

## EDI policy and strategy

1. IPReg is committed to integrating and embedding a culture of equality, diversity and inclusion (EDI) into its roles as an employer and as a regulator. By EDI we mean:

- a. Equality: we have a legal obligation not to discriminate (see Annex A). In practice this means that we will ensure that individuals are not treated less favourably because of their protected characteristics;
- b. Diversity: this means that we encourage a range of perspectives in our operations and decision-making;
- c. Inclusion: this means that we value people's differences, we want people to feel that their contributions matter and that they can perform to their full potential whatever their background, identity or circumstances.

2. IPReg's integration of EDI into its activities includes:

- a. Our role as an employer.

We are committed to promoting EDI and therefore we need an Executive Team and a Board from diverse backgrounds, with different ideas, skills, behaviours and experiences to help ensure that we make decisions which reflect the different perspectives of consumers and regulated persons.

We do this by, for example:

- Ensuring that our employment/recruitment practices for Team and Board members are consistent with best practice and support diversity and inclusion;
- Setting out in our staff handbook the behaviours that we expect of our staff and consultants/contractors;
- Having a Board Code of Conduct that sets out the behaviours that we expect of Board members.

- b. Our approach to regulation and our ability to influence stakeholders positively.

We are committed to regulating in a way that integrates EDI into our everyday work and policy development.

We do this by, for example:

- Ensuring that our day to day work approach to regulation is consistent with best practice. This is reflected in the Overarching Principles which require all regulated persons to act in a way that encourages equality, diversity and inclusion in and by the profession. This

includes not only in their professional life but also their private life where it is relevant to their practice as a regulated person;

- Identifying and lowering/removing barriers to entry to the profession where it is consistent with the regulatory objectives to do so and after consultation with stakeholders. This will be a major focus for our work on education;
- Being a signatory to EDI initiatives that are consistent with the regulatory objectives and better regulation principles. Examples include: the IP Inclusive Charter and the LSB's Statement on tackling counter-inclusive misconduct through disciplinary processes;
- Supporting/reviewing EDI-related research conducted by other organisations to identify evidence that may be relevant to the IP sector. For example we are supporting the BSB's research on access to justice and digital exclusion;
- Facilitating access to information that stakeholders may find useful;
- Analysing the possible EDI impact of different policy initiatives, while recognising that "cause and effect" are often hard to establish. This means reviewing over the medium to long term whether there is any identifiable direct link between policy initiatives and changes to the diversity of the professions.

## **Action plan**

IPReg believes that its role in championing EDI means much more than writing an EDI policy and strategy. Improvements in EDI can only be brought about by actions. The actions we will take are set out below.

### *General*

- a) Review the IPReg website to ensure that information about our approach to EDI is consistent and up to date;
- b) Hold annual mandatory training for the Executive Team and Board on EDI;
- c) Continue to sponsor and support organisations working to improve EDI in the IP and STEM sectors;
- d) Consider how EDI could be included in the planned thematic reviews on CPD, transparency and the PII sandbox;
- e) Consider how EDI could be included in the Review of regulatory arrangements post-implementation impact assessment, planned for Q4 2024 - Q1 2025.

### *Stakeholder engagement*

- a) Increase our stakeholder engagement on EDI issues including identifying organisations that we have not worked with previously;

- b) Collaborate with other stakeholders on EDI issues.

## *Data*

- a) Develop an EDI data collection policy which makes clear the reasons for data collection and the outputs from that process. This will include a greater understanding of why we collect data on protected characteristics and why some protected characteristics may not be relevant to our work as a regulator;
- b) Conduct regular surveys of registered attorneys and publish information from them about the diversity of the professions;
- c) Adapt the CRM to enable appropriate diversity data to be captured securely: (a) on registration and (b) as part of the annual return process;
- d) Identify other sources of data on EDI in the legal sector to provide a source of information for IPReg and others.

The Board will consider progress against the Action Plan every six months.

## **Annex A - Statutory Framework**

### Equality Act 2010 (s149)

Under the Equality Act 2010, we are a public authority and are subject to the public sector equality duty (**PSED**). This means that we must, in the exercise of our functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic<sup>1</sup> and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This means having due regard, in particular, to the need to tackle prejudice and promote understanding.

We must also have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves in particular, to the need to:

- (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The Equality Act states that the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities. It also states that compliance with the duties in the PSED may involve treating some people more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Equality Act.

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<sup>1</sup> These are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The relevant protected characteristics referred to do not include the protected characteristic of marriage or civil partnership. In relation to this protected characteristic a public authority subject to the PSED need only comply with the first strand of the duty, that is, the duty to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act.

## Legal Services Act 2007

We must, so far as reasonably practicable, act on a way which is compatible with the regulatory objectives<sup>2</sup> and which we consider is most appropriate for meeting those objectives. We must also have regard to the better regulation principles under which regulation should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed.

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<sup>2</sup> Legal Services Act 2007 section 1. The regulatory objectives are: (a) protecting and promoting the public interest; (b) supporting the constitutional principle of the rule of law; (c) improving access to justice; (d) protecting and promoting the interests of consumers; (e) promoting competition in the provision of services; (f) encouraging an independent, strong, diverse and effective legal profession; (g) increasing public understanding of the citizen's legal rights and duties; (h) promoting and maintaining adherence to the professional principles; and [not yet in force: (i) promoting the prevention and detection of economic crime].