

Widening participation and employability within legal education: breaking down the barriers

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Introduction

Employability is increasingly referred to within higher education policy and is a concept concerned with the capacity of students to function effectively in graduate employment as well as encouraging lifelong learning and reflective practice. Employability has been broadly defined as ‘a set of achievements – skills, understandings and personal attributes – that makes graduates more likely to gain employment and be successful in their chosen occupations, which benefits themselves, the workforce, the community and the economy’ (Yorke and Knight, 2006: 3). In the context of widening participation employability is relevant when seeking to minimise barriers that prevent a diverse range of students from maximising opportunities when exiting higher education into the world of graduate recruitment and the workplace. Appreciating that there is no standard definition of widening participation, in the current article the term is used to reflect the requirements, and needs, of under-represented and non-traditional entrants to university (Graham-Matheson, 2002). Widening participation students often have a wider knowledge and skills gap to bridge with regard to employability as opposed to those whose progression in higher education and the professions is a natural choice.

This article seeks to examine employability in this context and draws upon a range of examples drawn from research-informed practice developed and implemented within the Law School at Staffordshire University. Specifically, the article explores two areas of teaching and learning practice:

1. The manner in which traditional academic values and skills can be reconciled with developing graduates’ potential in the context of transferable skills and lifelong and reflective learning; and
2. Utilising the concept of employability to break down barriers and ‘glass ceilings’ for non-standard university entrants within the world of work and graduate recruitment.

Background

Whilst often associated with the issue of careers guidance, employability is much more connected with the capacity of graduates to gain, and then develop effectively within, graduate employment. In terms of background there is a long-standing relationship between higher education and employment and the economy. Many look back to the publication of the Dearing (1997) report but the Robbins (1963) report equally acknowledged the

importance of developing generic skills within higher education, and the relevance of these to the economy. Both reports recognised the need to distinguish between the development of subject specific knowledge and the promotion of other values, skills and qualities. Following the Leitch (2006) review, the Denham review (Department for Innovation, Universities and Skills (DIUS), 2007) and the White Paper, *Innovation Nation* (DIUS, 2008a) set out an agenda for the review of higher education and the development of innovation and world class skills.

In many ways the employability agenda evident in higher education policy is regarded as constituting a vital ingredient of the knowledge-based society we are being encouraged to develop. The distinction between enterprise, commerce and higher education, as well as that between further and higher education, is seen to be blurring at an expeditious rate. Such changes create a wider, and much more diverse, student base in terms of widening participation, and therefore employability will take on different forms according to the background experience of the student. For example, mature students may have a lot of life and work experience but may not be equipped to reflect effectively on how they can learn from this, or make links to discipline based knowledge. In a recent Student Juries Report commissioned by DIUS (2008b), the student juries interviewed placed great importance on student satisfaction in relation to employability.

Employability and pedagogy

In relation to the work carried out at Staffordshire University Law School, and also to highlight some of the problematic nature of employability and pedagogy, the broad definition of employability as provided by Yorke (2006) has been adopted.

Research has demonstrated that employers are generally far less happy with the development of students' 'generic skills' and has recognised that there is no quick fix, or one size fits all, when attempting to formulate a working definition of employability (Yorke, 2006). Consideration also has to be given to the 'duality' of employability as identified by Brown et al. (2002): that is, the fact that a graduate's employability is not only influenced by the set of skills, achievements and reflective capability that they have but also by the state of the job market.

Another aspect that should be added to the definition is the potential ability of learners to articulate and reflect on the higher level skills obtained via higher education study. This is especially relevant when attempting to embed employability in a curriculum operating with a wide range of student diversity. Effective strategies should seek to embed employability both within and outside the formal curriculum so as to assist learners to develop via reflective practice. The research-informed practice within the Law School has sought to examine, in an applied context, the potential for a symbiotic relationship between the higher level skills traditionally associated with higher education and practical demonstrations of employability. In this respect it is interesting to note the work of Reich (1991, 2002) who identifies that advanced economies require skills that place emphasis on discovery and skills relevant to

exploiting discoveries,. In this respect, learners are referred to as ‘symbolic analysts’ and in employability terms this concept can be likened to the idea of ‘intrapreneurship’: in other words, the ability of an individual to develop and innovate within a role or organisation. In this respect pedagogy of employability is inextricably linked to promoting lifelong learning, upskilling and allowing individuals to move seamlessly through the labour market so as to realise their full potential (Hillage and Pollard, 1998).

In relation to pedagogy, a further difficulty arises from the vagueness surrounding the conceptualisation of skills. Graduate employer wish lists of desired ‘skills’ are rarely underpinned with theory. Various skills lists appear but they seem to have been put together on ad hoc basis (York, 2008). Such terms as key skills, generic skills and transferable skills are used interchangeably and differ according to discipline,. One issue for consideration is: do we really mean the higher analytical, problem-solving and enquiry skills that enable graduates to select, adapt, adjust and reapply in a multitude of situations? In this respect, the ‘Enhancing Student Employability Co-ordination Team’ (ESECT) description goes well beyond the simplistic notion of key skills by recognising:

- the need to take the inherent complexity of the construct into account;
- the need to adjust the concept in relation to needs (for example, the needs of a 19-21 year old will be different from an adult returning to higher education); and
- the emphasis on employability in context of lifelong learning.

(Yorke, 2006)

Approach to pedagogy at Staffordshire University Law School

The research outlined related to a review of careers and employability provision within the Law School at undergraduate level. In addition to mapping against university policy and professional requirements a key driver that influenced the initiatives deployed was the identification of changes in recruitment strategies that have occurred over the last ten years or so. These changes have been noted to have arisen in both non-legal and legal recruitment. They are, however, particularly evident within legal recruitment practices. A number of common practices, likely to work against non-standard entrants applying for law professional or related graduate employment, were of particular concern. The following are examples:

- online application screenings based on A level grades;
- work experience being utilised to assess or shortlist students;
- greater emphasis placed on assessment activities and reflective statements within CVs.

It was identified that there has been a significant move away from an approach based primarily upon a chronological list of academic qualifications and achievements, where knowledge

and ability is simply quantified by evidence of qualifications. Following the review there has been a concentrated effort to embed inclusive practices both within and outside the curriculum of undergraduate law awards, in an attempt to enhance the employability of all students whilst at the same time seeking to deal with some of the prejudices faced by the non-standard entrant. The thread that links all initiatives implemented is the emphasis on reflective evaluation and learning. All students are encouraged to reflect on and record their experiences in the context of personal development and growth. The basis for such reflection and learning is introduced at level one within a core skills module. At levels two and three skills and employability become embedded within specific core modules. For example, Tort Law, a core module operating at level two develops team working and interviewing within the context of subject knowledge. All initiatives are evaluated by a combination of specific questionnaires, module questionnaires and award evaluation. As a result it becomes possible for students to see more clearly the relationship between higher level academic knowledge and employability skills.

Whilst such initiatives are common within many law awards one issue that did arise in the context of the employability review is to what extent should an award respond to the 'softer' skills, if at all? In this context the term 'softer' skills is used to refer to the ability to articulate achievements and personal development in an appropriate way, network and make relevant contacts, and be confident at addressing challenges presented by graduate recruitment. At first instance this might seem to lie far beyond the boundaries of the traditional basis for higher education and distinctly outside the curriculum. However, the issue raised an interesting and fundamental ethical issue. The commitment to widening participation cannot simply rest with increasing numbers and access to higher education; it must equally be concerned with how we respond to the increased needs of a wider and more diverse group of learners. In this context, we have sought to implement strategies which begin to tackle some of these very real barriers that widening participation students face.

Breaking down barriers: careers and employability workshops

Whilst it is not uncommon to find many institutions providing a series of career talks aimed at a mixed audience, these tend to be focused on individual speakers talking about what they do as opposed to 'how to...'. Widening participation students have been identified to need additional support and guidance in relation to networking and the generation of professional contacts. Many students often lack the familial contacts of traditional middle class students and can also lack confidence and social awareness in networking situations. The career workshop series was introduced to facilitate networking opportunities, as well as career guidance, and workshops are organised along the structure of three to four guest speakers on a particular theme followed by a half hour networking session. Examples of themes include: becoming a solicitor, becoming a barrister, careers in research and your law degree – what next? The workshops have proved to be a great success and regularly attract a diverse range of students with representatives from all law awards including part-time

evening awards. We ask speakers not only to describe and illuminate the work they do but also to place emphasis on the 'how to' aspects of career development and employability. Students are offered the opportunity to ask questions but many prefer to wait until the informal networking afterwards and several events have clearly demonstrated that many students prefer to ask questions outside the formal setting. Although final outcomes are not statistically evaluated, to date informal student feedback has already indicated that students, particularly part-time and mature, are benefiting from this format and some have gained work experience, and useful contacts, as a result. Discussions with many students have also indicated that non-standard entrants feel more relaxed and able to discuss their own personal journeys into higher education and the difficulties they face in relation to employability, and often gain insightful advice and support as a result. Timing workshops at a cross-over period in the working day (four to six o'clock p.m.) on evenings when part-time students are already scheduled to attend has resulted in many more part-time students utilising and benefitting from the opportunity. Guidance is also provided on how to make the most of work experience opportunities and it is planned that the career workshops will be developed further in conjunction with local networking organisations such as the Junior Lawyers Division and FINEST (North Staffordshire Region Business Networking Group).

Breaking down barriers: level one skills module – embedding reflection

The skills team undertook a major review of the way in which legal skills were taught following the realisation that an independent legal skills module at level one was not having the impact that it should. Informal student feedback suggested that this was, in part, due to the construction of the skills module (which was shared with the English Legal System module) and perceptions of skills in general. Learners were viewing the development of their personal transferable skills as a one-off, level one experience instead of the foundation for their studies and beyond. In taking this view, they were also missing the crucial internal transferability of skills within the learning process, across subject modules and the external transferability into postgraduate training and employability.

Skills are now taught at level one in an assessed SKILLs (Skills for Knowledge in Learning and Law) module and then 'caught' or embedded within the subject modules at levels two and three. In this way, learners are introduced to the concept of personal transferable skills at the outset and have an understanding of how they pervade their awards (Lucas et al., 2004). In addition all learners are 'equipped' to deal confidently with the challenges of undergraduate study and enhancing their own employability. The new module therefore challenges the traditional lecture/tutorial approach through the provision of a fortnightly compulsory two hour workshop for all level one students (including part-time evening students). The redesign of the skills curriculum also posed the question of which skills would be taught and assessed. As the focus is not only to equip the learners for the challenge of undergraduate study but also to enhance employability the outcomes of the module were 'phrased' within three vital skills strands:

- Learning skills;
- Lawyering skills;
- Personal enhancement and employability skills.

The module is assessed by an individual portfolio of four tasks that address these three vital strands and the outcomes.

The module incorporates two employability workshops, the first of which places strong emphasis on students reflecting and evaluating on what strengths and achievements they already have. Participants are required to chart their progress to date in the context of qualifications and achievements, extra-curricular activities, and benefits gained from work experience and volunteering. Students are then introduced to the benefits of reflective practice in the context of achievements and personal development. In turn, this enables students also to identify any areas of weakness they may have in relation to both academic progress and employability. The second workshop requires students to develop their findings into a draft CV with a reflective statement asking them to reflect upon and identify the skills gained as a result of their first year of study. Students have found the approach to be very useful and module feedback has indicated a positive response to the new SKILLS module and employability initiatives.

Strong emphasis has been placed upon students tackling difficult employability issues such as weak A level results and gaps in employment history, and students have commented favourably on this aspect. Within the workshop settings it is evident that students begin to see employability development in a more 'holistic manner' as opposed to a linear development with insurmountable barriers. The workshops also encourage students to reflect on and share ideas with other students facing similar issues. For example, when an employability workshop was delivered to part-time evening students, several students questioned how employers would perceive the fact that they had given up work in order to stay at home looking after children. We discussed this and identified aspects such as time and commitment to combine raising children with part-time study. In addition, many were also volunteers on community groups, clearly multitaskers of the highest order! It was apparent that they had not even begun to evaluate life experience as being relevant to employability. Other mature students who had spent significant time in alternative careers or roles needed assistance with 'transferability' of skills. Full-time students who had, for example, come through Aimhigher initiatives often did not necessarily have strong A level grades and again the employability workshops enabled them to focus on areas they could develop in order to work around this aspect.

Breaking down barriers: careers and employability training days

One further initiative developed at levels two and three involved the introduction of dedicated careers and employability training days which are organised as part of the welcome

week and induction period. External agencies and speakers provide input into the sessions arranged and in this sense the training days effectively mirror the type of training that would be experienced during continuing professional development. A key training need that had been identified as being common to many students submitting applications is the inability to articulate the relationship between what has been studied and how this might be relevant to continued education, graduate employment and lifelong learning. In real terms this means that many students effectively are misrepresenting what they have studied and how it might be relevant. This problem was endemic in the majority of CVs examined by tutors. The careers and employability training days were piloted at levels two and three during the 2007/08 academic session and student feedback indicated high levels of attendance and satisfaction with the sessions. Areas covered included effective applications and CVs, effective interviews, trouble-shooting CVs and applications, assessment centres and activities, confidence and public speaking.

Conclusions

What has been learnt so far? In the context of widening participation, creating strategies to improve access to higher education is only part of the process. Higher education institutions also need to develop learning strategies that allow all students to enhance their employability prospects, particularly for students who might otherwise be disadvantaged by some of the recruitment processes endemic in graduate recruitment. This is certainly not a simple task but the research-informed strategies implemented in the Law School at Staffordshire University have initiated ongoing development and reflection to assist non-traditional students. The practices implemented go some way to addressing the very real needs that widening participation students have in the context of employability. Whilst many mechanisms are already in place to support access to higher education, initiatives emanating from effective research and pedagogy need also to be implemented in order to allow non-standard entrants to break down some of the very real barriers, and prejudices, that they often face. The practices outlined in this article, whilst not in any way a panacea, do offer up ideas and strategies to consider and the majority are adaptable to a wide range of subject disciplines.

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References

- Abramson, M. and Jones, P. (2004) 'Empowering Under-Represented Students to Succeed in Higher Education' in D. Saunders, K. Brosnan and M. Walker (eds) *Learning Transformations: Changing Learners, Organisations and Communities*, London: Forum for the Advancement of Continuing Education.

- Brown, P., Hesketh, A. and Williams, S. (2002) *Employability in a knowledge-driven economy*, Working Paper Series, Paper 26, Cardiff: Cardiff University School of Social Sciences. Available online at <http://www.cardiff.ac.uk/socsi/resources/wrkpaper26.pdf> (accessed November 2008).
- Dearing, R. (1997) *Higher Education in the Learning Society*, Report of the National Committee of Inquiry into Higher Education, London: HMSO.
- Department for Innovation, Universities and Skills (DIUS) (2007) *The debate on the future of higher education*, available online at http://www.dius.gov.uk/higher_education/shape_and_structure/he_debate (accessed September 2008).
- Department for Innovation, Universities and Skills (DIUS) (2008a) *The White Paper: Innovation Nation*, Cm 7345, Norwich, HMSO.
- Department for Innovation, Universities and Skills (DIUS) (2008b) *Future of Higher Education Review: informal responses from members of the National Student Forum*, available online at http://www.dius.gov.uk/higher_education/shape_and_structure/~media/publications/I/Informal_national_student_forum_response_to_HE_Debate (accessed December 2008).
- Graham-Matheson, L. (2002) Recruitment and retention in legal education, available online at <http://www.ukcle.ac.uk/resources/wp/matheson.html> (accessed December 2008).
- Hillage, J. and Pollard, E. (1998) *Employability: developing a framework for policy analysis*, London: Department for Education and Employment.
- Leitch, S. (2006) *Leitch Review of Skills: Prosperity for all in the global economy – world class skills, Final Report*, Norwich: HMSO.
- Lucas, U., Cox, P., Croudance, C. and Milford, P. (2004) ‘Who Writes This Stuff?’: Students’ perceptions of their skill development’, *Teaching in Higher Education* 9, 1: 55-68.
- Reich, R. B. (1991) *The work of nations*, London: Simon and Schuster.
- Reich, R. B. (2002) *The future of success*, London: Vintage.
- Robbins, L. (1963) *Higher Education: Report of the Committee Appointed by the Prime Minister under the Chairmanship of Lord Robbins, 1961-63*, Cmnd 1963, London: HMSO.
- Yorke, M. (2006) *Employability in Higher Education: what it is – what it is not*, York: Higher Education Academy.
- Yorke, M. and Knight, P. (2006) *Embedding Employability into the Curriculum*, York: Higher Education Academy. Available online at http://www.heacademy.ac.uk/assets/York/documents/ourwork/employability/id460_embedding_employability_into_the_curriculum_338.pdf (accessed March 2007).