

IP Inclusive round table 29.7.20 on BAME representation in IP: Meeting outcomes



Practical steps we can take to improve BAME representation in the IP sector

The following is distilled from the discussions at our 29 July 2020 round table, attended by representatives of many IP sector organisations. It suggests practical commitments that those organisations could feasibly pursue.

There are suggestions intended both for membership bodies in the IP sector (who in turn can encourage and support similar action from their own members) and for individuals and organisations working in the sector. All can be supported in this by [IP Inclusive](#) (in particular [IP & ME](#), its community for BAME IP professionals and their allies), and where appropriate by independent bodies such as the UK Intellectual Property Office and legal sector regulators.

Senior-level ownership of these commitments will of course be crucial, to ensure that adequate resources are devoted to them and to maintain and focus the momentum gained at the July 2020 round table.

We begin with a summary of the suggested commitments, followed by more detailed recommendations for their implementation.

Some context: Our commitment to change

The following statement was published on 4 August 2020. It sets out the underlying intentions of the 29 July 2020 round table delegates to create positive change in the IP sector, and provides context for the more detailed outcomes that follow.

Over 50 IP professionals met on 29 July 2020 to discuss BAME representation levels in the UK's IP sector. This virtual round table was led by [IP & ME](#), IP Inclusive's community for BAME professionals and their allies. It was attended by representatives from the membership bodies AIPPI UK, CIPA, CITMA, FICPI-UK, the IP Bar Society, the IP Federation, IPLA, the Law Society's IP Law Committee and LES B&I; the IP sector regulator IPReg; the UK Intellectual Property Office; the five IP Inclusive communities (IP & ME, IP Ability, IP Futures, IP Out and Women in IP) and its managing committee IPIM; and the outreach charities Generating Genius, Reach Society and Stemettes.

Following words of encouragement from Tim Moss CBE, Comptroller General and CEO of the UK Intellectual Property Office, delegates explored ideas for (1) increasing BAME levels on recruitment into the sector; (2) improving BAME visibility within the sector; (3) supporting BAME IP professionals; (4) tackling unconscious bias; and (5) improving our evidence base to inform future work. We will now agree some commitments to action, which will be published shortly, and will work together to turn those commitments into positive change. We intend to reconvene in twelve months to evaluate progress and if necessary redefine the objectives.

Those at the meeting also agreed the following statements of principle, by which it was felt the UK's IP professions should stand together in support of racial and ethnic equality:

- *The UK IP professions are committed to providing equal opportunities for everyone within, and at the point of entry to, the UK's IP sector.*
- *We welcome people of all races and ethnicities.*
- *We will treat our fellow IP professionals, and the people we work with in the wider community, with respect and consideration – whatever their race and ethnicity.*
- *We will work together to eradicate racial and ethnic injustice, discrimination and prejudice within the UK's IP sector.*

Summary of suggestions

1 General

- 1.1 Publish prominently, and promote, the outcomes of the 29 July 2020 round table, provide regular updates on our efforts to implement them, and encourage others to do the same.
- 1.2 Involve both BAME and non-BAME professionals, from a range of roles and career levels, in their implementation.
- 1.3 Recognise the value of involvement in this work, when evaluating and rewarding people's performance and career development, and allow them the time and resources to do it.
- 1.4 Reach out to, and where possible collaborate with, BAME-focused organisations in the wider legal sector, for example the Black Solicitors Network and the Society of Asian Lawyers.

2 Increasing BAME levels on recruitment into the sector

- 2.1 Work with IP Inclusive's Careers in Ideas campaign to raise awareness of IP-related careers.
- 2.2 Work with Careers in Ideas and with relevant charities to engage potential BAME recruits.
- 2.3 Ensure our recruitment systems do not discriminate against BAME candidates.
- 2.4 Monitor, and continually seek to improve, our performance under 2.1 to 2.3.

3 Improving BAME visibility within the sector

- 3.1 Promote and amplify BAME role models within our organisations and elsewhere in the IP community, to foster a greater sense of belonging and attract more BAME people into the sector.
- 3.2 Adopt policies that incorporate "diversity by design", where appropriate making use of affirmative action to improve ethnic and racial diversity.
- 3.3 Create a directory of BAME IP professionals who are willing to speak, write or serve on professional bodies, and their areas of IP expertise.
- 3.4 Actively promote the business case for diversity and inclusion, to incentivise increases in BAME representation levels.

4 Supporting BAME professionals

- 4.1 Educate ourselves about the challenges faced by BAME IP professionals and the support they need.
- 4.2 Establish a mentoring and sponsorship scheme for BAME IP professionals.

4.3 Ensure our performance review and career development systems do not discriminate against BAME employees.

4.4 Encourage the creation of, and participation in, peer support networks for BAME IP professionals, and associated activities such as networking events.

5 Tackling unconscious bias

5.1 Provide unconscious bias and/or allyship training for all our employees.

5.2 Implement systemic measures to mitigate the effects of unconscious bias in our organisations.

5.3 Monitor, and continually seek to improve, our performance under 5.1 and 5.2.

6 Improving our evidence base

6.1 Collaborate to improve the collection of relevant evidence within the IP sector.

6.2 Gather, report and use relevant data within our own organisations, and encourage and support our members and colleagues to do so.

7 Streamlining the work

7.1 Establish sector-wide working groups to progress the suggestions under headings 2 to 6.

7.2 Use the IP Inclusive EDI Charter scheme to incentivise improvements in BAME representation levels in the IP sector and eradication of racial and ethnic unfairness.

8 Monitoring and maintaining progress

8.1 Regularly evaluate our progress on, and if necessary update, the above commitments.

Suggestions for improving BAME representation in the IP sector

1 General

- 1.1 Publish prominently, and promote, the outcomes of the 29 July 2020 round table, provide regular updates on our efforts to implement them, and encourage others to do the same.
- 1.2 Involve both BAME and non-BAME professionals, from a range of roles and career levels, in their implementation.
- 1.3 Recognise the value of involvement in this work, when evaluating and rewarding people's performance and career development, and allow them the time and resources to do it.
- 1.4 Reach out to, and where possible collaborate with, BAME-focused organisations in the wider legal sector, for example the [Black Solicitors Network](#) and the [Society of Asian Lawyers](#).

2 Increasing BAME levels on recruitment into the sector

2.1 Awareness-raising

Work with IP Inclusive's [Careers in Ideas](#) campaign to raise awareness of IP-related careers.

- a. Seek and exploit opportunities to speak about Careers in Ideas to schools, universities and other educational and training establishments.
- b. Include in this work the non-Russell Group universities, and establishments in under-privileged areas.
- c. Provide at least one awareness-raising activity or resource (for example a careers talk or workshop) every year, to an establishment that we have not previously engaged with.
- d. Promote Careers in Ideas on these occasions, and not merely our individual organisations.
- e. Ensure the people we engage with see BAME role models and understand the IP professions' desire to welcome BAME people.
- f. Consult with outreach charities to enable us to target our awareness-raising to potential BAME recruits, in particular those from under-privileged backgrounds.

2.2 Outreach

Work with Careers in Ideas and with relevant charities to engage potential BAME recruits.

- a. Participate, every year, in at least one outreach activity involving BAME students (for example an open day, training event, work experience scheme or student mentoring/sponsorship programme).
- b. Hold talks with at least one of the relevant charities (for example [Generating Genius](#), [In2scienceUK](#), [Reach Society](#) or [Stemettes](#)) to explore future collaborations and to help us understand the context of this work.
- c. Signpost suitable such charities to our members and colleagues, share information about the charities and their activities, and encourage involvement in their projects (for example Reach Society's annual Easter Careers Conference or regional Employability Days).
- d. Promote and amplify BAME role models in our outreach and recruitment activities and associated communications, in particular in the ways suggested at 3.1 below.

2.3 Recruitment

Ensure our recruitment systems do not discriminate against BAME candidates.

- a. Implement the measures referred to at 5 below to minimise the risk of unconscious bias in those systems.
- b. In particular:
 - Make our communications about career opportunities as inclusive as possible (for example in terms of language used, role models presented, and publication forums).
 - Ensure that job and person specifications are objective, genuinely reflect the skills and knowledge required, do not unnecessarily reflect existing non-BAME role models, and are strictly adhered to in selection processes.
 - Wherever possible, involve BAME professionals in recruitment decisions.
 - Practise "contextual recruitment" where feasible.
- c. Provide unconscious bias training for the people involved in recruitment decisions.
- d. Monitor the performance of those people, in terms of their response to the training and its impact on BAME representation at entry level.
- e. For BAME candidates who meet the essential criteria for a role, provide an opportunity to speak, off the record, with existing employees.
- f. Use "affirmative action" where appropriate within recruitment systems, in the ways referred to at 3.2 below.
- g. Encourage IP Inclusive EDI Charter signatories to publicise their commitment to the Charter pledges in communications with actual and potential job applicants.

2.4 Evaluating progress

Monitor, and continually seek to improve, our performance under 2.1 to 2.3 above.

- a. Adopt specific targets for increasing the proportion of BAME professionals we recruit.

- b. Gather data with which to monitor our performance against the targets and inform our future work, based on the suggestions at 6 below.

3 Improving BAME visibility within the sector

3.1 Amplifying role models

Promote and amplify BAME role models within our organisations and elsewhere in the IP community, to foster a greater sense of belonging and attract more BAME people into the sector.

- a. Share and celebrate their achievements.
- b. Include photographs of BAME contributors in communications about events, publications, projects and working groups.
- c. Include photographs of our BAME members on our organisation’s website and in its promotional materials.
- d. Ensure our organisation’s communications are ethnically and racially inclusive and that their imagery does not contain exclusively non-BAME people.
- e. Help IP Inclusive to produce a collage of BAME IP professionals’ photographs for the sector as a whole to use in encouraging both existing BAME professionals and potential new recruits.
- f. Encourage non-BAME event attendees to invite their BAME colleagues to join them, in particular for IP Inclusive and other sector-wide events.
- g. Do these things sensitively, mindful of individuals’ rights to privacy and of the need to avoid tokenism.

3.2 Affirmative action

Adopt policies that incorporate “diversity by design”, where appropriate making use of affirmative action to improve ethnic and racial diversity.

- a. Signpost suitable affirmative action schemes – such as the [Mansfield Rule](#), the [Rooney Rule](#) and the Rare [Race Fairness Commitment](#) – to our members and colleagues, and encourage their adoption.
- b. Where feasible, apply such schemes in our own undertakings, including in the creation or re-organisation of working groups, governing bodies and executive committees; when planning events; and during recruitment, staff development and work allocation processes.
- c. Create check-lists to assist decision makers in applying “diversity by design” in relevant situations.

- d. Signpost information and guidance about fair selection and evaluation processes, including the legal issues surrounding affirmative action and positive discrimination.
- e. Collaborate on a training event for IP professionals, to explain the above schemes and processes.
- f. Require our suppliers to field teams with minimum BAME representation levels, if possible seeking appropriately certified (for example [MSDUK-certified](#)) suppliers.
- g. Require our HR professionals and recruitment consultants to field a minimum proportion of BAME candidates.
- h. Use “guaranteed interview” schemes for BAME candidates who meet the essential criteria for a role.
- i. Engage constructively but firmly with the organisers of non-inclusive events and projects in which we are invited to participate.
- j. Recognise the need for increased diversity and inclusion in their teams when evaluating and rewarding the performance of managers and leaders.

3.3 Speaker directory

Create a directory of BAME IP professionals who are willing to speak, write or serve on professional bodies, and their areas of IP expertise.

- a. Encourage our BAME members and colleagues to participate, and promote the existence of the directory within our professional networks.
- b. If we become aware of events or projects with low BAME representation levels – in particular if we are invited to participate – ask the organisers to provide greater diversity and draw their attention to our speaker directory.

[IP Inclusive (through IP & ME) is willing to establish, curate and publish this directory.]

3.4 The business case

Actively promote the business case for diversity and inclusion, to incentivise increases in BAME representation levels.

- a. Collaborate to provide at least one sector-wide training event on this topic every year, with associated resources such as recordings, presentations and guidance.
- b. Highlight the impact of diversity levels on business issues such as productivity and profitability, client relations, talent recruitment and retention, and innovativeness.
- c. Wherever possible, involve BAME contributors in this work.

4 Supporting BAME professionals

4.1 Education and awareness-raising

Educate ourselves about the challenges faced by BAME IP professionals and the support they need.

- a. Publicise the lived experiences of BAME IP professionals and help one another to learn from those experiences.
- b. Encourage our members and colleagues to speak openly about these things, and defend the speakers against adverse consequences.
- c. Encourage non-BAME professionals to participate in activities that raise their awareness and understanding of the issues faced by BAME professionals and of their role as allies.
- d. Where appropriate, establish focus groups of BAME IP professionals to inform our work.
- e. Collaborate to provide at least three sector-wide awareness-raising events every year, through which to explore different people's cultures and beliefs and their impact in the workplace.
- f. Seek input from BAME equality champions, both within and outside the IP sector, for our events, resources and communications.
- g. Collaborate to produce a best practice guide for BAME allies and their employers in the IP sector, including guidance on improving inclusivity and belonging for BAME colleagues.
- h. Where appropriate, encourage the use of "reverse mentoring" as a means to raise awareness of issues for BAME professionals, being mindful however of the challenges this can present for the more junior mentor.

4.2 Mentoring and sponsorship

Establish a mentoring and sponsorship scheme for BAME IP professionals.

- a. Encourage our members and colleagues to take part in the scheme, in particular to provide volunteer mentor/sponsors and associated support.
- b. In due course, create a focus group to learn from mentors and mentees about the challenges and solutions they identified.

(The scheme will ideally be open to IP professionals in all roles and at all career levels. Mentors will provide informal support, advice and encouragement, and also actively champion mentees within their own and the mentees' professional networks. They will also identify areas where mentees would benefit from additional training or coaching, and help them to access it.)

4.3 Career development

Ensure our performance review and career development systems do not discriminate against BAME employees.

- a. Implement the measures referred to at 5 below to minimise the risk of unconscious bias in those systems.
- b. In particular:
 - Make our communications about career development opportunities (including training opportunities, work allocation and the creation of working groups and teams) as inclusive as possible, for example in terms of language used, role models presented, and publication forums.
 - Ensure that job and person specifications are objective, genuinely reflect the skills and knowledge required, do not unnecessarily reflect existing non-BAME role models, and are strictly adhered to in performance review and career development processes.
 - Wherever possible, involve BAME professionals in those processes.
 - Practise “contextual evaluation” where feasible in those processes.
- c. Provide unconscious bias training for the people involved in our performance review and career development decisions.
- d. Monitor the performance of those people, in terms of their response to the training and its impact on our BAME representation and retention levels at all career stages.
- e. For BAME candidates who meet the essential criteria for a role, provide an opportunity to speak, off the record, with existing employees performing a similar role.
- f. Use “affirmative action” where appropriate within career development systems, in the ways referred to at 3.2 above.

4.4 Peer support

Encourage the creation of, and participation in, peer support networks for BAME IP professionals, and associated activities such as networking events.

(These networks may be within individual organisations or may allow involvement from a wider section of the IP community. Ideally they will be open to allies as well as to BAME professionals, although we recognise that some of their activities may more appropriately be exclusive to the people they are designed to support.)

- a. In particular, promote and support IP Inclusive’s [IP & ME](#) community, and encourage our members and colleagues to get involved.
- b. Collaborate to provide at least two IP sector-wide networking events a year at which BAME IP professionals can share ideas and experiences and be role models, advocates and advisers for one another.

5 Tackling unconscious bias

(Note: many of the actions at 3 above, to improve BAME visibility, should also help to counter unconscious bias, as should the education and awareness-raising measures at 4.1.)

5.1 Unconscious bias/allyship training

Provide unconscious bias and allyship training for all our employees.

- a. Ensure this training is available to people in all roles and at all levels in the organisation, including as part of the new employee induction process.
- b. Monitor its effectiveness and its impact on both individuals' performance and overall BAME representation levels.
- c. Work with relevant regulators to ensure that its CPD value is recognised and to encourage its uptake.
- d. Encourage our suppliers to provide such training for their own teams.
- e. Encourage training providers to create suitably tailored, accessible training for people in different roles and at different career levels in the IP professions, ideally through a series of "bite-sized" training modules.
- f. Collaborate to provide for the IP professions, every year, at least two free and appropriately-tailored training resources (for example online events, training courses or guidance notes) on unconscious bias and/or allyship.

5.2 Systemic changes

Implement systemic measures to mitigate the effects of unconscious bias in our organisations.

- a. Collaborate to provide training and guidance on such measures, to signpost relevant information and resources, and generally to support IP professionals in reducing systemic bias.
- b. Encourage in particular the use of:
 - "Blind" (for example name-blind) or otherwise redacted application documents
 - Trained, diverse and appropriately monitored decision-making panels
 - Bias interrupters
 - Increased clarity and transparency over role specifications and criteria, performance reviews, remuneration levels and career development pathways
 - Regular, preferably independent, reviews of selection criteria to remove unnecessary barriers and biases
 - Regular, preferably independent, review of selection techniques (for example assessment tasks and interview questions) to remove unnecessary barriers and biases

- More inclusive communications about job opportunities (for example in terms of language used, role models presented, and publication forums) about job opportunities
- Monitoring of BAME representation levels at different stages of staff recruitment and development, to identify where bias might be arising

5.3 Evaluating progress

Monitor, and continually seek to improve, our performance under 5.1 and 5.2 above.

- a. Adopt specific targets for increasing the proportion of BAME professionals at different career levels in our organisation.
- b. Gather data with which to monitor our performance against the targets and inform our future work, based on the suggestions at 6 below.

6 Improving our evidence base

6.1 Sector-wide data

Collaborate to improve the collection of relevant evidence within the IP sector.

- a. Liaise with IP sector organisations (in particular membership bodies, regulators, the UK IPO and IP Inclusive) to:
 - Ensure that data on ethnic and racial diversity is gathered and updated for the sector on a regular basis.
 - Encourage the collection of such data through individual membership bodies (for example, on membership activation or renewal) as well as sector-wide.
 - Ensure this data can be interrogated according to relevant factors such as professional role, career level, organisation size and type, and gender.
 - Explore ways to compare IP sector evidence with data gathered elsewhere, for example in the wider UK workforce or by the establishments from which we recruit.
 - Gather survey evidence about BAME professionals' experiences in the sector.
 - Analyse and communicate the evidence gathered and advise on how it should shape our efforts to improve BAME representation and support.

6.2 Best practices in individual organisations

Gather, report and use relevant data within our own organisations, and encourage and support our members and colleagues to do so.

- a. Collaborate to provide support and guidance on relevant best practices.
- b. Seek to obtain both quantitative data on ethnic and racial diversity levels, and qualitative data on BAME IP professionals' experiences.
- c. Promote and participate in IP Inclusive's annual sector-wide diversity survey, and encourage other IP professionals to do the same.

7 Streamlining the work

7.1 Working groups

Establish sector-wide working groups to progress the suggestions under the headings 2 to 6 above.

Some of the headings may require more than one working group, for example under heading 4, a separate working group could be responsible specifically for the mentoring and sponsorship scheme (4.2).

For these working groups, we suggest that:

- a. The membership bodies contribute volunteer participants.
- b. IP Inclusive provides input, primarily through IP & ME.
- c. The groups liaise with one another where appropriate to identify the action needed, co-ordinate the IP sector's response and share relevant experiences and ideas.
- d. Where possible, the groups collect and report feedback on the effectiveness of the work they are doing.

7.2 The IP Inclusive EDI Charter

Use the IP Inclusive EDI Charter scheme to incentivise improvements in BAME representation levels in the IP sector and eradication of racial and ethnic unfairness.

- a. Encourage all Charter signatories to participate in this work, and collaborate to provide support and guidance to help them do so.
- b. In particular, work with IP & ME to provide guidance on allyship for BAME team members.
- c. Explore, together, the possibility of higher tiers of Charter accreditation for signatories who comply with relevant criteria such as organisation-wide unconscious bias training; the gathering and reporting of racial and ethnic diversity data; provision of suitable support schemes for their BAME members; and/or adherence to external schemes as referred to at 3.2 above.

8 Monitoring and maintaining progress

Regularly evaluate our progress on, and if necessary update, the above commitments.

- a. Take account of evidence obtained through the measures discussed at 6 above, and of feedback collected by the working groups.
- b. Reconvene annually – at IP Inclusive’s instigation – to discuss progress, update and refocus our objectives, and confirm our commitment to pursuing them.
- c. Through the working group leads (see 7.1 above), share progress updates and relevant feedback throughout the year.

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