THE IMPACT OF POLICY WORK ON EMPLOYABILITY SKILLS IN THE POLICY PROJECT CONNECTED TO THE CRIMINAL APPEALS CLINIC AT THE OPEN UNIVERSITY

Emma Curryer and Carol Edwards, The Open University, United Kingdom

Abstract

The impact of policy work in allowing students to obtain skills in case work should not be understated. At the Open University (OU) one of our modules on our law degree incorporates clinical legal education. The Criminal Justice Clinic (CJC) is a digital clinic that sits within that. The purpose of the CJC is to assist clients that state they have been wrongly convicted of serious criminal offences and are serving long sentences in prison. It aims to assist with social justice and provide students with professional skills. Students research and advise on live criminal cases under the supervision of a solicitor. They apply legal principles to determine whether there are any grounds for an appeal to be made. Students have full access to case papers. It is an innovative project as it aims to teach students legal professional skills working on difficult cases in a digital only setting.

Last year we set up a system where students undertake a policy project before commencing work in the clinic. This assists them with acquiring the skills that they need when they work on live criminal cases and helps them understand the background to what they are doing. Students were split into groups and given a

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policy project to look at and at the end they provided a report. They worked collaboratively to do so and needed to complete the project within a specific time frame. This paper looks at the practicalities of doing such a project digitally and considers the impact on employability skills.

Introduction

This article considers whether participation in policy work can assist students in obtaining the necessary skills to actively participate in criminal law casework that takes place within clinical legal education, and in particular a digital pro bono Criminal Appeals Clinic (CAP) at the OU. It will look at the project and consider what it was, why it was needed and how it was integrated into the existing structure before considering the results of an employability skills pilot that took place and evaluate the effectiveness of the project.

Many universities and higher education institutions provide students with an opportunity to take part in pro bono work during their studies. A LawWorks and Clinical Legal Education joint report in 2020 showed that the number of institutions providing pro bono work is on the increase. Of the 78 institutions in the UK responding ,77 did pro bono work. The types of pro bono offered included, 75% providing generalist advice, around 30% undertook 'Innocence' or miscarriage of justice programmes with around 20% undertaking criminal pro bono work[1]. 90% of

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[1] J. Sandback, R Grimes *'Law School Pro Bono and Clinic Report'* (2020), LawWorks and CLEO

the providers anticipated an increase in demand. Despite this there appears to be little research in this area in the UK.

As part of the OU law degree students have an opportunity to study a final level optional module called 'Justice in Action'. This allows students to participate in Clinical Legal Education (CLE). At the OU, the Policy Project discussed in this article is completed prior to participation in the pro bono CAP that is delivered at a distance using online facilities. There is also an existing separate online Policy Clinic that also takes place within the Open Justice Centre (OJC) of the Open University Law School (OULS). A number of projects are offered in the OJC including the following clinics: a law clinic, law reform, international law, criminal appeals, mediation, digital justice, and policy. Some of these clinics are permanent whereas others will change from year to year. The OJC also offers projects as extra-curricular opportunities for students such as Streetlaw.

In addition to the main policy project that sits within Justice in Action, in 2021 the Criminal Appeals Clinic (CAP) set up a policy project that students participated in prior to casework being completed in the CAP. The CAP was associated with an outside provider that gave students an opportunity to work on live criminal appeal case work. The CAP assisted criminal clients that were protesting their innocence or perceived that they had received a substantially excessive sentence. The cases reviewed involved serious criminal offences such as murder, manslaughter, multi-handed conspiracies, and other offences. The CAP took place in the second term of

the module and lasted 12 weeks. Feedback from students the previous year had noted

a gap in their writing and professional skills that needed to be filled before they could

fully participate in the CAP. It is this background that led to the introduction of policy

work prior to the CAP taking place. At the same time a research project was run that

considered the employability skills that students obtained whilst undertaking work

in the CAP.

This article has four parts. Firstly, there will be a background discussion of the context

that led to the introduction, and the features of the Policy Project and details of why

and how it was run. Secondly, consideration will be given to the methodology of the

pilot research project that was completed. Thirdly, the results of the research will be

given, together with some analysis and fourthly, a conclusion and final thoughts on

whether the Policy Project worked.

Background and Context

The OU is different from a lot of other universities as its mission is to be: "open to

people, places, methods and ideas"[2]. As a result, it prides itself on accepting all

students, including those that would not be able to attend a traditional brick

university.   This means that students can attend the OU without any other

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[2] Open University 'Mission Statement' available at: https://about.open.ac.uk/policies-and-reports/mission#:~:text=The%20Open%20University's%20mission%20is,ambitions%20and%20fulfil%20their%20potential accessed 24th August 2023

qualifications. Historically referred to as: 'The University of the Air'[3] the concept was originally designed by Harold Wilson, then prime minister, in 1963 and Jennie Lee took the idea forward as Minister of the Arts. Launched in 1969 by Royal Charter, it celebrated its 50th anniversary in 2019 by which time it had taught 2.3 million students[4]. Other universities in England and Wales have entry requirements and are selective in the students that they accept on to their degrees, not so with the OU. The OU has a diverse range of students with 208,308 students registered in 2021/22, 71% of whom were in work, 75% had no previous higher education qualifications when they started with the OU and 25% came from the most deprived areas and 37,078 students had a declared disability[5]. In addition, the OU is a distance learning university where most work is completed online.

The OULS was created 25 years ago. It is the largest law school in Europe and all teaching is now completed online. It has around 9,000 current students who come from 45 countries[6]. The OULS vision is: "To make outstanding legal education accessible to all who pursue it". It is that vision, together with the social ethos of the OU, that feeds into clinical legal education at the OULS, the Open Justice Centre (OJC) and 'Justice in Action'.

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[3] Wilson, H (1963) '*White Heat of Technology*' speech available at
https://www.open.ac.uk/library/digital-archive/download/1963WilsonGlasgow.pdf accessed 24th August 2023
[4] https://about.open.ac.uk/strategy-and-policies/facts-and-figures
[5] https://www.open.ac.uk/about/main/strategy-and-policies/facts-and-figures
[6] https://law-school.open.ac.uk/about

The Open Justice Centre (OJC) was established in 2016 and sits within the OULS and within that, there are various projects and clinics. In 2021 they included the CAP offering through an outside provider. More latterly there is now an inhouse Criminal Justice Clinic (CJC) run directly by a CJC lead with the assistance of other academics, a legal practitioner, and caseworkers. The CJC was being run as a pilot and extra-curricular project in the same year that the policy project was introduced to the CAP.

The module *Justice in Action* is an optional module at the final level of the law degree and has two distinct but connected sections. In the first section students study the themes of the module that include professional identity, social justice, and professional ethics. They also learn about the skills that are needed in the legal profession. These skills include collaboration, writing, interviewing, advising, legal writing, presentation, and legal research. In the second section students then participate in one of the projects on offer and are required to put their new-found skills into practice. All of these projects are run online, and students may live in different geographical locations and often never meet in person. In 2021 there were 205 students on the module of whom 42 were in the CAP. The CAP had the largest cohort of students on the module in 2021/22 and its successor the CJC has followed this forward.

The Justice in Action module is assessed through tutor marked assessments and an end of module assessment. Students are also required to keep reflective journals.

There are no examinations. The assessments are primarily based on the importance of pro bono work, reflection on their development of professional skills, including collaboration and their specific participation in the activity that they did. This separation of assessments directly from the clinic works well but can appear disjointed at first. CLE is experiential learning that is reflective in nature and extra care has to be taken in relation to the grading and feedback strategy used. Work that takes place in all of the clinics and projects in the OJC and Justice in Action module is not graded nor directly assessed, and very different from other modules. It mirrors feedback given in professional practice. Some students can take the feedback they receive from assessments in other modules personally. As Nicol and Macfarlane (2006)[7] note, receiving a mark can be demoralising. However, in the CAP the feedback centres around professional skills and writing in a collaborative manner and students view it as professional rather than personal feedback. It is about mentoring students to achieve the best outcome for the client. The lack of graded work in the CAP assists with cohesion and the quality of the work, as students are not distracted by the need to impress the supervising solicitor in relation to the outcome of the case or otherwise.

As Yeatman and Hewitt (2021)[8] note when discussing CLE, this type of learning lends itself to the concept of self-regulated learning and the seven principles framework

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[7] Nicol, D.J, Macfarlane-Dick, D (2006) '*Formative Assessment and self-regulated learning: a model and seven principles of good feedback practice'*. Studies in Higher Education 31:2, 199-218.
[8] Yeatman, L and Hewitt, L (2021) *Feedback: a reflection on the use of Nicol and MacFarlane-Dicks feedback principles to engage learners*, The Law Teacher, 55.2, 227 to 240.

established by Nicol and MacFarlane-Dick (2006)[9]. The feedback given in the clinic is less formulaic than standard feedback given in other modules. Feedback tends to be spontaneous around conversations rather than just formal written feedback. During the CAP, students' draft advice and research notes and feedback happens more naturally during student group meetings and in the supervision meetings. Feedback centres around verbal comments. However, once documents start to be produced, feedback is also given in a written format. Given the nature of the work such as advice, work is often drafted and re-drafted several times before final submission to the supervising solicitor and onward journey to the client. Reflection is a continuous process and helped with collaboration within the small teams as students reflect on each other's work, enhancing team cohesion. Students write reflective pieces in their assessments, but these are not linked directly to the work that takes place within the clinic. As Yeatman and Hewitt (2021)[10] acknowledged a series of conversations together with peer review is best practice in CLE. They reflect that good communication is key to students being able to be self-directed leaners and this is what we attempt to achieve in the CAP.

This is important to the reasons why a policy project was introduced prior to time in the CAP as students found it difficult to adapt to this new way of education. Whilst

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[9] Nicol, D.J, Macfarlane-Dick, D (2006) '*Formative Assessment and self-regulated learning: a model and seven principles of good feedback practice'*. Studies in Higher Education 31:2, 199-218.

[10] Yeatman, L and Hewitt, L (2021) *Feedback: a reflection on the use of Nicol and MacFarlane-Dicks feedback principles to engage learners*, The Law Teacher, 55.2, 227 to 240.

at first glance this feedback appears relaxed, in reality it can cause issues with collaboration. It was hoped that the opportunity for students to work on a policy project and research and draft written documents prior to the clinic would help them with the inevitable jump from academic to professional work, whilst also expanding their employability skills.

In 2021 the casework part of the CAP was outsourced to an external provider who supervised the students for 12 weeks. During this period students participated in criminal casework considering whether a client had any grounds for appeal that might need to be referred to the Criminal Cases Review Commission (CCRC). Students found the transition from pure legal studies to the practical element of casework difficult and many commented that they felt overwhelmed by the serious nature and amount of work they were expected to do. There were issues over student engagement, collaboration, and satisfaction with the project. Students also commented that they found professional skills difficult. It was clear that a different pedagogical approach was needed, and that students needed more support whilst also acknowledging the continuing commitment to further social justice and to be open to different ways of working that benefit society as a whole.

In addition, it was hoped that students would benefit from learning about how laws were created and the influence that comes out of policy work and that would lead to a better understanding of the importance of pro bono work and better-quality output for clients. The projects selected for the Policy Project considered the work that would

be done in the CAP, providing a bridge between them. It was also felt that students would then be able to understand the need for pro bono criminal appeals work and obtain a better understanding of the role of the Criminal Cases Review Commission (CCRC) and how publicity surrounding real cases and events can lead to change. It meant that students were not considering criminal appeals cases in isolation but had a more holistic view of criminal appeals and process.

Employability was also key. Defining employability is not as easy as it first seems. The Cambridge online dictionary defines it as "the skills and abilities that allow you to be employed"[11]. As you would expect those skills and abilities are not listed. It would be impossible to do so given the wide variety that there are, and the different theories about what they are. Blandy (2019) uses Yorke's definition in her article: "a set of achievements, understandings and personal attributes that make individuals more likely to gain employment and to be successful in their chosen occupations"[12]. It is this definition that we rely on during this article. There is often discussion about 'hard' skills and 'soft' skills, the difference between the two and which are more important. It has been acknowledged that students participating in CLE are able to obtain "soft" skills needed for professional practice. Blandy (2019) argues that whilst her research into employability skills at Sheffield didn't achieve what was wanted, at

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[11] https://dictionary.cambridge.org/dictionary/english/employability.

[12] Blandy, S 'Enhancing Employability through Student Engagement in Pro Bono Projects' *IJCLE vol 26 no 1 (2019) available at https://northumbriajournals.co.uk/index.php/ijcle/issue/view/78 accessed 24th August 2023.*

least partly due to the design of the questions, there were other responses that were helpful and indicated that students used it to stand out from other applicants for jobs[13].

With these points in mind, the OULS appointed an experienced criminal practitioner solicitor, who was also an academic, to supervise students and provide extra support whilst considering a way forward that would benefit students in the longer term. This led to the introduction of a policy project to allow students to practice professional skills before they commenced work with the outside provider. The following year the clinic was brought totally in house and became the Criminal Justice Clinic (CJC).

Literature Review

As employability skills in higher education have become more significant in recent years, there has been increasingly a need for students to develop employability skills and be "job ready" when they leave university (Moore and Morton (2017)[14] and McFaul (2020)[15]. There are a range of competencies that can be seen as important in employment, not least communication, critical thinking, teamwork and creativity

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[13] Blandy, S 'Enhancing Employability Through Student Engagement in Pro Bono Projects' *IJCLE vol 26 no 1 (2019) available at https://northumbriajournals.co.uk/index.php/ijcle/issue/view/78 accessed 24th August 2023.*

[14] Moore, T & Morton, J (2017) The myth of job readiness? Written communication, employability, and the 'skills gap' in higher education, Studies in Higher Education, 42:3, 591-609, DOI: 10.1080/03075079.2015.1067602 To link to this article: https://doi.org/10.1080/03075079.2015.1067602

[15] McFaul, H. (2020). Does Clinical Legal Education Need Theory? *Asian Journal of Legal Education*, 7(2), 152-163. https://doi.org/10.1177/2322005820916891

(Moore and Morton (2017))[16]. This is particularly true for legal students who will enter a competitive environment to obtain employment that will start their legal careers. It follows that clinics such as the CAP and CJC should be at the forefront of providing these employability skills as they mimic what happens in legal practice.

Theoretical approaches to embodying employability in higher education were investigated at the BPP law school in 2018 (Knox and Stone (2018))[17]. In that study the four-staged process of defining employability, reviewing, and mapping current employability skills, prioritising action and measuring impact was used (Higher Education Academy's Framework on Embedding Employability (2017))[18] to embed employability skills within the law curriculum supporting a holistic strategy for skills development. Reference was also made to Bigg's taxonomy of learning. The authors argue that "From the educational theory perspective, the project represents a way to embed employability skills in a FHEQ level appropriate way, with reference to Biggs' "structure of the observed learning outcome" (Biggs and Collis (1982))[19]. Whilst the emphasis was on the benefit to the new solicitors qualifying examination, the findings

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[16] Tim Moore & Janne Morton (2017) The myth of job readiness? Written communication, employability, and the 'skills gap' in higher education, Studies in Higher Education, 42:3, 591-609, DOI: 10.1080/03075079.2015.1067602 To link to this article: https://doi.org/10.1080/03075079.2015.106760**2**

[17] Jenny Knox & Melanie Stone (2019) Embedding employability skills for the legal professionals of the future, The Law Teacher, 53:1, 90-101, DOI: 10.1080/03069400.2018.1490472

[18] Higher Education Academy, "Framework for Embedding Employability in Higher Education" (HEA 2016) accessed 23 March 2017.

[19] John Biggs and Kevin Collis, Evaluating the Quality of Learning: The SOLO Taxonomy (Academic Press 1982

resonate with what is trying to be achieved in embedding employability skills into clinical legal education and more importantly, the CJC.

CLE provides an opportunity for students to experience law in action and develop their legal practice skills (The Law Society (2023))[20]. Legal education should prepare law students to engage with the world around them and not be simply confined to the 'law in action' in their own jurisdiction (Madhloom and Antonopoulos, (2022))[21].

Whilst in recent years there appear to be more literature discussing CLE, some of which considers the increased use of online clinics in law schools, the literature around policy clinics in law schools is limited, with little research easily located on the use of policy projects to scaffold other learning such as completed in this project. This is especially so when the policy project is specifically used to build skills prior to participation in a criminal justice clinic and not a simultaneous project.

As McFaul et al (2020) note about setting up the OJC: "The challenge was to develop pro bono activities that could be accessed remotely but which did not dilute the essence of the clinical experience that students at 'brick' universities are able to access

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[20] Clinical Legal Education and pro bono | The Law Society (2023) available at
https://www.lawsociety.org.uk/topics/pro-bono/clinical-legal-education-and-pro-bono
[21] Madhloom, O and Antonopoulos,I (2022) Asian Journal of Legal Education, Volume 9, Issue 1, Pages 23-35.

through traditional clinical programmes"[22]. This needed to be taken into consideration.

Research into clinics at other universities that operate the same model that we did in 2021, has not shown any other similar model in relation to the CAP. However, Dunn et al (2020)[23] discuss their experience of running a Policy Clinic (PC) alongside a non-criminal law clinic at Northumbria University. There the students work in firms of eight and either work on a standalone policy project or on both a policy project and clinic at the same time, however the policy project is not linked to the work that takes place within the clinic. Whilst this is slightly different from the model used at the OU, and the authors acknowledge that their research centred around a focus group of only three students which is too small a pool to be general of other PCs, the result of their research is interesting and in line with the experience that we have found in the CAP. Northumbria University's thematic analysis demonstrated six major themes, three of which echoed our experience in the clinic: skills/attributes, difference in terms of the curriculum and live client work and employability.

Why Policy?

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[22]*McFaul, H, Hardie, L, Ryan, F, Lloyd Bright, K Graffin, N (2020) 'Taking Clinical Legal Education Online: Songs of Innocence and Experience' available at*
https://journals.northumbria.ac.uk/index.php/ijcle/article/view/1052 accessed 24th August 2023

[23] Dunn, R, Bengtsson, L, McConnell, S, *(2020) 'The Policy Clinic at Northumbria University: Influencing Policy/Law Reform as an Effective Tool for Students', Northumbria University,* IJCLE vol 27 no 2 (2020) available at https://northumbriajournals.co.uk/index.php/ijcle/issue/view/90 accessed 24th August 2023

The OU's mission statement to be 'open to people, places, methods, and ideas' was pivotal here to the reasoning behind introducing a policy project at the start of the clinic. We also needed to assist students with the development of professional identity and skills to broaden their horizons, especially in relation to employability, promoting pro bono and social justice.

The policy projects were brought in to assist students with their development of professional skills such as writing and verbal skills. Anecdotal evidence and feedback from previous students had been that whilst they enjoyed the challenge of working in an online CAP, they had felt overwhelmed by the amount and nature of the work that they needed to do. There was a need to scaffold professional skills such as required for writing a letter, a report, advice, and professional emails. There was also a requirement for support in acquiring verbal skills required for presentations, meetings and in asking questions to gain information. One of the main issues that kept being raised was the difficulties that students faced in working collaboratively in teams.

It was decided to introduce a written policy project, that allowed students to practise their research and written skills appropriate to the final level of the law degree before starting with the outside provider. This was partially done because feedback from students and tutors indicated that students had insufficient research and written skills, hindering their ability to participate. There was a need to scaffold learning and improve academic and professional practice outcomes for students.

Later, anecdotal evidence from students that participated in the written policy document confirmed that they benefitted from collaboration and learning research and writing skills that they used during the CAP. Furthermore, the outside provider confirmed that students participated more fully when they were doing casework and were better prepared in terms of skills set.

The law degree in place in 2021 meant that students would not have needed to work collaboratively until they commenced this module. Whilst this may not have been the case in other universities, it was at the OU. It is important to note that the demographic of students at the OU is different to universities that set minimum criteria for entry and the wide range of students that study ensures a breadth of life experience. This is usually an asset with study, but in some circumstances can lead to conflict in collaboration situations.

As the policy project would be run in the same groups that would eventually work together in the clinic, it was hoped that the experience of working on policy with the exchange of ideas and joint research that would be required, could assist students in forming strong cohesive groups to maximise the input they could give to the CAP.

In addition, it was hoped that widening student experience in terms of types of work completed would assist students with interviews, study and employment going forward.

What Policy Areas?

The policy projects selected were:

1   Covid -19 - This policy project considered the impact of covid on any one group of people with a 'protected' characteristic. The aim of which was to consider the impact of Covid-19 on the criminal justice system in England and Wales and suggest policy that could be introduced or improved, to assist this category of people and show how events outside law can have a profound effect on criminal appeals in future years.

2   Criminal Cases Review Commission – This policy project was to consider the question "Is the Criminal Cases Review Commission fit for purpose?" The aim was to consider the role of the CCRC and if, why and how it could be reformed, with a view to influencing policy in this area. This Policy Project was already connected to the CAP whose students were reviewing cases to see if any could be sent to the CCRC. Often with cases where grounds for appeal against conviction or sentence were provisionally found by students, a referral to CCRC was anticipated because of their wider powers in terms of evidence.

3   Sarah Everard murder – This policy project asked the question "Are the police being undermined by the recent cases, including the Everard case, and will this have an impact on their credibility and open up grounds for

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referral to the CCRC in the future and will this mean more appeals?" The

aim was to consider how cases can lead to a comprehensive review of policy

that in turn leads to reform of criminal law and practice and how this might

affect appeals.

How was the policy project run?

There were 42 students that took place in the project, and they were split into groups

of 14 and then into subgroups of seven. Each group of 14 students was allocated to a

tutor and given one of the three policy areas. Students had no choice as to which area

they were going to consider. The tutor assisted the students to write a student

agreement, gave guidance on working collaboratively and supported students with

pastoral care during the module. There was also a supervising solicitor with an

overview of all of the groups' work and a policy expert to assist where necessary.

Students were then placed into two subgroups of seven to work collaboratively

together on the policy project assigned. This group of seven then went on to work in

the clinic with the same group, assisted by the same supervisor, ensuring continuity

of working relationships for the duration that students were on the module.

Students were required to produce an end report and blog on the area they had been

given. They commenced by carrying out a literature review and considered the

background of the project before deciding what the output might include. The

students did not carry out any research that required ethical approval due to the shortness of length of time the project lasted for. In the report they were required to explain the current position, and give an opinion, backed with research evidence, on what might be done to improve that area. As you can imagine this led to a lot of research and some lively discussion. With hindsight students did struggle to complete the policy project in the time allocated to do so.

Training was given to all students prior to the start of the policy project, but after students had completed the first part of the Justice in Action module. The training was completed over two weeks and included sessions on public policy, working collaboratively, criminal appeals and an introduction to vicarious trauma. The training had two purposes, to impart information and encourage collaboration. All the training was interactive and led by an experienced solicitor, who was also a Mental Health First Aider, and academic.

After the training had taken place, students met with the supervisor to discuss the project and the policy project was then taken over by the small groups who had been given instructions to meet regularly, abide by their own group rules set in the agreement and allocate roles such as chair, deputy chair, minute taker and liaison manager. Some groups decided to do the roles on rotation while others had the roles for the duration of the project. At various intervals students met with their tutor who provided reflection on how the project was proceeding and gave advice.

All meetings took place online, either in an OU Adobe Connect room or on Teams and the use of a camera was mandatory. All written communications for the policy project were completed by email, albeit students were allowed to use WhatsApp for arranging meetings and for general housekeeping. The projects allowed students to work in their own time and to their own schedule, as agreed by their group. Students had various other responsibilities, and whilst arranging meetings was a challenge, the convenience of working independently on a part of the project for some of the time embedded a degree of flexibility needed by OU students. Students used their meetings to keep their work on track and to share ideas and any issues that might arise. Some students wrote together while others did all their writing independently and then they all came together to blend the writing into a final report. The production of the report was often reported to be the most difficult part of the whole project.

The students' vicarious trauma training allowed them to be aware of the issue of vicarious trauma in the legal profession and when working with casework as a student. It taught them the signs of vicarious trauma to look out for in themselves and others. It was designed to encourage a sense of cohesion and empathy with their fellow students as well as to open up discussion, where appropriate. Anecdotal student feedback showed that it did make a difference to the way the students approached the scheduling of meetings and absence of individuals.

Employability Research

Alongside this Policy Project, some students took part in a very small-scale pilot research project undertaken by the authors. Students assessed their own employability skills prior to, and then again, after taking part in the policy project and the CAP. Analysis of the data showed that at the start of the project students felt that teamwork, time management, research and analytical skills would be the most important ones to use during the project. Data afterwards showed that participation in the policy project and clinic, enabled students to develop written and verbal communications skills, together with skills in time management and collaboration before working with a live client.

Methodology

Anecdotally there was feedback evidence to show the development of employability skills for students participating in the CAP and we therefore decided to undertake what we hoped would be a quantitative study. However, numbers of students that could participate in the study were limited. A total of 42 students took part in the policy project prior to going into the CAP. As a result of the OU approval system only 15 were eligible to take part in the pilot study and only eight responded to requests to take part. This does mean that the data is limited and only relevant to that project at that time. However, as research in this area is scarce it is worthy of discussion.

The pilot research study was developed consisting of two questionnaires. We selected questionnaires because of their ease to administer, particularly in a distance environment and the literature suggests that they are easy to analyse (Cohen,

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Lawrence , Morrison, 2000)[24]. However consideration needs to be given to the inflexibility of questionnaires and the lack of opportunity to develop dialogue with the participants regarding their answers. In reflection our questionnaire was quite complex and challenging to analyse due to the complicated ranking system. Were we to undertake this research again we would simplify the ranking system that we used.

One of the questionnaires was issued before the students took part in the policy project and CAP. The other was issued after the CAP was completed. The aim was to investigate whether students' perception of their own experience and skills had shown an improvement since completing the policy project and the CAP. Initially in the first questionnaire, students were asked detail about what they were expecting from the CAP and concerns they had. They were then asked to rate their experience and skills in various legal professional practice skills areas. The last questionnaire asked students to re-rate the same, their experience and skills and asked what had been most challenging.

The OU process for research was followed and relevant authorisations obtained, including ethics approval. Students signed a full consent form prior to completion of both questionnaires which were completed anonymously by using an online survey platform. An online survey platform was used because it was felt this was the easiest way to reach students and would allow for simple analyses.

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[24] Cohen L, Lawrence M, Morrison K. (2000), *Research Methods in Education 5th edition*, Routledge Falmer

At the same time as this took place, students who were working in the CJC were asked the same set of questions. One of the aims was to compare students' skills before and after they took part in the policy project, and the CAP as compared to the CJC.

Therefore, it should be noted that the return for students just participating in the CJC was much lower as in this year, 21/22, the CJC was itself a pilot project being run as extra-curricular with a view to it being part of the Justice in Action module from 22/23. Only four students in that cohort could take part due to OU approvals and only two chose to do so. Therefore, limited comparisons could be made between those that completed the Policy Project and CAP and those that completed just the CJC. As a result, this article will just refer to the Policy Project and CAP students only.

The questionnaires commenced with two open questions where students could answer with whatever they chose. In both questionnaires these were the first questions the students answered before going onto the main research questions. In questionnaire one, students were asked what they thought the three most important employability skills for work in legal practice were and what three most important skills they would need for working in the CAP. Questionnaire two returned to those questions and asked what they thought they were now they had completed the CAP. This was in order for comparisons to be made.

In relation to the open questions the results were broken down into themes using a thematic analysis approach based on the work of Braun & Clarke (2006)[25]. The main themes from the open questions before and after participation in the clinic are demonstrated in the following chart:
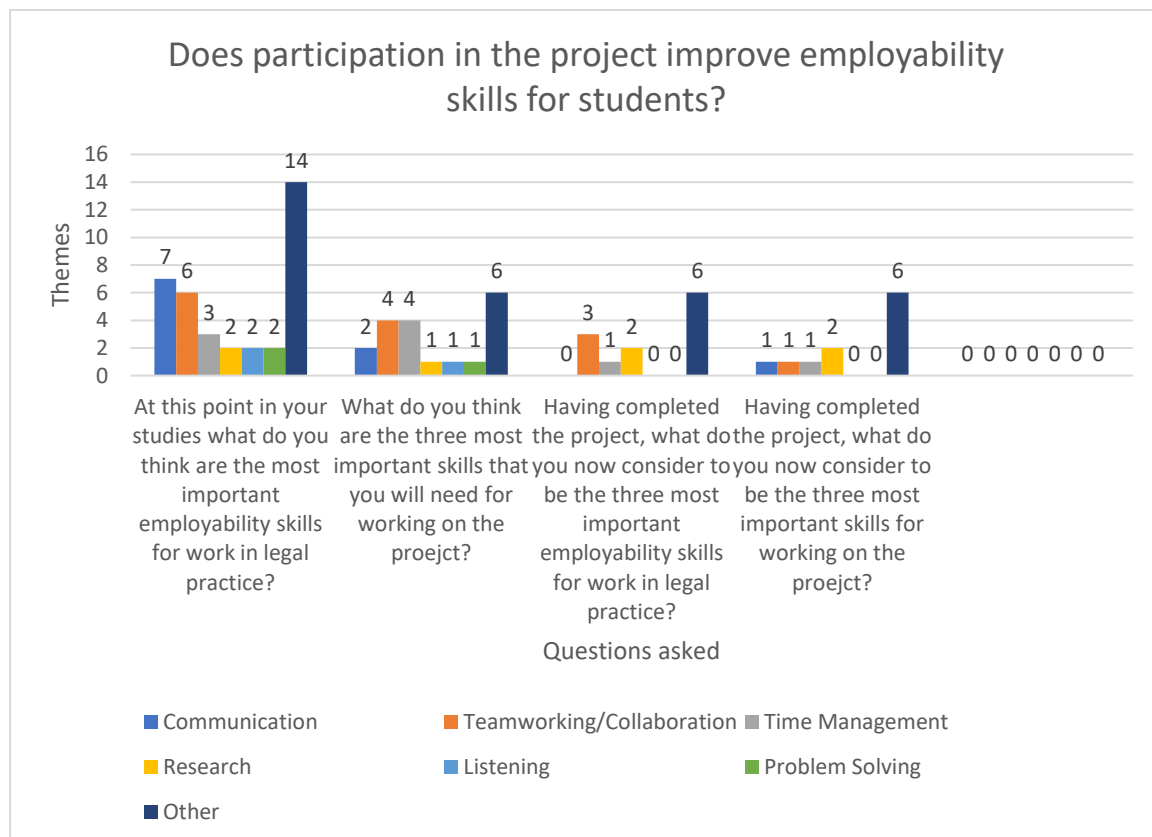

Figure 1 – Chart showing students perception of skills needed for the Policy Project *and CAP and legal practice prior to taking part in* Policy Project *and CAP and the ones they felt were important after taking part.*

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[25] Braun V & Clarke V. (2006) Using thematic analysis in psychology, Qualitative Research in Psychology, 3:2, 77-101, DOI: 10.1191/1478088706qp063oa

As you can see it is difficult to come to any specific general conclusions through attempting to interpret the freestyle question and this is no surprise given the students could answer as they wanted to. Whilst this data is therefore very limited, it does give an indication of what that specific set of students thought. The other category covers purely individual answers with none matching other students. This could be argued to show how students interpret the concept of skills widely.

However, the main research revolved around a set of experience and skills with a series of closed questions where only one answer could be given for each question. These questions involved students rating their skills and competencies in a range from 1 to 5 with 1 being the lowest and 5 the highest. The Likert scale approach was used (Likert (1932)[26]. However whilst the scale allows for comparisons it can be subjective (Salopek (2004)).[27]

The set of skills being considered were formulated into sections, with subsections, as follows:

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[26] Likert, R. (1932). A technique for the measurement of attitudes. *Archives of Psychology, 22 140,* 55.
[27] Salopek, J. (2004). Rethinking Likert. *ProQuest Educational Journals* 58:9 26.

Written Skills

Letter writing

Report Writing

Advice Writing

Writing professional emails

Note Taking

Minute Taking

Verbal Skills

Presentation Skills

Contributions at meetings

Asking questions to gain information.

Research Skills

Accessing Legal databases, accessing news items and relevant articles

Working with Statutes and cases to provide clear advice and guidance.

Collaborative Working

Listening to others.

Responding constructively to ideas.

Presenting ideas.

Setting up and organising a meeting.

Acting as mediator or chair.

Minute taking

Negotiation

Listening

Compromise

Being confident in own research to consolidate an argument.

Dividing tasks fairly between the group

Time Management and confidentiality

- Allocation of time to a task
- Negotiating allocation of workload to avoid over commitment.
- The ability to keep work confidential.
- Do all work on a case management system allocated in real time online.
- Keep project discrete

Figure 2 – Chart showing the skills being considered in themes used during the research.

Interpretation for this data is easier than the open questions but still problematic. Less students answered the questionnaire after the project ended, possibly because their studies on that module, and usually with the university, had ended. However, the data held can be seen below and in the main supports the theory that students'

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perception of their employability skills was enhanced after taking part in the Policy
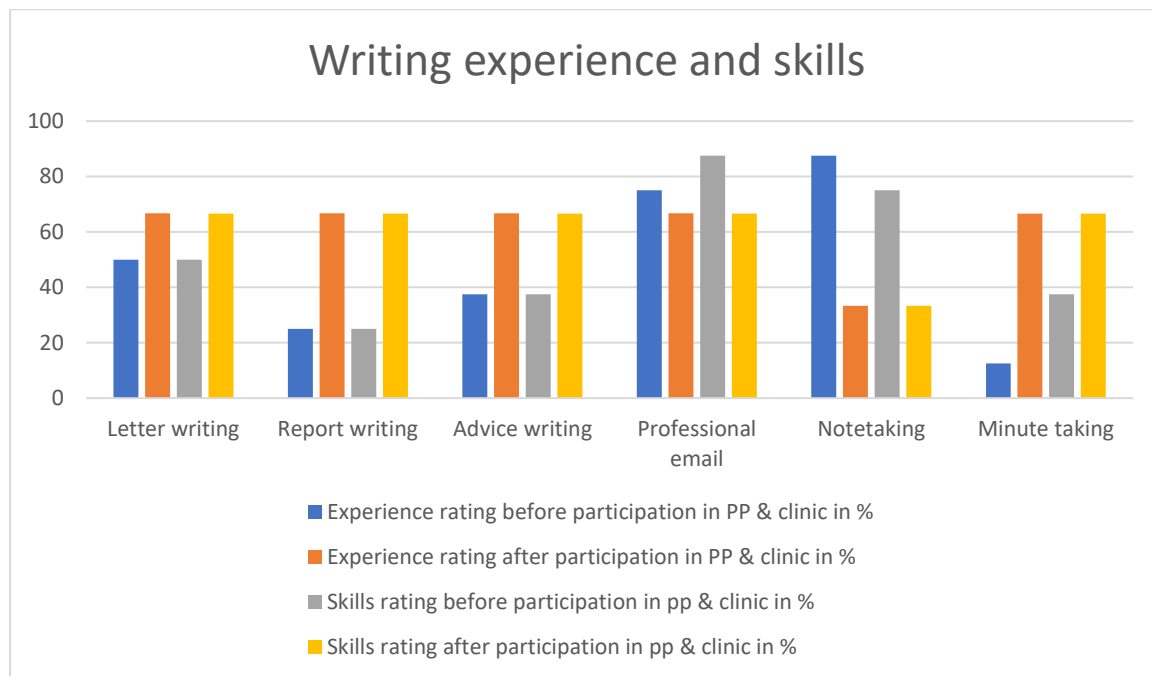
Project and CAP:

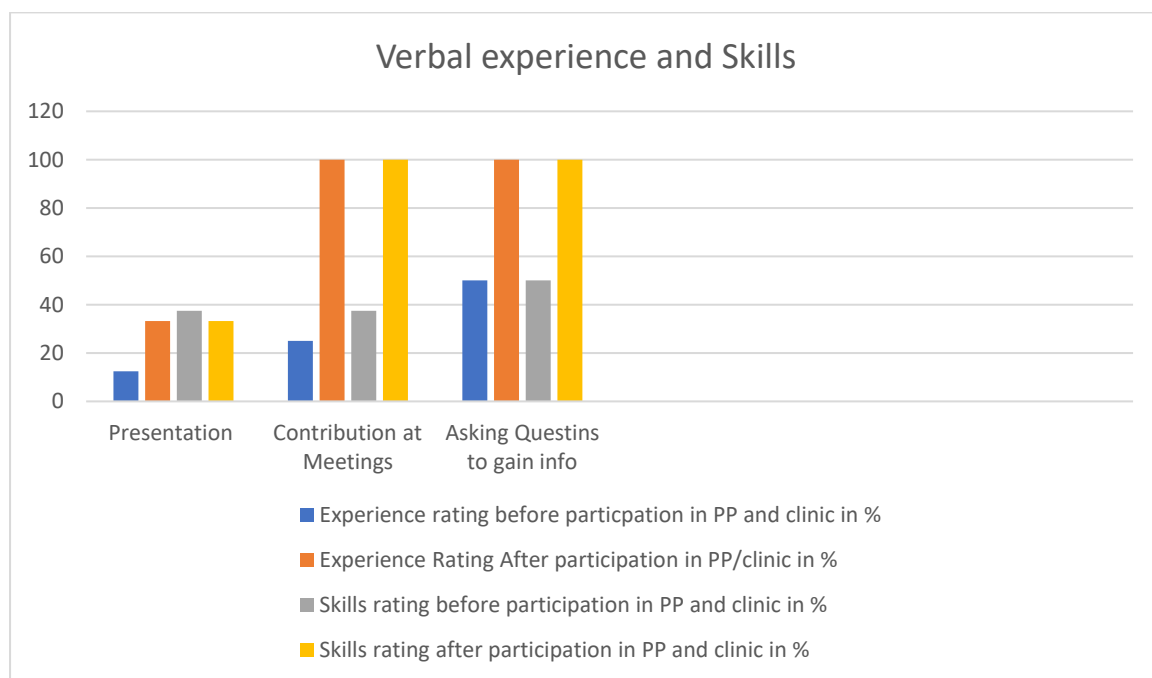*Figure 3 – Chart showing students rating of their perception of experience and skills in writing.*

Figure 4 – Chart showing students rating of their perception of experience and skills in verbal
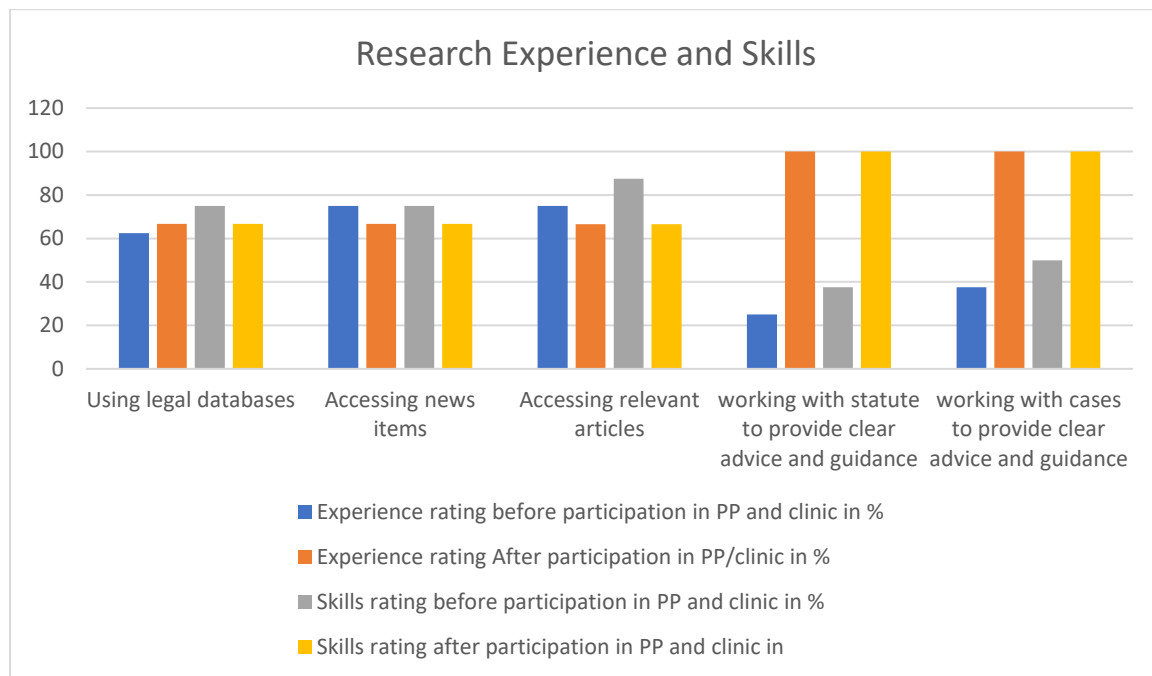
skillset.

Figure 5 – Chart showing students rating of their perception of experience and skills in
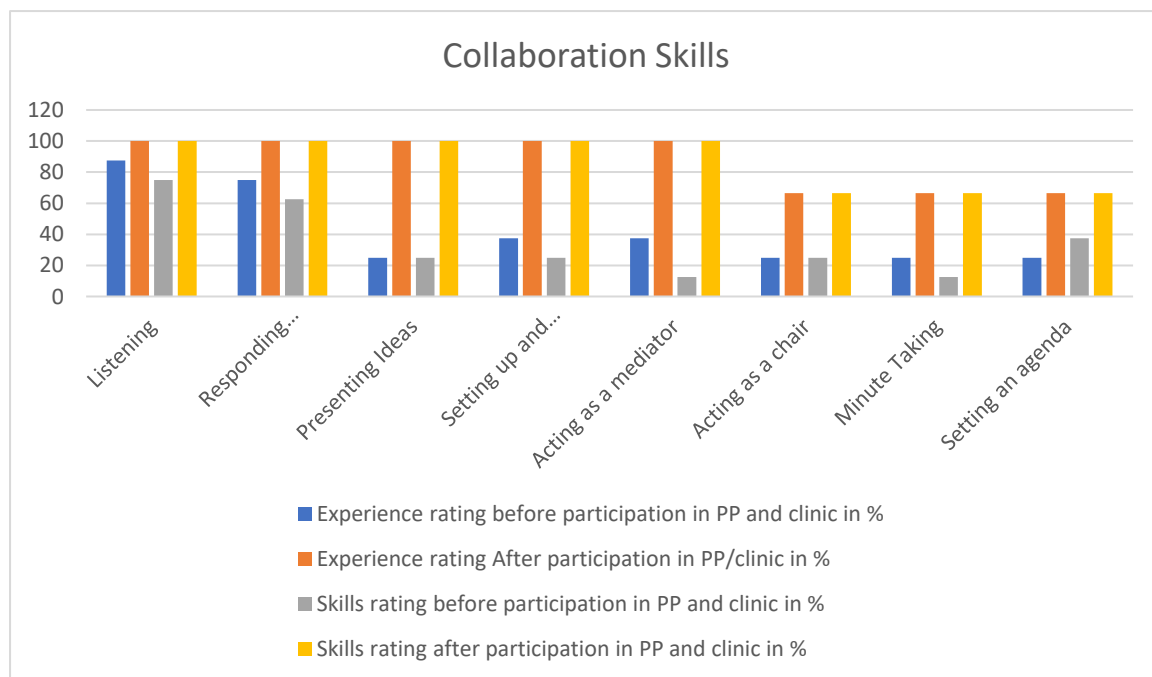
research.

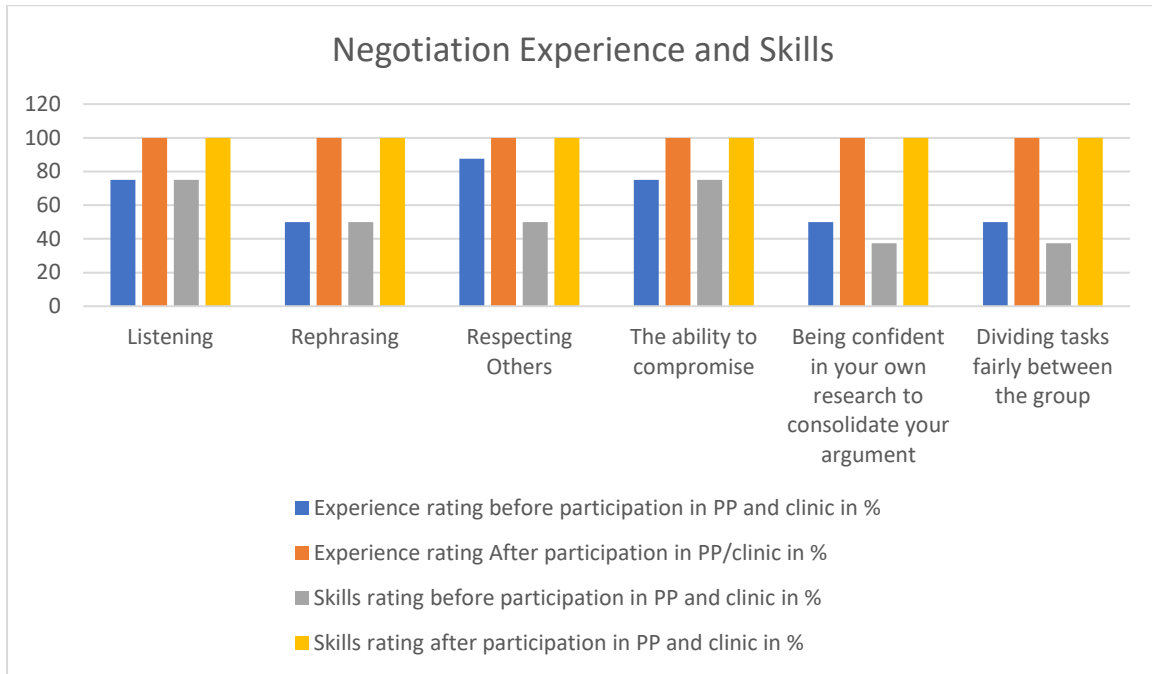*Figure 6 – Chart showing students rating of their perception of experience and skills in collaboration.*

Figure 7 – Chart showing students rating of their perception of experience and skills in negotiation.

Time Management and Confidentiality Experience and Skills

Legend:
- Experience rating before participation in PP and clinic in %
- Experience rating After participation in PP/clinic in %
- Skills rating before participation in PP and clinic in %
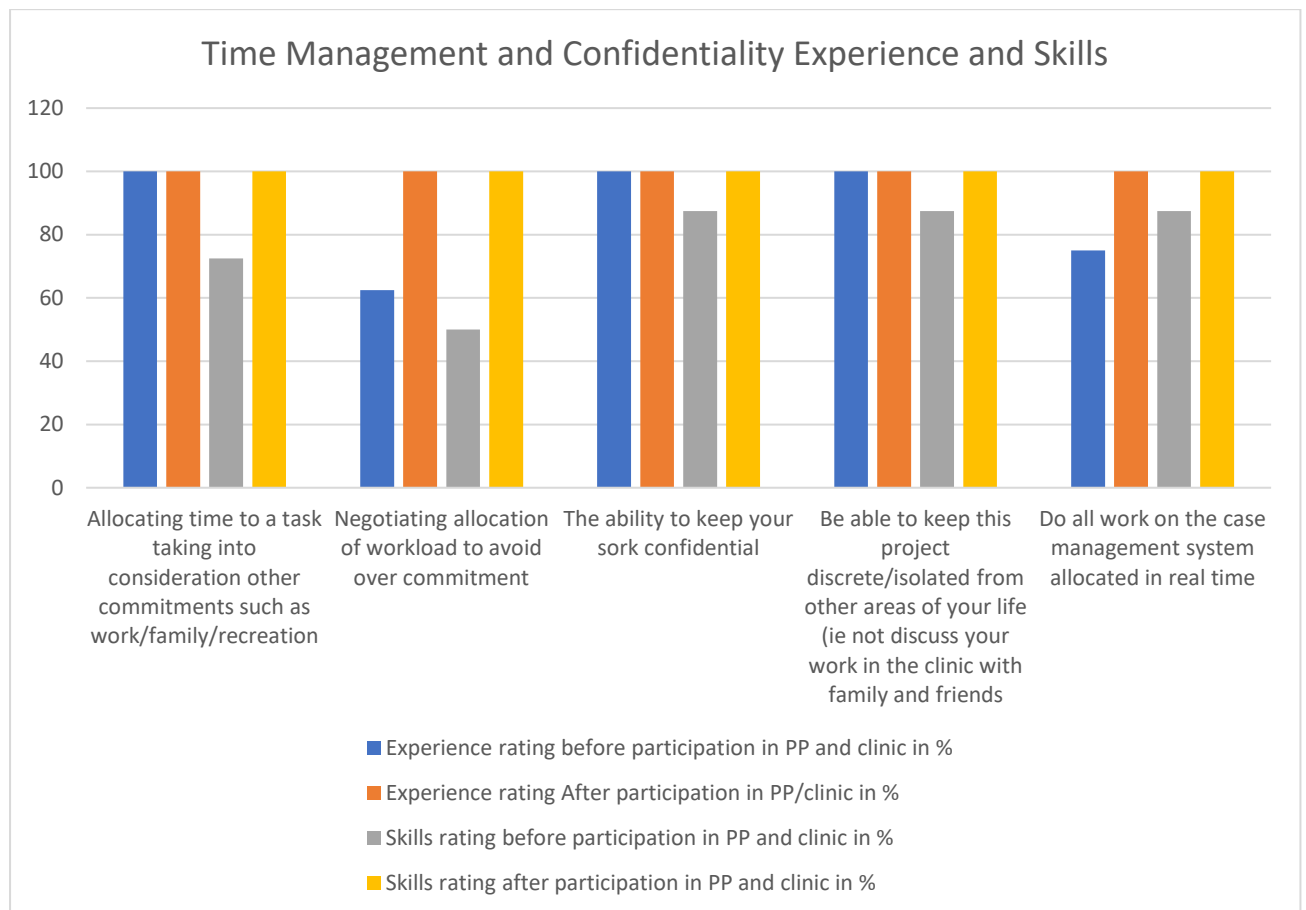- Skills rating after participation in PP and clinic in %

Figure 8 – Chart showing students rating of their perception of experience and skills in time management and confidentiality.

What can we draw from this? Before we go on to consider the individual areas explored with students, it is important to remember the nature of OU students. As stated above, OU students do tend to break the mould of a 'typical' student if one even exists. They are of all ages, come from all socio-economic backgrounds, most work

full time in other fields, some declare a disability, some have no qualifications on starting their degree and others will already have studied at higher education and some have doctorates. Therefore, it was important for the researchers to ask about experience as well as skill set. The complete data can be seen above, but for evaluation here, the skills element will only be considered.

1. Writing

It can be seen that the majority of students felt their skills had increased after taking part. Letter writing, report writing and advice writing, were included within this. However, the exceptions were professional emails and minute taking. There may be many reasons for this, but given the groups were autonomous in the decisions around role allocation, not everyone had a chance to try all roles and not everyone will have taken minutes. There was also not much opportunity for writing professional emails.

2. Verbal

Again, students felt their skills had increased except for presentations and that might be because students did not have the opportunity to present their Policy Project orally to a group as it all involved written work.

3. Research

Students noted an increase in skills in working with statute and cases to provide advice and guidance whereas they did not feel they improved in the other areas.

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4. Collaboration

In this skill area, students perceived that their skill set had increased in all areas. This is probably no surprise given that the students were working in small groups and needed to collaborate to get the work done.

5. Negotiation

In this skill area, students perceived that their skill set had increased in all areas. This is probably no surprise given that the students were working in small groups and needed to negotiate with their peers in terms of allocation of work.

6. Time Management and confidentiality

Students perceived that their skill set had increased in all areas. This is probably no surprise given that the students were working to tight deadlines and confidentiality was reinforced at every step of the way.

Conclusion

This article has outlined a specific research project that took place within the Policy Project and CAP at the OU in the year 21/22 where the Policy Project runs prior to the student's involvement in the CAP rather than simultaneously with it.

Did the policy projects achieve what they set out to do? The limited empirical data from the research completed by academics, together with the anecdotal evidence

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would suggest that it did. However, it needs to be acknowledged that the data is limited and specific to some of the OU students that took part in the Policy Project

 and CAP. There is a need for further research to be undertaken in this area, not least of all to quantify the employability benefits of students engaging in such projects. It has to be said that the intensity of the policy project over an eight-week period followed by an intense 12 weeks working on complicated, sensitive, and voluminous criminal case work was rewarding, but also time consuming and exhausting for students and staff alike. It also required a lot of resources, especially academic and professional support from appropriate staff. We have not followed the format in later years partly because our CAP is now run inhouse as the CJC, so we have more autonomy over the way it is run, and also due to this issue of time and exhaustion. Institutions need to carefully weigh up the benefit to students of running a Policy Project before a CAP due to the time commitment and impact on staff.

The data shows that the students felt the Policy Project together with the CAP enhanced their skills and experience. The introduction of policy work prior to the clinic work is an innovative way to provide students with a thorough basis and holistic view of the law to enable them to contextualise their practical work and build a deeper understanding of the work they are undertaking. In the future it would be interesting to see whether the students' skills and experience improved due to specifically having a policy project experience prior to the CAP. At our own institution we only have one supervising solicitor who was one of the team that undertook this research. However

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at other institutions it may be possible for, research to be undertaken in investigating supervisors' views on the use of policy work prior to clinic work. Therefore, there may be scope for cross institutional research to compare the results of skill development with students who conduct policy work before criminal appeals work and those who go directly into appeals work.

There is no doubt that in the year the policy project ran in this format, students did work well collaboratively but there are real difficulties over research projects run in CLE due to the lack of a control group and number of different styles of CLE nationally and internationally.

Bearing in mind the experiential nature of clinical legal education and lack of research in this field, it is difficult to back this up with hard evidence and to a certain extent we therefore rely on anecdotal evidence and experience.

Please do contact the authors if you would like to consider joint research or discuss anything contained in this article or CLE related.

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