

# Report of IP Inclusive, CIPA & CITMA survey for Mental Health Awareness Week 2019

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**IP INCLUSIVE**

Working for diversity and inclusion in IP

*This report, as its 2018 predecessor, is dedicated to [Jonathan's Voice](#), a charity set up in memory of the patent attorney Jonathan McCartney, who tragically took his own life in the autumn of 2017.*

*Jonathan's Voice works with organisations and individuals, in particular in the IP sector, to promote mental wellbeing in the workplace and beyond. It has collaborated with IP Inclusive on a number of relevant projects during the last twelve months, providing much-appreciated ideas, support and sponsorship. We hope that this survey will offer insight and direction for the charity in pursuing its objectives.*

We hope this report does not disturb or upset you, but if you find yourself in that position, please consider contacting [LawCare](#): their free, independent helpline (**0800 279 6888**) is available for all CIPA and CITMA members, as is their webchat service. You can also call the free [Samaritans](#) helpline, 24 hours a day, on **116 123**.

## Executive summary

### *The survey*

In spring 2019, to mark Mental Health Awareness Week, IP Inclusive collaborated with CIPA and CITMA to survey mental wellbeing in the patent and trade mark professions. IP Inclusive recognises the importance of mental wellbeing in creating an inclusive working environment, and as such sees this project as a key element of its work this year.

The survey was voluntary and anonymous. Building on a similar survey conducted by IP Inclusive and CIPA in 2018, this year's extended to CITMA as well as CIPA members. It aimed to capture data on mental health problems, in particular stress; their causes; their impact; the support available to help people cope with them; and the steps that might be taken to improve things. Parts of it mirrored questions in a survey conducted earlier in 2019 by the Law Society's Junior Lawyers Division (JLD), facilitating comparisons between the patent and trade mark sector and the wider legal community. Separate, tailored versions were created for students, paralegals and (the "main survey") other CIPA and CITMA members.

### *The respondents*

Responses to this year's survey were well up on last year's. There were 253 responses to the student survey, representing 21.3% of all CIPA and CITMA students. The new paralegal version elicited 155 responses (22.6% of the combined membership category) and the main version 608 responses (15.5%). The ratio of CIPA to CITMA respondents was approximately 3:1.

Respondents came from a range of professional roles, career levels and working environments, although in-house professionals were much less well represented than private practice, the majority working in large private practice firms.

We should of course be aware, when interpreting the results, that people who are struggling with their mental health may be more likely to respond to this kind of survey than those who are not. It is also possible, however – if not likely – that many of those who did not take part were too busy and stressed to do so, or reluctant to engage with a subject that is still taboo. Either effect could make the responses we gathered less representative of the wider community. Nevertheless, we believe that they have value in illustrating general trends; in painting a picture of the problems we face now and how they might evolve; and in helping us to achieve improvements.

### *General comments*

As in 2018, there are things to be encouraged by in this year's survey, and also indicators that more needs to be done. Response rates indicate considerably better engagement with the topic this year, especially among qualified attorneys. Moreover although our 2018 and 2019 survey results are not

directly comparable, since this year's embrace CITMA as well as CIPA members, the 2019 respondents reported overall lower levels of stress and other mental health problems than the 2018 ones, and also lower levels of the associated negative feelings and side effects, including the desire to change jobs or profession.

Both job satisfaction levels and current mood were reported more positively this year than last. All three groups of respondents cited good-to-high levels of job satisfaction when things are going well. On the minus side, when asked about their *current* mood at work, at least 1 in 5 of our student and paralegal respondents, and approximately 1 in 4 of their qualified counterparts, were currently feeling uncomfortable or worse at work. Responses to other questions confirmed that there are still significant levels of mental health problems in the patent and trade mark professions.

For qualified attorneys, the 2019 figures indicated a general improvement in workplace support measures, but the same was not true for student respondents this year. Access to trained mental health "first aiders" has however improved dramatically for both groups.

### *Current mental health: the previous 12 months*

More than half of respondents to the paralegal and main surveys had been adversely affected by stress in the preceding twelve months. At least a fifth of respondents to all three surveys had been affected by depression, and at least two-fifths by anxiety. Paralegals reported the highest levels, students the lowest.

However, there still appear to be barriers to disclosing mental health problems to employers. For well over half of respondents, their employers did not know about, or knew only part of the story about, their mental health problems. Over 80% of non-paralegal respondents had not taken any time off to tackle the problems they were experiencing. Workloads, the desire not to let people down, a sense of personal inadequacy and workplace culture were the main reasons cited for this.

As in 2018, and as in the 2019 JLD survey, the main causes of stress and anxiety were workload and related problems (eg deadlines, and the feeling of having insufficient control). These were closely followed by poor management and lack of support, both of which were felt more keenly by the qualified professionals (in particular paralegals) than the students. Not unexpectedly, it was the exam-related issues that caused the most stress and anxiety for student respondents, whereas for the qualified attorneys, clients became proportionately more of a worry and for the paralegals, working environment and resources. Small businesses, including sole practitioners, said they faced particular problems.

On the inclusivity front, more than 1 in 30 of our student respondents had suffered bullying (including inappropriate banter) or harassment, the levels being higher for other respondents, in particular paralegals. Discrimination had affected around 3% of all respondents.

When asked which negative feelings had troubled them at work, respondents mainly identified with two: fear of making mistakes and “feeling you’re not up to the job”. Inclusivity-related negative feelings also warranted concern: more than a tenth of the main survey respondents had experienced anxiety or isolation about, and/or felt the need to hide, aspects of themselves, these figures being higher for students and even higher still for paralegals. The results suggest that patent and trade mark professionals are extremely self-critical; fears around not being good enough and not “fitting in” are major contributors to their mental health problems.

Well over a fifth of all respondents had considered leaving their current job, whilst over 10% of the main survey respondents who offered additional comments said that they had moved to a different job (for example in a smaller firm, a non-London location or an in-house department), or gone freelance, or had at least planned an “exit strategy”, in order to reduce stress levels.

Roughly 1 in 16 of our student respondents, and roughly 1 in 17 of the others, had contemplated suicide in the preceding twelve months.

### *Current mental health: the previous one month*

During the month leading up to the survey, well over half of respondents had felt stressed either very often or occasionally. Reported stress levels were high, and seemed to increase in both prevalence and severity with career seniority: 17.3% of the students had experienced either severe or extreme stress, rising to 20.5% for the paralegals and 25.5% for the other respondents.

These stress levels had left over a third of respondents feeling unable to cope at work either often or occasionally. They had also affected – or at least were perceived to have done – other aspects of people’s lives, causing problems with sleep, appetite, fatigue and other physical effects, and (in particular for qualified attorneys) with relationships outside of work. In terms of business impact, the effects had been accompanied by a worrying level of mistakes or “near misses” at work, and again significant numbers considering leaving their current job.

On the whole, the scale of the problem appeared to be greater for the 2019 JLD survey respondents than for our student and attorney respondents, but the same did not apply to our paralegal respondents.

### *Available workplace support*

Consistent with the figures on employer awareness and taking time off, well over half of respondents said they were unable to discuss mental health problems fully with their colleagues and employers.

Although several commented that they had supportive and comfortable workplaces, a significant proportion (well over 10% for non-students) do not – or believed that they do not – have access to common workplace support measures. For those who do, the most common types are those

provided by colleagues: line managers and HR personnel. 15-20% now have access to a trained mental health “first aider”.

The availability of flexible working arrangements seems to be reasonably good for patent and trade mark professionals, in particular for qualified attorneys.

### *Self-support practices*

The survey indicated a good level of awareness of accepted stress-counteracting strategies, even if those strategies are not always 100% effective. Respondents attached importance to physical exercise, connecting with other people, activities outside of work and limiting working hours.

Over the preceding twelve months, the largest number of respondents had turned to other people for support (mainly family and friends, although encouraging numbers were also relying on sympathetic colleagues). Relatively few had made use of resources such as the LawCare helpline or (new in 2019) the IP Inclusive/Jonathan’s Voice website page on mental health and wellbeing; more could be done to raise awareness of these, particularly among paralegals.

### *Recommendations*

The reported levels of stress and other forms of mental ill-health cannot be good for our people or our businesses. They will reduce morale, and therefore productivity; increase the risk of mistakes; and exacerbate employee turnover.

Our recommendations this year are much the same as last. IP Inclusive, CIPA, CITMA and individual employers within the patent and trade mark professions should continue to work together to:

- Encourage open dialogue about mental health and reduce the associated stigma.
- Improve workplace cultures to be more inclusive and supportive of those with mental health problems.
- Adapt working practices and workload management to reduce stress levels.
- Improve signposting to relevant resources, both within and outside the sector.

We believe CIPA should also explore ways to reduce the mental health impact of the patent attorney qualification system.

We suggest that this survey be repeated in 2020, to assess developing trends and further shape the profession’s responses.

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# 1 Introduction

## 1.1 Background

In the run-up to Mental Health Awareness Week 2019 (13-19 May), [IP Inclusive](#) ran a survey on mental wellbeing in the patent and trade mark professions. The project was a collaboration between IP Inclusive, the [Chartered Institute of Patent Attorneys \(CIPA\)](#) and the [Chartered Institute of Trade Mark Attorneys \(CITMA\)](#).

This year's survey was based on a similar one conducted by IP Inclusive and CIPA in 2018, and aimed to capture basic data on mental health problems, in particular stress levels; their causes; their impact; the support available to help people cope with them; and the steps that might be taken to improve things.

## 1.2 This report

This report, which is publicly available, summarises the key outcomes. It is intended for use by IP Inclusive, CIPA, CITMA and other interested parties (including CIPA and CITMA members and their employers) to address problem areas in the professions. It was prepared for IP Inclusive by its Lead Executive Officer Andrea Brewster, who also created and managed the survey.

The report covers:

- Information about the survey and its respondents (sections 2 and 3)
- The responses received to the five main parts of the survey (sections 4 to 9)
- A discussion of the results and their implications (section 10)
- Recommendations for follow-up (section 11)

Sections 10 and 11 necessarily add a more subjective view to the facts reported in sections 2 to 9.

In reporting the survey responses, all tabulated figures are percentages of the respondents who answered the relevant question, unless otherwise indicated. Percentages are quoted to one decimal place. More accurate figures are provided in the SurveyMonkey® summaries referred to in Annex I, which are also available on the IP Inclusive website ([www.ipinclusive.org.uk](http://www.ipinclusive.org.uk)). Note that these summaries do not include the free text responses.

Data has not been cross-linked between survey questions, for example to establish potential links between mental health and organisation size or location. It is felt that in such a small population, anonymity could be compromised if the results were to be analysed in this way.

### 1.3 Comparisons with the 2018 survey data

Where helpful, the 2019 results are accompanied by those from corresponding parts of the 2018 CIPA members' survey. We have flagged where questions or response options differed between the two surveys. Annex I provides a link to our full report of the 2018 survey results.

Care should however be taken in comparing the two data sets. This year's survey was open to CITMA as well as CIPA members, with CITMA represented by a little less than a quarter of all respondents. CITMA members may be more likely to work within a larger law firm than their CIPA counterparts, leading to potential differences for example in workplace culture and support measures. In addition, many of the 2019 questions – again, this is flagged where appropriate – related to people's mental health during the previous 12 months rather than the 24-month period covered by our first, 2018, survey.

### 1.4 Comparisons with the wider legal sector

This year's survey included questions framed to allow comparison with the situation in the wider legal sector.

In early 2019, [the Law Society's Junior Lawyers Division \(JLD\)](#) conducted its third annual resilience and wellbeing survey. For questions comparable with theirs, we have included the JLD results alongside ours. Again, we have indicated where questions or response options differed.

The JLD results are perhaps best compared with those from our student survey, since JLD membership is limited to solicitors with 0 to 5 years' post-qualification experience. However, the JLD respondents will already be practising as qualified (if junior) solicitors, whereas patent and trade mark students are still working towards their qualifying exams alongside their day-to-day attorney work, meaning that there will also be some parallels between the JLD results and those for qualified patent and trade mark attorneys.

The response rate for the 2019 JLD survey, as a percentage of its membership, was significantly lower than ours; comparisons should be interpreted with that in mind.

The JLD survey report is available at

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

## 2 The survey

The survey was run online using IP Inclusive's SurveyMonkey account. Participation was voluntary. Responses were collected and analysed anonymously.

The survey questions were compiled by Andrea Brewster, Chartered Patent Attorney, CIPA Council member and IP Inclusive Lead Executive Officer, with input from CIPA, CITMA, CIPA's student representative body the Informals and the mental health charity [Jonathan's Voice](#). Three versions were used, one tailored for student members of the two institutes (ie unqualified or part-qualified trainees), one for paralegal members and one (referred to here as the "main survey") for other members. The latter group comprises mainly qualified patent and/or trade mark attorneys.

The questions were divided into five categories:

- How people had felt at work during the previous 12 months (survey page 2)
- The workplace support available to them (page 3)
- The self-help measures they drew on (page 4)
- Their stress levels in the preceding month (page 5)
- Their overall mood and job satisfaction levels (page 6)

Questions were also included, on page 1 of the survey, to gather basic information about the respondents, in particular their roles, levels of seniority and working environments. A "free text" box was provided at the end for respondents to add comments regarding their other survey answers.

Student and paralegal members were asked additional questions regarding their interactions with IP Inclusive. These questions will be addressed separately and are not included in the present report.

The surveys were sent out to CIPA and CITMA members, including members of the Informals, in early April 2019. Follow-up reminders were sent in the following weeks, including through IP Inclusive's own mailing list, social media and website. The links remained accessible on the IP Inclusive website until the survey was closed at the end of Mental Health Awareness Week on 19 May 2019.

## 3 The respondents

### 3.1 Response rates

The 2018 survey was only for CIPA members; this year's also extended to CITMA members. Even taking that into account, engagement this year was greater than in 2018 (see Table 1). By way of illustration, last year 180 CIPA members (including some paralegal members) responded to the main survey and 191 to the student survey; this year 222 CIPA students responded, at least 72 (excluding those with dual membership) CIPA paralegal members and at least 415 other CIPA members, this final figure being well up on the 2018 value.

**Table 1: Response rates**

(Figures in brackets are from the 2018 survey)

	Student survey			Paralegal survey			Main survey		
Total no. of respondents	253 (191)			155			608 (180)		
= percentage of membership category	21.3 (20.2)			22.6			15.5 (6.2)		
Of which, no. of respondents	CIPA	CITMA	Both	CIPA	CITMA	Both	CIPA	CITMA	Both
	222	31	0	72	62	19	415	139	49
= percentage of membership category <sup>1</sup>	21.5	20.5		19.8	19.3		15.1	11.9	
Completion rate (%)	89 (84)			85			88 (83)		
Average time spent (mins)	6			6			6		

As a percentage of the membership category, student response rates were higher than for the main survey, as they were in 2018, although the gap between students and non-students has closed considerably compared to the 2018 figures.

The introduction of a bespoke survey for paralegal members, far from reducing respondent numbers for the main survey, yielded an encouragingly large new group of respondents (representing 22.6% of all CIPA and CITMA paralegal members – again, a higher response rate than for attorneys). In the 2018 survey of CIPA members, only 3.9% (7 respondents) said they were paralegals or – as they were more commonly known at the time – administrators, but in 2018 CIPA did not have a separate paralegal membership category.

<sup>1</sup> These figures are somewhat distorted by the overlap in institute membership; for the paralegal and main surveys they will be slightly on the conservative side. Also note that 2 paralegal and 5 main survey respondents skipped this question.

It is to be hoped that these improved response levels indicate a greater engagement with the mental health agenda. A slightly shorter survey format, with fewer free text boxes, may also have helped to increase take-up and probably also explains the higher completion rates this year.

The ratio of CIPA to CITMA respondents was approximately 3:1. However, although response rates were proportionately slightly higher among CIPA members, there was still an encouraging level of participation from both institutes. Responses across the board compare favourably with those for the 2019 JLD survey, which in its third year attracted 1,803 responses out of a JLD membership of over 70,000 (less than 2.6% uptake).

### 3.2 Career level

Across the three surveys, respondents represented a good range of career levels, from unqualified through to senior professionals with management responsibilities and/or business ownership. Tables 2 and 3 show the spread of CIPA and CITMA student respondents respectively, Table 4 the spread of paralegal respondents and Table 5 the spread of other institute respondents (main survey).

**Table 2: Stage of training/qualification (CIPA students)**

	% <sup>2</sup>	No.
<b>I haven't taken any exams yet</b>	32.6	74
<b>I've passed at least some of the Foundation exams or an equivalent (eg Queen Mary) course</b>	12.3	28
<b>I've passed all of the Foundation exams or an equivalent course</b>	19.8	45
<b>I've passed some of the Final exams and/or some of the EQEs</b>	26.4	60
<b>I'm part-qualified (either EPA or CPA but not both)</b>	8.8	20

**Table 3: Stage of training/qualification (CITMA students)**

	% <sup>3</sup>	No.
<b>I haven't started any course yet</b>	35.9	14
<b>I'm currently completing the Queen Mary University or Bournemouth University course</b>	33.3	13
<b>I'm currently completing the Nottingham Law School course</b>	30.8	12

<sup>2</sup> Percentage of the respondents who answered this question (CIPA students only)

<sup>3</sup> Percentage of the respondents who answered this question (CITMA students only)

**Table 4: Career level (paralegals)**

	<b>%</b>
<b>0-2 years post-qualification</b>	29.0
<b>3-10 years post-qualification</b>	36.2
<b>More than 10 years post-qualification</b>	34.9

Note that none of the paralegal respondents should have been unqualified, since institute membership is only open to them on qualification. However, there was still a good mix of levels of experience and seniority. Of these paralegal respondents, 47.1% said they were responsible for managing more junior colleagues, 52.9% that they were not.

**Table 5: Career level (main survey respondents)**

	<b>%</b>
<b>Not yet qualified</b>	1.5
<b>Qualified</b>	14.4
<b>Senior qualified (more than three years post-qualification)</b>	24.1
<b>Senior qualified with some management responsibilities</b>	13.4
<b>Director or senior manager (non-owner)</b>	13.2
<b>Partner or director with business ownership</b>	31.0
<b>Other</b>	2.5

Of the 15 “other” responses referred to in Table 5, five referred to roles as administrators, paralegals or formalities staff (who presumably were associate, rather than paralegal, members of their institute). Other roles mentioned included “IT qualified”, “patent support staff”, “semi-retired” and “consultant”, as well as a few that ought probably to have been embraced by the previous response options.

### **3.3 Professional role**

The majority of respondents to the main survey were either patent (67.9%) or trade mark (22.1%) attorneys: see Table 6. A small number were paralegals, IP administrators or formalities clerks, presumably associate – rather than qualified paralegal – members of their institute.

**Table 6: Main survey respondents – professional role**

	<b>%</b>
<b>Patent attorney</b>	67.9
<b>Trade mark attorney</b>	22.1

	%
<b>Paralegal/IP administrator/formalities clerk</b>	2.8
<b>Searcher or information scientist</b>	0.0
<b>Other</b>	7.3

The 44 answers in the “other” category embraced respondents who said they were working as IP solicitors/lawyers, IP managers, IP researchers/investigators, administrators and formalities officers, a barrister, an IP specialist careers consultant and an IT trainer. 17 of the comments in this category also revealed that respondents who were both patent and trade mark attorneys had not, as the question implied, been able to select both options; we apologise for this error in the survey design.

### 3.4 Type of organisation

Although there was some representation from in-house IP departments, the majority of respondents (94.9% of students, 80.1% of paralegals and 82% from the main survey) were in private practice: see Table 7. As last year, it was the student survey where in-house departments were the least well represented, reflecting current trends in IP attorney training. Note that “in-house” was defined here as embracing government and third sector organisations.

**Table 7: Type of organisation**

	<b>Students</b>	<b>Paralegals</b>	<b>Others</b>
<b>Sole practitioner</b>	1.2	0.7	4.8
<b>Small private practice</b>	4.0	5.2	8.6
<b>Medium private practice</b>	21.7	22.6	16.0
<b>Large private practice</b>	68.0	51.6	52.6
<b>Small in-house</b>	0.8	7.7	5.8
<b>Medium in-house</b>	1.6	6.5	7.4
<b>Large in-house</b>	2.0	3.2	4.0
<b>Other</b>	0.8	2.6	0.8

Respondents came from a range of sizes of organisation, although in all three versions of the survey it was the “large private practices” (defined as organisations with more than 80 staff including partners/directors) that were best represented. The next largest cohort represented “medium private practices” (11-80 staff including partners/directors).

Organisations mentioned in the “other” category included:

- In the student survey: government department; large corporate law firm.
- In the paralegal survey: consultant; commercial law firm; law firm; small practice of 11 to 80 staff including partners/directors within a law firm of over 1000 people.

- In the main survey: large corporate IP firm; corporate investigations company; medium sized UK practice part of a large international practice; IP insurance; consultant.

### 3.5 Geographical location

Respondents worked in a range of geographical locations, largely city centre (Table 8). Interestingly, for all three versions of the survey, fewer of the city workers were based in London than in another city. It is also encouraging to see that, among the main survey respondents, at least 20.2% were practising outside of city centres, suggesting more flexible working practices and non-traditional business models.

**Table 8: Geographical location**

	<b>Students</b>	<b>Paralegals</b>	<b>Others</b>
<b>London</b>	34.8	32.3	32.5
<b>City, not London</b>	52.2	43.9	39.0
<b>Smaller town/village</b>	9.5	14.8	13.3
<b>From home</b>	0.8	2.6	6.9
<b>Outside UK</b>	0.8	0.7	5.9
<b>Other</b>	2.0	5.8	2.3

Here the “other” category primarily comprised references to mixed working environments, including combinations of home- and office-working or of UK and overseas locations. Mentions were also made of “industrial site” and science park locations, presumably out-of-town, and of larger towns that fell between the second and third response options. Note that several people here referred to cities such as Bristol, Cambridge, Leeds, Oxford, Sheffield and York in the “other” category rather than in the “city, not London” one, thus skewing the Table 8 figures slightly.



## 4 Results from survey page 2: “How you feel at work (the last twelve months)”

### 4.1 General

Some of the questions in this section were the same as or similar to questions in our 2018 survey. Where appropriate, we have included the 2018 figures in the results tables. Comparisons should, however, be interpreted with caution, as explained at 1.3 above.

People were asked to respond to these questions based on their experiences over the preceding 12 months.

### 4.2 Which of the following have adversely affected your work (select as many as applicable)?

As in 2018, this year’s survey revealed worryingly high levels of stress, anxiety and depression (Table 9), the levels being highest for paralegal members. More than half of respondents to the paralegal and main surveys had been adversely affected by stress in the preceding 12 months. At least a fifth of respondents to all three surveys had been affected by depression, and at least two-fifths by anxiety. In all three categories, fewer than a third of respondents had been lucky enough not to have suffered any of the listed problems.

**Table 9: Stress & mental health problems (last 12 months)**

	Students	Students 2018	Paralegals	Others	Others 2018
<b>High stress levels</b>	47.0	51.7	61.2	58.4	66.9
<b>Anxiety</b>	44.8	51.7	53.2	42.8	55.4
<b>Depression</b>	22.0	27.3	23.0	20.4	30.7
<b>Other mental health problem (formally diagnosed or not)</b>	6.9	4.1	7.2	4.7	3.0
<b>None of these</b>	30.6		20.9	29.2	

It is of course possible that people who are experiencing mental health problems are more likely to respond to this type of survey, and that the figures may not reflect the position across the entire profession (see the discussion at 10.1 below). Nevertheless, even assuming that every non-responding institute member were to be unaffected by mental health problems (which is unlikely), factoring in overall response rates would still leave, for example, 9.1% of non-student, non-paralegal CIPA and CITMA members adversely affected by stress, 6.6% by anxiety and 3.2% by depression: these are not insignificant proportions.

We have included certain of the 2018 survey data in Table 9 for reference. This year's results cannot be directly compared with the 2018 ones, partly because this year's embrace both the patent and trade mark professions (see 1.3 above) and partly because last year's related to the preceding 24 rather than 12 months – which could have caused the apparently lower stress, anxiety and depression rates in 2019. That said, the figures for “other mental health problems” are considerably higher than in 2018.

#### 4.3 Did your employer (or at least your line manager or HR department) know you were experiencing these problems?

This new question suggested that there are still barriers to disclosing mental health problems to employers. For well over half of respondents, their employers did not know about, or knew only part of the story about, their problems (Table 10). Employer awareness was most likely among paralegal respondents and least likely among the students, in the latter case possibly reflecting their more junior status and concerns about career prospects.

**Table 10: Employer awareness**

	Students	Paralegals	Others
<b>Yes</b>	13.1	31.1	19.1
<b>Yes, but not the full story</b>	15.3	17.0	18.9
<b>No</b>	53.2	43.7	46.7
<b>Not sure</b>	18.5	8.2	15.4

#### 4.4 How much time have you had off work due to stress or mental health problems?

The same story continues through the figures on the amount of time taken off work to deal with mental health problems. When considered in the light of the Table 9 figures, extremely high proportions of respondents had not taken time off to tackle the problems they were experiencing (Table 11). Paralegals appeared to be the best at taking time off, which is consistent with the Table 10 figures on employer awareness, with well over 80% of students and other non-paralegal respondents having taken no time off at all in the last 12 months, despite the high reported levels of mental ill-health discussed above.

**Table 11: Time off due to mental health problems**

	Students	Students 2018	Paralegals	Others	Others 2018
<b>None</b>	84.1	81.5	76.1	87.0	82.4

	Students	Students 2018	Paralegals	Others	Others 2018
<b>A few days</b>	14.2	12.1	15.9	8.7	11.5
<b>1-3 weeks</b>	0.4	5.2	6.5	3.3	4.9
<b>&gt; 3 weeks</b>	1.3	1.2	1.5	1.1	1.2

This might appear to suggest that mental health problems are not actually reducing workplace productivity. What is more likely is that, whilst stressed, anxious or depressed employees continue to turn up to work, they are less productive while there, more likely to make mistakes (see 7.5 below, for example) and storing up longer term health problems for both themselves and their employers.

Table 11 includes the corresponding 2018 figures, with the same caveats as in relation to Table 9, which again may explain the slightly higher chances this year of respondents having taken little or no time off due to their (also less prevalent) stress and mental health problems.

#### 4.5 Which of the following caused you to take less time off work than you would have liked or than you felt you needed (select as many as applicable)?

New to the 2019 survey, we felt this would be a useful question to ask of people who had experienced mental health problems but not taken adequate time off to recover. The top 5 reasons selected were the same (although not in the same order) for student and paralegal respondents: see Table 12. Most were linked to workload and/or personal performance, although in subtly different ways: paralegals were most concerned about letting colleagues down (perhaps understandable for people in a so-called “supporting role”), students by a perception that they ought to be doing better. Paralegals and in particular students were more likely to worry about career prospects than the main survey respondents.

For those main survey respondents, fear of letting clients down replaced concern about career prospects in the top 5 selections: these people are more likely to be in senior client-facing roles. Their main reason for not taking time off was being too busy.

**Table 12: Barriers to time off work (top 5 answers)**

	Students	Paralegals	Others
<b>Feeling you should be able to cope anyway</b>	44.2	46.0	37.2
<b>Having too much work to do</b>	39.0	51.8	57.4
<b>None of these / not applicable</b>	35.1	25.2	26.4
<b>Not wanting to make life difficult for colleagues</b>	34.2	54.0	38.8
<b>Concern about its impact on career prospects</b>	28.6	23.0	
<b>Not wanting to let clients down</b>			41.6

Whatever the rankings for the individual reasons, it is clear that high workloads cause significant numbers of professionals to struggle on at work despite stress or mental ill-health, as do the desire not to let people down and a sense of personal inadequacy. These factors have a bigger impact than for example embarrassment or worries about loss of income.

In addition to the available responses, the “other” category helped to shed more light on the challenges people face in safeguarding their mental health. The main reasons given were either workload-related (the sheer difficulty of preparing for a break, and the backlog faced on returning; lack of cover for your absence, especially in smaller firms; issues such as Brexit (or for students, exams) adding to the normal workload; having to stay around to cover for absent colleagues; associated IT issues) or to do with the overall culture of the organisation (lack of understanding, particularly from immediate line managers; time off likely to generate complaints or ill-will; not wanting to disclose a mental health problem for fear of its impact on career; not knowing who to ask for time off anyway). Among the main survey respondents, 5 said that as business owners, in particular sole practitioners, they felt obliged to soldier on in order to keep the business running.

Other reasons for taking little or no time off included: I don’t want to miss out on important things happening at work; I’d be lost without my work; work is a good distraction from the anxiety; time off wouldn’t solve the root cause of the problem anyway; it doesn’t help to sit around “wallowing”; my problems aren’t work-related so I ought not to let them impact on my work; other people have kept going under stress, so I feel I ought to as well; I need to save my time off for exam preparation. Fear of redundancy, particularly in the face of Brexit, worried some. Others felt that they could manage their stress without needing time off, or at least that they ought to be able to. A few believed that if you sign a contract to work a certain number of hours, you ought to just get on and comply with it – interestingly, these were student respondents rather than, for example, managers or business owners.

#### 4.6 Which of the following have caused you significant stress or anxiety at work (select as many as applicable)?

For this question, student respondents were given slightly different response options to other CIPA and CITMA members (see the results summaries referred to in Annex I), with references to exam performance fears but not to training and managing more junior colleagues. The top 7 answers for each survey are shown in Table 13, along with the percentages for the response “none of these”.

**Table 13: Causes of stress and anxiety (top 7 answers + “none”)**

(2019 figures in brackets were not part of the top 7 but are included for reference.)

	Students	Students 2018	Paralegals	Others	Others 2018
<b>Exam performance fears</b>	55.6	66.1	N/A	N/A	N/A

	Students	Students 2018	Paralegals	Others	Others 2018
<b>Finding the time for exam preparation</b>	54.7	66.1	N/A	N/A	N/A
<b>Deadlines</b>	44.4	53.1	46.8	48.3	56.1
<b>Billing targets</b>	32.8	25.9	(13.0)	(27.3)	32.9
<b>Insufficient control over your workload</b>	32.3	N/A	32.4	35.0	N/A
<b>Ineffective or inappropriate management / senior colleagues' behaviour</b>	21.1	27.2	39.6	29.1	40.9
<b>Insufficient support</b>	20.7	N/A	35.3	34.7	N/A
<b>Client demands &amp; expectations</b>	(18.1)	18.5	(18.7)	42.0	43.3
<b>Conflict with home life and/or personal (eg caring) responsibilities</b>	(15.5)	23.5	28.1	32.7	46.3
<b>Long hours</b>				28.9	35.4
<b>The daily commute</b>			28.8		
<b>Your working environment &amp; available resources (eg IT &amp; infrastructure)</b>			25.9		
<b>None of these</b>	9.1	N/A	7.2	10.2	N/A

Taken together, Tables 12 and 13 show (as in 2018) that workload remains the most significant factor in generating mental health problems as well as in preventing people from addressing them.

Not unexpectedly, it is the exam-related issues that cause the most stress and anxiety for student respondents, whereas for qualified attorneys, clients become proportionately more of a worry. Deadlines and other workload-related problems (including the feeling of having insufficient control) are a major problem for all. It is disappointing to see that poor management is also affecting so many patent and trade mark professionals (in particular paralegals), and to note that this, together with lack of support, are felt even more keenly at higher levels than among students.

In general, other than for exam-related stress factors, response percentages were lower for students than for other institute members. However, for non-students we see workplace stresses having a bigger impact on personal life.

The fact that a quarter of paralegal respondents felt stressed or anxious about their working environment and resources suggests that there might be an issue with employers paying less attention to their paralegals than to their attorneys in this context.

Where applicable, we have included in Table 13 the corresponding figures from the 2018 survey. Note that (a) the “insufficient support” response option was not included in the 2018 survey but was introduced this year to mirror questions asked in the JLD survey; (b) the “lack of control” response was included last year in the question about negative feelings not the one about causes of stress and

anxiety; and (c) the 2018 survey did not include a “none of these” option. Bearing this in mind, there is a great deal of similarity between our 2018 and 2019 results in terms of the top few causes of stress and anxiety. For almost all of the top few answers, however, we are seeing lower reported levels of the problem this year than last.

Aside from the top 7 answers in Table 13, the next most common causes of stress and anxiety (in order of frequency) were cited as:

- For students: client demands and expectations; performance reviews/appraisals; long hours.
- For paralegals: long hours; client demands and expectations; salary and/or benefits.
- For other respondents: billing targets; working environment and resources; activities outside your comfort zone (eg presentations or networking).

As in 2018, it is interesting to note that several factors typically associated with stress were less common – although still not insignificant – sources of concern. For example, hearings or litigation, “activities outside your comfort zone”, performance reviews/appraisals, training and managing others, business development, business- or management-related worries, travel and commuting, and coping with international clients and time zones all yielded lower response rates than the main workload- and workplace behaviour-related factors discussed above.

Table 14 compares our student and main survey results with those from a corresponding question in the 2019 JLD survey, which asked: “What do you consider to be the cause of the stress at work you experience?” Not all response options were identical between our survey and the JLD one, but the figures in the table relate to comparable factors. Note that the JLD survey included a single response “high workload”.

**Table 14: Causes of stress and anxiety (comparison with JLD responses)**

	<b>CIPA &amp; CITMA students</b>	<b>JLD</b>	<b>CIPA &amp; CITMA others</b>
<b>“High workload”</b>	N/A	63.7	N/A
<b>Billing targets</b>	32.8	31.4	27.3
<b>Insufficient control over your workload</b>	32.3	35.6	35.0
<b>Ineffective or inappropriate management / senior colleagues’ behaviour</b>	21.1	39.4	29.1
<b>Insufficient support</b>	20.7	41.0	34.7
<b>Client demands &amp; expectations</b>	18.1	52.5	42.0
<b>Your working environment and available resources (eg IT and infrastructure)</b>	10.3	25.8	19.9

Problems due to support, management and workplace resources seem to be significantly greater for junior lawyers than for both student and qualified patent and trade mark attorneys. Demanding clients are also more of a problem. Workload-related issues appear to be similar between the two sectors (especially for more junior professionals), and overall the conclusion is the same: that workload is by far the biggest cause of stress and anxiety.

Table 15 looks particularly at the stress factors linked to diversity and inclusivity (D&I). On the plus side, the figures for bullying and for conflict with home life have improved compared to the 2018 survey. Discrimination levels, however, have increased.

**Table 15: Causes of stress and anxiety (D&I factors)**

	Students	Students 2018	Paralegals	Others	Others 2018
<b>Bullying (including inappropriate banter) or harassment</b>	3.5	6.2	10.1	7.5	8.5
<b>Discrimination</b>	3.0	1.9	2.9	3.4	2.4
<b>Conflict with home life and/or personal (eg caring) responsibilities</b>	15.5	23.5	28.1	32.7	46.3

The 2019 figures show that there is still work to be done to make our workplaces more inclusive. More than 1 in 30 of our student respondents had suffered bullying or harassment, the levels being higher for other CIPA and CITMA members, in particular paralegals (more than 1 in 10). Those who reported problems with senior colleagues' behaviour may also have experienced bullying or harassment. The more senior attorneys seemed to be faring worse than other respondents when it came to discrimination and in particular conflict with home life.

#### **4.7 Which of the following negative feelings have troubled you at, or because of, work (select as many as applicable)?**

Table 16 summarises the top 5 responses to this question, plus others of importance, for the three versions of the survey. 2019 figures in brackets were not part of the top 5 but are included for reference. The table includes corresponding 2018 data, although in the 2018 survey, there were no "fear of making mistakes" or "none of these" options, and "lack of control over workload" was in a different question (see 4.6 above).

**Table 16: Negative feelings (top 5 answers + others of importance)**

	Students	Students 2018	Paralegals	Others	Others 2018
<b>Fear of making mistakes</b>	62.9	N/A	61.2	52.2	N/A
<b>Feeling you're not up to the job</b>	61.1	75.2	41.7	46.4	68.4
<b>Feeling you don't fit in</b>	26.6	26.1	19.4	23.6	29.6
<b>Considering leaving your current job</b>	23.6	37.9	35.3	30.9	46.7
<b>Considering leaving the profession</b>	16.2	30.7	20.1	(20.3)	28.3
<b>Needing to hide aspects of yourself or your life from colleagues</b>	(14.9)	19.6	19.4	(14.2)	19.7
<b>(Wanting to harm yourself)</b>	(4.4)	(3.9)	(2.2)	(2.3)	(5.9)
<b>(Suicidal thoughts)</b>	(6.1)	(6.5)	(5.8)	(5.8)	(7.2)
<b>None of these</b>	(14.4)	N/A	(13.0)	21.0	N/A

For all three groups of survey respondents, a fear of making mistakes was ranked the highest of the negative feelings, closely followed by a sense of being inadequate for the job. In the 2018 survey, respondents had mainly identified with two negative feelings: lack of control over workload (47.1% of students, 69.1% of others) and “feeling you’re not up to the job” (figures in Table 16). A feeling of not “fitting in” also scored highly (again, see Table 16). Thus, the answers to this and the previous question combined show a similar overall pattern to last year’s results.

On the whole, qualified respondents had the same fears as the students (even feeling they were not up to the job), although more of them were considering job or career changes. The results suggested that patent and trade mark professionals are extremely self-critical; fears around not being good enough were cited as major contributors to mental health problems.

Well over a fifth of all three survey cohorts had considered leaving their current jobs. This is a concern for businesses. In the 2019 JLD survey, 34.1% of respondents said that they had “looked for another job”, but this figure related to the last month whereas ours was for the last 12 months, meaning that our profession is likely, overall, to be less vulnerable to employee turnover than the legal profession as a whole.

On the plus side, the proportions for most of these negative feelings appear to be down on the 2018 figures. Interestingly, this also applies to fear of redundancy, despite the Brexit effect (this year 14.9% for students, 13.7% for paralegals and 10.8% for others; last year 19.6% for students and 15.8% for others).

However, we should still be concerned that roughly 1 in 16 of our student members, and roughly 1 in 17 of our other members, had contemplated suicide. That equates to 14 of the student, 8 of the paralegal and 32 of the main survey respondents who had come close to crisis point at some time in the previous 12 months. (For comparison, 6.4% (about 1 in 16) of the 2019 JLD respondents admitted to having experienced suicidal thoughts in the previous one month only.)



Table 17 looks particularly at the negative feelings linked to diversity and inclusivity.

**Table 17: Negative feelings (D&I factors)**

	Students	Students 2018	Paralegals	Others	Others 2018
<b>Feeling you don't fit in</b>	26.6	26.1	19.4	23.6	29.6
<b>Pressure to conform in ways you're uncomfortable with</b>	7.4	7.8	10.8	14.6	20.4
<b>Anxiety or isolation linked to something personal, such as gender, sexuality, ethnicity, religion, age, physical disability, mental health</b>	12.2	16.3	15.1	10.8	19.1
<b>Needing to hide aspects of yourself or your life from colleagues</b>	14.9	19.6	19.4	14.2	19.7

If we see inclusivity as wider than merely the acceptance of visible differences such as in gender or ethnicity, but rather, as the ability to bring your “whole self” to work, then these figures warrant concern. They generally show improvements compared to the 2018 figures (more so for qualified attorneys than for students), but there is work still to be done. More than a tenth of the main survey respondents had experienced anxiety or isolation about, and/or felt the need to hide, aspects of themselves; these figures were higher for students and even higher still for paralegals. Again the feeling of not “fitting in” appears to undermine the confidence of a significant proportion of our professionals.

Poor workplace inclusivity is likely to constrain our profession’s ability to improve diversity within its ranks. It will also impact on workplace wellbeing, and thus on performance and productivity as well as staff retention.

## 5 Results from survey page 3: “The support you have at work”

### 5.1 General

As for section 4, some of these questions were the same as or similar to questions in our 2018 survey. Where appropriate, we have included the 2018 figures in the results tables. Comparisons should, however, be interpreted with caution, as explained at 1.3 above.

### 5.2 Do you feel able to talk to colleagues about stress and mental health problems?

This was a new question for the 2019 survey, and was an attempt to assess the level of stigma around mental health problems in the IP professions. We are hoping to track changes (hopefully improvements) in future years.

What is clear from this year’s figures (see Table 18) is that mental ill-health is still a taboo subject – or at least, is perceived to be – for many patent and trade mark professionals. A significant proportion (about a fifth) of our respondents are unable to discuss it at all with their colleagues and employers, well over half to have a full and frank conversation. There was not a huge variation between the figures for student and main survey respondents, but the paralegals appeared to be in a slightly better position.

**Table 18: Ability to talk to colleagues**

	<b>Students</b>	<b>Paralegals</b>	<b>Others</b>
<b>Yes</b>	16.7	22.6	17.7
<b>To a limited extent (eg only to certain colleagues and/or about certain types of problem)</b>	59.7	56.9	58.5
<b>No</b>	20.2	19.7	20.4
<b>Not sure</b>	3.5	0.7	3.4

The answers to this question, alongside those discussed at 4.2 to 4.4 above, emphasise the continuing need to destigmatise mental health problems in our workplaces so as to be able to address them appropriately.

### 5.3 Which of the following forms of support do you have access to through work (select as many as applicable)?

Table 19 shows the top 7 forms of support that our survey respondents said they had access to through their work, together with figures for the “not sure” and “none at all” responses and

corresponding data from the 2018 survey. Again, 2019 figures in brackets were not part of the top 7 but are included for reference.

**Table 19: Available workplace support (top 7 answers + “not sure” & “none”)**

	<b>Students</b>	<b>Students 2018</b>	<b>Paralegals</b>	<b>Others</b>	<b>Others 2018</b>
<b>A sympathetic line manager</b>	57.4	61.8	47.8	40.4	28.0
<b>Sympathetic HR personnel</b>	43.5	44.7	31.2	32.1	25.5
<b>Private health care which extends to mental health problems</b>	24.8	21.8	27.5	31.3	17.2
<b>A third party-managed “employee assistance programme”</b>	23.0	20.6	32.6	31.0	22.9
<b>A trained mental health “first-aider”</b>	20.4	1.2	15.9	16.9	1.3
<b>Not sure</b>	19.1		(10.1)	(11.2)	
<b>A personal mentor</b>	16.1	21.8			
<b>Exercise or relaxation classes</b>			18.1	15.6	
<b>None at all</b>	(9.6)	13.5	17.4	14.1	37.6

The most common types of support (and clearly valued as such) were those provided by colleagues: line managers and HR personnel. A good number said they had access to private health care and/or an employee assistance programme (EAP), and a reasonable proportion now to a trained mental health first aider. Student respondents were more likely to have a mentor.

It is encouraging to see that the IP professions are helping themselves as much through improved interpersonal relationships as through more expensive support schemes, although this underlines the importance of appropriate training for those who find themselves supporting colleagues with mental health problems.

What is less encouraging is to see that a significant proportion (well over 10% for non-students) do not – or believe that they do not – have access to any support at all. The level of “not sure” responses also indicates that even if support is in place, it is not readily accessible or well publicised. Clearly not every employer in the profession is engaging with the issue, and some may be using schemes such as private healthcare, EAPs or mental health first aid training as a box-ticking exercise rather than as a genuine attempt to improve the working environment.

For the main survey respondents, this year’s figures show big improvements compared to the 2018 survey, although this may be the effect of introducing CITMA respondents (see 1.3 above). The same is not necessarily true for the students (where the CITMA effect is proportionately much smaller), some of whose figures indicate a worse position (eg as regards sympathetic colleagues and personal mentors) than in 2018. The training of mental health first aiders does however appear to

have improved dramatically since last year, which can only be a good thing in terms of awareness-raising, destigmatising and the effectiveness of collegiate support.

Training on general physical and/or mental wellbeing was available to 13.5% of student respondents and 13.0% of other respondents, also a slight improvement on the 2018 CIPA-only figures (11.2% for students and 12.0% for non-students).

Support measures mentioned in the “other” category included mindfulness, yoga and pilates classes; massages; a Christian workplace group; and a helpline (which may have been part of an EAP or similar). Some of these were organised by staff as a form of “self-help”, rather than by the employers. Quite a few respondents alluded to support from people outside their workplace, for example from other business owners, coaches and external mentors – although many also said they turned to friends and relations outside of work. One person noted that while they had access to some of the listed forms of support (eg training and support networks), these were through CIPA or IP Inclusive not their employer.

Several of the “other” comments referred to the benefits of a positive, supportive and open workplace culture, and the availability of friendly colleagues, even if not necessarily line managers or HR personnel. One student in particular cited:

*An environment where it is acceptable to go for a coffee and a catch up with a colleague without people thinking that you are slacking off on work time. An environment where we are not micromanaged and instead are left to get on with our jobs and trusted to do the right thing.*

Less positive were references to employers providing *remedial* measures rather than addressing the causes of mental health problems, and in a similar vein to not being aware of support measures until after the problem had become serious enough to require time off and medication. There were also references to so-called “self-service” support measures being difficult to seek out when you are already suffering; to managers being supportive but not always able to provide practical help; to attorneys not having the time to talk to or support their trainees; to the need to find “discreet” sources of help to avoid stigma; to the taboos that sometimes surround flexible working arrangements even when they are offered; to being unable to take advantage of wellbeing initiatives anyway due to the high workload; and to the use of alcohol as a form of support.

Several sole practitioners flagged that they inevitably had to seek support outside of the workplace, which was not always easy. One student commented on the loneliness and difficulty of going through the exam system in a smaller practice.

The 2019 JLD survey did not seek quantitative data on workplace support, instead inviting free text answers to the question “What is your employer currently doing, or could be doing to support employees experiencing stress at work?” Whilst some of their respondents commented on positive actions from individual organisations (including many of the measures referred to in our survey), a large proportion reported that their employers were doing little or nothing in terms of practical

changes. 77.1% thought their employer could do more to provide help, guidance and support to employees in relation to stress at work. In the light of these figures, it appears that overall, the patent and trade mark professions may not be so far behind their law firm counterparts.

In line with our results, the JLD survey report highlighted “the need for employers to address the root cause of work-related stress in relation to workloads, unrealistic and unnecessary client deadlines and staff shortages”.

Other forms of workplace support mentioned by the JLD respondents included: mental health champions, ambassadors, committees, task forces, and HR and mental health practitioners employed to promote and support good mental health and reduce the associated stigma; focusing on wellbeing through campaigns, awareness weeks, workshops, guidance and other wellbeing schemes; resilience and wellbeing discussion events; and staff surveys to measure workplace morale and wellbeing. Most of these ideas would transfer easily into the patent and trade mark professions, either in individual organisations where the resources are available, through CIPA and CITMA as the membership bodies, or through pan-professional initiatives such as IP Inclusive.

The JLD survey inevitably elicited references to the value of a supportive and collaborative workplace culture, a good work-life balance, agile and flexible working arrangements, open door policies and open discussion around mental health. Also valued were supportive, attentive and approachable senior staff, who are alert to their colleagues’ wellbeing and who can identify and acknowledge difficulties; address them proactively, including with workload management measures; and communicate them appropriately to other team members and clients. Regular and candid “check-ins”, both for individuals and teams, were deemed to be a good idea.

#### 5.4 How much flexibility do you have in your working arrangements?

As in 2018, our respondents seemed to have a reasonable degree of flexibility in their working arrangements (see Table 20). Students and paralegals had less than qualified attorneys, with 39.1% of student respondents and 33.6% of the paralegals reporting that they had no, or insufficient, flexibility. Moreover, whilst the position for qualified attorneys does not seem to have changed much since the 2018 survey, there does appear to have been a reduction in flexibility for students.

It must of course be borne in mind that high workloads and long hours are a major source of stress and anxiety (see 4.6 above), and that mere flexibility as to when and where these hours are worked may not be enough to overcome the resultant mental health problems.

**Table 20: Flexibility in working arrangements**

	Students	Students 2018	Paralegals	Others	Others 2018
<b>Plenty</b>	15.2	15.9	19.7	35.7	31.1

	<b>Students</b>	<b>Students 2018</b>	<b>Paralegals</b>	<b>Others</b>	<b>Others 2018</b>
<b>A moderate amount</b>	45.7	57.7	46.7	50.3	55.9
<b>Not enough</b>	29.1	21.8	21.9	11.3	13.0
<b>None at all</b>	10.0	4.7	11.7	2.7	N/A

Note that in 2018, respondents to the main survey did not have the option “none at all”, although both the main and the student survey did have an additional option “a moderate amount, but I have to justify it”, the figures for which have been incorporated into line 2 of Table 20.

## 6 Results from survey page 4: “How you support yourself”

### 6.1 General

Respondents were asked to answer this question based on their experiences over the previous 12 months. A similar question in the 2018 survey related to the previous 24 months.

### 6.2 Which of the following forms of support have you drawn on (select as many as applicable)?

The answers to this question, summarised in Table 21, indicate that most of our respondents had turned to other people (friends, family and colleagues) for support. This theme returns in the answers discussed in section 7 below (see in particular 7.6). More had sought support from family and friends outside of work, although encouraging numbers were relying on sympathetic colleagues. Paralegal respondents were more likely than others to have sought professional help, for example from a GP, counsellor or therapist.

**Table 21: Support drawn on**

	Students	Students 2018	Paralegals	Others	Others 2018
<b>Family or friends</b>	74.2	64.2	66.7	69.5	66.9
<b>Sympathetic colleagues</b>	32.8	N/A	44.2	32.3	N/A
<b>GP</b>	13.1	20.8	29.7	15.3	19.3
<b>Counsellor or therapist</b>	10.0	17.9	15.2	15.1	21.1
<b>The LawCare helpline or website</b>	2.6	0.6	0.0	1.3	1.2
<b>Another helpline or charity (eg The Samaritans)</b>	2.2	4.6	1.5	0.7	1.2
<b>The “Mental Health &amp; Wellbeing” page on the IP Inclusive website</b>	1.8	N/A	0.0	1.5	N/A
<b>None of these</b>	21.0	28.9	19.6	23.2	21.7

Where applicable, the 2018 figures are shown in Table 21 for comparison. They show that in general, the 2019 respondents were more likely than the 2018 ones to turn to people they know, and substantially less likely to turn to professionals.

Some of our survey respondents may simply not have needed additional support. However, in view of the responses to earlier questions – indicating significant levels of stress, anxiety and depression

for example – the figures for “none of these” may be a little worrying. It is also disappointing that so few had made use of resources such as the LawCare® helpline or (new in 2019) the IP Inclusive/Jonathan’s Voice “Mental Health and Wellbeing” website page, although there did appear to have been some progress in awareness of LawCare among the students. Doubtless we could – and should – do more to raise awareness of these. Paralegal respondents were not engaging at all with these pan-professional sources of support; we need to ensure they realise that these services are available for them as well as for attorneys.

Answers in the “other” category here referred to EAPs and company-funded therapy or coaching; resources provided by external organisations such as Mind, the Samaritans, Nightline, Transform Work UK and International SOS; NHS services; a psychiatrist; church; understanding relatives; coaching (including with a specialist neurodiversity coach); sympathetic colleagues; advice books; the Headspace® meditation app; a social media support group; an IP Inclusive seminar; exercise; and occasional light drinking. Only two respondents, across all three versions of the survey, mentioned turning to medication as a form of support.



## 7 Results from survey page 5: “Stress levels at work (the last month)”

### 7.1 General

These questions were specifically included to allow comparisons with the results of the 2019 JLD survey. The questions in our survey mirrored some of the JLD’s, although we replaced the option “regularly” by “very often”, on the basis that “regularly” could be interpreted as requiring a recurring pattern. All five questions related to respondents’ experiences *in the last month*.

The corresponding results for the JLD survey are included in Tables 22 to 25 below.

### 7.2 How often in the last month have you felt stressed (ie under too much emotional or mental pressure) as a result of work?

Well over half of CIPA and CITMA respondents said they had felt stressed either very often or occasionally during the previous month (61.6% for student members, 68.9% for paralegals and 71.1% for other members): see Table 22. Work-related stress is clearly a significant problem in the patent and trade mark professions, and appears to increase with seniority level.

**Table 22: Stress frequency in the last month**

	Students	JLD	Paralegals	Others
<b>Very often</b>	21.0	37.2	30.4	27.2
<b>Occasionally</b>	40.6	37.0	38.5	43.9
<b>Rarely</b>	26.2	19.3	23.0	19.2
<b>Never</b>	12.2	6.5	8.2	9.7

On the whole, our professionals seem to fare better than the wider legal sector: 74.2% of junior lawyers said they had felt stressed either “regularly” or occasionally during the last month.

### 7.3 If applicable, how would you describe the level of stress you were under?

As seen in Table 23, the stress levels that respondents had suffered were high. 17.3% of the students had experienced either severe or extreme stress, rising to 20.5% for the paralegals and 25.5% for the other respondents. Thus, stress appears to become not only more prevalent but also more severe with seniority. The corresponding figure for the JLD survey was 24.8% – worse than for patent and trade mark students but not worse than for our more senior professionals.

**Table 23: Stress severity in the last month**

	Students	JLD	Paralegals	Others
<b>Mild</b>	31.4	21.2	17.4	21.7
<b>Moderate</b>	46.8	50.8	56.8	48.1
<b>Severe</b>	14.6	21.6	14.4	21.9
<b>Extreme</b>	2.7	3.2	6.1	3.6
<b>Not sure</b>	4.6	0.3	5.3	4.8

Note that the JLD survey also included the option “no negative stress” (which was selected by 2.9% of their respondents); we omitted this option and instead used an “if applicable” start to the question.

#### 7.4 How often in the last month have you felt unable to cope with your work as a result of stress?

It is concerning to see, from Table 24, how many people had reached the point where stress left them feeling “unable to cope” at work, especially in the context of the one month period this question related to. Paralegal respondents seemed to have been particularly badly affected. The stress experienced by over a third of patent and trade mark professionals (36% of students, 42.3% of paralegals and 35.9% of other respondents answering either “very often” or “occasionally”) could cause serious performance problems in the workplace.

**Table 24: Effect of stress on ability to cope at work**

	Students	JLD	Paralegals	Others
<b>Very often</b>	7.9	19.1	11.9	8.4
<b>Occasionally</b>	28.1	32.9	30.4	27.5
<b>Rarely</b>	30.3	28.0	34.8	31.0
<b>Never</b>	33.8	20.0	23.0	33.2

Again, JLD members appeared to be suffering more than patent and trade mark professionals, with 52% of their survey respondents answering either “regularly” or “occasionally” to this question and only 20% “never”.

#### 7.5 In the last month, which of the following have you experienced as a result of work-related stress (select as many as applicable)?

The JLD survey included a similar question to this, but with slightly different response options: where a direct comparison was possible, the figures are included in Table 25, which shows the top 7

answers in each version of our survey. Figures in brackets were not part of the top 7 but are included for reference.

**Table 25: Wider impact of mental health problems (top 7 answers)**

	<b>Students</b>	<b>JLD</b>	<b>Paralegals</b>	<b>Others</b>
<b>Sleeping problems</b>	50.3	65.8	64.9	58.2
<b>Considering taking time off work but not actually doing so</b>	39.1	40.0	41.4	38.4
<b>Negative impact on physical health</b>	36.9	34.5	30.2	32.5
<b>Severe fatigue</b>	36.9	N/A	37.1	35.5
<b>Nearly making a work-related mistake that would not have happened otherwise</b>	35.8	38.5	43.1	32.7
<b>Appetite problems (eg loss of appetite or comfort eating)</b>	26.3	N/A	33.6	21.8
<b>Making a work-related mistake that would not have happened otherwise</b>	24.6	28.4	33.6	(18.4)
<b>Considering leaving your current job</b>	24.6	34.1 <sup>4</sup>	44.0	(31.8)
<b>Problems with relationships outside of work</b>	(23.5)	34.9	(19.0)	26.8

The responses underline the business impact of stress and mental health problems, across the patent and trade mark professions. Respondents reported worrying levels of physical problems that were caused by – or at least perceived to be caused by – poor mental health. These included problems with sleep, appetite and fatigue as well as other physical effects. Such symptoms are in turn likely to impact on performance – and indeed the prevalence of mistakes or “near misses” would support this.

Nearly a quarter of the student respondents, and over two-fifths of the paralegals, were considering leaving their current job: another incentive for businesses to address mental health problems at work. There appeared to be fewer incidents of mistakes and near-mistakes for patent and trade mark attorneys, but a greater impact on their relationships outside of work.

On the whole, the scale of the problem appears to be greater for JLD members, representing the legal sector as a whole, than for CIPA and CITMA students and attorneys, although our paralegal members do not fare so well, with generally higher reported levels of problems than for our other survey respondents.

Aside from the answers in Table 25, the next most common side effects were (in order of frequency from high to low):

<sup>4</sup> Note that our survey gave two distinct options, “Considering leaving your current job” and “Considering leaving the profession”, whereas the JLD survey only gave the one option “Looked for another job”.

- For students and paralegals: considering leaving the profession; problems with relationships outside of work; increased dependence on alcohol, nicotine or recreational drugs.
- For other respondents: making a work-related mistake; considering leaving the profession; increased dependence on alcohol, nicotine or recreational drugs.

Whilst it is good to see that increased drug dependence is relatively less common, we should still be worried that 12.3% of our student respondents, 14.7% of the paralegals and 13.6% of the other CIPA and CITMA members had been driven this way by stress and mental ill-health, which could generate further problems for those people and their employers in the future.

For all three groups surveyed, “taking time off work” was the least common answer, which is consistent with the results discussed at 4.3 and 4.4 above.

## 7.6 Which of the following have you used, with at least some degree of success, to help you manage stress (select as many as applicable)?

The answers to this question (see Table 26) indicated the importance that respondents attached to connecting with other people, and to engaging in activities outside of work, in order to protect their mental wellbeing. This was in line with the answers, to a slightly different question, discussed at 6.2 above. Physical exercise was the highest scoring response for non-paralegal members.

When interpreting these results, it is important to bear in mind the qualification, in the question, that the relevant techniques have been used “with at least some degree of success”.

**Table 26: Coping strategies (top 5 answers)**

	<b>Students</b>	<b>Paralegals</b>	<b>Others</b>
<b>Physical exercise</b>	75.1	60.2	73.9
<b>Speaking with friends &amp; family</b>	69.6	72.7	65.4
<b>Hobbies &amp; other non-work-related activities</b>	57.6	42.2	51.3
<b>Socialising (whether in large groups or small)</b>	59.0	43.0	43.4
<b>Limiting work done outside office hours</b>	33.2		42.8
<b>Mindfulness, positive thinking or meditation techniques</b>		32.8	

It is interesting to note that the proportions making use of coping strategies such as socialising and hobbies were lower for qualified attorneys than for students, which may be a result of changes in personal circumstances and/or of increased workloads.

Overall these responses suggest a good level of awareness of the accepted coping strategies – physical exercise, human relationships, non-work-related activities, limiting working hours – among

patent and trade mark professionals. Table 25 above would indicate, however, that these strategies are not completely successful.

Aside from the responses in Table 26, the next most common anti-stress measures were (in order of frequency from high to low):

- For students: taking more time away from the desk during the working day; mindfulness, positive thinking or meditation techniques; lifestyle changes such as to diet and/or sleeping patterns.
- For paralegals: limiting work done outside office hours; discussing the problem with a line manager, HR colleague or other senior member of staff; taking more time away from the desk during the working day.
- For other respondents: mindfulness, positive thinking or meditation techniques; time management and work planning techniques (including delegation); taking more time away from the desk during the working day.

Presumably attorneys are better placed to implement time management and work planning techniques, having typically more control over their workloads than students and paralegals.

“Other” coping strategies that respondents referred to included medication; changing to a new job with a less stressful working environment; reducing working hours and responsibilities where possible, and avoiding taking work home; coaching; a bible group; music; and hypnosis. One person mentioned that they tried to worry less about work, but admitted that this felt counter-intuitive. Another referred to the difficulty of making time for coping strategies such as exercise, saying “I feel like work is ruling my life.”

One person said they used “single malt in judicious doses” to help them manage stress. Another, possibly with tongue in cheek, wrote that “Panicking and paranoia help me to relieve stress.”

The 2019 JLD survey included a similar question, but allowed for free text answers. Physical exercise (walking, sports or gym) featured highly in their responses too, as did talking to family, friends, colleagues and others in their professional network. Some people confessed that their ability to exercise could be restricted by long working hours and fatigue. Also referred to were meditation techniques, breathing exercises, mindfulness and similar techniques; better workload management (including clearer lines between work and home life, regular breaks away from the desk, reallocation of work and client expectation management); seeking medical help (including therapy and/or medication); hobbies and other activities outside of work; getting plenty of sleep; managing diet; prayer; turning to alcohol, food or drugs as a source of comfort; keeping a diary; and of course moving to a less stressful job.

Some of the JLD respondents said that they had no personal strategies, and some referred to simply “getting on with it”, a concept articulated by a few of our own respondents in various free text answers.

## 8 Results from survey page 6: “Your overall mood and job satisfaction levels”

### 8.1 When your work is going well, how would you describe your level of job satisfaction?

The questions in this section were also in our 2018 survey of CIPA members. This year’s results, shown in Table 27, generally mirror the 2018 ones: all three groups of respondents reported good-to-high levels of job satisfaction when things were going well. It is encouraging to see that this applied to paralegal members of the profession as well.

**Table 27: Job satisfaction when work going well**

	Students	Students <sup>5</sup> 2018	Paralegals	Others	Other <sup>5</sup> 2018
<b>Excellent</b>	49.8	45.5	40.0	46.0	34.4
<b>Good</b>	39.7	40.7	44.4	38.3	44.6
<b>Fairly good</b>	8.3	9.0	14.1	13.4	15.3
<b>Not so good</b>	2.2	1.8	1.5	1.8	3.2
<b>Poor</b>	0.0	1.2	0.0	0.6	0.0

There have been significant rises in the percentages of “excellent” responses since 2018, and corresponding reductions in the combined figures for “not so good” and “poor” (for student respondents, 3% in 2018 dropping to 2.2% in 2019; for the main survey respondents, 3.2% in 2018 and 2.4% in 2019).

We work in a rewarding profession. But as a backdrop, this arguably makes the answers to other questions, about stress levels and current mood, and indeed about considering leaving the profession, all the more worrying.

### 8.2 How would you describe your *current* mood at work?

Again as in 2018, this question provided a stark contrast with the previous one. However capable the patent and trade mark professions of delivering job satisfaction *when all is well*, the reality is that a good proportion of respondents were not actually happy when they completed the survey. As seen in Table 28, 20.6% of student respondents, 22.2% of paralegal respondents and 25.1% of the main survey respondents described their current mood as uncomfortable, unhappy or very unhappy.

<sup>5</sup> An additional comment option accounted for the missing percentages in these figures.

**Table 28: Current mood at work**

	<b>Students</b>	<b>Students<sup>6</sup> 2018</b>	<b>Paralegals</b>	<b>Others</b>	<b>Others<sup>6</sup> 2018</b>
<b>Very happy</b>	7.4	8.4	9.6	6.5	2.6
<b>Happy</b>	31.9	25.2	24.4	28.2	19.8
<b>Comfortable</b>	40.2	39.5	43.7	40.3	40.1
<b>Uncomfortable</b>	14.0	13.2	14.8	16.6	15.3
<b>Unhappy</b>	4.8	7.2	6.7	6.1	12.1
<b>Very unhappy</b>	1.8	2.4	0.7	2.4	6.4

The 2019 figures show an apparent improvement: in 2018, 22.8% of student respondents and 33.8% of other respondents described their current mood as uncomfortable, unhappy or very unhappy: those values were 20.6% and 25.1% respectively in 2019 (22.2% for paralegals). Both the 2018 and the 2019 surveys indicated that the problem was more acute for qualified than for student respondents; the 2019 results suggest that paralegals sit somewhere in between.

Sadly, these “snapshot” figures still leave us – even in 2019 – with the sobering thought that 1 in 5 of our patent and trade mark students and paralegals, and approximately 1 in 4 of their qualified counterparts, could be feeling uncomfortable or worse at work. There is no room for complacency in improving our workplace cultures and working patterns so as to address the profession’s mental wellbeing issues.

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<sup>6</sup> An additional comment option accounted for the missing percentages in these figures.

## 9 Additional comments

### 9.1 General

At the end of page 6, respondents were offered the chance to add “free text” comments regarding their survey answers. 35 student members provided comments, 14 paralegal members and 98 of the other CIPA and CITMA respondents. What follows is a rough qualitative indication of the key themes emerging from these answers.

### 9.2 Students’ comments

The main issues addressed by the students’ comments were the impact, on mental health, of:

- exam-related stress (a few respondents called for more flexible working arrangements to help tackle this).
- trainers, supervisors and line managers (including their availability, and their ability to communicate and support as well as train).
- the overall workplace culture and management support.
- workload, targets and trainer expectations.
- changes in workload and responsibility levels immediately following qualification.
- general fears of failure and/or making mistakes.

Several said that their mental health problems were not due to work but to external factors, including pre-existing mental health conditions. One pointed out that some conditions exist regardless of what goes on at work, and that next year’s survey should include questions that address not just how the job affects mental health, but also how mental health affects a person’s ability to do the job.

Encouragingly, 6 of the 35 respondents (17.1%) made a point of referring to the supportive and comfortable environments they worked in.

### 9.3 Paralegals’ comments

The most common problems mentioned in the paralegals’ comments were to do with workplace resources (in particular IT) and lack of control over workload. Three people referred to factors outside of work (including in one case the menopause) affecting their mental wellbeing. One mentioned feeling uncomfortable because they did not fit in with the accepted norms, one that there is still too much stigma around mental health in their workplace.

Two of the 14 comments (14.3%) referred to supportive working environments, one saying that they had benefited from the support of a mental health first aider.



Page 4 of the paralegal survey, in the question regarding reasons for not taking time off work, also generated two comments that go more to the causes of stress. One respondent said that, having moved jobs, they had found in-house a much less stressful environment than private practice. Another talked of additional stresses from open plan offices and talkative colleagues when trying to do accurate and time-pressured data entry work.

#### 9.4 Other respondents' comments

The majority of these comments were on the following themes.

- Workload – including deadlines; the additional stress of non-core work such as business development, training and admin; dissatisfaction due to having insufficient time to do the work as well as you would like; and the inability to find time for wellbeing initiatives even when they are available. Many reported that more flexible working arrangements were helping to reduce their work-related stress.
- Workplace culture – in particular a “workaholic” mentality; reliance on billing-linked performance measures; supposedly beneficial policies being little more than “window dressing”; and in cases bullying or discrimination (there were two reports of discrimination post-maternity leave, one of the difficulty of being gay but having to work for homophobic clients). A couple of people specifically mentioned the negative impact of unhappy, irritable or otherwise difficult colleagues. One described the job as “lonely”.
- Poor management and support – including inadequate resources, systems and staff training. One person called for managers to be more proactive in recognising and addressing mental health problems.
- A recognition that stress can have specific short-term causes such as difficult cases, business restructuring, event planning or covering for absent colleagues; or commercial issues such as finance, compliance and competition; or causes outside of work such as illness, family problems or life changes. Conversely, two people mentioned the knock-on effect that workplace stress can have at home.
- The additional challenges faced by small businesses, especially sole practitioners, where the impact of stress can be felt more keenly, be harder to address and significantly increase risk.

On the plus side, 7 of the 98 people who provided comments (7.1%) said that they had generally supportive and comfortable workplaces. Several said that they loved their job even though they found it hard at times. However, employers should note that 11 of the 98 respondents (11.2%) had moved to a different job – for example in a smaller firm, a non-London location or an in-house department – or in several cases established their own business instead, in order to reduce stress levels. Two said that although they had not yet moved, they felt happier for having an “exit strategy” in mind. Organisations that do not take care of their employees’ wellbeing could find themselves losing out to their competitors on the recruitment and retention front.

For balance, it is also worth pointing out that several respondents believed stress to be a natural – and not necessarily negative – aspect of patent and trade mark work. One was concerned that certain colleagues might be using “the stress card” as a cynical means to increase paid leave. This theme – that the onus is on IP professionals themselves not to let their mental wellbeing damage their work – recurred in other free text answers, although was not common relative to the other views expressed.

### **9.5 The Brexit effect**

It might have been expected that Brexit-related concerns would feature highly in these free text comments. That was not the case. Only one student, one paralegal and two of the other respondents mentioned the negative impact that Brexit was having on their mental health, the paralegal linking it directly to fears about redundancy.

### **9.6 Diagnosed mental health conditions**

This year’s survey, unlike the 2018 one, did not include questions about diagnosed mental health conditions and the employer’s response (for example sickness leave and back-to-work support). We wondered whether such issues might be mentioned in this free text section, but in fact they were not. We would welcome comments from both employees and employers as to whether data in this area might be useful in the future.

### **9.7 Survey design**

Seven of the comments from the main survey (7.1%) criticised its design. Some alleged that it suffered from so-called “confirmation bias”, asked leading or unduly negative questions and started from the assumption that there was a problem rather than allowing people to reply that they had no mental health issues. Some felt that certain questions were unclear, others that the response options were too limited or otherwise inappropriate. One helpfully suggested additional factors that might cause workplace stress, including being given unsuitable types of work, micro-management, unclear progression paths, and either too much or too little reliance on team work.

The initial survey questions (for instance at page 2 – see section 4 above) did provide the opportunity for respondents to say that they had not been affected by the listed mental health conditions, as did the questions discussed at 6.2 and 7.2 above. The page 6 questions (section 8 above) offered a range of both positive and negative answers. Respondents were also invited to skip questions they felt were inapplicable, as indeed many did. Nevertheless, we apologise to those who felt frustrated or irritated with this year’s design and will take their comments into account when designing a 2020 follow-up.

## 10 Discussion

### 10.1 Caveats

We would like to repeat here the caveats from our 2018 survey report, which apply equally to interpretation of the 2019 results. To these should be added the cautions discussed at 1.3 and 1.4 above, regarding comparisons between (a) our 2018 and 2019 data and (b) the present survey and that conducted earlier in the year by the JLD.

Firstly, not all CIPA and CITMA members took part in the survey, although response rates were considerably higher than in 2018, indicating a more representative sample. There may have been various reasons for this, including potentially the very problems that the survey set out to explore, for example lack of awareness, too little spare time or a reluctance to discuss a subject that is still taboo.

Secondly, the respondents to a mental health survey could to an extent be “self-selecting” and therefore unrepresentative of the wider community. People who have suffered may be more likely to understand the importance of engaging with the issue, whereas those with good mental health may think the exercise unnecessary. There may in fact be far lower rates of mental ill-health than the current data suggest – and indeed some respondents did feel that the survey was guilty of “confirmation bias” (see 9.7 above). We think it unlikely – bearing in mind the response rates, together with data from non-leading questions such as those discussed in section 8 above – that the data are so badly skewed, but they must of course be interpreted with caution and with an open mind.

Equally, we should be open to the opposite possibility: that there are actually more problems than the current responses revealed. A lot of our respondents have felt unable to share their mental health concerns with their employers or indeed their colleagues; this reluctance to talk may mean that there are others in the profession who are struggling but did not feel able to discuss that even in an anonymous survey.

It is always possible, of course, to view statistics either optimistically or pessimistically: one could for example worry that 61.2% of the paralegal respondents had been adversely affected by high stress levels, or one could be encouraged that 38.8% had not. Our starting point is that if significant numbers are suffering then that is a problem that needs addressing, even if the others are fine, but our analysis should be read in that light.

Subject to these caveats, however, we believe that the results of this survey have value in illustrating general trends within the patent and trade mark professions; in painting a picture of the problems we face now and how they might evolve in the future; and in directing us towards measures which would improve the mental health of CIPA and CITMA members and potentially of other IP professionals.

## 10.2 Key outcomes

The following key points emerge, regarding mental health and wellbeing in the patent and trade mark professions, from the responses outlined in sections 4 to 9 above.

- The significantly higher response rates for this year’s survey suggest that engagement with mental health issues is becoming more widespread.
- However, many who are suffering from stress and other mental health problems still appear unable to discuss that with their employers and colleagues, and to take adequate time off work to recover.
- Both quantitative data and free text comments suggest that stigma around mental health problems remains, along with a belief that poor mental “resilience” is a sign of failure.
- Although the professions have the potential to provide a rewarding career with high job satisfaction when things are going well, many of their members are not currently happy.
- The 2019 survey revealed generally lower levels of problems than the 2018 one, and than among the 2019 JLD survey respondents. Nevertheless, a large proportion of patent and trade mark professionals reported suffering from work-related stress, anxiety and depression. Not insignificant numbers have contemplated self-harm or even suicide.
- These problems are accompanied by negative effects on physical health, and by an increased risk of work-related mistakes.
- Many of our respondents had considered leaving their current job, or in cases the profession itself, in recent months.
- The main causes, both of the reported mental health problems and of the sufferers’ inability to disclose and address them, are:
  - High workloads, and associated problems such as lack of control, deadlines, long hours, billing targets and client expectations.
  - Less-than-supportive workplace cultures (including poor management).
- Nor are the professions as inclusive as they should be; there are significant levels of discrimination, harassment, bullying and other problems caused by colleagues’ behaviour and poor management. Many worry that they are not up to the job or do not fit in.
- Respondents appear to be doing broadly the right things in terms of self-help and coping strategies, relying primarily on relationships with family, friends and colleagues for support, as well as on physical exercise and, where feasible, better work management. Clearly this is not always effective.
- Workplace support appears to be improving, at least for qualified attorneys, although is very much reliant on sympathetic (and hopefully appropriately trained) colleagues. There have been encouragingly high increases in the provision of trained mental health “first aiders”.

- That said, there are still many professionals who have little or no – or at least are not aware of – mental health support from their employers.
- The professions seem to be reasonably good at offering flexible working arrangements, and there is evidence that this has had a positive impact on employees' mental health.
- There is, as yet, a disappointingly low take-up of resources available outside of the workplace – for example the LawCare helpline and the IP Inclusive/Jonathan's Voice website page on Mental Health and Wellbeing – for which there is clearly more awareness-raising to be done.

### 10.3 General prospects for the profession

Overall, it appears that progress has been made since our 2018 survey. This year's results suggest that patent and trade mark professionals are better able to talk about mental health, their employers better at supporting them. More however is needed if we are to safeguard the mental wellbeing of those who work in our community.

At IP Inclusive we have also seen evidence of progress in our own interactions with both individuals and organisations in the sector. Mental wellbeing is now one of our most popular topics for discussion and training events: we have organised several so far in 2019, including through our regional networks, and individual organisations have also been running internal events. Several patent and trade mark firms have provided mental health first aid training for their staff, including via a pooled training course organised by IP Inclusive and CIPA in June 2019. Many more undertook training and awareness-raising activities to mark Mental Health Awareness Week in May. Anecdotally, both IP professionals and their HR support teams seem to be placing mental wellbeing ever higher on the corporate agenda.

We have noticed a greater appetite for sharing personal stories, for example on social media, and creating role models who are willing to open conversations to destigmatise mental ill-health. It has been incredibly helpful that the Chief Executive of the Intellectual Property Office, Tim Moss CBE, has been vocal about the importance of mental wellbeing, lending high-level support to the cause and helping to lead the way for others in the patent and trade mark sector.

In response to the 2018 survey recommendations, we collaborated with the charity Jonathan's Voice to create a [Mental Health and Wellbeing page](#) on our new website. This provides information, guidance and resources (for example a sample mental health policy) for both individual IP professionals and their employers, and also signposts external sources of support. More work is now needed to promote that resource.

Jonathan's Voice is itself doing much to raise awareness and reduce stigma in the IP professions, engaging with employees in all roles and at all levels of seniority and providing free input into employers' activities and events as well as external training courses. The charity [LawCare](#) is also

working with us to ensure that patent and trade mark professionals are aware of, and can access, its support.

On the plus side, respondents' comments about the potential for job satisfaction suggest that it is well worth trying to address the current mental health issues in our sector, and that the benefits of doing so could be high for employees and employers alike.

#### **10.4 Prospects for employers**

Many businesses in the patent and trade mark professions struggle to recruit, and often to retain, good people. Recruitment costs are high, not just in financial terms but also in terms of workplace upheaval. Improving working conditions and the wellbeing of the people in them will help us to attract more and better recruits and to optimise both their business contributions and their professional prospects while they are here.

Workloads and working practices, poor management and unsupportive workplace cultures remain big issues. Although the associated stress does not at present seem to be causing too much absenteeism, we are likely to be storing up problems for ourselves if employers do not get better at capacity and contingency planning, and facilitating and promoting a better work-life balance for their staff. Ultimately, improvements in these areas are likely to increase productivity, reduce the risk of mistakes, and help prevent longer-term problems due to both mental and physical ill-health.

Currently a lot of our professionals are considering leaving their current job. Quite a few survey respondents had already chosen new employers for reasons relating to their mental health (see 9.4 above). This should be a wake-up call to all employers in the sector.

#### **10.5 Data comparisons**

Direct comparisons are not always meaningful (see 1.3 and 1.4 above), but certain trends can be identified.

##### ***10.5.1 Between our three survey versions***

There were some – although not huge – variations between our three groups of respondents.

Student mental health problems, perhaps inevitably, were more likely to be related to exams. Paralegals worried more than others about workplace systems and resources, qualified attorneys about client demands and conflict with home life.

In many contexts, it was our paralegal respondents who reported the highest levels of stress and other mental health problems (see 4.1 above), and of the negative feelings and physical effects that accompany them (sections 4 and 7). Conversely, the paralegals also appeared to be the most likely

to talk about their mental health and disclose and address problems (see for example 3.1, 4.2, 4.3 and 5.2 above).

#### **10.5.2 Between our 2018 and 2019 results**

On the whole, figures in this year's survey showed improvements relative to the 2018 results, in terms of both mental wellbeing (see in particular 4.5, 4.6 and 8.2 above) and available workplace support, in particular mental health first aid (5.3). These comparisons may however be skewed by the participation of CITMA members this year (see 1.3 above).

#### **10.5.3 Between (a) the patent and trade mark sector and (b) the wider legal sector**

Judging by the results of the 2019 JLD survey, overall the patent and trade mark professions suffer lower levels of mental health problems (see 4.5 and 7.2 to 7.5 above). Doubtless there are individual pockets within both constituencies where the opposite is true.

The 2019 response rates were much higher for our survey than for the JLD one (see 3.1).

#### **10.5.4 Between the patent and trade mark professions and the UK workforce**

According to 2019 guidance published by Public Health England<sup>7</sup>:

*1 in 6 [16.7%] employees in the UK reported having a mental health condition, and stress, depression and anxiety are leading causes of sickness absence. In 2017, these conditions accounted for 14.3 million working days lost per year (7.6% of sickness absence). The estimated cost to UK employers of mental health-related absence is £7.9 billion.*

Our survey suggests that stress and mental ill-health levels in the patent and trade mark professions could be significantly higher than that. We cannot afford to be complacent.

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<sup>7</sup> See <https://www.gov.uk/government/publications/health-matters-health-and-work/health-matters-health-and-work>

## 11 Recommendations

### 11.1 Who can use these results, and how

With its higher response rates than last year, which nevertheless yielded similar results in terms of the nature and extent of the problem, this survey is likely to give us a good feel for the issues most likely to cause stress, anxiety and associated mental health problems in the patent and trade mark professions, and for the things we might do to address them.

We believe these insights can be used by individual employers; by CIPA and CITMA as the membership bodies; by IP Inclusive as part of its efforts to improve diversity and inclusivity in the IP professions; and by charities such as LawCare and Jonathan's Voice who seek to provide mental health support in this sector.

Employers in particular can use the information to build safer and more supportive working environments. They can become better at preventing mental health problems and where necessary at identifying and helping the people who suffer, which should improve both morale and productivity, reduce risks and assist in recruiting and retaining staff.

### 11.2 Key recommendations

Broadly, the recommendations in our 2018 survey report (see link in Annex I) still stand. Indeed, we seem to have made significant progress, as a sector, towards delivering on those recommendations (see 10.3 above) – including, importantly, the extension of our survey to CITMA as well as CIPA members.

We suggest that the following high-level measures would help to improve things further:

- Continuing to encourage open dialogue about mental health, to reduce the associated stigma.
- Improving workplace cultures to be more inclusive and supportive of those with mental health problems.
- Adapting working practices and workload management to reduce stress levels.
- Improving signposting to relevant resources, both within and outside the sector.

We also recommend that CIPA explore ways to reduce the mental health impact of the patent attorney qualification system.

Below we have set out some more specific ways that these could be pursued by the various stakeholders in the patent and trade mark professions. Most build on our 2018 recommendations.



### **11.3 Recommendations for CIPA (including the Informals), CITMA and IP Inclusive**

- Improve signposting to mental health information, guidance and resources, including helplines and training providers.
- Enhance and promote their own mental health resources. (In particular the IP Inclusive/Jonathan's Voice web page on Mental Health and Wellbeing is not yet much visited, and could be better promoted.)
- Work with LawCare to ensure people are aware of its services and that it can understand and engage effectively with this part of its constituency.
- Provide accessible and cost-effective training on issues relevant to mental wellbeing at work, for example:
  - mental health first aid
  - stress management
  - personal wellbeing
  - workload management
  - people management and communication skills
  - inclusivity and related issues such as unconscious bias.
- Incorporate mental health training into CPD events and training courses, including for students and paralegals. Encourage third party training providers to do the same.
- [For CIPA] Work with the Patent Examination Board (PEB) to ensure that the patent attorney qualification system does not unnecessarily impact on the mental health of trainees. We would be happy to share these survey results with the PEB and collaborate to address trainees' and employers' concerns.
- Organise discussion events on mental health-related topics, encouraging IP professionals and their employers to share experiences and best practices. Recruit role models and champions from a range of backgrounds and seniority levels.
- Collaborate with other organisations, including charities, to improve access to training and support, especially for organisations with fewer resources.

### **11.4 Recommendations for employers**

- Take the mental wellbeing of your employees seriously and provide as much support as you can, in all roles and at all career levels. In particular, offer access to appropriately trained and supportive colleagues, such as mental health first aiders.
- Ensure your employees know about the support that is available, and allow them the time and space to use it without risk of stigma.
- Provide training on stress management techniques. Prioritise the training of managers and those who supervise students.
- Strive to create a better workplace culture – one where an admission that an employee is over-stressed results not in the conclusion that they are unfit for the job but in a sensible discussion about putting things right; a culture where it is acceptable – in fact, encouraged – to address mental health problems openly, before they deteriorate.

- Encourage staff to discuss mental health in the workplace, involving senior team members as role models to create an atmosphere of openness and candour.
- Monitor and manage workloads; talk about them regularly and openly; implement capacity and contingency planning measures.
- Facilitate and encourage a better work-life balance for your employees. Make it normal for them to finish work on time; not to take work home; to have time for family, friends and hobbies; and to take full advantage of their annual leave allocation.
- Offer flexible working arrangements and ensure that the flexibility is genuinely usable without prejudice to career prospects.
- Be wary of assessing trainees solely on their exam performance; consider other ways to evaluate and develop their professional skills.
- Manage client expectations about the hours your staff work; emphasise that limiting to reasonable working hours makes people more efficient and alert, less likely to make mistakes, and generally nicer to be with.
- Implement a mental health policy or plan, with actively enforced anti-discrimination and anti-bullying policies.
- Make use of ideas, guidance and resources available elsewhere, for example from mental health charities; IP Inclusive; the Law Society's Junior Lawyers Division (including the ideas mentioned at 5.3 above, regarding support measures provided by other organisations in the legal sector); and the government's 2017 Stevenson-Farmer Review<sup>8</sup> and its "mental health core standards".
- Use campaigns such as Mental Health Awareness Week as a focus for awareness-raising activities and to catalyse positive change.

In view of the importance of workload and working arrangements to mental wellbeing, employers may wish to consider adopting the Mindful Business Charter. Developed by Barclays alongside law firms Pinsent Masons and Addleshaw Goddard, and supported by Mind (see, eg, <https://www.mind.org.uk/news-campaigns/news/mind-supports-mindful-business-charter/>), this alliance aims to change avoidable working practices that can cause mental health and wellbeing issues for employees. Its signatories commit to a set of principles centred on improved communication, respect for rest periods and considerate delegation of tasks. They also pledge to promote a culture of openness about mental wellbeing, and to ensure responsible business is included as an area of assessment during significant procurement processes.

Whilst some aspects of the patent and trade mark professions' workload problems (for example, official deadlines) may be unavoidable, employers would be well advised to seek better ways of managing such challenges and of equipping their employees to cope.

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<sup>8</sup> Farmer, P. and Stevenson, D. (2017). Thriving at Work: The Independent Review of Mental Health and Employers. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/658145/thriving-at-work-stevenson-farmer-review.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/658145/thriving-at-work-stevenson-farmer-review.pdf)

### **11.5 Follow-up survey**

We suggest that IP Inclusive, CIPA and CITMA run a similar survey to this one, to monitor changes in awareness levels, in the occurrence and severity of mental health problems, and in the support being made available to patent and trade mark professionals. The results would also allow us to identify the issues most in need of improvement.

As suggested by one of this year's respondents (see 9.2 above), the next survey could potentially explore how existing mental health conditions affect people's performance at work, and what can be done by way of support. Other aspects of the survey design, for example those discussed at 9.7 above, could also be addressed in the 2020 version. We should try to get better representation next year from both in-house departments and smaller organisations.

Moreover, thought should be given to whether the results for CIPA and CITMA members should be separated, in at least certain questions, so as better to understand the impact of their different roles and/or working environments.

## **Annex I**

### **Links to survey response summaries**

For each version of the 2019 survey, a pdf summary of the responses is available alongside this report on the IP Inclusive website: see <https://ipinclusive.org.uk/newandfeatures/our-2019-mental-wellbeing-survey-2/>. These summaries are generated through SurveyMonkey and do not include free text answers.

The full report of our 2018 survey is also available on the IP Inclusive website; see:

<https://ipinclusive.org.uk/wp-content/uploads/2019/01/1809-ip-inclusive-mental-wellbeing-survey-report.pdf>

and the accompanying blog post at:

<https://ipinclusive.org.uk/newsandfeatures/our-mental-health-awareness-week-survey/>