

# Legal Services Board 27 November 2025 diversity consultation IP Inclusive response

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## Introduction

1. These submissions are made by the IP Inclusive initiative, in response to the Legal Services Board (LSB)'s 27 November 2025 consultation on its proposed statement of policy for encouraging a diverse legal profession.
2. They are made on behalf of the many UK-based intellectual property (IP) professionals, and their businesses, who support IP Inclusive in its efforts to improve equality, diversity, inclusion and wellbeing across the UK's IP sector. A large proportion of those are regulated by frontline regulators overseen by the LSB, for example the Intellectual Property Regulation Board (IPReg), the Solicitors Regulation Authority (SRA) and the Bar Standards Board (BSB).
3. Our comments are informed by our knowledge of the IP professions; these include patent and trade mark attorneys, solicitors and barristers who practise in IP, and other professionals who work alongside them. We cannot comment on issues affecting other sections of the legal profession.

## Key points of our response

4. We applaud the LSB's continuing focus on equity, diversity and inclusion (EDI) in the sector it regulates.
5. We support its four proposed high-level outcomes.
6. However, we have concerns about the mandatory nature of the "core" expectations as to how regulators should pursue the four outcomes.
7. We urge the LSB to allow greater flexibility for individual regulators to collaborate with their respective communities so as to implement tailored, proportionate and cost-effective responses to EDI-related issues.

## The case for change

8. We agree there is still work to be done to make the legal profession more equitable, diverse, inclusive and accessible. We support the LSB's view that improvements in these areas will benefit individual legal professionals, their businesses, the wider legal sector and the clients it serves.
9. In a global climate that can at times appear hostile to EDI, we applaud the LSB's focus on this important issue. IP Inclusive stands ready to support, and to help shape, efforts to improve.
10. We also appreciate the work done by the LSB in assembling and analysing relevant evidence, framing the problems faced by the sector, and identifying so many constructive ways to address them.

11. However, we are not convinced that the LSB’s evidence makes a case for imposing such comprehensive obligations throughout the legal profession. It does not establish that the identified risks, challenges and barriers apply equally in all parts of the sector. Nor does it establish that the proposed regulatory interventions are either warranted or appropriate in all areas.

## **The four proposed outcomes**

12. We support the LSB’s four proposed outcomes and agree that they should help encourage diversity in the sector.
13. They codify a high-level, outcomes-focused approach that aligns well with the overall requirement, in the Legal Services Act 2007, for regulators to encourage an independent, strong, diverse and effective legal profession.
14. We are particularly pleased to see the reference to “collaborative” action in Outcome 1. We agree that a collaborative approach is vital to achieving cost-effective and sustainable progress in an area such as EDI. It can also facilitate improvements in other aspects of a profession.
15. We believe that in practice, many of the frontline regulators are already working towards the four outcomes, and that progress has been made. The LSB’s own research appears to support this, citing examples of successful measures introduced by individual regulators and the professional bodies they work with.
16. We do however welcome affirmation of the Board’s commitment to the four outcomes, along with the expectation on frontline regulators to maintain and reinforce their contributions.

## **The IP Inclusive and IPReg model**

17. In view of our focus on the IP professions, IP Inclusive has worked particularly closely with the frontline regulator IPReg over the years since our initiative began. We believe this relationship represents a blueprint for best practice to encourage and support diversity within a regulated profession. Our 2025 Impact Report (see Annex I to this response) provides evidence of the positive effects that IP Inclusive has had in the sector, working alongside although independently of both its regulators and its representative bodies.
18. We appreciate that this model may not suit every regulated profession, but we believe it provides useful insights into the importance of collaboration, flexibility and proportionality in any measure aimed at improving EDI. It also showcases an approach that takes account of practical constraints from both within the sector and beyond. IP Inclusive has scant resources, yet during its first decade it has facilitated significant improvements in EDI levels.
19. From our interactions with IPReg, we understand that the principles embodied in the currently proposed outcomes have been woven into much of its work. They have motivated, informed and shaped its approaches to, for example, the introduction of new regulatory arrangements; the gathering of data about its regulated community; business plans and

- budgets; consultation processes; and most recently an ongoing Education Review of qualification routes into the trade mark and patent attorney professions<sup>1</sup>, which seeks to identify and address barriers to diversity on entry into and within the two professions.
20. In the specific case of the Education Review, IPReg’s work is underpinned by a diversity, equity, inclusion and belonging (DEIB) framework; IP Inclusive is involved in the Expert Advisory Group that supports the review; our input is sought on specific DEIB-related issues; and evidence-based equality impact assessments are embedded at appropriate stages of the process, as they appear to be in IPReg’s business planning and budgeting processes.
  21. Over the years IPReg has sought – and taken due account of – input from the IP Inclusive community over EDI-related aspects of its work. Through IP Inclusive, the regulator has access to the voices of specific under-represented groups that are more likely to be affected by EDI issues, and to independent, well-informed guidance.
  22. The key representative bodies within IPReg’s regulated community – CIPA, CITMA, FICPI-UK and the IP Federation – also work alongside, and seek input from, IP Inclusive. All these bodies function independently of one another, whilst collaborating towards shared EDI-related objectives. They also engage with professionals elsewhere in the legal sector.
  23. These collaborations have resulted in a targeted and cost-effective approach to improving diversity levels, one which has been informed by the very people and businesses likely to be affected by regulatory activities and which therefore engenders greater levels of support and compliance. Ultimately that appears to have reduced the level of EDI-related disciplinary issues that IPReg has to address.
  24. It is worth emphasising that much of this sits outside the regulatory framework. It has nevertheless yielded significant progress. We believe it would be inappropriate for the LSB’s policies to undermine the role that such initiatives can play with unnecessarily rigid regulatory requirements.

## The proposed specific expectations

### General

25. Whilst we welcome the LSB’s suggestions as to how the four high-level outcomes might be pursued by frontline regulators, we do not believe those suggestions should take the form of mandatory requirements.
26. For a number of reasons, outlined below, we caution against a prescriptive approach that requires every regulator to adopt essentially the same measures in pursuit of the overarching outcomes. Rather, we call for a more flexible format that allows individual regulators to work more collaboratively with their constituents to devise tailored and proportionate interventions.
27. We appreciate that the proposed policy is intended to allow regulators “discretion to take alternative steps ... to the expectations set out..., where they have clear evidence and

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<sup>1</sup> See <https://ipreg.org.uk/pro/education-review>

reasons for why their proposed alternatives are more appropriate within their specific regulatory context”. At best this places an additional burden on frontline regulators which could hamper attempts to adopt more proportionate measures. At worst it conflicts unhelpfully with other parts of the proposal.

### Flexibility and proportionality

28. We agree that most of the proposed expectations could be effective if introduced in an appropriate manner.
29. We urge the LSB, however, to take account of the fact that each regulator occupies a very specific environment. Each regulated community operates under different constraints and for different types of client, has access to different resources, carries different risks, and benefits from different opportunities.
30. The IP professions, for example, embrace many smaller businesses (including patent and trade mark firms, boutique IP law firms and IP-specialist chambers) and smaller regulators such as IPReg and the BSB. On the whole a greater proportion of their client relationships are business-to-business than for other parts of the legal profession, leading to different risk levels and regulatory considerations. Some of them are subject to additional barriers: the patent profession recruits within a qualification framework that is also governed by the European Patent Office.
31. Smaller businesses can be impacted harder by increased regulatory requirements, and may have fewer options for both measuring and increasing diversity. Additional regulatory burdens can also disproportionately increase costs for smaller regulators – costs which are ultimately borne by the businesses they regulate and often also the clients.
32. A variety of regulatory approaches may therefore be needed to achieve a desired outcome in a fair and proportionate manner. A one-size-fits-all requirement is unlikely to be the best form of intervention for each of the individual regulators, much less for the professions they oversee and the clients they protect. It would likely bring additional costs, distract from more effective measures, and create counter-productive compliance and enforcement problems that undermine a regulator’s efforts to be fair, strategic and collaborative. There is a risk that as well as dismantling existing barriers, misdirected or inefficient interventions could in fact introduce new ones.
33. Individual regulators should therefore be free to decide for themselves – based of course on consultation and collaboration with relevant external bodies – how to pursue the four high-level outcomes within their own sectors.
34. The IP Inclusive and IPReg model described above provides evidence of what works well in one particular, in this case smaller, sector. Some of what we do in the IP professions aligns with the LSB’s proposed core expectations, some diverges. Not all of the core expectations have proved necessary or appropriate in order to effect progress in this particular environment. Some, in particular those requiring large amounts of evidence gathering, target setting and associated auditing, could we believe require disproportionate and potentially unfeasible levels of effort from the IP sector relative to the likely return on

investment. Evidence to date suggests that more cost-effective measures are readily available, well understood and accepted, and indeed proven.

35. In its consultation document the LSB has itself cited evidence of best practices and successful initiatives that already exist in the legal profession. We believe this demonstrates that diversity-improving measures can work well when individual constituencies collaborate to tackle challenges in ways that are tailored for a specific context. In the circumstances, we suggest that it would be more appropriate – and likely more effective – to celebrate and nurture the interventions that are already yielding improvements on the ground than to impose additional, less well targeted, requirements from above.

### Collaboration and expert input

36. Proposed Outcome 1 requires regulators to take “strategic, evidence-based *and collaborative* actions” [emphasis added] to encourage diversity. We strongly support this approach. Regulators are not EDI or wellbeing experts. The best way for them to gather and evaluate the necessary evidence, and to shape strategic responses to EDI- and wellbeing-related challenges, is in collaboration with others who have relevant expertise or lived experience.
37. It is this form of collaboration that bestows credibility and business relevance on the outcomes sought by a regulator. It provides a competitive incentive to progress, giving everyone in a sector (including individuals, businesses and representative bodies) a stake in that progress. It facilitates and promulgates good practices, through mutual support and encouragement. These things are crucial if regulation is to be translated into practical gain.
38. There are many organisations within the legal sector – including representative and membership bodies, community groups and charities, and cross-sector initiatives such as IP Inclusive and the InterLaw Diversity Forum – that are both willing and able to work with regulators on EDI-related issues. Improving diversity and inclusion, and the resultant benefits to the sector and its clients, should be a responsibility shared between all these stakeholders. It cannot, we submit, be achieved by regulation alone.
39. It is therefore vital not only that the LSB’s proposed outcomes encapsulate a collaborative approach, but also that the associated policies encourage, facilitate and empower it. Again this suggests that individual regulators should be free to pursue the outcomes in their own ways, working alongside people and organisations that can help them tailor their approaches appropriately.
40. As described above, we believe that healthy cross-sector collaborations, including with IP Inclusive and its supporters, have contributed to the success of IPReg’s EDI-related activities to date. Input from other experts, within and beyond the IP and legal sectors, has also been key. This applies in particular in the context of mental health and wellbeing, where both IPReg and IP Inclusive recognise the need for external expertise (for example from the charities LawCare and Jonathan’s Voice) to guide their work.
41. Such expertise does of course yield different solutions for different regulatory environments, depending on the challenges faced and the resources and opportunities available. Again this highlights the importance of allowing individual regulators to source bespoke guidance and

implement bespoke regulatory measures. Suggestions from the LSB, though helpful, cannot take account of everything going on in the individual regulated professions.

## Inclusivity

42. As the LSB clearly recognises, and as has been IP Inclusive's primary focus since its inception, inclusivity is key to any attempt to increase diversity and equity. There is little point improving diversity statistics at intake or elsewhere in a profession if there is not a supportive, respectful, inclusive working environment in which diversity can thrive and a wide range of contributions are valued.
43. An inclusive working culture is also, naturally, vital for professionals' wellbeing. This in turn improves productivity, fosters better decision-making, and reduces risks both within businesses and for the clients they serve. It improves staff retention in the legal professions and thus their longer-term sustainability. It underpins the creation of a strong, diverse and effective legal profession.
44. We welcome – and support – the LSB's recognition that measures to improve inclusivity in the workplace should extend beyond the protected characteristics of the Equality Act 2010, to embrace issues arising from, for example, socio-economic background, caring responsibilities or symptoms of (peri)menopause.
45. Inclusivity is, however, strongly dependent on context and culture. These too will be different for every frontline regulator. Meaningful and lasting change has to be nurtured within a profession rather than imposed from above; it evolves through collaboration across a sector, so that every professional and every business has a stake in it. Again, then, there should be flexibility in how individual regulators work with their regulated communities to foster inclusivity.
46. We believe it is of note that, despite lacking the resources to generate large amounts of benchmarking data or detailed policies, IP Inclusive's approach has proved highly effective for improving inclusivity within the IP professions. Qualitative data, and individual stories from both businesses and the people who work there, show that our sector is becoming increasingly collaborative and inclusive. We see good things being done by groups of professionals working together, impacts on access to the IP professions and career journeys within them, and greater awareness of the value of EDI and of mental wellbeing.
47. We urge the LSB to allow the space for individual regulators to work alongside initiatives like IP Inclusive in this way. Unduly formulaic and uniform interventions can limit such opportunities, and risk undermining the valuable progress already being made.

## The current EDI climate

48. There is one final, but important, point we believe the LSB should take into account when adopting proposals such as those under consultation. EDI and wellbeing are sensitive areas. However strongly we believe in them, we must accept that others may be less sympathetic to the cause, and that both hearts and minds need to be won before we can be confident of compliance with relevant regulatory objectives. We ignore this fact at our peril. Regulation plays out in the real world, not a regulatory silo.

49. We believe that particular care is required in the current global climate. We have seen hostility towards diversity and inclusion in some jurisdictions and a growing “anti-woke” movement in many, exacerbated by economic, geopolitical and environmental challenges. At best these developments have led to constraints on EDI budgets. For larger businesses and for those with a global reach, in particular those that depend on overseas contracts, they can significantly limit the EDI-improving measures available.
50. Many legal professionals – including IP professionals – have clients around the world. They are feeling the impact of these changes. Diversity and inclusion may not be their primary focus in the face of potentially existential threats. Their regulators need to take account of that in constructing fair and proportionate regulatory arrangements. Rules relating to the gathering and interrogation of diversity data, or the pursuit of quantitative targets, are likely to cause particular concern in the current climate.
51. This is not to say that EDI improvements should not be pursued, for the good of the UK’s legal profession and its clients. We believe it is absolutely right for regulators to be working towards a clear and consistent set of high-level objectives and for the LSB to maintain its focus on their progress. A strong regulatory lead can be a valuable supplement to grass-roots support.
52. However, too heavy-handed an approach at this juncture could be counter-productive. Those responsible for improving diversity in the sector need to take regulated professionals with them, ensuring their buy-in with encouragement, support, involvement and contextual awareness, to avoid alienating the very people whose behaviours would benefit from change. This again calls for a less prescriptive approach.

## **The proposed timelines**

53. Whilst we wish to see the legal profession maintain momentum in its pursuit of greater diversity and inclusivity, we believe the LSB’s proposed timelines would be unfeasibly tight for many of the organisations and professionals among IP Inclusive supporters. Most will already have business plans in place for at least the next twelve months. They will struggle to resource additional work to assess their existing EDI efforts to the LSB’s specific criteria and to devise, document and justify new plans to deliver on its proposed expectations. This is a burden that could easily distract from the good work already being done, as described above, to improve diversity levels. It could, in effect, reduce the rate of progress.
54. We suggest it is unlikely to be possible to do justice to the LSB’s extensive proposals in the timescales envisaged. This provides a further incentive for taking a less prescriptive, more flexible approach to how individual regulators should pursue the four high-level outcomes.

## **Our conclusions**

55. For the above reasons, we counsel strongly against making the proposed “expectations” mandatory.
56. We would prefer instead to see the LSB’s good work on this proposal reframed as:

- a. a collation of evidence supporting the case for diversity and the identification of shortfalls to address;
  - b. a review of measures that are already in place, their value and how they can be built on in future;
  - c. a set of clear high-level objectives for frontline regulators to pursue;
  - d. guidance and suggestions as to how they might do so; and
  - e. an expectation that their approaches will be tailored and proportionate for their respective communities, informed by context-specific evidence, and shaped by collaboration with relevant experts and stakeholders who understand the environment in which their registrants practise.
57. We do not wish to comment on specific elements of the proposed core and enhanced expectations. Those are best considered by individual regulators, businesses and professionals in a manner that takes account of where exactly in the legal sector they work. Making them all desirable rather than mandatory would be a good way to ensure that every respondent's concerns could be addressed by those best placed to understand.
58. That said, the expectations appear to reflect good practice and to provide a useful starting point for those seeking to pursue the higher-level outcomes. We suggest that the frontline regulators take this opportunity to "road test" some of the proposed measures, as appropriate for the communities they regulate, and share the outcomes so as to enrich the legal sector's collective approach to improving diversity.

## About IP Inclusive

59. IP Inclusive is an association of individuals and organisations who share a commitment to improving equality, diversity, inclusion and wellbeing throughout the UK's IP professions. Its founding organisations were the Chartered Institute of Patent Attorneys (CIPA), the Chartered Institute of Trade Mark Attorneys (CITMA), the IP Federation and The UK Association of the International Federation of Intellectual Property Attorneys (FICPI-UK), with active support and involvement from the UK Intellectual Property Office. The founding organisations do not have any ownership or control of IP Inclusive.
60. Wherever feasible we work in partnership with, but remain independent of, these founding organisations and also the IP sector regulator IPReg.
61. Our supporters span the IP-related professions and include patent and trade mark attorneys and paralegals, their business support colleagues, IP solicitors and barristers, and other UK-based professionals who work in or with intellectual property. Many people who are regulated by IPReg, the SRA or the BSB are actively involved in IP Inclusive, as are their organisations, which support us as Charter signatories and donors.
62. Our work, which is overseen by the governing body IP Inclusive Management<sup>2</sup>, includes:

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<sup>2</sup> See <https://ipinclusive.org.uk/ip-inclusive-management/>

- a. A voluntary best practice Equality, Diversity and Inclusion Charter<sup>3</sup>, which currently has 155 signatories from across the IP professions, and an associated “Senior Leaders’ Pledge”<sup>4</sup>.
  - b. The “Careers in Ideas”<sup>5</sup> campaign, which works to raise awareness of, and improve access to, IP-related careers in order to diversify the pool from which the professions recruit.
  - c. Networking and support “communities”<sup>6</sup> for under-represented groups and (importantly) their allies: these currently include our Women in IP community, IP & ME for professionals from minority ethnic backgrounds, IP Ability for disabled and neurodivergent professionals and carers, IPause for professionals affected by the (peri)menopause, IP Futures for early- to mid-career professionals, and IP Out for LGBTQ+ professionals.
  - d. EDI- and wellbeing-related resources, training, news and information, which we disseminate through our website, events and regular updates to our supporters<sup>7</sup>.
63. IP Inclusive Management and its Advisory Board<sup>8</sup> include representatives from a wide range of the professions that IP Inclusive serves. The current Chair of IP Inclusive Management is James St Ville KC of 8 New Square, who is regulated by the Bar Standards Board.
64. Our Lead Executive Officer Andrea Brewster is a Chartered Patent Attorney, a former CIPA Council member and President, and now an honorary member of CIPA. In the past she has served on the Institute’s Education, Business Practice and Internal Governance Committees. She is regulated by IPReg but not currently in active practice.
65. For more information about IP Inclusive, please visit our website at <https://ipinclusive.org.uk/>, or email [contact@ipinclusive.org.uk](mailto:contact@ipinclusive.org.uk).

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<sup>3</sup> See <https://ipinclusive.org.uk/about/our-charter/>

<sup>4</sup> See <https://ipinclusive.org.uk/the-ip-inclusive-senior-leaders-pledge/>

<sup>5</sup> See <https://careersinideas.org.uk/> and <https://ipinclusive.org.uk/careers-in-ideas/>

<sup>6</sup> See <https://ipinclusive.org.uk/community/>

<sup>7</sup> See <https://ipinclusive.org.uk/resources/>, <https://ipinclusive.org.uk/newsandfeatures/>, <https://ipinclusive.org.uk/events/> and <https://ipinclusive.org.uk/stay-in-touch/>

<sup>8</sup> See <https://ipinclusive.org.uk/the-ip-inclusive-advisory-board/>