. The Board has routinely been updated on Complaints information, including the number of new complaints received and closed per month with a focus on the nature of individual complaints and the anticipated timetable for resolving them. The Board has not received information about the subject of the complaint due to IPReg’s current disciplinary process which may result in Board members sitting as decision makers on the Complaint Review Committee.
4. The Board has indicated it would find different information helpful, focussing less on the individual complaint and more on general trends and timeliness.

Discussion

5. The Board should note the information in this paper.

Next steps

6. The Board should note the information in this paper.

Supporting information

Links to strategy and business plan

7. The investigation and enforcement of complaints made about regulated persons is an integral part of IPReg’s remit.

Supporting the regulatory objectives and best regulatory practice

8. A robust investigation and enforcement process protects and promotes the public interest by demonstrating that regulated persons who breach any of IPReg’s regulatory arrangements are appropriately investigated and taken through a fair and transparent disciplinary process. IPReg’s process supports the constitutional principle of the rule of law in that justice must be done and be seen to be done in accordance with the principles of natural justice. Publishing decisions about disciplinary matters, protects and promotes the interests of consumers, promotes competition within the regulated community and increases public understanding of their legal rights by allowing consumers to make fully informed choices about their legal representatives. A clear, transparent and proportionate enforcement policy encourages an independent, strong, diverse and effective legal profession by creating a deterrent to poor practice or professional misconduct.
9. IPReg follows best regulatory practice in the identification, investigation and processing of complaints and disciplinary hearings. Internal decision makers are qualified legal professionals

with backgrounds in regulation and professional discipline. Members of the Complaint Review Committee and Joint Disciplinary Panel receive regular training on best practice in decision making, and are supported by legal advisers with a regulatory and professional discipline specialism. Best regulatory practice is therefore at the forefront of all decisions across all aspects of investigation and the running of disciplinary hearings.

Impacts

10. There are no specific impacts on any type of regulated person, consumer or group.

Communication and engagement

11. Disciplinary decisions are published on IPReg’s website [here](#) and, where applicable, against the name of the attorney or firm on the [online register](#).

Equality and diversity

12. There are no specific equality and diversity issues.

Evidence/data and assumptions

Cases by numbers

As at 16.3.23

- Total open cases 5
- Cases opened since last meeting 1
- Cases closed since last meeting 3
- Change (from last meeting) -1

Year to date (from 1 January 2023)

- Total cases received 4
- Total cases closed 4

Legal Ombudsman

Complaints received in last month 0

Cases open 0

Timeliness

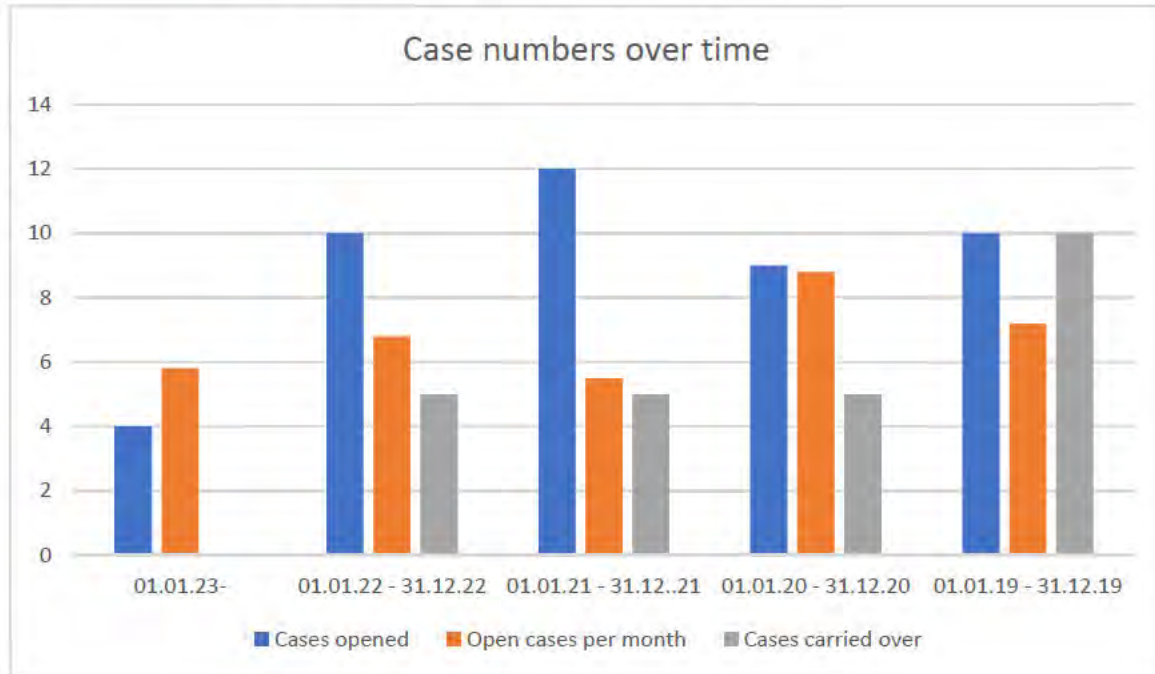
Oldest open case 134 weeks (2y 30w)

Newest open case 8 weeks

Mean 49.6 weeks

Median 45 weeks

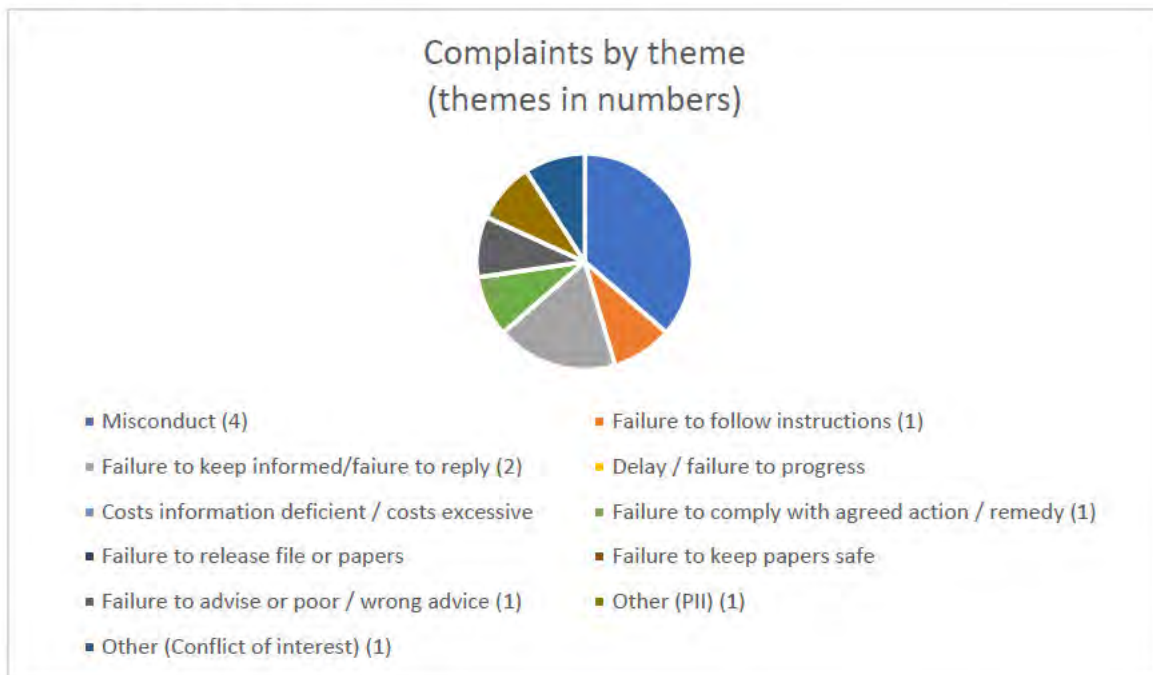
Analysis and trends (12 month periods)



	01.01.23 - date	01.01.22 – 31.12.22	01.01.21 – 31.12.21	01.01.20 – 31.12.20	01.01.19 – 31.12.1 (4 cases carried over from previous period)
New cases opened / received	4	10	12	9	10
Total open cases during period	9	16	17	19	14
Overall case numbers open per month (range)	5 - 8	6 - 9	3 - 8	5 - 12	5 - 9

Overall case numbers open per month (avg)	5.8	6.8	5.5	8.8	7.2
Cases carried over to next period		5	5	5	10
Cases closed/resolved within 12 weeks	50%	50%	50%	44%	10%
Cases closed/resolved within 26 weeks	50%	60%	58%	50%	50%

Open complaints by theme



Misconduct includes:

- Misappropriation of funds (2 cases)
- Unprofessional / inappropriate conduct with a third party (1 case)
- Dishonesty / fraud in filing patent applications (1 case)

Board Meeting 18 May 2023

CEO report

Agenda Item: 11

Author: Fran Gillon, CEO (fran.gillon@ipreg.org.uk)

This paper is for discussion.

Annex E will not be published – advice to Board.

Annex F will be published separately on the website.

Summary

1. This paper sets out the main issues to bring to the Board’s attention that are not subject of a full Board paper.

Recommendation(s)

2. The Board is asked to:
 - a. Note this paper; and
 - b. Delegate to the CEO the authority to sign the MoU and switching protocol documents with the SRA as set out at paragraph 23.

Risks and mitigations

	Risk	Mitigation
Financial	No specific financial risks	N/A
Legal	████████████████████	████
Reputational	No specific reputational risks.	N/A
Resources	No specific resourcing risks	N/A

Background

3. This report sets out information about IPReg’s activities that are not covered elsewhere in today’s agenda.

Meetings held

CIPA and CITMA

4. The Chair and CEO attended the Regulatory Forum on 29 March. The meeting discussed:
 - a. LSB oversight;
 - b. Review implementation plans;

- c. PEB reaccreditation report;
 - d. Joint event later in the year;
 - e. QMUL progress;
 - f. Advanced trade mark litigation courses;
 - g. Sanctions.
5. The CEO and Head of Registration attended the CIPA Council meeting on 5 April to give a presentation on the new regulatory arrangements. CITMA Council members also attended the meeting.
6. The 3 CEOs met on 30 March and 27 April and discussed:
- a. PEB reaccreditation report;
 - b. Review implementation: webinar on 8 June and draft guidance;
 - c. Joint CIPA/CITMA Council and IPReg Board event later this year;
 - d. LSB attendance at CIPA council on 3 May;
 - e. JEB sunset clause (see paragraph 14).
7. The IPReg Chair has written an article for the CIPA and CITMA journals – see **Annex A**.

LSB engagement

8. At the relationship management meeting on 29 March we discussed:
- a. Feedback from IPReg on the LSB's practising fee process;
 - b. IPReg's response to the LSB's EDI information request – see **Annex B**;
 - c. New regulatory performance framework;
 - d. Press reports on the recent court case on “secret commissions”;
 - e. LSB work on the cost of living crisis – see **Annex C**;
 - f. Changes to OLC scheme rules;
 - g. PEB reaccreditation and related work;
 - h. IPReg Board and Team changes.
9. Continuing competence – please see **Annex D**. The LSB has confirmed that it is satisfied with the progress that IPReg has made. It recognises that new regulatory arrangements have just been approved and will be implemented in the coming months. It accepts that meeting Outcome C will be delayed as a result (later in 2024 rather than by January). We will keep the LSB updated on progress through our relationship management meetings.

Conferences/webinars attended by Team and Board members

10. On 3 May, the Head of Registration provided a comprehensive training session on our new disciplinary arrangements for members of the Joint Disciplinary Panel.

11. On 26 April the Team attended an interactive training session with Sarah Hall to develop a Cyber Incident Action Plan.

Regulatory Performance

12. Please see separate paper.

Sanctions

13. We have updated our sanctions page with information about the new Legal Services General Licence issued by OFSI on 29 April 2023.

Waivers

Joint Examination Board qualifications

14. In August 2021, IPReg introduced an 18 month sunset clause to the historic Joint Examination Board examinations and the pre-2013 course offers of the universities of Bournemouth, Brunel, Manchester and Queen Mary University London. As of 1 February 2023, these historic qualifications are no longer recognised for the purposes of entry on to the IPReg register(s) unless the individual successfully applies for those qualifications to be recognised due to extenuating circumstances. These historic qualifications predate the IPReg Accreditation Standards and Syllabus requirements which went live in November 2016 and the age of the qualifications are such that we cannot be wholly confident that they meet the regulatory objective of encouraging an independent, strong, diverse and effective legal profession nor that of protecting and promoting the consumer interest. The purpose of the rule change was to prevent scenarios whereby applicants sought entry to the register long after their studies had ended and where, in the interim, they were working in an entirely unrelated field.
15. Since 1 February, we have had four applications from attorneys seeking entry to the patent register who have asked IPReg to recognise their historic qualifications on the basis of extenuating circumstances which prevented them from applying to the register sooner. To date, decisions have been made on three of the applications with additional information being sought from the fourth applicant. The three applications have all been granted, with extenuating circumstances having been found in all cases. Examples of extenuating circumstances being put forward are as follows:
 - Primary caring responsibilities for young children due to serious ill health of spouse, coupled with working and studying for the examinations;
 - Particular responsibilities arising out of the Covid-19 pandemic meaning examinations could not be sat in 2020 and 2021;
 - Repeated difficulty passing FD4 (this was common to all three applicants, and in each case they could show they were very close to the pass mark in one or more attempts). The evidence showed in all cases they were able to pass all other examinations on at least the second attempt;
 - Family responsibilities due to ill health of spouse which required applicant to put studies on hold and work primarily as a European Patent Attorney in order to support family.

In all cases, the applicant was able to demonstrate they met the competencies set out in the Competency Framework, they were committed to working as a patent attorney and had continuously worked to achieve that goal, they had written references from their current employers (where in a registered firm) or another senior registered attorney confirming their competence and suitability.

16. PII Sandbox – no waivers to report.

Horizon scanning and research

17. David Bish has provided an External Market Update report at **Annex E**.

18. On 24 March, the House of Commons Science and Technology Select Committee published its [report](#) into diversity and inclusion in STEM. A summary of the main findings is included in David's update.

Contracts (commercially confidential information about contracts will be redacted)

19. Agreement with William Sturges LLP for advice on [REDACTED] Cost [REDACTED] William Sturges advised on this matter previously.

20. I have extended David Bish's contract indefinitely (from its initial 6-month trial period).

21. With the Chair's agreement I have purchased from [QCG](#) its [Regulators and Inspection Related Bodies Survey](#). This is a pay and benefits benchmarking survey across a number of regulatory bodies. For [REDACTED] we get access to the 2022 survey data and participation in/results from the 2023 survey.

Other matters

IPReg Finance Report

22. Please see separate agenda item.

Switching regulators – from the SRA to IPReg

23. As discussed at the March 2023 Board meeting, we have been discussing with the SRA a process by which firms could switch from being regulated by them to being regulated by IPReg. Although we have had firms switching to us before, it has not been within the framework of a formal agreement. The documents have now been finalised (**Annex F**):

- a. A bi-lateral Memorandum of Understanding (MoU) which formalises our current approach of working together and resolving complex issues to protect consumers;
- b. A Switching Protocol to:

- Confirm the parties' responsibility for a firm's regulation and its indemnity arrangements once a firm switches regulator;
- Provide a framework to facilitate the switching between the parties, including the sharing of lawful information in support of the protection of consumers;
- Support the parties in keeping consumers informed about who regulates which individuals and firms.

24. The Board is asked to delegate to the CEO the authority to sign the documents.

LSB investigation – disputes between CILEx Regulation and CILEx

25. On 18 April, the LSB published its [report](#) into the disputes between CILEx Regulation (CRL) and CILEx. The report contains 15 findings and 7 recommendations. The investigation considered three main issues:

- a. Delegation of regulatory functions;
- b. Financial matters – transfer of contingency reserves between CRL and CILEx and practising fee reconciliation;
- c. Consultation – CRL's proposed consultation on options for changes to its regulatory arrangements.

26. Key learning points from IPReg's perspective are:

- a. The LSB considers that an approved regulator retains the power, in principle, to revoke its delegation to a regulatory body and redelegate its functions elsewhere (and/or actively consider doing so). The LSB considers that the regulatory functions of CILEx (as defined in LSA s27(1)) do not include the delegation function because "delegation does not relate to the regulation of authorised persons". The LSB states that even if the delegation function is a regulatory arrangement, it is not one that passes to the regulatory body given the approved regulator's residual role in ensuring that regulatory functions are being fulfilled in a way that is consistent with LSA s28 and the IGRs;
- b. The LSB found that CRL and CILEx did not have a dispute resolution process in place. IPReg's Delegation Agreements with CIPA and CITMA state:
 - If a dispute arises between the Parties about (i) whether an information request by CITMA/CIPA is being made on a reasonable basis, or (ii) any other matter arising under or in connection with the IGR, the Parties will use reasonable endeavours to resolve the dispute by discussion between the members of the Regulatory Forum (either at its next scheduled meeting or

outside the agreed schedule of meetings). If the dispute cannot be resolved between the Parties in a reasonable period, the dispute must be referred to the LSB under Rule 14(2) of the IGR.

- c. The report points out that Rule 1(3) of the IGRs provide that each Approved Regulator should periodically review and, if reasonably practicable, improve its arrangements for separating its regulatory and representative functions and maintaining the independence of its regulatory functions. The LSB also made a general finding that although both CRL and CILEx had previously assured the LSB that they were compliant with the IGRs, given the lack of a dispute resolution mechanism, there may be “weaknesses in both parties technical governance that it would be prudent to address”. It seems appropriate to include compliance with the IGRs in the context of the next Regulatory Forum on 7 September as a formal means of all parties ensuring that they are compliant;
- d. The LSB made a general finding that approved regulators and their regulatory bodies should work effectively with each other in order to secure the regulatory objectives. We have a good working relationship with CIPA and CITMA at Board and Executive level; the LSB’s report shows the importance of maintaining that relationship.

27. See also this [press report](#) about discussions between the SRA and CILEx.

Press reports and other published information

28. Board members may be interested in these articles:

- a. [Case studies & key findings](#) of Machine Learning (ML) from LawTechUK’s AI Discussion Paper. The key actions/challenges for regulators are:
 - More research should be carried out to understand the potential benefits that the development of ML powered legal services systems can deliver to consumers and how best to achieve those benefits;
 - There is an opportunity for legal service regulators and legal trade bodies to drive responsible use of ML for the benefit of the consumer, while providing support and guidance to regulated entities to do this;
 - There is an apparent demand for more R&D funding as well as general support for innovators to develop, test and scale ML powered uses cases that improve accessibility of legal services, whether through the LawTech Sandbox or incubator style support;

- In order to facilitate a closer collaboration with the insurance sector, the Regulatory Response Unit should host a meeting with PII insurers to raise awareness of the considerations and implications of AI and the emerging use cases in legal services to support a better understanding amongst insurers;
 - A robust data ecosystem will facilitate further innovation in this space, and as such it is critical that improved data practices are promoted and collaboratively channelled across the legal industry. For more information, visit: [Legal Data Vision](#).
- b. The SRA's [LawTech Insight](#) – this includes an article on ChatGPT passing the US bar exam with flying colours.
 - c. This [article](#) on IP Inclusive and In2Science;
 - d. CIPA's [Annual Report](#) has been published;
 - e. The SRA is consulting on an 11.7% increase in practising fees – see [here](#) and [here](#).

Back at the end of March the Government announced with a big flourish that they had reached agreement for the UK to join the CPTPP: this stands for the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, and is a free-trade agreement between countries that span the Pacific: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam. Ever since Brexit, the Government have been making frantic efforts to enter into new trading agreements with countries all around the world; and the CPTPP was very high on their list of desired agreements. It would of course have been far better for us to continue as a member of the EU, with the trading advantages that come automatically with that; but having left the EU, it was important to try and establish new relationships. This is one of them.

In many of the earlier negotiations the Government undertook (including with countries like Japan and Australia, who are part of the CPTPP) it was almost as if Intellectual Property had been totally forgotten. This was little short of disastrous, as intellectual property is absolutely crucial for our economic future. (I don't need to remind patent and trade mark attorneys of that fundamental truth.) But a very effective lobbying campaign by CIPA has transformed the picture with the CPTPP agreement.

Not only is IP mentioned, but it has a central place in the text of the agreement. The document states "The UK will not make any domestic changes regarding grace periods until the necessary amendments to the relevant international conventions have been made. The UK has, therefore, ensured that its accession to the CPTPP is consistent with its existing international obligations, such as the European Patent Convention." This is especially important for patent attorneys, as any clash between the CPTPP and the European Patent Convention would have produced all sorts of problems. But the recognition – at last – that IP is rather important is vital for both patent attorneys and trade mark attorneys. There should be much rejoicing that this has finally emerged as a priority in these new trade deals.

The problem up to now has been a simple one. The Government have been desperate to show that trade deals *can* be established, rapidly, in order to enable us to make our way in a post-Brexit world. As a result they've tended to sign up to not-very-good deals just because it was better to be able to claim they'd reached agreements than to have spent time making sure they were good ones. The CPTPP agreement is in a different category. It may well reveal that the Government are now, under a new Prime Minister, approaching trade agreements in a more considered and mature way. Making sure that sufficient credit is given to IP, and that agreements include very specific reference to it, is really important. Perhaps, just perhaps, this latest agreement is a sign that the Government is taking IP seriously. I certainly hope so.

Lord Chris Smith
April 2023

Equality, Diversity and Inclusion Questionnaire

March 2023

Thank you for taking part in the LSB's EDI Questionnaire.

Why we are seeking this information

The Legal Services Board and the approved regulators share a responsibility to deliver the regulatory objective to encourage an independent, strong, diverse and effective legal profession. We are now seeking information about regulatory approaches to encouraging a diverse profession to support the development of a statutory statement of policy on Equality, Diversity and Inclusion that the LSB aims to consult on later this year. This statement of policy will provide clear and updated expectations for regulators on how they should encourage a diverse legal profession. In developing the statement, we will take account of the wealth of evidence published by regulators and other stakeholders on the barriers to achieving a diverse profession and what regulatory approaches may be most effective.

How to complete the questionnaire

The questionnaire consists of three sections on: strategy; data collection and monitoring; and, regulatory activities and evaluation. In your responses, please provide information about your **regulatory approach in the last three years** and, where relevant, please indicate when data used in your responses was collected.

Regulators should complete the questionnaire in the template provided which will explain the types of information that might be useful in response to each question. Our intention is not to create a significant burden on your resources but to receive information that is easily available to you. Where it is easier to provide an additional document (such as an EDI strategy) in response, please indicate you will do so in the relevant box and provide any documents as an attachment to your email response. Please ensure any attachments are clearly labelled to explain which question number(s) they relate to. In your response, you are welcome to signpost published information to us rather than provide this separately (please provide links to this information in the relevant box and explain what specific information in the link is relevant to your response). The questions are not intended to be repetitive. If you have already provided relevant information in response to another question, you can cross-refer to this.

Throughout the questionnaire we refer to 'authorised persons' as defined under the Legal Services Act 2007, which includes relevant entities (e.g., regulated firms). This reflects that the focus of this questionnaire is your approach to delivering the above regulatory objective. Please keep this in mind when considering what information may be relevant to provide. We are not, for example, asking about your internal approach to EDI as an employer.

Please do not provide any personal data about authorised persons which could make an individual identifiable.

What we will do with the information you provide

We will analyse the responses and feed these into our policy development. We will publish our analysis of responses in our consultation document, which may include references to the approaches of specific regulators. If this causes any issues, you are welcome to provide confidential versions as well or ask for certain information to be redacted from publication. Responses to the questionnaire are due by **Friday 14 April 2023**.

SECTION ONE: STRATEGY

This section focuses on your EDI strategies, including how you design, agree and communicate your strategies.

1. What policies and/or strategies do you have in place to improve the diversity of persons authorised to provide one or more reserved legal activity?

This can be any written articulation of the aims of your work which contributes to encouraging a diverse legal profession.

IPReg takes a multi-faceted approach to improving the diversity of patent and trade mark attorneys which takes into account the very different routes to qualification for each profession. Our approach includes:

- Ensuring that our strategic approach, policy development and regulatory arrangements support and encourage diversity;
- Gathering data on diversity from our registrants;
- Building our evidence base on diversity from other sources;
- Working collaboratively with other organisations who want to increase the diversity of the IP sector. These include: [IP Inclusive](#), [CIPA](#), [CITMA](#), the IP the [IP Federation](#), the [IPO](#) and the IP Practice Directors Group;
- Including EDI requirements when considering applications for accreditation (and re-accreditation) from education providers;
- Funding organisations who want to increase the diversity of the IP sector. These include: IP Inclusive, [In2Science](#) and [Stemettes](#).

Examples of these approaches are included throughout this response.

IPReg is a signatory to the [IP Inclusive Charter](#). This means that we commit to supporting equality, diversity and inclusion by:

1. Having in place a named individual within the organisation as Equality, Diversity and Inclusion (EDI) Officer. This person needs to be sufficiently senior to make change happen and to be accountable for your progress.
2. Having in place a written Equality, Diversity and Inclusion Policy for your organisation and making everybody in the organisation aware of it.
3. Promoting openness and transparency so as to demonstrate merit-based equal opportunities in your recruitment and career progression processes.
4. Acknowledging the effects of unconscious bias and introducing measures to tackle it.
5. Monitoring and reporting internally on your progress using measures and at intervals that are appropriate to your size and nature.
6. Sharing your experience within the IP Inclusive community to help build an effective network for equality, diversity and inclusion across the IP sector.

Our Chair, Lord Smith of Finsbury is IPReg's EDI Champion; this demonstrates the importance of diversity matters for IPReg.

[Developing our policy on education and diversity](#)

Recognising the clear link (particularly for the patent profession) between education and diversity, IPReg has established a new Education and Diversity Officer post. This post will significantly increase our focus in education and diversity and will shape and deliver strategies to understand barriers and improve the diversity of the profession. The postholder started at IPReg at the end of March 2023 and a key area of work will be to review IPReg's arrangements for action

plans, performance indicators and published policies on Equality, Diversity and Inclusion. The aim is to complete, or at least make significant progress, on this work by January 2024 and the Board will be provided with regular updates on progress.

Some examples of how our new regulatory arrangements encourage diversity and inclusion

Over the last 3 years IPReg has been reviewing its regulatory arrangements. Our rule change application was made to the LSB in November 2022 and approved in full in February 2023. That rule change application was accompanied by a detailed [Equality, Diversity and Inclusion Impact Assessment](#) which set out our proposals for the new regulatory arrangements and how they aim to encourage a diverse attorney profession. The new regulatory arrangements are based on principles wherever possible, rather than prescriptive rules. The flexibility that the new regulatory arrangements provide was welcomed by IP Inclusive which suggested that “anecdotally, we believe that smaller, less traditional business structures – which can facilitate more individually-tailored working arrangements – may be more suitable not only for disabled people but also for parents and other carers, for people at a later stage in of their careers and for people who live further from city and town centres. To the extent that the proposed new regulatory arrangements will benefit smaller and less traditional businesses, therefore, they are also likely to have a positive impact on inclusivity for these typically less well-represented groups of people, and in turn on the diversity of the profession”. The [IPReg 2021 Diversity Survey](#) found that smaller businesses have a higher proportion of people with disabilities.

The Overarching Principles

A key development has been the introduction of Overarching Principles which set out the ethical behaviours that IPReg expects all regulated persons to uphold. This includes not only in their professional life but also their private life where it is relevant to their practice as a regulated person. One of these principles (Principle 6) is to “act in a way that encourages equality, diversity and inclusion in and by the profession”. This not only places a positive obligation on regulated persons, but also is holistic in its approach, i.e. it is not limited to the protected characteristics. This should have a positive impact in that it will help to foster inclusion.

Continuing competence

The new arrangements have changed the requirements for continuing competence in a way that will support diversity and inclusion. We have abolished the requirement to undertake a prescriptive number of hours of Continuing Professional Development (CPD) and have introduced a reflective, outcomes focused approach. IP Inclusive has previously brought to our attention that our approach of restricting the ability to undertake non-interactive CPD activities can unintentionally disadvantage attorneys who – for medical reasons or in order to care for children or other dependents – work part-time, as well as those who have difficulty accessing training which involves significant travel. The proposed changes are likely to have a positive impact on such individuals. Additionally, we believe that the proposed changes may have a positive impact on the protected characteristics of sex and disability because the new arrangements will enable attorneys with caring responsibilities or who work part-time or have disabilities to determine for themselves the most suitable ways to maintain their ongoing competence taking into account both their practice needs and their personal situation. IPReg’s 2021 Diversity Survey found that carers that work part-time were more likely to be female than male and we therefore expect that the new approach will have a positive impact on female attorneys. The new requirements should enable regulated persons to learn in a way that is most effective for them and may assist those with mobility impairments, progressive conditions or

those who are neurodiverse and those with learning difficulties. The approach may also assist those whose beliefs involve prayers at set times of the day or celebrating religious festivals which currently may clash with set training dates.

Transparency of charges

New mandatory information transparency requirements will provide consumers with greater clarity about previously hidden financial charges and may assist those who have dyslexia or difficulties in concentrating for whom complex client care letters and terms and conditions may be difficult to read and assimilate. As IP Inclusive stated in its consultation response: “Clearer, more straightforward, more readily comparable communications – for example about the nature and cost of services provided – will inevitably be more inclusive communications” and as it notes, should specifically benefit people with learning difficulties, neurodivergent people, some disabled people and those less familiar with the UK legal profession.

Disciplinary process

The new disciplinary process of using external decision makers may help to prevent or reduce unconscious bias. The changes to the disciplinary process as a whole - including the Standard Operating Procedure, delivery of training for those involved in the new process, and a wider range of options for dealing with disciplinary matters, such as consensual disposal options - seek to alleviate the impact on the mental health of those undergoing a disciplinary process; this may be particularly the case for those who have a pre-existing mental health condition. Additionally, inclusive and accessible guidance should assist those with particular vulnerabilities to go through the proceedings.

Recognition of overseas qualifications

It is expected that our new approach to the recognition of overseas qualifications will have a positive impact on race, including nationality or ethnic origin since it will enable those who hold appropriate non-UK qualifications to pursue more easily a career as a trade mark or patent attorney in the UK. Our new approach should enable individuals to work in or for UK firms and UK companies or to be sole practitioners and should foster a culture of inclusivity.

Impact assessment

The application included a comprehensive impact assessment. The assessment noted IP Inclusive’s response to IPReg’s Call for Evidence: “The more flexibility available to professionals and their employers, in determining how they comply with the high-level principles, the more likely they are to be able to accommodate and nurture a diverse and inclusive workforce”. The principles-based approach that we adopted is designed to encourage new ways of working and new business models which should support those whose preferred ways of working reflect, for example, caring responsibilities, moving from one stage of their career to another and those who are changing their ways of working.

Drafting

The new regulatory arrangements are drafted using gender neutral language and are in plain English.

2. How do you approach setting EDI objectives, goals or ambitions?

We are interested in how you establish what your starting point is (in terms of progress to date towards achieving a diverse profession), how you identify and prioritise any particular areas of focus for your strategies and how you determine what outcome you aim to reach during the period your strategies cover. This may include how you use evidence and any relevant benchmarks you consider to determine what a diverse profession should look like. It would also be useful to understand how you take account of the role of representative bodies when establishing what you aim to achieve, considering opportunities to compliment efforts and collaborate to further progress.

Data collection and building our evidence base

Our starting point is to use data that we and other organisations have gathered to understand the diversity of regulated persons and to inform policy development. The data includes our 2021 diversity survey as well as information from sources such as IP Inclusive, [Stem Women](#), In2Science, and the [Science and Technology Select Committee](#).

The IPReg 2021 Diversity Survey found that the number of female and attorneys with disabilities has increased (since the 2017 survey) and is now closer to the UK benchmark, whilst the diversity in ethnicity is broadly constant, albeit at or close to the benchmark. However, there is still work required to fully close the gaps, particularly in the employment of people with a disability and Black attorneys. The profession has a slightly older profile than the UK benchmark and has a greater proportion of people who do not have a religion. However, it is broadly in line/slightly more diverse with respect to sexual orientation and transgender. Medium/larger businesses have a slightly greater ethnic diversity.

Education policy

Given the strong link between education pathways and diversity, a strategic priority in the IPReg [Business Plan](#) states: *By encouraging the entry of new providers of education courses (at both the foundation and advanced levels) so that those who want to become trade mark attorneys and patent attorneys have a variety of routes to entry into the profession (including apprenticeships) that are provided using different delivery methods and that introduce new subjects (e.g. law tech). Our aim is that this will help to increase diversity, improve quality and lower costs.* We have had discussions with a potential new provider and an application for accreditation may be made later this year.

The [IPReg Accreditation Handbook](#) sets out the quality standards which an accredited education provider must meet. Applicant bodies must provide their Equality, Diversity and Inclusion Policies as well as quality assurance arrangements for online provision. The annual reporting requirements which underpin the (typically) 5-year accreditation cycle includes reporting of protected characteristics. The annual reports are reviewed by IPReg's Education Working Group. Recently, we raised with one of the qualification providers a diversity concern shown in its attrition data. Further consideration will be given in due course to what data should be required from education providers.

Funding diversity initiatives

IPReg remains committed to keeping a ring-fenced reserve to fund suitable diversity initiatives. The reserve is currently set at £20,000.

IPReg funds IP Inclusive's operating costs. [IP Inclusive](#) is an award-winning network of IP professionals, working to make the profession more equal, diverse and inclusive and has formed communities working for diverse groups.

IPReg also supports the In2Science summer school project. In2Science promotes social mobility and diversity in Science, Technology, Engineering and Mathematics (STEM). The young people that take part in its programmes are recipients of free school meals, have parents who do not hold higher education qualifications, are from lower income families and are living in a postcode in which few progress to higher education. Their 4 step programme aims to: inspire STEM placements; host innovative workshops, skills days and mentoring; career and university access guidance; and public engagement competitions. Entry to the Foundation Level Qualifications for qualifying as an attorney typically requires a degree and, in the case of a patent attorney, this is usually a STEM degree. In2Science's mission is to increase the STEM pipeline and enable these young people to access the support and skills they need to reach their potential. In 2022, IPReg's donation to [In2scienceUK](#) sponsored a cohort of 8 young people on the summer programme and it has agreed to sponsor 10 young people in 2023. IPReg's sponsorship should help encourage diversity in the IP profession in the long term.

In 2020, IPReg also funded [Stemettes](#). This encourages girls and young women to become interested in studying Science, Technology, Engineering and Mathematics subjects and to help give them confidence to network and speak in public; the funding enabled publication of 5 issues of its magazine.

The representative bodies

We liaise closely with CIPA and CITMA on diversity initiatives.

3. What governance processes are in place to provide strategic direction and decision-making on EDI?

Please tell us about any formal or informal governance processes that you use to determine and agree your EDI strategies. In addition to explaining any processes that aid the development of your EDI strategies, it would be useful if you can explain how assurance is provided to decision makers about progress against the strategies and how you approach decisions on reprioritisation when needed.

The IPReg Board oversees the development and implementation of our EDI strategy and policies.

For key projects and policies, the Board sets up working groups to support and challenge the Executive Team including ensuring that EDI is a focus of policy development. The most relevant working groups in terms of this response are the Education Working Group and the Review of Regulatory Arrangements Working Group.

In terms of the review of the regulatory arrangements, in addition to the Review Working Group, the full Board also reviewed and approved the rule change application to the LSB.

For work conducted by the Education Working Group please see other sections of this document.

An example of reprioritisation is the recent establishment of a new Education and Diversity Office post to increase IPReg's work on both issues.

Assurance on the appropriate use of our funding of other organisations is gained through liaison with those organisations and reviewing their annual reports and/or impact studies. See for example the IP Inclusive [2022 annual report](#) and the In2Science [impact reports](#).

4. How do you communicate your strategies to authorised persons and any other relevant stakeholders?

Please tell us how you engage with stakeholders about your EDI strategies, such as by publishing or using communications and events to promote your strategy.

In order to ensure that stakeholders are aware of the work that we are doing on EDI, we have set up a specific section on our [website](#) about our work.

The regulatory arrangements review work programme included a wide range of stakeholder meetings, consultations, and webinars which included discussions about EDI matters. A significant concern arose during the consultation process about the application of the Principles to both the professional and private life of a regulated person. The concern was that this could have a negative impact on equality and diversity by deterring those, for example, who hold orthodox religious beliefs from entering or remaining in the profession. IP Inclusive, in its consultation response, stated: *“We are concerned that by attempting to regulate a person’s approach to EDI in their private lives, IPReg might alienate some of its registrants (or indeed potential registrants). A related concern is that, if such a requirement is not universally supported, or not well understood, that may ultimately undermine the regulated community’s support for the EDI agenda, both outside and within the workplace. It might thus, we believe, be counter-productive in the context of its intended effects.”* As a result of this feedback and subsequent discussions with stakeholders, IPReg clarified its approach through detailed guidance about the circumstances in which it was likely to take disciplinary action and also amended the drafting of the Core Regulatory Framework to ensure that it was clear that the regulatory requirements apply in a person’s private life where it is relevant to their practice. This was welcomed by stakeholders.

IPReg Executive Team and Board members regularly attend IP Inclusive meetings and events.

The IPReg CEO is invited regularly to the IP Practice Directors’ Group.

Regular meetings with CIPA and CITMA include EDI discussions.

SECTION TWO: DATA COLLECTION AND MONITORING

This section focuses on your approach to collecting EDI data and monitoring the diversity profile of authorised persons.

5. What data do you collect to understand the diversity profile of authorised persons?

You can signpost us to the ‘Legal Regulators Diversity Questions’ file and your latest published figures on the composition of authorised persons for ease, but if you want to tell us about any other data you collect which relates to the diversity profile of professionals, please use this space. Please state the frequency and

timing of your data collection. It would also be useful to know what analysis you produce of different data points, for example, if you can cross-tabulate seniority and gender.

The [IPReg 2021 Diversity Survey](#) gathered information about the diversity of the trade mark and patent attorneys that IPReg regulates. We achieved a statistically significant response rate of 37%. This enables us to have confidence in the data that we obtained. The questions in the survey included age, gender, whether gender is the same as assigned at birth, sexual orientation, ethnic group, disability, religion or faith, caring responsibilities, date of starting first job in the IP sector, career level, the part of the sector in which the person mainly works, business size, and whether in-house, private practice or other, the type of school attended between ages 11 and 18, whether the person was eligible for school meals, if they went to university whether they were first generation of their family to do so, type of educational establishment from which they gained their highest level qualification, the highest level of qualifications obtained by their parents, and whether they had been made redundant during the pandemic.

As part of the regulatory arrangements review, the IPReg Board decided to conduct further consultation before introducing new diversity monitoring requirements for firms. This is to ensure that we can consider carefully issues such as the practicalities of how such an exercise could be completed and the approach to publishing information given the need to protect sensitive personal data.

IPReg recognises the importance of data collection and is discussing with stakeholders the most targeted and proportionate way to gather data in the regulated sector.

6. How do you encourage authorised persons to take part in diversity data collection?

Please tell us how you notify authorised persons of the opportunity to provide their diversity data, including how frequently or routinely authorised persons are invited to provide or update data, and how you articulate the purpose and value of this data for you.

We obtained a statistically significant rate of responses. We were told by the external specialists that it was a very encouraging rate of response for this type of exercise. In order to achieve such a good response rate we:

- Gave advance notice and reminders through our CRM to ask registrants to: help us to understand better our regulated community, identify if there are any areas of under-representation and help inform development of IPReg policy, decision-making and the funding of diversity initiatives;
- Ensured that survey responses were anonymous;
- Provided tick-box choices for answers;
- Published the findings on the website and have a dedicated webpage set up to provide transparency and accountability.

7. Are there any other specific steps you have taken to encourage authorised persons to take part in your diversity data collection?

Please inform us of any additional steps you take to encourage authorised persons to provide their data. For example, do you engage with representative bodies about data collection? Have you engaged with industry leaders about the importance of providing diversity data? Have you taken any steps to reduce the number of 'prefer not to say' responses you receive?

We engaged with CIPA, CITMA and IP Inclusive in case they received any queries about the survey and to show their support for it.

In March 2023, IP Inclusive's "senior leaders' diversity think tank" met with IP Federation representatives to discuss corporate EDI requirements, in particular the types of diversity data requested and whether a sector-wide standard on this might be helpful. IP Inclusive contacted IPReg and the representative bodies to gauge appetite for an agreed basic minimum standard for data gathering and some associated guidelines. Patent and trade mark firms could then use their adherence to the standard - and potentially its endorsement by the representative and regulatory bodies - when responding to client queries and invitations to tender. It would also help the five organisations to align data gathering efforts and establish basic benchmarks. A further meeting is scheduled for May to discuss this.

Diversity is discussed at meetings with CIPA, CITMA, IP Inclusive and others.

8. Have you identified any remaining barriers to increasing the completeness of your diversity data?

Please set out any factors which may limit your ability to better understand the diversity of authorised persons. For example, there may be reasons why you do not want to change or add questions you have previously asked authorised persons, or you may be aware of the reasons why some respondents are not providing their data to you. Please provide as much information as you can about these barriers as this will best enable the LSB to set reasonable expectations for regulators about their data collection.

The findings of the IPReg 2021 Diversity Survey indicated a lower level of disability being reported than might have been expected, leading to a question of whether those with disabilities were not responding to the survey and whether mental health was considered a disability. In addition, discussions with stakeholders have identified the likelihood of “survey fatigue” and the desirability of coordinating data collection activities. These potential challenges will be considered as part of any future diversity data collection work.

9. What specific data do you collect on the barriers to entry and career progression for authorised persons?

Do you undertake any form of primary research about the barriers to getting in and/or getting on in the profession? Do you consult research conducted by others on these themes to inform your work? This could also include collecting data on the impact of initiatives which seek to address these barriers.

Please see other answers in this response about our work on sources of data/evidence, our approach to education policy and supporting In2Science.

Please see [IP Inclusive Diversity Data](#) and the response above at Item 7 about meeting in May with the representative bodies and other bodies to align data gathering efforts and establish basic benchmarks.

SECTION THREE: REGULATORY ACTIVITIES AND EVALUATION

This section focuses on the activities you deliver which aim to contribute to an increase in the diversity of authorised persons and the approach(es) you use to evaluate the impact of your activities.

10. How do you evaluate the impact of your regulatory activities relating to EDI?

In the next question, we invite you to consider how you measure the impact of your individual activities. This response should instead focus on any methodologies you use to evaluate the impact of your work. This could include how you articulate the change you want to achieve, how you gather evidence to determine if that change is happening, how frequently you evaluate your activities and how you communicate the impact of your work to relevant stakeholders.

Diversity initiatives seeking funding typically set out the case for the initiative and what it seeks to achieve, this is then taken to the IPReg Board for consideration as to whether it is likely to encourage a diverse profession. Where IPReg funding is agreed, an impact or evaluation report or similar is typically required and is considered by the Board. Please see the [IPReg Board meetings documentation](#) for these reports, most recently the [Into2Science Impact Report](#) considered by the March 2023 Board meeting.

We agree with remarks made by other legal regulators recently about the significant difficulties in establishing cause and effect for EDI initiatives. It would therefore be helpful if the LSB could identify, as part of its work, examples of how this has been successful in practice.

11. Please can you use the table provided below to inform us about your regulatory activities for EDI?

This is a space to tell us about any activities you deliver which aim to increase the diversity of authorised persons. In particular, please highlight specific activities intended to mitigate barriers to entry and progression for authorised persons, and any specific measures in place to understand any differential impact on protected characteristics within your disciplinary/enforcement procedures. As you will have told us about your approach to monitoring the composition of authorised persons above, you do not need to list this here as an activity.

Please remember these should be activities from the last three years only but please include any ongoing activities which commenced more than three years ago. The questionnaire aims to capture your approach to EDI at this moment in time so you do not need to tell us about future activities. However, if you feel your future activities are an important indication of your approach to EDI and you would like to list these too, you may do so.

For each activity, we would like to know what the activity is, when it was/will be delivered, the outcomes you aim to achieve, how you will measure your progress towards these outcomes and any data you have collected to evaluate your impact (where this information is available to you).

Activities	Timings	Outcome	Outcome indicators	Evaluation
<i>Who your target group(s) is/are and the activities you deliver for, with or to them (please include any activities that involve collaboration with others).</i>	<i>When the activity will start and end, any key milestones and when you will evaluate the impact of it.</i>	<i>The most important changes you want to see for your target group.</i>	<i>The specific, measurable pieces of information that you can collect to keep track of the difference your work is making.</i>	<i>The data you have collected, what it tells you about the impact of your work and how you communicate this data to your stakeholders.</i>

In2scienceUK - Promoting Social Mobility and Diversity in STEM - sponsoring school students	Summer programme sponsorship 2021, 2022 and 2023. Impact reports are provided the following year by In2Science	Increasing social mobility in STEM subjects at secondary school with the long term aim to be some of those young students pursuing a legal career in IP	The long term intention is to see students on this programme become attorneys on the IPReg register(s), though this may be up to 10 years in the future given the school age of current participants	The impact report from In2Science will be published with the IPReg Board paper from March 2023
IP Inclusive – contribution to annual operating costs	The last 3 years up to and including 2023	IP Inclusive works to bring together individuals and organisations across the IP sector who work together with the aim of making the IP professions welcoming, accessible, respectful and supportive (please see its Mission Statement)	Please see the IP Inclusive Annual Report 2022	The IP Inclusive Annual Report includes an impact evaluation
Pride – promotion of Legal Choices website through the London Pride March	The last 3 years up to and including 2023	The legal regulators – with the exception of the BSB – fund Legal Choices and use the London Pride March to promote it to the LGBT+ community and increase awareness of the Legal Choices website	No measurable pieces of information pursued by the legal regulators EDI forum	Informal evaluation by the EDI regulators forum
Regulatory Arrangements Review	The main focus of the last 3 years, IPReg has undertaken a comprehensive review of all of its regulatory arrangements	To promote the diversity of the profession by the measures set out in section 1 of this document	The rule change application to the LSB included an impact assessment and a commitment to update the impact assessment post-implementation	

From: Steve Violet <Steve.Violet@legalservicesboard.org.uk>
Sent: 03 April 2023 09:57
To: Fran Gillon; Victoria Swan
Subject: RE: Relationship management meeting

Thanks Fran,

I have passed your email to the relevant team. My current expectation is that you will have contact from colleagues shortly in relation to assurance mapping and a bilateral discussion on this year's plans for regulatory performance.

During our meeting I also mentioned the range of queries we have put together for RBs in relation to the cost-of-living crisis. You helpfully confirmed that, to date, IPReg has not seen any evidence of impact coming from any economic downturn.

The range of indicative questions are as follows:

Health of the profession:

- * Changes in the number of regulated entities – along with reasons for exit
- * Changes in the number of regulated individuals – along with reasons for exit
- * Any increase in the number of individuals/firms reporting to their regulator that they are in financial difficulties – along with information about the cause (e.g. downturn in business/conveyancing markets, increases in firm running costs)
- * Impact of cost-of-living crisis on individual legal professionals or firm employees (e.g. salaries not sufficient to pay increased bills?)
- * Any data on lay-offs of lawyers/other firm employees
- * Changes in working patterns as a result of energy prices: e.g. are people who were working from home coming into the office to save money on energy or are firms asking people to stay home to reduce business costs? Have any such changes affected how legal services are delivered?

Regulatory issues:

- * Are you seeing any changes in the kinds of regulatory issues identified through your oversight of your regulatory community that could be/are linked to the economic downturn e.g.: financial mismanagement by firms, increases in breaches of accounts rules, misuse of client account funds?
- * How has IPReg responded to the economic downturn? Are you focusing on different aspects of firms'/individuals' performance as a result? Have you made any changes to how you are carrying out oversight – e.g. increased scrutiny of firm's finances? Have you identified any risks related to the economic situation and modified your risk register as a result? Are any risks identified/changes you have made to your approach based on current information or on experience of the types of regulatory issues you observed in previous downturns?

Market

- * Are you aware of any changes in your regulated community's market e.g. less conveyancing work, less business/M&A work, more insolvency work that may be/are a result of the economic downturn?
- * Are clients having different legal problems/requesting different services for reasons linked to the economic downturn/cost-of-living crisis?

As I mentioned at the meeting, the context for IPReg is that the IP sector is perhaps less likely to see immediate impact. I am not proposing that IPReg send across a set of answers to the above queries. However, I do think there is value in being clear on the type of information the LSB is interested in. If IPReg undertakes any work relevant to the above or notices any significant changes it would be useful for the LSB to be aware so that we can keep up with how risk in the sector is changing and how regulators are responding (if needed).

Best,

Steve

From: Fran Gillon <fran.gillon@ipreg.org.uk>
Sent: Wednesday, March 29, 2023 5:23 PM
To: Steve Violet <Steve.Violet@legalservicesboard.org.uk>; Victoria Swan <victoria.swan@ipreg.org.uk>
Subject: Relationship management meeting

Steve

Thanks for the helpful meeting earlier. Just to reiterate on the regulatory performance framework that we are keen to have a discussion with relevant people from the LSB team about what its expectations are for the information it wants from IPReg. We absolutely understand that there may be resource constraints at the LSB and we would certainly not mind if the LSB decided for pragmatic reasons to delay the information request until later in the year.

Fran

Fran Gillon
Chief Executive
Intellectual Property Regulation Board, 20 Little Britain, London EC1A 7DH

t 020 7632 7174 THE IPREG TEAM IS WORKING REMOTELY. PLEASE CONTACT US BY EMAIL.
e fran.gillon@ipreg.org.uk

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From: Steve Violet <Steve.Violet@legalservicesboard.org.uk>
Sent: Friday, March 24, 2023 2:51 PM
To: Fran Gillon <fran.gillon@ipreg.org.uk>; Victoria Swan <victoria.swan@ipreg.org.uk>
Subject: RE: Proposed agenda for RM meeting 29 March 11am

Afternoon both,

Agenda attached with the below items added.

Have a good weekend!

Best,

Steve

From: Steve Violet <Steve.Violet@legalservicesboard.org.uk>
Sent: Thursday, March 23, 2023 5:12 PM
To: Fran Gillon <fran.gillon@ipreg.org.uk>; Victoria Swan <victoria.swan@ipreg.org.uk>

Subject: Re: Proposed agenda for RM meeting 29 March 11am

Absolutely - I'll add those and send a final agenda document tomorrow.

Thanks,

Steve

From: Fran Gillon <fran.gillon@ipreg.org.uk>

Sent: 23 March 2023 16:46

To: Steve Violet <Steve.Violet@legalservicesboard.org.uk>; Victoria Swan <victoria.swan@ipreg.org.uk>

Subject: RE: Proposed agenda for RM meeting 29 March 11am

Steve

Many thanks. Please could we add:

- * IPReg staff/Board personnel changes
- * Patent Examination Board issues – this will probably fit under the IPReg Board meeting update but it's worth making sure we update you

Fran

Fran Gillon

Chief Executive

Intellectual Property Regulation Board, 20 Little Britain, London EC1A 7DH

t 020 7632 7174 THE IPREG TEAM IS WORKING REMOTELY. PLEASE CONTACT US BY EMAIL.

e fran.gillon@ipreg.org.uk

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From: Steve Violet <Steve.Violet@legalservicesboard.org.uk>

Sent: 23 March 2023 15:14

To: Fran Gillon <fran.gillon@ipreg.org.uk>; Victoria Swan <victoria.swan@ipreg.org.uk>

Subject: Proposed agenda for RM meeting 29 March 11am

Hi both,

I am proposing we cover the following at the RM meeting next week:

1. LSB Requests
 - a. PCF Feedback (31 March)
 - b. EDI Questionnaire (14 April)
2. Regulatory Performance
3. Secret Commissions
4. Cost-of-living crisis
5. New LeO Scheme Rules 1 April

6. IPReg Board updates
7. LSB Board updates / other LSB updates
8. AOB

Item 3 is mine. It comes off the back of some press coverage last month and a couple of things I came across on social media. I know that IPReg has acted through its new regulatory arrangements but thought it was worth a chat to make sure I understand the issues at hand.

Item 4 is something that our senior leadership team wants us to take forward with our various RM contacts. We want to see whether regulators are seeing any evidence of impacts related to the health of the profession, any increase in the kinds of regulatory issues encountered and any changes in the market. I appreciate there may be limited information at this time, but I can also highlight the sorts of things SLT has indicated the Reg Bodies might be on the lookout for.

Item 5 - i've also been asked to sense check any action IPReg has taken in relation to ensuring firms/attorneys are aware of the impending changes to the Legal Ombudsman scheme rules which come into effect very shortly. I appreciate the context for IPReg is a complete lack of complaints being referred on to LeO.

Please do let me know if IPReg has any additional items for the agenda – I have that feeling of having entirely missed a key item! I have also attached my summary note from our last meeting for information.

Best,

Steve

Steve Violet | Statutory Decisions Lead | Legal Services Board
The Rookery | 2 Dyott Street | London | WC1A 1DE
T 020 7271 0073
E Steve Violet
W www.legalservicesboard.org.uk
T @LSB_EngandWal
L www.linkedin.com/company/legal-services-board/

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From: Steve Violet <Steve.Violet@legalservicesboard.org.uk>
Sent: 27 April 2023 11:02
To: Fran Gillon
Cc: Shelley Edwards; Victoria Swan
Subject: Ongoing competence

Hi Fran,

I hope your week is going well.

This email is a quick update in relation to ongoing competence.

You may be aware that a paper went to our Board earlier this week. The paper was an update paper on progress made by the regulators in meeting the outcomes in the ongoing competence policy statement and it can be found here.

In relation to IPReg, the analysis carried out by the team has confirmed that we are satisfied with the progress made. We are conscious that new regulatory arrangements have just been approved and will be implemented in the coming months. We accept that meeting Outcome C will be delayed as a result (later in 2024 rather than by January). The LSB will of course seek to stay updated on the work done in 2024 to ensure IPReg demonstrates its due consideration of the statement.

The team see positives in the move to outcomes based CPD and welcome the guidance to support professionals in determining their choice of CPD activity. It will be interesting to see what information is gathered through the new CPD reporting process. It will also be interesting to see any future use of IPReg's power to impose practising conditions through disciplinary processes (although we accept that disciplinary matters are few and far between).

I would be happy to pick this up for a specific discussion if needed. Otherwise, I'll just make sure to include it on the next RM meeting agenda.

Best,

Steve

Steve Violet | Statutory Decisions Lead | Legal Services Board
The Rookery | 2 Dyott Street | London | WC1A 1DE
T 020 7271 0073
E Steve.Violet@legalservicesboard.org.uk
T @LSB_EngandWal
L www.linkedin.com/company/legal-services-board/

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Board Meeting 18 May 2023

Governance and Transparency

Agenda Item: 12

Author: Fran Gillon, CEO (fran.gillon@ipreg.org.uk)

This paper is for discussion.

Annex C will not be published – draft governance handbook.

Summary

1. This paper updates the Board on progress in implementing the steps agreed for months 6-12 of the Governance Action Plan. **Annex A** shows progress made to 10 May 2023. **Annex B** updates the Board on the initial six months' work as at 10 May 2023; at the time of drafting this paper, there was one remaining action – taking forward IPReg's approach to risk through the Risk Working Group. **Annex C** sets out a suite of draft documents that will form a new Governance Handbook; the final version of the Governance Handbook will be published on the website.

Recommendation(s)

2. The Board:
 - a. Notes progress implementing the Action Plan;
 - b. Provides feedback on the draft Governance Handbook.

Risks and mitigations

	Risk	Mitigation
Financial	There will be an ongoing cost for the external minute-taker.	
Legal	[REDACTED]	[REDACTED]
Reputational	Boards which make decisions ineffectively, or in ways that lack transparency, expose their organisations to reputational risk.	This work should assist IPReg with assurance that it is not exposing itself to such risks.
Resources	This work is an addition to the current year's work plans. The main resource currently being expended on it is the CEO's time.	The need for external support may be sought if internal capacity requires it.

Background

3. At its July 2022 meeting, the Board adopted a Governance and Transparency Action Plan in response to the LSB's performance management framework assessment. This was published with the July Board papers.

Discussion and options

4. One item from the 0-6 months Action Plan is not yet complete:
 - a. Approach to risk – this work will be taken forward through the Risk Working Group and updates to the Board will be provided through reports from that group.
5. The 6-12 month Action Plan is on course. The main item for discussion at this meeting is the suite of governance documents at Annex C. These are:
 - a. Code of Conduct
 - b. Rules of Procedure
 - c. Scheme of Delegations
 - d. Schedule of Matters Reserved to the Board
 - e. Gifts and Hospitality Policy
 - f. Social media and communications policy
 - g. Procurement Policy
 - h. Board member appraisals and Board effectiveness – **to follow**
 - i. Process for Team and Board appointments
 - j. Travel and subsistence
 - k. Publication policy and scheme

Next steps

6. The CEO will:
 - a. Set up a meeting of the Risk Working Group (this has been delayed from the action agreed at the March 2023 Board meeting);
 - b. Finalise the Governance Handbook and publish it on the website;
 - c. Take forward the remaining Priority 2 actions in the Governance Action Plan.

Supporting information

Links to strategy and business plan

7. The changes to our approach to governance will support delivery of IPReg's strategic and business plans.

Supporting the regulatory objectives and best regulatory practice

8. Good governance enables the Board to discharge its objectives effectively and transparently. Therefore any improvements to IPReg's governance should support the Board's ability to deliver the regulatory objectives in a manner which is open, transparent, and accountable.

Impacts

9. There are no specific impacts on any type of registrant or consumer.

Communication and engagement

10. We keep the LSB updated on progress at our regular relationship management meetings.

Equality and diversity

11. There are no specific equality and diversity impacts.

Evidence/data and assumptions

12. Nothing specific to this paper.

Priority 2 – medium term actions (6-12 months) – complete by 14 July 2023

1. Revise the format for the next Strategic Plan to ensure IPReg has strategically articulated objectives, clearly aligned with the LSA 2007, with related performance indicators and measurements.

Rationale: These actions are intended to enhance strategic planning and performance monitoring. These initiatives will enable the Board to improve its strategic plan and augment its scrutiny of organisational performance. It will also support the Board in holding the executive to account. This action should support the delivery of LSB Well Led 1.

Suggested approaches: It is suggested that this work is timetabled to align with the current strategic planning cycle. So, the timeline for this needs to take account of the LSB publication of its decision on the regulatory performance framework Standards and Characteristics in Autumn 2022. Substantive thinking would need to take place in November 2022 when IPReg Board considers its strategic objectives in the light of this.¹ Then in July 2023 we would consult on 2024/25 business plan taking account of these discussions. It is important that these plans incorporate Key Performance Indicators which enable the Board to monitor and scrutinise performance. In setting these will be a need to take account of whether the LSB dispenses with the requirement for the performance management database. Such reviews should be underpinned by a reflective approach, with the Board learning from past actions and achievements. Ongoing horizon scanning should be built into this strategic planning process.

Action taken

Date	Action taken
January 2023	Strategy meeting agreed strategic priorities for the next 3-4 years: <ul style="list-style-type: none">• To carry its regulatory activities in a more proactive way and to perform well. In order to do so, we will ensure that IPReg has the necessary staff, IT, external expertise and other resources;• Increasing the range of good quality education providers accredited by IPReg, in particular as a tool to increase the diversity of the trade mark and patent attorney professions;• Increase the public profile of IPReg to the regulated community and users of IP legal services.
<u>Next step</u>	<u>July 2023 – consult on 2024 Business Plan (and practising fees)</u>

¹ Note that this was deferred to January 2023 due to a train strike.

2. Develop a cycle of Board Reflection Events which support a culture of reflective practice at this level.

Rationale: These actions are intended to support effective Board planning and performance monitoring. These initiatives will enable the Board to improve its strategic plan and enhance its scrutiny of organisational performance. It will also enhance the Board’s ability to hold the executive to account.

Suggested approaches: An open, reflective approach supports a Board to learn from its past actions or decisions. Developing the Board’s skill in reflective practice will enable it to better learn from its own work. It is suggested that reflection time is built into the Board’s planning cycle. As part of that it is also suggested that IPReg organises some events without the executive present to assist the Board in reflecting on its own practice. Learning from these reflections should be fed into future development of strategies, policies, and procedures where appropriate. It is suggested that the first one of these Board only events should be before the November 2022 strategy meeting.² Ongoing horizon scanning should be built into this reflection process.

Action taken

Date	Action taken
12 January 2023	Board-only discussion took place prior to the strategy morning.
Ongoing	Each Board meeting gets a market update from our external research adviser.
June 2023	Proposed Informal Board-only dinner following Board to Board meeting with CLSB

3. Review Rules of Procedure and Terms of Reference (ToR) for the Board and all its working groups and publish these in the Governance Handbook.

Rationale: This action is intended to provide clarity regarding the Board’s role, conduct and behaviour. Ensuring all Committee ToR are up to date (and easily available) will aid transparency in IPReg’s governance arrangements. This action should support the delivery of LSB Well Led 3.

Suggested approaches: It is recognised that our role emanates from the Delegation Agreement (with CITMA and CIPA). Additional governance documents are produced in keeping with this. It is suggested that IPReg periodically reviews these and publishes them in one easily accessible Governance Handbook. It is suggested that, as part of this review, all ToR’s are also checked for consistency with the Delegation Agreement.

Action taken

² Note that this was deferred to January 2023 due to a train strike.

Date	Action taken
<p>January/February Ongoing 2023</p>	<p>Documents updated/drafted:</p> <ul style="list-style-type: none"> ● Code of Conduct ● Rules of Procedure ● Scheme of Delegations ● Schedule of Matters Reserved to the Board ● <u>Gifts and Hospitality Policy</u> ● <u>Social media and communications policy</u> ● <u>Procurement Policy</u> ● <u>Board member appraisals and Board effectiveness</u> ● <u>Process for Team and Board appointments</u> ● <u>Travel and subsistence</u> ● <u>Publication policy and scheme of publication</u> <p>Documents in the process of being developed:</p> <ul style="list-style-type: none"> ● Board member appraisals and Board effectiveness ● Social media and communications policy ● Process for Team and Board appointments ● Tendering ● <p>It is currently anticipated that tThe suite of documents will be added to the May Board meeting agenda.</p>

4. Set out procedures for annual internal individual Board member and Chair appraisals in writing in the Governance Handbook.

Rationale: This action is intended to support and develop the Board. Appraisal helps the Board to pinpoint good practice as well as identify areas for improvement. As an ongoing process, it helps Boards to maintain their effectiveness.

Suggested approaches (as for independent external evaluation which is priority 3): It is suggested that independent external Board evaluation takes place three years, supported by internal annual Board evaluation annually in-between. The process for the latter can be developed in partnership with external evaluators. These evaluations should help ascertain the effectiveness of the Board’s meetings, decision-making and ability to hold the executive to account, on an ongoing basis. It is suggested that such evaluations include a reflection on, and review of, the quality and timeliness of the information provided to the Board by the executive. Board events without the executive present for the purpose of reflecting on the Board’s own effectiveness and/or support systems may form part of this process. It is also suggested that IPReg produces an action plan setting out any developments agreed as a result of these Evaluations. This may be reported on in the Annual Report. There are budget implications for this area.

Action taken

Date	Action taken
	See above – Governance Handbook
12 January 2023	Board only discussion held

5. Review our use of external expertise in the light of the regulatory arrangements review and consider the potential benefits of using such a system more widely.

Rationale: This action is intended to enhance Board effectiveness, by ensuring it can easily source expertise required for the development of policy and strategy. It should support the delivery of LSB Well Led 3.

Suggested approaches: Not specified

Action taken

Date	Action taken
January 2023	Following discussion at strategy day in January 2023, draw up list of external speakers to be invited to Board meetings (30 minutes before the start of each meeting) <u>from time to time</u> . Current suggestions include: <ul style="list-style-type: none">• IP Practice Directors' Group;• PAMIA;• IP Inclusive;• IPO;• EQE expert;• Apprenticeships expert;• Legal Ombudsman;• Consumer Panel;• Johnathan's Voice/Law Care•
<u>May 2023</u>	<u>Board meeting – EQE discussion with Julia Gwilt</u>

6. Review the scope of the Annual Report, with a view to providing enhanced transparency about how IPReg operates.

Rationale: This action is intended to enhance organisational transparency. It should support the delivery of LSB Well Led 3.

Suggested approaches: It is suggested that the Annual Report could include:

- attendance of directors at board and committee meetings;
- key findings arising from Board Evaluation in the Annual Report;
- a section on IPReg's principal risks and approach to risk management.

It is also suggested that alongside this the audited accounts are published on the IPReg website. It is suggested that changes are introduced in the 2022 and 2023 Accounts in keeping with the work required.

Action taken

Date	Action taken
January 2023	CEO has obtained quotes from 3 companies to redesign the annual report to make it more accessible and user friendly. There is a reserve of £10k for Board recruitment and communications.
February 2023	Agreed contract with Ocean Design .
March 2023	Board meeting to consider re-designed Annual Report.
April 2023	Annual Report 2022 published

7. Review arrangements for action plans, performance indicators and published policies concerning Equality, Diversity and Inclusion (EDI).

Rationale: This action is intended to enhance organisational transparency and improve planning and performance monitoring. This action should support the delivery of LSB Well Led 3.

Suggested approaches: It is suggested that this considers arrangements for publishing Equality, Diversity, and Inclusion (EDI) policies, and develops EDI action plans with clearer milestones to facilitate an easier assessment of progress. There should be clear performance indicators to measure progress against the Diversity Action plan.

Action taken

Date	Action taken
January 2023	Suggest that this action is likely to take longer than 6 months and needs to be developed once the new Education and Diversity Officer has been in post for a few months.
March 2023	Board meeting agreed this change – action will be moved to Stage 3 priorities.

Priority 1 short term Actions: 0-6 months – complete by 14 January 2023

1. *Review the items considered at Board meetings to ensure agendas meet IPReg's current and future strategic and regulatory objectives.*

Rationale: This action is intended to support effective Board decision-making. Developing clarity and precision about what the Board wishes to consider at its meetings (both now and in future) will enable it to ensure its discussions are well-planned and that it receives the information it needs to set strategy and scrutinise performance. Regular review of this nature also enables the Board to learn from its reflections about its own effectiveness. This action should support the delivery of LSB Well Led 1.

Suggested approaches: It is strongly suggested that future Board Agendas should include a quarterly review of organisational performance against the Strategic and/or Business Plan. It is also suggested that the Board considers including reports from the Chair and/or Chief Executive alongside regular reports from Chairs of Sub-Committees or Working Groups at each Board Meeting. Other regular reports could include learning from organisational complaints. It is also suggested that this review also consider the current break down between public and confidential Board Agenda items, as well as IPReg's overall approach to redaction, with a view to increasing transparency. Lastly, it is suggested that the Board develops a rolling Forward Plan of Agenda items. This will provide stakeholders with transparency about the Board's decision-making cycle. Board away, reflection time, horizon scanning, and strategy development could be included in this.

Suggested actions:

- a. Board agenda structure:
 - Standing items (each meeting) = apologies; conflicts; minutes; action log; Chair's report; CEO report; working group reports; red risks; finance report; Governance Action Plan implementation;
 - Quarterly reports = performance vs business plan; KPIs (when developed – currently LSB's performance management data set); research update report including horizon scanning; diversity – work in progress, updates from sponsored organisations;
 - 6-monthly reports = risk register; complaints about IPReg;
 - Policy items – non confidential = Review of regulatory arrangements progress;
 - Policy items – confidential = complaints (suggest that this is broken down into a publishable covering paper with numbers + confidential Annex with case details; LSB engagement;
- b. Board agenda to indicate whether a paper and related Annexes will be published. Also whether the paper is for decision/discussion or to note;
- c. Forward planning – standing items:
 - January: staff pay review; annual declaration of interests review;
 - March: IPReg Annual Report;

- July: auditor's report and IPReg Limited accounts; business plan and practising fees;
- September: decision on business plan and practising fees;
- November: strategy day (preceded by Board only discussion).

d. CEO's report to include:

- CIPA/CITMA CEOs meetings;
- Other external meetings;
- TBC

Planned actions

- Develop new Board agenda template
- Test with Team and amend as necessary

Action taken

Date	Action taken
August 2022	Structure drafted – see above
September 2022	Further revisions to structure of agenda – to be trialled at November Board meeting
September 2022	Standing items identified and will be included in draft agendas for 2023 Board meetings
December 2022	Action completed

2. *Review the template for Board Meeting papers to ensure that these meet IPReg’s current and future strategic and regulatory objectives.*

Rationale: This action is intended to support effective Board decision- making. Reviewing the structure and content of meeting papers will enable the Board to ensure it receives the information it needs to make effective decisions and hold the executive to account. Regular review of this nature also enables the Board to reflect on its own effectiveness. This action should support the delivery of LSB Well Led 1.

Suggested approaches: It is believed that all Board papers should clearly appraise different options, fully explore risks and mitigations, set out the relevant the evidence base and/or summarise relevant stakeholder feedback. Papers should also set out the background to recommendations including the process used to develop proposals so that any previous discussion and decisions affecting the item are understood. Other beneficial additions to the papers template might be details on communication plans, equality, diversity and inclusion considerations, and linkages to the strategic plan. [FG 4 August 2022 – also: (a) discussion of relevant regulatory objectives; (b) better regulation principles]

Planned actions

- a. Design new template;
- b. Discuss new template with Team and amend as necessary;
- c. Introduce new template at November Board meeting – amend as necessary following Board feedback;

Action taken

Date	Action taken
5 August 2022	New template drafted for discussion with IPReg Team
August 2022	Agreed that new template will be trialled at the November 2022 Board meeting
November and December Board meetings	Feedback from November Board meeting on new board paper structure fed back to team. Changes to be implemented in December Board papers.
January 2023	Action completed

3. *Expand Board minutes to provide detailed reasoning for Board decisions.*

Rationale: This action is intended to support effective Board decision-making. More fulsome minutes will provide enhanced clarity about the board's decision-making process, better reflect its rationale underpinning such decisions and better demonstrate its effectiveness in holding the executive to account. This action should support the delivery of LSB Well Led 1.

Suggested approaches: It is suggested that minutes should outline options considered, capture issues raised during discussion, and provide more of the reasoning for decisions taken. It is suggested that this is best enabled by a modest expansion of the budget to fund a minute taker.

Planned actions

- a. Design new template for minutes – linked to structure of new Board paper template
- b. Explore professional minute takers – [Chartered Governance Institute](#) (CGI) and others

Action taken

Date	Action taken
August	Outline template for Board minutes drafted for discussion with IPReg Team
11 August	CGI public practice membership directory is being upgraded, not currently available. NB – website states “use the Public Practice tab to find members that provide independent governance services”.
August	Agreed that new approach to minutes will be trialled at the November Board meeting
2 September	Contacted CGI by web contact form
3 October	Response from CGI – try posting on their LinkedIn, Facebook and Twitter. KH investigating other options.
November	Member of IPReg Team conducting search for minute taker
January 2023	Invited 3 companies to tender for minute taking following initial research and discussions. Two companies responded positively. They were sent a recording of the January meeting after signing NDAs and were asked to provide minutes of two of the discussions for which the relevant Board papers were also provided.
March 2023	Evaluation of the minutes drafted by the two companies resulted in Ubiquis being invited to the March Board meeting to minute it in full. Their charge (TBC) is £450 + VAT for a three hour meeting.

4. *Publish the Governance Action Plan with Board papers, and report on progress in subsequent Annual Reports and Board meetings*

Rationale: This action is intended to enhance organisational transparency. It should support the delivery of LSB Well Led 3.

Suggested approaches: none

Planned actions

- a. Publish Action Plan;
- b. Updates to September, November, December 2022 Board meetings;
- c. Updates to all 2023 Board meetings;
- d. 2023 Annual Report to include update (NB – Action Plan #17: 6-12 month priority: review the scope of the Annual Report, with a view to providing enhanced transparency about how IPReg operates);

Action taken

Date	Action taken
August	Governance Action Plan published with July Board papers
September	Update to Board meeting
November	Update to Board meeting
December	Update to Board meeting
January 2023	Action completed – regular Board updates will continue

5. *Publish a Publication Policy setting out what IPReg will publish or make available to the public*

Rationale: this action is intended to enhance organisational transparency. It should support the delivery of LSB Well Led 3.

Suggested approaches: none

Action planned

- a. Review other regulators' publication policies;
- b. Draft IPReg's Board publication policy – to take into account new Board paper template and new approach to minutes. NB – policy on publication of disciplinary information is being developed separately as part of the Review of regulatory arrangements;

Action taken

NB - needs to go to the Board December 2022 for approval

Date	Action taken
September 2022	Other regulators' policies reviewed
September 2022	Draft publication policy being developed based on ICO model policy
October 2022	Publication policy on schedule for December Board meeting
December 2022	Board paper to consider draft publication policy
January 2023	Publication policy and scheme published on website
	Action completed

6. *Review the Board's approach to risk and set out its policy and procedures for managing risk in writing*

Rationale: this action will support the Board in its ability to manage risk strategically and operationally. This action should support the delivery of LSB Well Led 3

Suggested approaches: none

Action planned

January 2023 Strategy meeting – to discuss approach to risk.

Action taken

Originally this had been planned for a decision at the Board meeting in January 2023 – to take into account outputs from the November 2022 strategy day. The strategy day has been postponed to January 2023 due to industrial action on the rail network. This issue will therefore probably be for decision at the March 2023 meeting.

Date	Action taken
January 2023	<p>Board discussion at strategy morning considered its approach to risk oversight and decided:</p> <ul style="list-style-type: none">• To establish a Board Risk Working Group (RWG) (task and finish) to develop the Board's approach together with the scope of key risk and performance indicators. Membership: VO, SF, JB, SP;• The RWG's remit would be to:<ul style="list-style-type: none">○ Develop the risk policy;○ Develop a set of procedures for the Board to use to enhance its assessment of risk;○ Consider whether improvements could be made to the assessment of, and the approach to, risk.• That it would be appropriate to have a bolder risk appetite in order to support its desire to encourage innovation in the provision of IP legal services;• That it would continue its approach whereby red risks are considered at each Board meeting and the entire risk register would be considered every 6 months;• An annual review of risk management arrangements;• An external review of the Board's approach to risk oversight would be conducted approximately every 2 years.

January 2023 – continuing actions required:

#3 – external minute taker

#6 – development of approach to risk oversight through the Risk Oversight Group

IPReg Board Meeting Actions Log - New and Outstanding Actions

Date of Meeting in which action arose	Agenda Item	Action	Responsibility	Status	Notes/Update
March 2023 Board Meeting					
Mar-23	IT Issues – Drupal Migration	CEO to pursue due diligence on IE Digital	FG	Ongoing	
Mar-23	Review of Regulatory Arrangements – Implementation	CEO and HoR to take forward implementation of the new regulatory arrangements	FG/SE	Ongoing	
Mar-23	CEO's Report	CEO to ask the LSB for a meeting to discuss assurance mapping for the new performance framework	FG	Closed	
Mar-23	CEO's Report	CEO to confirm donation to In2Science	FG	Closed	
Mar-23	Sanctions Update	SF to work with the CEO and SE to identify whether there are any other providers	SF/FG/SE	Open	
January 2023 Board Meeting					
Jan-23	Patent Examination Board Final Diploma Examinations – Accreditation Decision	VS to inform PEB of Board accreditation decision	VS	Completed	
Jan-23	Patent Examination Board Final Diploma Examinations – Accreditation Decision	FG and VS to take to EWG the regulatory model options	FG/VS	Discussed at 27 April meeting of the EWG	

IPReg Board Meeting Actions Log - New and Outstanding Actions

Jan-23	CEO's report	CEO to contact CLSB CEO to arrange a Board meeting	FG	Closed	Meeting arranged for 27 June
December 2022 Board Meeting					
Dec-22	Website upgrade	CEO and Head of Registration to consider further what approach would be preferable in terms of budget and staff time.	FG/SE	Ongoing	
Dec-22	Governance Action Plan Implementation	CEO to make changes to the draft publication policy document and publish	FG	Closed	
Dec-22	Education Working Group	Review EWG terms of reference and the scheme of delegation	TBC		
November 2022 Board Meeting					
Nov-22	Speaking Up Policy	CEO to draw the policy to the attention of IPReg Team members	FG	Ongoing	
July 2022 Board Meeting					
Jul-22	Financial Statements (IPReg Ltd), Directors' Report and Letter of Representation	Update financial procedures	KD	Ongoing	
Jul-22	Education Working Group Update	Arrange a meeting with QMUL senior staff	VS	Scheduled for 24 January 2023	

IPReg Board Meeting Actions Log - New and Outstanding Actions

Jul-22	Governance and Transparency Working Group – Report on findings and recommendations	Take forward Action Plan including regular updates to Board Meetings	FG	Ongoing	
Jul-22	Risk Register	Review risk wording	FG		Risk Working Group meeting to be arranged
January 2022 Board Meeting					
Jan-22	Annual Renewal Process Update	Review annual return information categories similar to PAMIA questions	SE	Ongoing	Any changes will be put in place for 2023 renewal year
November 2021 Board Meeting					
Nov-21	Governance Matters	Governance documents to be reviewed in 2 years' time	FG	Open – Nov-23	
July 2021 Board Meeting					
Jul-21	Compensation Arrangements	Develop risk profile	FG/SE/MB	Ongoing	Auditor to update risk profile as part of one year review of compensation fund – December 2022 Board
May 2021 Board Meeting					
May-21	Diversity - next steps - workshop feedback	Implement the diversity initiatives	FG	Ongoing	

IPReg Board Meeting Actions Log - New and Outstanding Actions

May-21	Diversity - Inclusive Language	Adopt and publish Inclusive Language Policy	FG	Ongoing	
July 2020 Board Meeting					
Jul-20	Risk registers	Discuss how cyber risks should be added to the risk register and arrange for IPReg to undertake the Cyber Essentials programme.	IPReg team and SF	Ongoing	
January 2020 Board Meeting					
Oct-19	LSB CEO Meeting	Invite Matthew Hill to Board meeting	FG	Open	Date TBC