

## PEB FD changes 2nd consultation: IP Inclusive responses

### 4. Do you have any comments regarding the proposed changes to the FD1 Syllabus?

Although we cannot comment in detail without seeing the new syllabus, we generally support any move towards a clearer and more streamlined syllabus, a better alignment with the requirements of current professional practice, and better supporting materials including clear, comprehensive and accurate reading lists. We believe these measures should reduce stress for all candidates when both preparing for and sitting exams, and thus allow them to focus on demonstrating their true competence.

We approve the proposal to test ethics in every Part A session. We urge the PEB to include EDI (equity, diversity and inclusion)-related issues, for example the avoidance of discrimination, in the relevant part of the FD1 syllabus.

### 5. Do you have any comments regarding the proposed changes to the format of the FD1 question paper?

No.

### 6. Do you have any comments regarding the proposed change of making all questions in the FD1 examination compulsory?

No.

### 7. Do you have any comments regarding the proposed change to a more synoptic levels of response style FD1 mark scheme?

Again, we cannot comment fully without further detail. However, we applaud the proposed move towards simpler and more objective assessment regimes, which focus on professional competence and more generally which follow best practices in professional assessment and qualification systems. So long as the assessment regimes are underpinned by clear and

objective criteria for the competencies being assessed, and appropriate training for both examiners and question setters, they should help provide a fairer, more inclusive and also more robust gateway to qualification as a UK registered patent attorney.

## 8. Do you have any additional comments regarding the proposed FD1 changes?

No.

10. Do you have any comments regarding the proposed changes to the FD2 Syllabus?

We have the same opinions here as in response to Question 4 regarding FD1.

11. Do you have any comments regarding the proposed change to remove the requirement to annotate diagrams in the FD2 question paper?

No.

12. Do you have any comments regarding the proposed change to a more synoptic levels of response style FD2 mark scheme?

We have the same opinions here as in response to Question 7 regarding FD1.

13. Do you have any additional comments regarding the proposed FD2 changes?

No.

15. Do you have any comments regarding the proposed changes to the FD3 Syllabus?

We have the same opinions here as in response to Question 4 regarding FD1.

16. Do you have any comments regarding the proposed change to a more synoptic levels of response style FD3 mark scheme?

We have the same opinions here as in response to Question 7 regarding FD1.

17. Do you have any additional comments regarding the proposed FD3 changes?

No.

## 19. Do you have any comments regarding the proposed changes to the FD4 Syllabus?

We have the same opinions here as in response to Question 4 regarding FD1.

## 20. Do you have any comments regarding the proposed change to reduce the time of the FD4 Examination from 5 hours to 4 hours due to reduction in examination content and pre-release material being issued before the examination?

We support this change, which we believe will help focus the assessment on competence rather than stamina. It is likely to be particularly helpful for disabled and neurodivergent candidates who, together with any appropriate adjustments, will then have a more “level playing field” in the exams compared to their non-disabled, neurotypical counterparts. Similar comments apply to other candidates in need of adjustments, for example breastfeeding parents.

We also support any move that is likely to reduce the stress levels generated by the qualifying exams. This will support the mental wellbeing of trainee patent attorneys, with associated benefits in terms of their performance in, and enjoyment of, their work (including for example greater productivity, fewer errors, lower absence rates and improved staff retention). In turn it will help the patent profession – which currently has a reputation for being extremely difficult and stressful to access – to attract a wider range of future recruits. This we believe is healthier not only for individual patent attorneys, but also for the businesses they work in, the profession as a whole and the clients it serves.

## 21. Do you think that the proposed change of issuing Pre-release material containing technical background information issued approximately two weeks before the FD4 Examination would be helpful?

✓ Yes

Yes, we believe this could be helpful, in particular for neurodivergent candidates who may have difficulty processing large amounts of information in a limited timescale and under exam pressure. It is also likely to help level the playing field for candidates whose first language is not English, as well as for those with less experience and expertise in the technical field to which a particular exam relates.

In this context, we believe that reasonable adjustments should be available, on request and with appropriate justification, for those who might benefit from an earlier pre-release. That could include, for example, parents and other carers whose responsibilities leave them with limited time for exam preparation outside working hours; soon-to-be parents whose caring responsibilities may change suddenly during the relevant period; disabled candidates whose conditions, treatments and/or other medical interventions may limit the time they have available during the two weeks prior to the exam (particularly those with episodic disabilities); and candidates whose faith and religious observances similarly restrict their availability during that period.

Candidates without these limitations may be far better able to make use of a fixed two-week pre-reading opportunity, which could ultimately make the system less, rather than more, fair for some groups of people.

## 22. Do you have any comments regarding the proposed change to a more synoptic levels of response style FD4 mark scheme?

We have the same opinions here as in response to Question 7 regarding FD1.

## 23. Do you have any additional comments regarding the proposed FD4 changes?

No.

## 24. Please provide any additional suggestions you may have for improvements to the Final Diploma Examinations.

Firstly, we urge the PEB to ensure the availability of reasonable adjustments for disabled (including neurodivergent) candidates, in line with best practices elsewhere in further and higher education and professional assessment systems. We believe that, to ensure equity for all candidates, such adjustments should also be available for people with caring responsibilities and people who are pregnant. The system for requesting and granting reasonable adjustments should be objective and fair, transparent and easy to use. Such measures will help safeguard access to, and inclusivity within, the patent profession, and in turn allow it to develop a more diverse profile.

Secondly, we urge the PEB to ensure that the training provided for examiners and question setters include an understanding of the unconscious biases that can affect question setting and marking. We believe it is important that questions are phrased in a gender- and ethnicity-neutral way and avoid stereotypes such as those that might be associated with gender, ethnicity, age or disability. It is also important, in particular with the proposed move to a more synoptic marking style, that examiners understand how to avoid assumptions and other cognitive biases when assessing scripts. We further believe that the people who administer the exams should receive training to ensure that unconscious biases do not come into play for example when assessing requests for guidance, support and in particular reasonable adjustments. It is important that when candidates interact with the PEB, they do so through a system that is demonstrably fair and inclusive.

Thirdly, for those whose first language is not English, we suggest that candidates be allowed access to an English dictionary even if the exams are otherwise “closed book”.

Finally, but importantly, we urge the PEB to commission an independent EDI (Equality, Diversity and Inclusion) impact assessment of proposed changes to the Final Diploma exams, to ensure they do not disadvantage, discourage, or present a disproportionate barrier to entry for, any particular group of people. This would also help the PEB to ensure that its policies on reasonable adjustments align with current best practices.

We feel unable to make any further comments at this stage. However, we look forward to seeing further details of the practical implementation of the proposed changes, and hope to have the chance to comment again on those.

26. Optional question - please answer if you consider yourself disabled or wish to comment.

*NB: The Equality Act 2010 defines a disabled person as someone who has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.*

Do you believe the proposed PEB Final Diploma examination changes will help provide a "level playing field" for disabled candidates?

*Please explain your answer with specific reference to the proposed Changes to the PEB Final Diploma examinations.*

✓ A lot

Yes, in principle we believe that the shortening of FD4 from 5 to 4 hours, and also the supply of pre-reading material for the exam, should help level the playing field for disabled (including neurodiverse) candidates: see our responses to Questions 20 and 21.

We would however emphasise the importance of fair and accessible policies for reasonable adjustments (see our comments in reply to Questions 21 and 24), without which these potential benefits may be difficult to realise.

27. Optional question – please answer if you wish to comment.

Do you believe the proposed changes to the PEB Final Diploma examinations would help to provide a “level playing field” for candidates with protected characteristics (other than disability)?

*Please explain your answer with specific reference to the proposed changes to the PEB Final Diploma Examinations.*

✓ A moderate amount

In principle we believe that all the proposed changes – in particular those to which Questions 20 and 21 relate – should benefit people whose first language is not English or who are less familiar with typical UK education and training systems. We believe that clarifying the syllabus, exam questions and mark schemes, and providing better supporting materials, alongside the proposed provision of pre-reading materials, should help candidates from a wider range of backgrounds, and with more diverse characteristics, to access and succeed in the assessment process. This in turn should help the patent profession become more diverse and inclusive.

Again we emphasise the importance of reasonable adjustments and internal training (see our response to Question 24) in ensuring that the potential benefits are realised.

In this context, please note that IP Inclusive's interest in inclusivity and accessibility goes beyond the "protected characteristics" defined in the Equality Act 2010 and extends to other groups of people who could be vulnerable to discrimination or inequity.

## Additional questions

### 1. Please Indicate your interest in PEB Final Diploma Examinations

This response is submitted by IP Inclusive, an initiative that promotes equality, diversity, inclusion and wellbeing throughout the UK's IP professions. Its supporters include a large number of registered patent attorneys, trainee patent attorneys and their employers.

### 25. What is your academic background?

Other discipline (please specify):

IP Inclusive's supporters include patent attorneys and trainees from all the listed technical fields.

- To all questions about how many times have you sat a particular exam, we replied “Never” or “Not taken” or similar.
- Questions on age, gender and ethnicity left blank.