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**A CRITICAL EVALUATION OF
ALUMNI AND EMPLOYERS'
PERCEPTIONS OF THE IMPACT OF
CLINICAL LEGAL EDUCATION ON
EMPLOYABILITY**

JILL ALEXANDER

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AUGUST 2021

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A thesis submitted in partial fulfilment
of the requirements of the University of
Northumbria at Newcastle for the
degree of Professional Doctorate

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Northumbria Law School

AUGUST 2021

Abstract

The aim of this empirical study is to critically evaluate the intersection of employability and Clinical Legal Education (CLE), from the perspective of both employers and alumni. As the graduate recruitment market becomes increasingly complex and competitive, gaining insight into the types of activity that are valued by students and employers to enhance student employability, is ever more important to support and shape the employability agenda within Higher Education Institutions.

The review of the literature confirmed that there is scant empirical evidence on the intersection of CLE and employability, and there are no qualitative studies on the role of CLE in supporting and enhancing employability, despite CLE being an important pedagogical teaching tool in law schools domestically and internationally. Embracing an interpretivist theoretical perspective, my study analysed twenty-two semi-structured interviews using thematic analysis to gain rich, contextual insights from alumni and employers. The data revealed that the alumni lacked confidence prior to engaging with CLE but went on to gain confidence from their CLE experiences. This increased confidence provided the catalyst for the actions the alumni took to gain traction with employers, enabling them to present a professional identity established both from their CLE experiences and from professional socialisation to portray the personality and professionalism required by employers.

This thesis offers important contributions to knowledge and practice in CLE and employability discourse in Higher Education. First, using Northumbria Law School and its Student Law Office, as the site of this study, this thesis captures and articulates stakeholder voices that are less well represented in the literature, namely the perceptions of alumni from less privileged backgrounds studying at a post-1992 university and employers who recruit and employ graduates with CLE experiences. Second, this thesis is able to evidence for the first time the importance of CLE in increasing confidence and inculcating a professional identity, which enhances employability during the recruitment process and as the alumni move into the graduate labour market.

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Declaration

I declare that the work contained in this thesis has not been submitted for any other award and that it is all my own work. I also confirm that this work fully acknowledges opinions, ideas, and contributions from the work of others.

Any ethical clearance for the research presented in this thesis has been approved. Approval has been sought where relevant and granted by the Faculty Ethics Committee in May 2018.

I declare that the Word Count of this Thesis is 68,829 words excluding tables, bibliography, and appendices.

Name: Jill Alexander

Signature: Jill Alexander

Date: 12 August 2021

Chapter 1: Introduction

1.1 Introduction to the Chapter and Research Question

This chapter provides an overview of the research undertaken within this thesis. It includes the research question and discusses the focus of the study. The reason why I chose this subject to research is explained, and the methodological approach and the research objectives are introduced. The boundaries of the research and the contribution to existing knowledge and practice are highlighted, and the chapter concludes with a brief summary of the thesis structure.

The employability discourse is rich and wide ranging as is the discourse on clinical legal education (CLE), but the intersection of employability and CLE has had limited exploration in the literature. In my study CLE relates to a module (CLE module), undertaken at Northumbria Law School within its Student Law Office (SLO), where students represent clients under supervision.¹ This thesis contributes to this discourse by exploring CLE from an employability perspective, with insights from employers and alumni of their perceptions of the impact of CLE on employability. CLE will be more fully described later in this chapter. This thesis asks, and answers, the question:

What are the perceptions of alumni and employers of the impact of clinical legal education on employability?

In the following sections the focus and rationale of the research are discussed.

1.2 Focus of The Study

The focus of this study is the intersection of employability with CLE. Employability will be discussed, and a working definition will be provided. The gap in the literature, where employability intersects with CLE, will be considered. This section provides context to this study by describing CLE, discussing the development of CLE in the UK and at Northumbria University through its SLO, and giving a brief introduction to the legal sector.

¹ Further information on the CLE module and the SLO is contained in this chapter and in Appendix A.

1.2.1 Employability Introduced and Defined

There has been an exponential growth in academic interest in employability since the start of this century which has been attributed to government policy,² with Tomlinson³ referring to the impact of the Dearing Report in 1997⁴ and Gedye and others referring to the requirement for universities to supply data on the employment of their graduates for national performance indicator purposes.⁵ The employability imperative in legal education is part of the more general landscape in the UK, where government employability policies are based on the assumption that the economic welfare of individuals and the competitive advantage of nations have come to depend on the knowledge, skills and entrepreneurial zeal of the workforce.⁶ The employability agenda in Higher Education (HE) is not restricted to the UK but is a worldwide challenge,⁷ which is influenced by its many stakeholders, including policy makers, Higher Education Institutions (HEIs), students, graduates and parents. The pressures of increased costs, higher fees and loans and a highly competitive global market will ensure that employability will continue to be a key part of HE.⁸

There are a number of 'definitional challenges'⁹ to the term employability and there is a critical distinction to be made between employment in terms of outcomes and based on gaining employment, and employability in terms of an individual's propensity to attain employment.¹⁰

² Reports by Robbins (1963), Dearing (1997) and Leitch (2006) framed government policy from 1963. Lionel Robbins, 'The Robbins Report' (1963) Higher Education: Report of the Committee appointed by the Prime Minister under the Chairmanship of Lord Robbins, 196-63 Cmnd 2154 para. 25 (HMSO 1963); Ronald Dearing, 'Higher Education in the Learning Society' (1997) Report of the National Committee of Inquiry into Higher Education (HMSO); Sandy Leitch, 'Prosperity For All in the Global Economy – World Class Skills' (HM Treasury 2006).

³ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338.

⁴ Ronald Dearing, 'Higher Education in the Learning Society' (1997) Report of the National Committee of Inquiry into Higher Education (HMSO).

⁵ Sharon Gedye, Elizabeth Fender and Brian Chalkley, 'Students' Undergraduate Expectations and Post-graduation Experiences of the Value of a Degree' (2004) *Journal of Geography in Higher Education* 28(3) 381; The Teaching Excellence Framework requires universities to publish data to measure performance including employment outcomes, BIS (Department for Business, Innovation and Skills), 'Success as a Knowledge Economy: Teaching Excellence, Social Mobility and Student Choice' (Department for Business, Innovation and Skills 2016); Andrew Gunn's article provides an interesting overview of the Teaching Excellence Framework: Andrew Gunn, 'Metrics and Methodologies for Measuring Teaching Quality in Higher Education: Developing the Teaching Excellence Framework (TEF)' (2018) *Educational Review* 70(2) 129.

⁶ Phillip Brown, Anthony Hesketh and Sarah Williams, 'Employability in a Knowledge-driven Economy' (2003) *Journal of Education and Work* 16(2) 107, 107.

⁷ Senia Kalfa and Lucy Tasksa, 'Cultural Capital in Business Higher Education: Reconsidering the Graduate Attributes Movement and the Focus on Employability' (2015) *Studies in Higher Education* 40(4) 580; Cookie M Govender and Suzanne Taylor, 'A Work Integrated Learning Partnership Model for Higher Education Graduates to Gain Employment' (2015) *South African Review of Sociology* 46(2) 43; Samo Pavlin and Ivan Svetlik, 'Employability of Higher Education Graduates in Europe' (2014) *International Journal of Manpower* 35(4) 418.

⁸ Ann Pegg and others, *Pedagogy For Employability* (2012) The Higher Education Academy <<https://www.advance-he.ac.uk/knowledge-hub/pedagogy-employability-2012>> accessed 12 May 2019.

⁹ Michael Tomlinson, 'Introduction: Graduate Employability in Context: Charting a Complex, Contested and Multi-faceted Policy and Research Field' in Michael Tomlinson and Leonard Holmes *Graduate Employability in Context, Theory, Research and Debate* (Palgrave Macmillan 2017) 5.

¹⁰ Lee Harvey, 'Defining and Measuring Employability' (2001) *Quality in Higher Education* 7(2) 97, 97.

My study is concerned with the latter, where employability is continuous and developed through ongoing growth of new knowledge and experiences.¹¹ While the different meanings that co-exist will be more fully discussed in the literature review, for the purposes of this study the working definition which has been adopted is that of Tomlinson:

‘The focus is on how employability is constructed at a personal level and its relationship with a range of subjective, biographical, and psycho-social dynamics, and which are also informed by individuals cultural profiles and backgrounds’.¹²

In line with Tomlinson’s definition, my study does not focus on skills development through CLE since the skills approach has been criticised as ‘too narrow’ and does not ‘fully capture the complexity of graduate work-readiness’.¹³ Instead, an approach advocated by Holmes, the processual or graduate identity approach, influences this study, where employability is seen as an active process based on identity and which involves interactions between graduates and employers, hence both perspectives will be explored.¹⁴ Holmes calls for more research on this relational approach to employability.¹⁵ Both Holmes and Tomlinson critique what had largely been quantitative research focusing on skills possessed or required, which Tomlinson argues are ‘simplistic, descriptive and under-contextualised accounts of graduate skills’.¹⁶ The literature on employability mainly focuses on the perspectives of policymakers and employers, with less attention paid to the subjective elements of employability as it is experienced by the individual. Higdon calls for more qualitative research from the student and graduate perspective to inform curricula development.¹⁷ My research takes a qualitative approach in

¹¹ Stella Williams and others, ‘A Systematic Review of Current Understandings of Employability’ (2016) *Journal of Education and Work* 29(8) 877, 878.

¹² Michael Tomlinson, ‘Introduction: Graduate Employability in Context: Charting a Complex, Contested and Multi-faceted Policy and Research Field’ in Michael Tomlinson and Leonard Holmes *Graduate Employability in Context, Theory, Research and Debate* (Palgrave Macmillan 2017) 11.

¹³ Denise Jackson, ‘Re-conceptualising Graduate Employability Developing: The Importance of Pre-professional Identity’ (2016) *Higher Education Research & Development* 35(5) 925, 925. See also, Leonard Holmes, ‘Reconsidering Graduate Employability: The ‘Graduate Identity’ Approach’ (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538; Leonard Holmes, ‘Becoming a Graduate: The Warranting of an Emergent Identity’ (2015) *Education + Training* 57(2) 219.

¹⁴ Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538.

¹⁵ Leonard Holmes, ‘Realist and Relational Perspectives on Graduate Identity and Employability: A Response to Hinchliffe and Jolly’ (2013) *British Educational Research Journal* 39(6) 1044, 1049.

¹⁶ Michael Tomlinson, ‘Graduate Employability: A Review of Conceptual and Empirical Themes’ (2012) *Higher Education Policy* 25(4) 407, 424.

¹⁷ Rachel Higdon, ‘Employability: The Missing Voice: How Student and Graduate Views Could Be Used to Develop Future Higher Education Policy and Inform Curricula’ (2016) *Power and Education* 8(2) 176, 192.

response to these critiques and provides richer, contextual insights that are not possible with quantitative research.

While there is anecdotal evidence that CLE has employability benefits, there is no UK literature supporting this, although extensive literature exists on CLE and the development of skills and attributes within a clinical context.¹⁸ During my research, a small number of studies were reported, and they are reviewed in chapter 2 in the literature review. However, there remained areas to be explored using qualitative methods to gain deeper understandings and insights from alumni and employers' perspectives of the impact of CLE on employability. The next section considers the intersection of employability and CLE.

1.2.2 Exploring the Gap in Knowledge: The Intersection of Employability and CLE

Given the importance of employability in HE and the cost of running clinical programmes, empirical evidence of the impact of CLE on employability is undoubtedly worth exploring. Having identified a gap in the literature in relation to CLE and employability, my study is influenced by Holmes's processual conceptualisation and considers CLE and employability beyond the acquisition of skills and attributes and as part of a processual approach.¹⁹ This is an active approach and captures how graduates construct their own graduate identity and the actions they take to position themselves within the labour market. Holmes's processual approach only considers the graduate position but is developed in my research firstly, by placing it within a disciplinary context, being CLE, to gain understandings of what effect CLE has on professional rather than graduate identity, and how that impacts employability. Secondly, by capturing employers' understandings and expectations, my research builds on Holmes's approach, which as stated, only looked at employability from the graduate position. Employers' perspectives are important in relation to the processual approach as it is through interactions with 'significant others' that claims to identity are affirmed or disaffirmed.²⁰ Jackson adds,

¹⁸ Rachel Dunn, 'A Systematic Review of Literature on Clinical Legal Education' (2017) *International Journal of Clinical Legal Education* 24(2) 81 <<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020; Rachel Dunn, 'The Knowledge, Skills and Attributes Considered Necessary To Start Day One Training Competently and Whether Live Client Clinics Develop Them' (2017) Doctoral Thesis, Northumbria University <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020.

¹⁹ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; Leonard Holmes, 'Realist and Relational Perspectives on Graduate Identity and Employability: A Response to Hinchliffe and Jolly' (2013) *British Educational Research Journal* 39(6) 1044; Leonard Holmes, 'Becoming a Graduate: The Warranting of an Emergent Identity' (2015) *Education + Training* 57(2) 219.

²⁰ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

'... it is essential to continuously ascertain and articulate employer opinion on what makes a graduate employable and ensure that undergraduate programs are suitably aligned ...'.²¹

This view was supported from a CLE perspective by Kuehn who calls for research on what educational experiences are most valued by employers and to retrospectively look at employment outcomes for graduates and any relationship to their experiences as students.²² There is currently an absence of empirical evidence from employers who recruit and employ graduates with CLE experiences, the literature review only revealed empirical research from employers who had no experience of recruiting or employing graduates with CLE experiences.²³ Capturing alumni perceptions are also important, with Kemp and others calling for empirical research on the effect of clinical activities on careers to be explored.²⁴ My study will add to the existing literature, which is limited from a qualitative perspective. As will be seen in the literature review, the literature consists of one UK pilot research project looking at the skills developed through CLE,²⁵ and a further UK study which uses a survey to explore students' and alumni's perceptions of a voluntary clinical experience in a Russell Group university²⁶. My study offers different insights since this research involves mainly working-class students in a post-1992 university who undertook a compulsory credit bearing CLE module.²⁷ Considering employability within a processual conceptualisation has not been explored in relation to CLE, presenting an opportunity to make a contribution to knowledge in this area.

To provide context to this study, the next sections describe CLE, discuss the development of CLE in the UK and at Northumbria University through its SLO, and give a brief introduction to the legal sector.

²¹ Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925, 925.

²² Robert R. Kuehn, 'Measuring Clinical Legal Education's Employment Outcomes' (2015) *Legal Studies Research Paper Series Paper No. 15-12-01* 645, 664.

²³ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173; Tony King, 'Clinical Legal Education: A View from Practice' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Hart Publishing 2018); Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018).

²⁴ Vicky Kemp, Tine Munk and Suzanne Gower, 'Clinical Legal Education and Experiential Learning: Looking to the Future' (2016) A Report commissioned by The University of Manchester, School of Law, 55 <<https://core.ac.uk/download/pdf/78911073.pdf>> accessed 5 January 2020.

²⁵ Jill Alexander and Carol Boothby, 'Stakeholder Perceptions of Clinical Legal Education Within an Employability Context' (2018) *International Journal of Clinical Legal Education* 25(3) 53. <[Doi.org/10.19164/ijcle.v25i3.768](https://doi.org/10.19164/ijcle.v25i3.768)> accessed 20 May 2019.

²⁶ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

²⁷ See 3.4.3 for further information on the social class of the alumni participants.

1.2.3 Development of CLE and Northumbria University's SLO

CLE started in the United States in the 1950s and flourished there in the 1960s at a time of social unrest emanating from the civil rights movement, women's rights, and the Vietnam war.²⁸ CLE then spread across the world.²⁹ There are a range of factors that account for the growth in CLE, including the potential for enhancing employability and the unmet legal need which resulted from the changes in legal aid which have removed some areas of social welfare and family law from being eligible for legal aid.³⁰

The SLO at Northumbria started in 1981 and is one of the longest running clinical programmes in the UK.³¹ It has two aims, the first being to provide the client with a high standard of service, and the second to further the legal education of students.³² The CLE module does not compromise on educational objectives, with an emphasis on students developing professional and thinking skills as well as team-working and reflection.³³ The aims of the CLE module go beyond developing skills, it seeks to give students a taste of practice. It must be emphasised that the CLE module is a *taste of real practice* and does not fully reflect all the elements of practice such as commerciality and viability of cases, nor will students have the volume of cases that would be typical in real practice. The SLO does not take on every case referred to it. For example, some cases are too complex, too urgent, outside its area of expertise or do not fit in with the educational aims of the CLE module.³⁴ The following section will consider CLE from its pedagogical methodology.

1.2.4 The Pedagogy of CLE

While there is no all-encompassing definition of CLE that meets universal consensus, one broad definition is:

²⁸ See generally Jeff Giddings and others, 'The First Wave of Modern Clinical Legal Education: The United States, Britain, Canada and Australia' in Bloch (ed), *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford Scholarship Online Edition 2011).

²⁹ Paul McKeown and Elaine Hall, 'If We Could Instil Social Justice Values Through Clinical Legal Education, Should We?' (2018) *Journal of International and Comparative Law* 5(1) 143, 143.

³⁰ Damian Carney and others, 'The LawWorks Law School Pro Bono and Clinic Report 2014' (2014) 10 <<https://www.lawworks.org.uk/sites/default/files/LawWorks-student-pro-bono-report%202014.pdf>> accessed 12 February 2019. Note that areas within the scope of civil legal aid are set out in Schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

³¹ Cath Sylvester, Jonny Hall and Elaine Hall, 'Problem Based Learning and Clinical Legal Education: What Can Clinical Educators Learn from PBL?' (2004) *International Journal of Clinical Legal Education* 4(2004) 39, 40. <<https://doi.org/10.19164/ijcle.v4i0.110>> accessed 15 October 2019.

³² Extracted from Student Law Office Terms and Conditions, section 1.

³³ Taken from the Student Law Office Module Descriptor.

³⁴ Extracted from Student Law Office Terms and Conditions, section 2.

'Learning through participation in real or realistic legal interactions coupled with reflection on this experience'.³⁵

CLE encompasses a range of different models which adds to the difficulty in trying to define it. Some law clinics are staffed by the law school and run by the law school, while another model is more akin to a placement and is not part of the law school, but the law school provides the students to the external organisation. It can include public legal education (Street Law and other awareness-raising programmes), generalist advice clinics, subject-specialist advice clinics, miscarriage of justice (Innocence Project) clinics and court and tribunal representation.³⁶ CLE can be extra-curricular or fully embedded in programmes and accredited.

At Northumbria, clinic is an accredited module (CLE module) that offers a full casework model, where students represent clients under the supervision of professionally qualified law staff. Students are assessed and graded on their clinical performance and each student submits a portfolio comprising the work they have completed over the year, with reflection being integral to the module. Further detail on CLE and the SLO at Northumbria is in Appendix A.

Law teaching has traditionally followed a didactic model where the curriculum and learning is solely within the control of the lecturer. Amsterdam rejects the narrowness of traditional methods of teaching law and suggests that CLE can address the failings in traditional methods and provide students with the skillset needed for modern practice where it was no longer possible to 'impart to students a self-contained body of instruction in the law'.³⁷ CLE provides an alternative context of the 'meaning, operation and consequences of legal rules and doctrines'³⁸ and enables law students to learn by engaging with their studies in a live client environment.³⁹ Gold refers to it as a 'powerful methodology for learning',⁴⁰ which attempts to put into practice the maxim,

³⁵ Kevin Kerrigan, 'What is Clinical Legal Education and Pro Bono' in Kevin Kerrigan and Victoria Murray (eds), *A Student Guide to Clinical Legal Education and Pro Bono* (Palgrave Macmillan 2011) 5.

³⁶ Damian Carney and others, 'The LawWorks Law School Pro Bono and Clinic Report 2014' (2014) <<https://www.lawworks.org.uk/sites/default/files/LawWorks-student-pro-bono-report%202014.pdf>> accessed 12 February 2019.

³⁷ Anthony G Amsterdam, 'Clinical Legal Education – A 21st Century Perspective' (1984) *Journal of Legal Education* 34(4) 612, 612-613. This shift is recognised in the QAA subject benchmark statement for undergraduate law programmes, which was substantially revised in 2015 to move away from an approach that predominantly prescribed discipline knowledge towards the skills and qualities of mind that a law graduate should demonstrate.

³⁸ Jonny Hall and Kevin Kerrigan, 'Clinic and the Wider Law Curriculum' (2011) *International Journal of Clinical Legal Education* (15) 25, 30 <<https://doi.org/10.19164/ijcle.v15i0.54> > accessed 10 March 2020.

³⁹ Georgina Ledvinka, 'Reflection and Assessment in Clinical Legal Education: Do You See What I See?' (2006) *International Journal of Clinical Legal Education* 9, 29 <<https://doi.org/10.19164/ijcle.v9i0.86> > accessed 25 May 2019.

⁴⁰ Neil Gold, 'Why Not An International Journal of Clinical Legal Education' (2000) *International Journal of Clinical Legal Education* 1(7) 12.

'I hear and I forget; I see and I remember; I do and I understand'.⁴¹

The primary intent of CLE is to engage students in active rather than passive learning.⁴² The fundamental premise upon which CLE is based is that it 'opens eyes through experiential methods to the meaning and application of the law'.⁴³ CLE is a process of learning how to learn from experience,⁴⁴ and consequently the person who learns through this methodology is 'building, shaping, changing and modifying their advocacy with each experience'.⁴⁵

A key role in CLE is that of the supervisor, who is a facilitator rather than a lecturer, although Kruse refers to it as a partnership, albeit not a partnership of equals as she obviously knows more than the students.⁴⁶ Supervisors have to find a balance between being directive and allowing the students autonomy; the student is not there as an observer but must do the work, and the role of the supervisor is to assist as the file belongs to the student.⁴⁷ Supervisors can draw on a range of strategies, but McLeod and others observe that role modelling is the most powerful teaching strategy available to clinical educators as students learn most from observing the actions and understanding the reasoning processes of their role models.⁴⁸ Fostering self-reliance and autonomy to enable students to take control over a client problem is of critical importance but can be stressful and challenging for students used to a more directive pedagogical approach. With supervisors playing such a central role in the experience students gain from CLE, they walk a fine line between building a student's confidence and destroying it.⁴⁹

Reflection is of paramount importance within CLE. Ledvinka describes it as the 'magic ingredient which converts legal experience into education'.⁵⁰ Schön introduced the notion of the reflective practitioner within a professional context, with reflective practice being placed at

⁴¹ Kevin Kerrigan, 'What is Clinical Legal Education and Pro Bono' in Kevin Kerrigan and Victoria Murray (eds), *A Student Guide to Clinical Legal Education and Pro Bono* (Palgrave Macmillan 2011) 5.

⁴² Lord Chancellor's Advisory Committee on Legal Education and Conduct 1st Report, April 1996, paragraph 2.2, cited in Jonny Hall and Kevin Kerrigan, 'Clinic and the Wider Law Curriculum' (2011) *International Journal of Clinical Legal Education* 15(25), 26.

⁴³ Richard Grimes, 'Reflections on Clinical Legal Education' (1995) *The Law Teacher* 29(2) 169, 171.

⁴⁴ See generally Kenneth R Kreiling, 'Clinical Education and Lawyer Competency: The Process of Learning to Learn from Experience Through Properly Structured Clinical Supervision' (1981) 40 *MD. L. REV.* 284.

⁴⁵ William P Quigley, 'Introduction to Clinical Teaching for the New Clinical Law Professor: A View from the First Floor' (2015) *Akron Law Review* 28:3 Article 7, 463, 474.

⁴⁶ Katherine R Kruse, 'Biting Off What They Can Chew: Strategies for Involving Students in Problem-Solving Beyond Individual Client Representation' (2002) 8 *Clinical Law Review* 405, 442.

⁴⁷ Angela Macfarlane and Paul McKeown, '10 Lessons for New Clinicians' (2008) *International Journal of Clinical Legal Education* 13, 65, 67 <[Doi.org/10.19164/ijcle.v13i0.69](https://doi.org/10.19164/ijcle.v13i0.69)> accessed 25 May 2019.

⁴⁸ Sharynne McLeod and others, 'Models and Roles in Clinical Legal Education' in Lindy McAllister and others (eds), *Facilitating Learning in Clinical Settings* (Stanley Thornes 1997) 54.

⁴⁹ Margaret M Barry, 'Clinical Supervision: Walking That Fine Line' (1995) *Clinical Law Review* 2(1) 137, 138.

⁵⁰ Georgina Ledvinka, 'Reflection and Assessment in Clinical Legal Education: Do You See What I See?' (2006) *International Journal of Clinical Legal Education* 9, 29 <<https://doi.org/10.19164/ijcle.v9i0.86>> accessed 25 May 2019.

the heart of professional knowledge and learning.⁵¹ Reflective practice as described by Schön is a dialogue of 'thinking and doing through which I become more...skilful'.⁵² Batt refers to CLE as inculcating a method that leads students to reflect and learn from their experiences and 'develop habits and values of professionalism'.⁵³ Race's approach to reflection positions it within the employability agenda, he comments that:

'Most of all, however, it is increasingly recognised that reflection is an important transferable skill, and is much valued by all around us, in employment, as well as life in general'.⁵⁴

Through encouraging students to be reflective, they develop tools for self-directed and life-long learning, which are particularly apposite to law students who, once working in the legal profession, will need to 'reassess and re-evaluate [their] professional calling and practice to provide better service'.⁵⁵ In an increasingly competitive legal market, being able to reflect and to harness that reflection to enhance 'professional competence'⁵⁶ is likely to be highly valued by employers.

The SLO has continued to innovate and evolve and has been able to do so as it has enjoyed institutional support. The CLE module is an expensive model and as UK Universities face a tough and uncertain economic environment in a Post-Brexit and Post-Covid-19 world, difficult decisions will no doubt need to be made and every aspect of our provision will be scrutinised.

1.2.5 Legal Education and Entry to the Profession

Vaughan and others' comment that, 'Academics working in law schools in England Wales live in interesting times', certainly resonates.⁵⁷ The authors provide a range of factors for this, some at the macro level that affect all academics, including the stratification and massification

⁵¹ Donald A Schön, *Educating the Reflective Practitioner: Toward a New Design for Teaching and Learning in the Professions* (Jossey-Bass 1987).

⁵² Donald A Schön, *Educating the Reflective Practitioner: Toward a New Design for Teaching and Learning in the Professions* (Jossey-Bass 1987) 31.

⁵³ Cynthia Batt, 'A Practice Continuum: Integrating Experiential Education into the Curriculum' (2015) 7 *Elon L. Rev.*, Forthcoming, Stetson University College of Law Research Paper No. 2015-5, 7-8 <<https://ssrn.com/abstract=2554786>> accessed 10 February 2021.

⁵⁴ Phil Race, 'Evidencing Reflection: Putting the "W" into Reflection' (2002) ESCalate Learning Exchange <<http://escalate.ac.uk/resources/reflection/>> accessed 2 April 2020.

⁵⁵ Michele Leering, 'Conceptualizing Reflective Practice for Legal Professionals' (2014) *Journal of Law and Social Policy* 23(5), 83, 88 <<http://digitalcommons.osgoode.yorku.ca/jlsp/vol23/iss1/5> > accessed 20 April 2021.

⁵⁶ Michele Leering, 'Conceptualizing Reflective Practice for Legal Professionals' (2014) *Journal of Law and Social Policy* 23(5) 83, 105 <<http://digitalcommons.osgoode.yorku.ca/jlsp/vol23/iss1/5> > accessed 20 April 2021.

⁵⁷ Steven Vaughan and others, 'Clinical Legal Education Reimagined' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Hart Publishing 2018).

of HE; the tensions between teaching and research priorities within universities; the neoliberal focus of UK government policy over many years; increasing student fees and changing student expectations; the government's employability agenda; the metrification of HE through league tables (National Student Survey and the Teaching Excellence Framework); ongoing effects of global financial crises and 'austerity measures'; and the implications of Brexit.⁵⁸ To that rather lengthy list, the implications from Covid-19 can be added. At a micro level, Vaughan and others refer to (1) the introduction of the new national centralised assessment regime the Solicitors Qualifying Exam (SQE),⁵⁹ (2) the increased acceptance by the Solicitors Regulatory Authority that a law degree is not needed to be a solicitor,⁶⁰ (3) the impact of the Legal Services Act 2007 on the liberalisation of the regulation of legal services provision, and (4) the impact of cuts to the legal aid budget, which has resulted in fewer routes into a legal career in criminal law.⁶¹ Given these macro and micro level challenges, it is unsurprising that Sommerlad refers to there being an 'unprecedented transformation in the legal profession and legal education'.⁶²

At present, there are three stages to legal qualification, the academic stage, the vocational stage and finally the supervised work experience stage. The legal profession in England and Wales comprises of two distinct pathways with lawyers either qualifying as solicitors or barristers.⁶³ Both pathways start with an undergraduate degree (which is a law degree, or a non-law degree followed by a conversion course), which usually lasts for a period of three years. The academic stage is followed by the vocational stage, either by a one-year Legal Practice Course (LPC) if following the solicitor pathway, or the Bar Training Course (BTC) if following the Barrister pathway. Both the LPC and the BTC cover the procedural knowledge and skills needed to practice as solicitors or barristers. The academic and vocational courses are taught and assessed by approved providers.⁶⁴ Northumbria Law School offers a different model, which is a four-year Exempting Degree programme, which combines the academic and vocational stages of legal training into one integrated programme. In addition to teaching

⁵⁸ Steven Vaughan and others, 'Clinical Legal Education Reimagined' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Hart Publishing 2018) 1-2.

⁵⁹ From 1st September 2021, to qualify as a solicitor both stages of the Solicitors Qualifying Examination (SQE) must be passed, for more information, see <<https://www.sra.org.uk/students/sqe/>> accessed 10 January 2021.

⁶⁰ Surprisingly, a degree in any subject or an experience equivalent to a degree is acceptable, see <<https://www.sra.org.uk/students/sqe/>> accessed 10 January 2021.

⁶¹ Legal Aid, Sentencing and Punishment of Offenders Act 2012.

⁶² Hilary Sommerlad, 'The Futures of Legal Education and the Legal Profession' in Hilary Sommerlad and others (eds), *The Futures of Legal Education and the Legal Profession* (Hart Publishing 2015) 1.

⁶³ The Solicitors Regulation Authority (SRA) and Bar Standards Board (BSB) regulate education and training for their respective professions. For SRA, see <<https://www.sra.org.uk/students>> accessed 10 January 2021; For BSB see, <<https://www.barstandardsboard.org.uk/news-publications/resource-library.html>> accessed 10 January 2021.

⁶⁴ To become approved application must be made to the relevant regulatory body (Solicitors Regulatory Authority (SRA) or Bar Standards Board (BSB)) who then monitor programmes of study. There are currently 36 LPC and 9 BTC providers in England and Wales.

legal knowledge and skills, law schools offer career development opportunities to assist students in navigating their way into a training contract or pupillage.

Following the vocational stage, for future solicitors, there follows a two-year training contract with a firm of solicitors, a law centre, an in-house legal team, or a public body.⁶⁵ During that period, there is further external training⁶⁶ and at the end of the two-year period, you are a fully qualified solicitor. To become a barrister, a one-year pupillage at a barristers' chambers must be completed as well as advocacy and practice management courses. As was mentioned above, the new SQE route will change how solicitors qualify in the future with centralised assessments being fundamental to that, but the two years training contract remains in place. There is also an alternative route to qualifying as a solicitor, which is the degree apprenticeship route, a six-year programme that combines the academic stages with on-the-job training.

While it is the case that not all law students will be employed as a solicitor or barrister due to the number of students entering law schools,⁶⁷ Hardee's study on the career expectations of law students found that most of those enrolled on law degrees in England and Wales intended to do so.⁶⁸ This means that law students are entering a highly competitive jobs market and I felt that as a law school with a strong commitment to CLE, we needed greater understandings of the impact CLE can have on employability. Perceptions of the impact of CLE on employability from alumni and employers' perspectives are imperative to help law students navigate this highly competitive world, and to support and shape the employability agenda within HEIs. With social mobility stagnating⁶⁹ and access to the professions in the UK becoming 'significantly more difficult for less privileged people',⁷⁰ the perceptions of students, the majority of whom described themselves as working-class,⁷¹ who studied in a post-1992 university will offer important and impactful viewpoints to contribute to the discourse.

Having introduced and defined employability, explored the gap in the CLE/employability literature and provided some context for this study, in the following section the rationale for this research is explained.

⁶⁵ There are approximately 5,500-6,000 training contracts each year.

⁶⁶ Professional Skills Course.

⁶⁷ The statistics are discussed in 2.4.2.

⁶⁸ Melissa Hardee, 'Career Expectations of Students on Qualifying Law Degrees in England and Wales: A Legal Education and Training Survey' (2012) The Higher Education Academy; Melissa Hardee, 'Career Expectations of Students on Qualifying Law Degrees in England and Wales Interim Report: Comparing the First Year of the Cohort Study in 2012-2013 with the UKCLE Study March 2012' (2014) The Higher Education Academy.

⁶⁹ Social Mobility Commission, 'State of the Nation 2018-19: Social Mobility in Great Britain' (OGL 2019), reported that social mobility has stagnated over the last four years at virtually all stages from birth to work, page v <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/798404/S_MC_State_of_the_Nation_Report_2018-19.pdf> accessed 27 June 2019.

⁷⁰ Louise Ashley and Laura Empson, 'Differentiation and Discrimination: Understanding Social Class and Social Exclusion in Leading Law Firms' (2013) *Human Relations* 66(2) 219, 220.

⁷¹ See 3.4.3 for further information on the social class of the alumni participants.

1.3 Rationale- Why This Research?

The rationale for the focus on CLE and employability within this thesis is personal, academic, and practical. From a personal perspective, I designed and have module tutorship of an embedded employability skills module and part of my management role within the Law School at Northumbria University involves strategic engagement with the employability of our Law students. As Director of Employability, I have insight into how the University and the wider sector engage with the employability agenda. I have spent time throughout my academic career formulating, designing, delivering, and evaluating numerous initiatives to improve the employability experience of our law students. However, my research interests had not aligned with this role until I joined a project in 2015, *The Fairness Project*, which addresses structural inequalities in the legal profession through a pedagogical intervention.⁷²

From an academic perspective, the *Fairness Project* kick-started an exploration of the literature on employability, which resulted in a pilot study which interrogated stakeholder perceptions of CLE framed around the CBI/NUS model of employability.⁷³ My research initially took me down the well-worn skills route (which will be explored in chapter 2), where research focuses on what skills employers require in graduates and how HEIs can develop them. However, as I continued to read, review, and synthesise the literature, I began to increasingly question the skills approach and what it could offer as an original insight in this area and Holmes's sentiments made me question the dominant skills approach, when he said:

'Part of the problem with the skills agenda and initiatives in higher education is that they assume that the term 'skill' has the same meaning when used in an educational context as when used in an employment context.'⁷⁴

While the issue around a common understanding of the terminology was one factor in my decision-making process, another was that the skills approach could appear to 'blame'⁷⁵ the graduate for their perceived absence of the 'right' skills. I felt this was inappropriate, as

⁷² Two articles were published on this: Tina McKee and others, 'The Fairness Project: Doing What We Can, Where We Are' (2018) *Journal of International and Comparative Law* 5(1) 181; Tina McKee and others, 'The Fairness Project: The Role of Legal Educators as Catalysts for Change. Engaging in Difficult Dialogues on the Impact of Diversity Barriers to Entry and Progression in the Legal Profession' (2020) *The Law Teacher* <Doi.org/10.1080/03069400.2020.1796061> accessed 16 October 2020.

⁷³ Jill Alexander and Carol Boothby, 'Stakeholder Perceptions of Clinical Legal Education Within an Employability Context' (2018) *International Journal of Clinical Legal Education* 25(3) 53 <Doi.org/10.19164/ijcle.v25i3.768> accessed 20 May 2019.

⁷⁴ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 112.

⁷⁵ Philip Brown, Anthony Hesketh and Sara Williams, 'Employability in a Knowledge-driven Economy' (2003) *Journal of Education and Work* 16(2) 107, 110.

employability is complex and multi-faceted and needs to be contextualised and conceptualised in a broader frame of reference, which was supported in the literature.⁷⁶

In relation to the practical perspective for this study, I have access to the SLO, and the philosophy and pedagogy of the CLE module are familiar to me. As Director of Employability in the Law School, it is incumbent upon me to have oversight of how all elements of our degree contribute to a student's employability, including the CLE module, which is such an important element of the undergraduate degree at Northumbria University. I was interested in perceptions and understandings beyond CLE being seen as just a vehicle for the acquisition of skills that could perhaps be gained elsewhere within a degree programme. With ever increasing numbers of students engaging with law clinics,⁷⁷ I wanted to explore CLE from an employability perspective to ascertain if there was empirical data to support anecdotal claims that CLE does enhance employability as this would have practical implications for continued institutional support for this type of pedagogy. As an experienced academic with a practice background, I have contacts with alumni and employers through my long-standing networks and felt optimistic that I would be able to engage with those communities through this research. Finally, the intersection of employability and CLE, which was discussed above, had received little academic attention, which presented an opportunity for novel research.

The next section sets out the methodological approach and the research objectives.

1.4 Methodological Approach and Research Objectives

My research is positioned within social constructionist assumptions and is informed by a broadly interpretivist perspective where alumni and employer perceptions of CLE are explored using a qualitative methodology. A detailed explanation of the empirical study is provided in chapter 3. In summary, twenty-two participants took part in my study, twelve alumni and ten employers. Interview guides were drafted following a review of the literature, to gain understandings of the scholarly landscape and to identify the focus of the study and the research question. The data was analysed using thematic analysis.⁷⁸

⁷⁶ Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925, 925; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position, or Process?' (2013) *Studies in Higher Education* 38(4) 538, 538.

⁷⁷ Damian Carney and others, 'The LawWorks Law School Pro Bono and Clinic Report 2014' (2014) 10 <<https://www.lawworks.org.uk/sites/default/files/LawWorks-student-pro-bono-report%202014.pdf>> accessed 12 February 2019.

⁷⁸ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77.

To answer the research question - What are the perceptions of alumni and employers of the impact of clinical legal education on employability? - the objectives of the research are to:

1. Critically evaluate the literature relating to the conceptualisations of employability and the intersection of employability and CLE.
2. Conduct qualitative research with alumni and employers to explore and determine their perceptions of the impact of CLE on employability via an interpretivist methodology.
3. Analyse the data using thematic analysis and identify key themes to gain a better understanding of alumni and employer perceptions of the impact of CLE on employability.
4. Discuss the findings alongside the literature to offer new insights and gain greater understandings of alumni and employers' perceptions of the impact of CLE on employability to contribute to knowledge and practice.

1.4.1 Boundaries to the Research

This research did not set out to explore CLE and employability in relation to a particular social class. When recruiting alumni participants, the criteria used and discussed at 3.4.2 were that they must have undertaken a CLE module and be in graduate employment. Background information was requested, which included which social class the alumni would describe themselves as being within, and the majority of the alumni described themselves as working-class. While class has therefore been mentioned, a full exploration of the literature is outside the scope of this study. Whilst class was not part of the focus of my research, during my doctoral journey it became apparent that 'class' was an interesting dimension and would be worthy of further post-doctoral research. However, it is worth noting I have not extrapolated any claims about class from the data, nor do I make any class claims in my contribution to knowledge and practice.

1.5 Contributions of my Study

This study makes a significant contribution to knowledge and academic practice on the impact of CLE on employability. While there is a rich discourse on skills acquisition within CLE,⁷⁹ there is a gap in our understanding of how CLE is perceived by alumni and employers from an employability enhancement perspective.

The contributions of this study have been mentioned above, as they were discussed in the focus and rationale of this research. In section 1.2.1 Holmes and Tomlinson critiqued the dominant skills based research which predominantly used quantitative methods, with Holmes calling for further research on the processual and relational approach to employability research.⁸⁰ Given that the processual approach involves interactions with graduates and employers, exploring those two perspectives within a legal context provides an empirical development of Holmes's theoretical framing of the processual approach, which has not been previously explored. Linking employability and CLE has had little academic attention (as was discussed in sections 1.2.1 and 1.2.2), and even less from a qualitative perspective. In undertaking qualitative research, the aim is to provide in-depth and rich insights into the complexity of employability and how it is deployed through CLE experiences and to augment the existing survey questionnaires which have been mainly used in this arena.⁸¹

My contribution is underpinned by my practice as an educator, manager, personal tutor, and law practitioner, and contributes to knowledge and professional practice.⁸²

Having introduced the research question, explained the focus, rationale, methodological approach, and research objectives, I now outline the structure of the thesis.

1.6 Structure of the Thesis

Chapter 1 provided the focus and rationale for the study which was motivated by my role as Director of Employability. I have outlined the research methodology and my objectives and

⁷⁹ Rachel Dunn, 'A Systematic Review of Literature on Clinical Legal Education' (2017) *International Journal of Clinical Legal Education* 24(2) 81 <<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020.

⁸⁰ Leonard Holmes, 'Realist and Relational Perspectives on Graduate Identity and Employability: A Response to Hinchliffe and Jolly' (2013) *British Educational Research Journal* 39(6) 1044, 1049; Michael Tomlinson, 'Graduate Employability: A Review of Conceptual and Empirical Themes' (2012) *Higher Education Policy* 25(4) 407, 424.

⁸¹ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020; Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019.

⁸² The Professional Doctorate in Law includes a requirement to contribute to knowledge and professional practice. Professional practice can extend to academic/research practice, teaching or legal practice or a combination depending on the focus of the candidate's work, DLaw Student Handbook.

provided an overview of the the context of this study, which sits within legal education and relates to CLE at Northumbria University delivered through its SLO. The chapter concludes with the contributions of my study.

Chapter 2 presents a critical review of the literature relating to this study. It provides a context for this research, develops the theoretical underpinning and the conceptual framework, and highlights gaps in the current literature where this thesis will contribute to knowledge.

Chapter 3 explains how this research was conducted. It explores the methods and methodologies chosen and the theoretical and epistemological perspectives that underpin those choices

Chapter 4 analyses and interprets the data, presents the themes which have been developed, and addresses the research question.

Chapter 5 synthesises and analyses the findings and positions them within the literature, answers the research question, re-visits the conceptual framework and explains how this thesis contributes to knowledge and practice.

Chapter 6 reviews the research question and objectives as well as the conceptual framework and summarises how the thesis has contributed to knowledge and practice. It includes a reflexive commentary on the research process as well as options for future research and limitations to the present study.

1.7 Chapter Summary

This chapter introduced my research and set out my research question. It explained the focus of my research and the justifications for it, which are personal, academic, and practical. It provided an insight into CLE, the SLO and the legal sector, and identified gaps in knowledge. It set out the aims and objectives, the boundaries and contributions of the research and summarised the thesis structure. In the next chapter, the literature on employability and its intersection with CLE is reviewed.

Chapter 2: Literature Review

2.1 Introduction

This chapter provides a critical review of the literature relating to this study. It gives a context for my research, explores the theoretical underpinning and highlights gaps in the current literature to which my research contributes to knowledge and practice. This chapter addresses the following research objective:

1. Critically evaluate the literature relating to the conceptualisations of employability and the intersection of employability and clinical legal education (CLE).

This chapter commences by considering the meaning of employability before reviewing the early conceptualisations of employability, which were largely skills-based and absent of contextual factors such as the state of the labour market and the effect of social and cultural capital. This section paves the way for a consideration of conceptualisations that offer alternative approaches that are more nuanced and multi-faceted and that consider the complexities of employability beyond the simple acquisition of skills and attributes. These were the approaches advanced by academics, such as Holmes⁸³, Tomlinson,⁸⁴ and Williams and others⁸⁵ and the exploration of these different approaches to employability builds an understanding of the rationale for the approach taken in this study and its potential to contribute to existing knowledge and practice.

The chapter then provides an overview of the discourse on CLE and its intersection with employability. While the CLE literature is rich and varied,⁸⁶ it has had scant academic interest where it intersects with employability, which therefore supports the rationale and focus of this study. Finally, the chapter provides a conceptual framework that synthesises the literature and demonstrates the genesis of the research question being addressed.

⁸³ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

⁸⁴ Michael Tomlinson, 'Investing in the Self: Structure, Agency and Identity in Graduates' Employability' (2010) *Education, Knowledge and Economy* 4(2) 73; Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338.

⁸⁵ Stella Williams and others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877.

⁸⁶ Tribe Mkwebu, 'A Systematic Review of Literature in Clinical Legal Education: A Tool for Researchers in Responding to an Explosion of Clinical Scholarship' (2015) *International Journal of Clinical Legal Education* 22(3) 238 <[Doi.org/10.19164/ijcle.v22i3.415](https://doi.org/10.19164/ijcle.v22i3.415)> accessed 26 January 2020.

As was discussed in chapter 1, this study is influenced by the approaches espoused by Tomlinson⁸⁷ and Holmes⁸⁸ where the term employability refers to where graduates position themselves and are positioned. It relates to the actions they take to form, negotiate, and present their graduate or professional identity. This approach, referred to by Holmes as the processual approach, has not been explored with law graduates. Therefore my research leads to a fresh perspective that can be utilised within my professional practice to help students frame their clinical experience and enhance their employability and ultimately realise their potential. By studying the perceptions of both alumni in a post-1992 University (many of whom described themselves as working-class⁸⁹) and employers who recruit from this alumni pool and who are not part of the 'elite' sector,⁹⁰ a duality of views can be explored, which have also had limited academic attention.

Having introduced the chapter and its broad influences, in the following section, the different meanings of employability that co-exist are considered.

2.2 The Meaning of Employability

This section explores the literature relating to the meaning of employability, which is far from straight-forward and defines how the term is used in this study. There is a large body of literature around the definition of employability but no consensus on one universal meaning. Rajan and others rather ungenerously suggest that employability 'is one of the few words that have gone from cliché to jargon without the intermediate stage of meaning',⁹¹ while Dacre Pool and others refer to the term being a 'slippery concept' due to difficulties with definition and conceptual clarity.⁹² What is seen from the literature is that employability is of interest to a range of stakeholders, including HEIs, academics, employers and policy makers and consequently has been interpreted in a number of different ways⁹³ and has evolved and

⁸⁷ Michael Tomlinson, 'Investing in the Self: Structure, Agency and Identity in Graduates' Employability' (2010) *Education, Knowledge and Economy* 4(2) 73.

⁸⁸ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

⁸⁹ See 3.4.3 for further information on the social class of the alumni participants.

⁹⁰ UK law firms with elite status include those within the *Legal Business* Top 25. This includes the five firms collectively known as the 'magic circle', as well as 'second tier' UK-based firms (*Legal Business*, 2013).

⁹¹ Amin Rajan and others, 'Employability: Bridging the Gap between Rhetoric and Reality, First Report: Employer's Perspective' (2000) Create Consultancy/Professional Development Foundation, London.

⁹² Lorraine Dacre Pool, Pamela Qualter and Peter Sewell, 'Exploring the Factor Structure of the CareerEDGE Employability Development Profile' (2014) *Education + Training* 56(4) 303, 303.

⁹³ See for example, Stella Williams and others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877; Lee Harvey, 'Defining and Measuring Employability' (2001) *Quality in Higher Education* 7(2) 97; Alex Tymon, 'The Student Perspective on Employability' (2013) *Studies in Higher Education*, 36(6) 841.

adapted over time. Gazier⁹⁴ is widely quoted for his analysis that employability has gone through seven stages over the last century; from the dichotomic stage where ‘employability’ was rather simplistic in referring to those who were willing and able to work, to the ‘interactive’ stage where the emphasis is on the individual and their ability to constantly adapt to a changing marketplace to become and remain employable, although that has to be contextualised within the conditions of the labour market.⁹⁵ Academics agree that employability has become increasingly complex and multidimensional.⁹⁶ Table 1 contains some examples of definitions of employability in chronological order.

Table 1: Examples of Employability Definitions

Author	Definition
HM Treasury (1997) ⁹⁷	‘Employability means the development of skills and adaptable workforces in which all those capable of work are encouraged to develop the skills, knowledge, technology and adaptability to enable them to enter and remain in employment throughout their working lives’
Hillage and Pollard (1998) ⁹⁸	‘Employability is about being capable of getting and keeping fulfilling employment. More comprehensively employability is the capability to move self-sufficiently within the labour market to realise potential through sustainable employment. For the individual, employability depends on the knowledge, skills, and attitudes they possess, the way they use those assets and present them to employers and the context (e.g., personal circumstances and labour market environment) within which they seek work’

⁹⁴ Bernard Gazier, ‘Employability - Definitions and Trends’ in Bernard Gazier (ed), *Employability: Concepts and Policies* (European Employment Observatory 1998).

⁹⁵ See for example, Ronald McQuaid and Colin Lindsay, ‘The Concept of Employability’ (2005) *Urban Studies* 42(2) 197; Stella Williams and others, ‘A Systematic Review of Current Understandings of Employability’ (2016) *Journal of Education and Work* 29(8) 877.

⁹⁶ Stella Williams and others, ‘A Systematic Review of Current Understandings of Employability’ (2016) *Journal of Education and Work* 29(8) 877, 877; Lee Harvey, ‘Embedding and Integrating Employability’ (2005) *New Directions for Institutional Research* 128(13).

⁹⁷ HM Treasury (1997) Treasury Press Release 122/97, 13th October: Gordon Brown unveils UK Employment Action Plan. London: HM Treasury.

⁹⁸ Jim Hillage and Emma Pollard, ‘Employability: Developing a Framework for Policy Analysis’ (1998) 85 *Institute for Employment Studies (Department for Education and Employment)* 2.

Harvey (1999) ⁹⁹	'Employability of a <i>graduate</i> is the propensity of the graduate to exhibit <i>attributes</i> that employers anticipate will be <i>necessary</i> for the <i>future</i> effective functioning of their organisation'
CBI (1999) ¹⁰⁰	'Employability is the possession by an individual of the qualities and competencies required to meet the changing needs of employers and customers and thereby help to realise his or her aspirations and potential in work'
Yorke and Knight (2006) ¹⁰¹	'A set of achievements — skills, understandings and personal attributes — that make graduates more likely to gain employment and be successful in their chosen occupations, which benefits themselves, the workforce, the community and the economy'
Dacre Pool and Sewell (2007) ¹⁰²	'Employability is having a set of skills, knowledge, understanding and personal attributes that make a person more likely to choose and secure occupations in which they can be satisfied and successful'
Rothwell and Arnold (2007) ¹⁰³	'The ability to keep the job one has or to get the job one wants'
Tomlinson (2017) ¹⁰⁴	'The focus is on how employability is constructed at a personal level and its relationship with a range of subjective, biographical, and psycho-social dynamics, and which are also informed by individuals' cultural profiles and backgrounds'
Small and others (2018) ¹⁰⁵	'The capacity to be self-reliant in navigating the labour market, utilising knowledge, individual skills and attributes, and adapting

⁹⁹ Lee Harvey, 'Employability: Developing the Relationship Between Higher Education and Employment' (1999) Opening presentation at the Fifth Quality in Higher Education 24-Hour Seminar. 28th October 1999. Birmingham, Centre for Research into Quality, 4.

¹⁰⁰ CBI (Confederation of British Industry), 'Making Employability Work: An Agenda for Action' (CBI 1999).

¹⁰¹ Mantz Yorke and Peter T Knight, *Employability in Higher Education: Embedding Employability into the Curriculum, Learning & Employability Series One* (Higher Education Academy 2006) 3.

¹⁰² Lorraine Dacre Pool and Peter Sewell, 'The Key to Employability: Developing a Practical Model of Graduate Employability' (2007) *Education and Training* 49(4) 277, 280.

¹⁰³ Andrew Rothwell and John Arnold, 'Self-perceived Employability: Development and Validation of a Scale' (2007) *Personnel Review* 36(1) 23, 25 <Doi:10.1108/00483480710716704> accessed 22 April 2021.

¹⁰⁴ Michael Tomlinson, 'Introduction: Graduate Employability in Context: Charting a Complex, Contested and Multi-faceted Policy and Research Field' in Michael Tomlinson and Leonard Holmes (eds), *Graduate Employability in Context, Theory, Research and Debate* (Palgrave Macmillan 2017).

¹⁰⁵ Lynlea Small, Kate Shacklock and Teresa Marchant, 'Employability: A Contemporary Review for Higher Education Stakeholders' (2018) *Journal of Vocational Education & Training* 70(1) 148, 151.

	them to the employment context, showcasing them to employers, while taking into account external and other constraints'
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What is clear is the emphasis in the earlier definitions is predominantly on the possession of skills, knowledge and attributes that graduates need to secure and be equipped for employment, with some definitions including references to benefits not only to the graduate but the wider economy. The definitions include an ability to convey to the employer the knowledge, skills, and attributes that they possess. While a focus on individuals' skills and attributes is patently important to employability, it seems that broader contextual references were largely ignored in the early definitions and consequently the skills and attributes approach became increasingly subject to academic criticism, with McQuaid and Lindsay referring to the narrowing of the concept of employability to 'individual-centred, supply-side components'.¹⁰⁶ However, what evolves from the later definitions, such as those of Tomlinson and Small and others is a more complex set of definitions, which include contextual factors such as the internal and external labour market, and social and cultural capitals.¹⁰⁷ It is Tomlinson's more nuanced definition that has been adopted within this study as it is sufficiently broad to allow flexibility and to avoid over-simplification of this multi-faceted concept.

Having reviewed the challenges of defining employability, the next section considers the discourse of employability and the different approaches taken to conceptualising employability to explain the approach that influenced this research.

2.3 The Discourse of Employability – Introduction

This section considers the different approaches to employability in the academic literature to explain Holmes's processual approach that influenced this research.¹⁰⁸ The processual approach sits within what has been referred to as 'the three broad approaches to employability' and while slight variations in labelling exist, there is consensus on the meaning behind the

¹⁰⁶ Ronald W McQuaid and Colin Lindsay, 'The Concept of Employability' (2005) *Urban Studies* 42(2) 197, 202.

¹⁰⁷ Michael Tomlinson, 'Introduction: Graduate Employability in Context: Charting a Complex, Contested and Multi-faceted Policy and Research Field' in Michael Tomlinson and Leonard Holmes (eds), *Graduate Employability in Context, Theory, Research and Debate* (Palgrave Macmillan 2017) 11; Lynlea Small, Kate Shacklock and Teresa Marchant, 'Employability: A Contemporary Review for Higher Education Stakeholders' (2018) *Journal of Vocational Education & Training* 70(1) 148, 151.

¹⁰⁸ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

categories.¹⁰⁹ Given the focus of this study is influenced by Holmes's approach, his categorisations will be used:

- Possession
- Positioning, and
- Processual.¹¹⁰

The following section of the literature review considers and critiques the three approaches to provide insights into the approach chosen to underpin this study. The section starts with *possession*, which involves exploring skills and attributes as well as human capital theory. *Positioning* is then considered, which includes social and cultural capital. Finally, the *processual* approach is explored, which relates to actions, professional identity, career management and confidence.

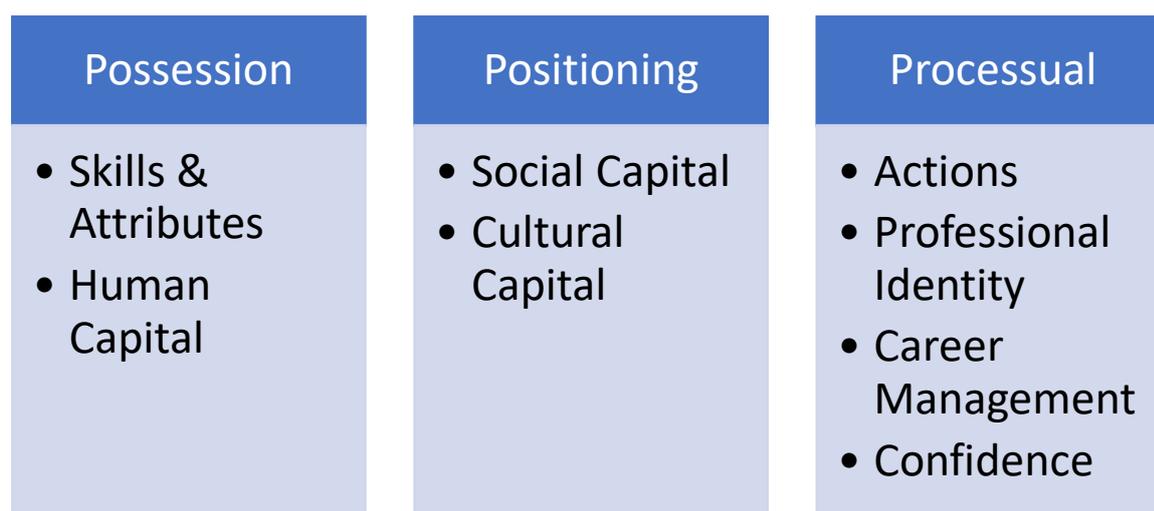
As has been mentioned human, social, and cultural capital are included in the literature review as they form part of the three approaches used to explore the literature which underpins my study. Several other types of capitals are referred to in the broader literature, including financial and intellectual capital but exploration of other capitals goes beyond the scope of this study as they do not sit within the three approaches that have been used to frame this study.

The three approaches are depicted in Diagram 1.

¹⁰⁹ See Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; Lorraine Delaney and Margaret Farren, 'No 'Self' Left Behind? Part-time Distance Learning University Graduates: Social Class, Graduate Identity and Employability' (2016) *Open Learning: The Journal of Open, Distance and E-Learning* 31(3) 194; Belgin Okay-Somerville and Dora Scholarios, 'Position, Possession or Process? Understanding Objective and Subjective Employability During University-to-Work Transitions' (2017) *Studies in Higher Education* 42(7) 1275.

¹¹⁰ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

Diagram 1: The Three Approaches to Employability (source: author)



2.4 The Possession Approach

This section analyses and critiques the possession approach to employability and includes a discussion of human capital theory as it relates to the skills and knowledge acquired through HE qualifications and its relationship to employment outcomes.¹¹¹ The possession approach to employability considers employability to be largely focused on the possession of skills and attributes, which is reflected in the early definitions discussed above. The highly influential Dearing Report's inclusion of skills outcomes as well as knowledge outcomes heralded a new approach by the policy makers in government¹¹² and from that point onwards, employability and the emphasis on skills formed a common feature of government policy.¹¹³ In response to these policy decisions, there was increased engagement from the HEI sector around the skills agenda, which Higdon refers to as having been 'uncritically adopted' by many UK universities.¹¹⁴ The skills focus did lead to initiatives by HEIs to 'embed' skills within the

¹¹¹ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 333, 341.

¹¹² The Report only referred explicitly to, communication skills, numeracy, the use of information technology and learning how to learn, leaving decisions on the development of particular skills to each HEI, see Ron Dearing, 'Higher Education in the Learning Society' (1997) Report of the National Committee of Inquiry into Higher Education (HMSO) 134.

¹¹³ John Browne, 'Securing a Sustainable Future for Higher Education: Independent Review of Higher Education and Student Finance in England' (Department for Business, Innovation and Skills 2010); BIS (Department for Business, Innovation and Skills), 'Higher Ambitions – the Future of Universities in a Knowledge Economy' (Department for Business, Innovation and Skills 2009); BIS (Department for Business, Innovation and Skills), 'Skills for Sustainable Growth' (Department for Business, Innovation and Skills 2010); BIS (Department for Business, Innovation and Skills), 'Higher Education: Students at the Heart of the System' (Department for Business, Innovation and Skills 2011); BIS (Department for Business, Innovation and Skills), 'Fulfilling Our Potential: Teaching Excellence, Social Mobility and Student Choice' (Department for Business, Innovation and Skills 2015).

¹¹⁴ Rachel Higdon, 'Employability: The Missing Voice: How Student and Graduate Views Could be used to Develop Future Higher Education Policy and Inform Curricula' (2016) *Power and Education* 8(2) 176.

curriculum, and frameworks were introduced demonstrating and explaining how students could develop skills, understandings, and attributes. Frameworks include the USEM model of employability developed by Knight and Yorke (2003);¹¹⁵ the CareerEDGE model of Graduate Employability developed by Dacre Pool and Sewell (2007);¹¹⁶ Bridgstock's Career Management model (2009);¹¹⁷ and Tomlinson's Graduate Capitals model (2017).¹¹⁸ A detailed consideration of these models goes beyond the confines of this study¹¹⁹ but form part of the employability narrative so are mentioned for completeness. The models referred to are shown in Appendix B. What is clear from these frameworks is that employability is not reduced to skill sets but encompasses a range of other factors, including career development; work and life experience; self-confidence; self-efficacy; emotional intelligence; life-long learning and reflection, which supports the perspective taken in this research.

Being employable is a pre-requisite to being employed but as Yorke suggests not all employable people can transition to employment as there are 'too many extraneous socio-economic variables'.¹²⁰ Contextual factors were on Brown and others' radar when they introduced the concept of the *duality of employability*, that it is both an absolute and a relative concept.¹²¹ The acquisition of skills being the absolute and relative in that it depends on the laws of supply and demand in the market. They define employability as the 'relative chances of acquiring and maintaining different kinds of employment'.¹²² Getting a job can be fairly easy if jobs are in abundance but when there are fewer jobs available, employers can afford to be selective in getting the right person irrespective of their apparent 'employability'. Other contextual factors considered in the literature include personal factors, such as caring responsibilities, disabilities, household status and access opportunities, which can impact on 'the ability to navigate the labour market'.¹²³

¹¹⁵ Phillip Knight and Mantz Yorke, 'Employability and Good Learning in Higher Education' (2003) *Teaching in Higher Education* 8(1) 3.

¹¹⁶ Lorraine Dacre and Peter J Sewell, 'The Key to Employability: Developing a Practical Model of Graduate Employability' (2007) *Education and Training* 49(4) 277.

¹¹⁷ Ruth Bridgstock, 'The Graduate Attributes We've Overlooked: Enhancing Graduate Employability Through Career Management Skills' (2009) *Higher Education Research & Development* 28(1) 31.

¹¹⁸ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338.

¹¹⁹ For a concise review of these models along with employability definitions see Doug Cole and Maureen Tibby, *Defining and Developing your Approach to Employability. A Framework for Higher Education Institutions* (2013) The Higher Education Academy.

¹²⁰ Mantz Yorke, *Employability in Higher Education: What It Is – What It Is Not, Learning and Employability Series One* (Higher Education Academy 2006) 8.

¹²¹ Philip Brown, Anthony Hesketh and Sara Williams, 'Employability in a Knowledge-driven Economy' (2003) *Journal of Education and Work* 16(2) 107, 110.

¹²² Philip Brown, Anthony Hesketh and Sara Williams, 'Employability in a Knowledge-driven Economy' (2003) *Journal of Education and Work* 16(2) 107, 111.

¹²³ Stella Williams and others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877, 897.

The early literature could be interpreted as containing an underlying criticism of graduates in that it was their lack of the requisite skills and attributes alone that impacted their employability, and this skills deficit approach was referred to by Brown and others as a 'classic example of 'blaming the victim' (those who cannot find jobs)'.¹²⁴ The emphasis on individuals' skills and attributes was interpreted as containing an assumption that graduates who possess the skills and attributes that employers desire will be more employable and this had been challenged by a number of academics¹²⁵ who viewed employability to be 'broader and more complex'.¹²⁶ Empirical research by Piróg supports the position that the possession of skills does not always lead to better employment outcomes, finding that development of skills had a low impact on future employment prospects.¹²⁷ Holmes describes the skills approach as 'deeply flawed'¹²⁸ and argues it does not provide an explanation of the different outcomes dependent on which demographic group graduates fall into.¹²⁹ He refers to studies where graduates from ethnic groups, those from working-class backgrounds and other disadvantaged groups have poorer employment outcomes but surely that cannot be attributed to them not possessing the relevant skills, which would seem a rather simplistic and potentially discriminatory conclusion to reach but resonates with what Brown and others referred to as 'victim blaming'.¹³⁰

In relation to the legal sector, criticism of the skills and attributes approach comes from Francis who argues that legal employability has to be taken beyond the skills and attributes conceptualisation and understood through the psychological concept of 'possible selves', being what students imagine they can become.¹³¹ Francis argues that employability is a negotiated and situated process and this resonates with both Tomlinson and Holmes.¹³² The former argues that it is a 'socially active process by the way graduates position themselves and are positioned,' and the latter developed the processual or 'graduate identity' approach to

¹²⁴ Philip Brown, Anthony Hesketh and Sara Williams 'Employability in a Knowledge-driven Economy' (2003) *Journal of Education and Work* 16(2) 107, 110.

¹²⁵ See for example, Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 543; Michael Tomlinson, 'Graduate Employability: A Review of Conceptual and Empirical Themes' (2012) *Higher Education Policy* 25(4) 407.

¹²⁶ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 339.

¹²⁷ Danuta Piróg, 'The Impact of Degree Programme Educational Capital on the Transition of Graduates to the Labour Market' (2016) *Studies in Higher Education* 41(1) 95, 105.

¹²⁸ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 540.

¹²⁹ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 546.

¹³⁰ Philip Brown, Anthony Hesketh and Sara Williams, 'Employability in a Knowledge-driven Economy' (2003) *Journal of Education and Work* 16(2) 107, 110.

¹³¹ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 175.

¹³² Michael Tomlinson, 'Investing in the Self: Structure, Agency and Identity in Graduates' Employability (2010) *Education, Knowledge and Economy* 4(2) 73, 74; Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 112.

employability which will be considered in more depth in 2.6. Francis offers an interesting perspective on what he refers to as the 'limits' of the employability agenda.¹³³ These 'limits' he argues stem from the reputational value of the institution attended and the strength of the 'possible selves' of students, with students from the most disadvantaged backgrounds being unable to perceive a career in the legal profession as being 'possible'.¹³⁴ He suggests that the future is knowable for more privileged students and this allows them to see their 'future selves' as lawyers but that for students from non-traditional backgrounds¹³⁵ it is unknowable and thus those students cannot use this future idea of themselves as lawyers as motivation to apply at all or to apply time and time again for informal work experience, vacation schemes etc. Given that my study sought perceptions from alumni from a post-1992 university, many of whom described themselves as working-class, the 'limits' of the employability agenda in terms of the strength of their 'possible selves' may be of relevance to this study.

Continuing the critique of the possession approach, the next section relates to the confusion around how skills and attributes are understood and defined.

2.4.1 The Disputed Language of Skills and Attributes

Section 2.2 explored the challenge of finding an employability definition that is agreed upon. Linked to this is the issue around defining and measuring skills and attributes, and this section will turn to the shifting meanings attributed to skills and attributes. There is an ever increasing and varied list of skills and attributes that are either required or preferred by employers, and an extensive body of literature interrogating these skills and attributes across a range of disciplines in the search of the holy grail of the 'perfect job-ready' graduate. Jackson acknowledges, 'there has been significant attention to what employers would define as an 'ideal' or 'employable' graduate'.¹³⁶ Conceptualisations have been dominated by 'employers and government departments',¹³⁷ and consequently Collet and others¹³⁸ argue that an absence of shared meaning across stakeholder groups, representing academics, industry and students, has impacted on the engagement amongst the groups with Mourshed and others

¹³³ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 194.

¹³⁴ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 198.

¹³⁵ 'Privilege' refers to socio-economic advantage and students from 'non-traditional' backgrounds refers to students from working class backgrounds.

¹³⁶ Denise Jackson, 'Developing Pre-professional Identity in Undergraduates Through Work Integrated Learning' (2017) *Higher Education* 74(5) 833, 833.

¹³⁷ Ruth Higdon, 'From Employability to 'Complexability': Creatour – A Construct for Preparing Students for Creative Work and Life' (2018) *Industry & Higher Education* 32(1) 33, 35.

¹³⁸ Chris Collet, Damian Hine and Karen du Plessis, 'Employability Skills: Perspectives from a Knowledge-intensive Industry' (2015) *Education + Training* 57(5) 532, 533.

going so far as to claim that 'employers, education providers and youth live in parallel universes'.¹³⁹ Tomlinson refers to the notion of skills, competencies and attributes being used interchangeably and shares Collet and others' view that they often mean different things to different people.¹⁴⁰ Jackson agrees with that view point and refers to the different terminology used for individual skills as being 'confusing' and 'plaguing' empirical studies and makes specific mention of the skill-set referred to as 'interpersonal skills' and the uncertainty around what that actually means.¹⁴¹

The academic who provides the most forceful argument is Holmes, whose view is that the proliferation of lists and frameworks from the 1980s onwards around skills and attributes causes confusion. He argues that 'whilst there may be similarity at the level of *untechnical* discourse, we should exercise caution in assuming that this extends to the usage of such terms as *technical* concepts'.¹⁴² Holmes expresses doubt at assumptions of shared meanings across a range of research projects and is particularly scathing of lists that have often been 'constructed from those used in other projects'¹⁴³ and adds that it is 'highly dubious' that what he refers to as a 'haphazard' approach can deliver findings that are valid, reliable and useful.¹⁴⁴ He critiques the methodology of research projects which use surveys to investigate 'perceptions' rather than devising objective measures and therefore questions the legitimacy of their findings, commenting:

'... surveys cannot legitimately claim to identify the skills or attributes that actually are possessed and/or used by graduates, nor those required by employers, even if the meaning of the terms used could be unequivocally established.'¹⁴⁵

Holmes emphasises how important it is to recognise this type of skills research for what it is, which in his view is *opinion* data, not statements of fact about whether or not certain skills or attributes exist, and that the problem lies in researchers then *assuming* that the responses do

¹³⁹ Mona Mourshed Diana Farrell and Dominic Barton, 'Education to Employment: Designing a System that Works' (2012) McKinsey Center for Government <<http://mckinseysociety.com/education-to-employment/report>> accessed 26 January 2020.

¹⁴⁰ Michael Tomlinson, 'Graduate Employability: A Review of Conceptual and Empirical Themes' (2012) Higher Education Policy 25(4) 407, 412.

¹⁴¹ Denise Jackson, 'Testing a Model of Undergraduate Competence in Employability Skills and its Implications for Stakeholders' (2014) Journal of Education and Work 27(2) 220, 221.

¹⁴² Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) Studies in Higher Education 38(4) 538, 543.

¹⁴³ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) Studies in Higher Education 38(4) 538, 544.

¹⁴⁴ Leonard Holmes, 'Realist and Relational Perspectives on Graduate Identity and Employability: A Response to Hinchliffe and Jolly' (2013) British Educational Research Journal 39(6) 1044, 1048.

¹⁴⁵ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) Studies in Higher Education 38(4) 538, 546.

actually refer to facts about skills and attributes.¹⁴⁶ Holmes accepts that this type of research does engage with stakeholders and their perceptions and opinions matter but he argues that their perceptions and opinions cannot be taken as presented, and deductions about *behaviours* of those stakeholder cannot be validly made. Holmes makes an interesting point that in completing a survey, employers may say a particular skill or attribute is important, or may rank them in terms of importance, but that does not lead to the conclusion that they will during the recruitment and selection process act in accordance with the views they have expressed.¹⁴⁷ Methodological critiques have been made by other academics, for example Tomlinson said critics of skills-centred approaches have challenged it for being ‘simplistic, descriptive and under-contextualised accounts of graduate skills’.¹⁴⁸ Quantitative methodologies which have been a common feature of employability research, arguably cannot provide the contextual detail that can be achieved through qualitative studies, which can more fully interrogate complex employment trajectories as will be seen in chapter 4, where the findings of this study are explored.

The issues raised with the multitude of definitions and frameworks is well illustrated through a literature review published in 2017 by Artess and others for the Higher Education Academy.¹⁴⁹ The review examined 187 pieces of research published between 2012 and 2016 and provided a composite list of graduate attributes drawn from the literature, comprising a range of skills, attributes, attitudes, and behaviours (shown in Appendix C). This extensive list demonstrates the ever-increasing pressure graduates are under to meet employer expectations, with Artess and others referring to the ‘multiple facets’ of employability that either explicitly or implicitly form part of the recruitment and selection process and which are ‘subjective, shifting and often unknown’ to students’.¹⁵⁰ The shifting nature will have been in sharp focus in the past year and a half as Covid-19 restrictions have disrupted accepted work practices, and have impacted not only the way people work but on recruitment practices which moved online.

Clark and Zukas refer to employability comprising more than the development of knowledge and skills and ‘concerned with the ability to deploy knowledge and skills appropriately for the

¹⁴⁶ Leonard Holmes, ‘Realist and Relational Perspectives on Graduate Identity and Employability: A Response to Hinchliffe and Jolly’ (2013) *British Educational Research Journal* 39(6) 1044, 1048.

¹⁴⁷ Leonard Holmes, ‘Realist and Relational Perspectives on Graduate Identity and Employability: A Response to Hinchliffe and Jolly’ (2013) *British Educational Research Journal* 39(6) 1044,1049.

¹⁴⁸ Michael Tomlinson, ‘Graduate Employability: A Review of Conceptual and Empirical Themes’ (2012) *Higher Education Policy* 25(4) 407, 424.

¹⁴⁹ Jane Artess, Tristram Hooley and Robin Mellors-Bourne, ‘Employability: A Review of the Literature 2012-2016, A Report for the Higher Education Academy’ (2017) <<https://www.advance-he.ac.uk/knowledge-hub/employability-review-literature-2012-2016>> accessed 12 November 2020.

¹⁵⁰ Jane Artess, Tristram Hooley and Robin Mellors-Bourne, ‘Employability: A Review of the Literature 2012-2016, A Report for the Higher Education Academy’, 18 (2017) <<https://www.advance-he.ac.uk/knowledge-hub/employability-review-literature-2012-2016>> accessed 12 November 2020.

role and the organisation.¹⁵¹ This deployment is something that graduates find challenging and which Bridgstock addresses in her research where she argues that graduates need the skills to be able to, 'proactively navigate the working world and successfully manage the career building process',¹⁵² which will be considered further in 2.6.3. This is of relevance to this study in terms of how the skills and attributes that develop through CLE experiences are deployed.

What is clear from this discussion is that the possession approach has its limitations in what it offers to help enhance employability, but that does not mean that skills and attributes are no longer relevant or important. Skills and attributes developed from CLE are likely to differ to those developed elsewhere and will be part of the alumni employability narrative. Therefore, skills and attributes retain their importance, particularly in relation to how they are articulated and deployed but must be included within a broader frame of reference, which is why an alternative approach framed this study.

In the next section, human capital theory is considered and critiqued as it broadly aligns with the possession approach (as it relates to skills and knowledge), and its relationship to employment outcomes.¹⁵³

2.4.2 Human Capital Theory

Human capital theory feeds into the employability narrative as individuals who invest in themselves by studying for a degree are positioning themselves to improve their individual capital through education to enhance their employability. Economic and social policy decisions are based on human capital theory, which argues that economic growth depends not just on physical assets but on the education, training and skills of the population and this investment in people through education will then benefit society through increased economic growth as well as the individuals through increased salaries.¹⁵⁴ The expansion of higher education, including the widening of the sector to include former polytechnics,¹⁵⁵ has resulted in increasing and widening participation¹⁵⁶ but the massification of higher education presents a

¹⁵¹ Martyn Clark and Miriam Zukas, 'A Bourdieusian Approach to Understanding Employability: Becoming a 'Fish in Water'' (2013) *Journal of Vocational Education & Training* 65(2) 208, 216.

¹⁵² Ruth Bridgstock, 'The Graduate Attributes We've Overlooked: Enhancing Graduate Employability Through Career Management Skills' (2009) *Higher Education Research & Development* 28(1) 31, 35; Ruth Bridgstock, 'Skills for Creative Industries Graduate Success' (2011) *Education and Training* 53(1) 9.

¹⁵³ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 333, 341.

¹⁵⁴ Gary S Becker, *Human Capital: A Theoretical and Empirical Analysis with Special Reference to Education* (3rd ed University of Chicago Press 1993).

¹⁵⁵ The Further and Higher Education Act 1992.

¹⁵⁶ See Theodore W Schulz, *Investing in Human Capital* (University of Chicago Press 1961); Gary S Becker, *Human Capital: A Theoretical and Empirical Analysis with Special Reference to Education* (3rd ed University of Chicago Press 1993); BIS (Department for Business, Innovation and Skills), 'Success as a Knowledge Economy: Teaching Excellence, Social Mobility and Student Choice' (Department for Business, Innovation and Skills 2016).

challenge to the accepted paradigm of human capital theory as universities are no longer the preserve of a relatively small number of people.¹⁵⁷ Within the legal sector for example, in 2019-20, 29,565 UK students applied to study law at undergraduate level in England and Wales; 20,905 were accepted.¹⁵⁸ To give a context to this figure, there were 6,344 law training contracts and 404 pupillages,¹⁵⁹ albeit that not all graduating students have those goals in mind.¹⁶⁰ The increase in the number and diversity of the graduate workforce has clearly disrupted the economic underpinning of the human capital paradigm, with Brown and others pointing out that:

‘The idea that the ‘more you learn the more you earn’ has a degree of validity as long as other people are not learning the same things, otherwise one is running to stand still’.¹⁶¹

However, as Lauder and Mayhew explain, employers now use the possession of a degree as a ‘signal that an individual possesses the necessary capabilities’, that ‘signal’ a generation ago would have been based on lower-level qualifications.¹⁶² In their view, the underlying rationale for obtaining a degree is no longer about improving human capital ‘but a necessary move in a game of positional competition’.¹⁶³ The dominant criticism of the human capital and skills possession concept is that it legitimises inequality as employment is often less about individual agency and more about structural constraints.¹⁶⁴ A UK study in 2016, for example found that that ‘graduates’ family background – specifically whether they come from a lower

¹⁵⁷ Michael Tomlinson, ‘Graduate Employability: A Review of Conceptual and Empirical Themes’ (2012) Higher Education Policy 25(4) 407, 409.

¹⁵⁸ The Law Society, *Becoming a Solicitor: Entry trends*: <<https://www.lawsociety.org.uk/law-careers/becoming-a-solicitor/entry-trends/>> accessed 10 July 2021.

¹⁵⁹ The Law Society, *Becoming a Solicitor: Entry trends*: <<https://www.lawsociety.org.uk/law-careers/becoming-a-solicitor/entry-trends/>> accessed 10 July 2021. In 2019/20 there were 1685 students enrolled on the BPTC, but there were only 404 First Six pupillages registered: Bar Standards Board, *Statistics about the Bar* <<https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/statistics/pupillage-statistics/>> accessed 10 July 2021.

¹⁶⁰ Note that the majority of law students entering higher education envisage a professional career, see, Melissa Hardee, ‘Career Expectations of Students on Qualifying Law Degrees in England and Wales: A Legal Education and Training Survey’ (2012) The Higher Education Academy; Melissa Hardee, ‘Career Expectations of Students on Qualifying Law Degrees in England and Wales Interim Report: Comparing the First Year of the Cohort Study in 2012-2013 with the UKCLE Study March 2012’ (2014) The Higher Education Academy.

¹⁶¹ Philip Brown, Anthony Hesketh and Sara Williams, ‘Employability in a Knowledge-driven Economy’ (2003) *Journal of Education and Work* 16(2) 107, 111.

¹⁶² Hugh Lauder and Ken Mayhew, ‘Higher Education and the Labour Market: An Introduction’ (2020) *Oxford Review of Education* 46(1) 1, 3. A similar point was made by Jackson, see Denise Jackson, ‘The Changing Nature of Graduate Roles and the Value of the Degree’ (2020) *Journal of Higher Education Policy and Management*, 43(2) 1, 4.

¹⁶³ Hugh Lauder and Ken Mayhew, ‘Higher Education and the Labour Market: An Introduction’ (2020) *Oxford Review of Education* 46(1) 1, 3.

¹⁶⁴ Lorraine Delaney and Margaret Farren, ‘No ‘Self’ Left Behind? Part-time Distance Learning University Graduates: Social Class, Graduate Identity and Employability’ (2016) *Open Learning: The Journal of Open, Distance and E-Learning* 31(3) 194.

or higher income household – continues to influence graduate’s earnings long after graduation’.¹⁶⁵ Discourse has been dismissive of the concept of human capital existing in a vacuum, ‘floating free of other forms of capital’ with its implication that those who have social advantages succeed because of their abilities and application rather than their birth and connections.¹⁶⁶ Higdon’s study which gathered student and graduate views on employability, supported a more complex reading of employability, where the acquisition of skills was just the base-line and what was then required was social, cultural and financial capital.¹⁶⁷ The role of financial capital is not further explored in this study but social and cultural capital, which align with the positioning approach, are discussed next.

2.5. The Positioning Approach

In this section, Holmes’s second approach to employability will be considered and critiqued. This is the positioning approach and relates to how individuals are positioned within society and how that impacts on employability. We saw above that the possession of skills and attributes, while important, does not provide a complete picture of what influences employability. Drawing on Brown and others’ work on Positional Conflict Theory, employability is both absolute and relative, absolute in terms of the capital an individual has, and relative in terms of being compared with the capital of others and being dependent on the laws of supply and demand.¹⁶⁸ The positioning approach looks beyond human capital theory and the acquisition of skills to gain an understanding of employability that references the influences of social and cultural capitals. Higdon calls for more research on the student perspectives of capitals, and my research adds to that debate.¹⁶⁹ Given my study is based on alumni from a post-1992 university, the majority of whom described themselves as working class,¹⁷⁰ gaining an insight into what is meant by social and cultural capital is important in building a full picture of what influences employability and what potential role CLE and broader employer engagement could play in building social and cultural capital.

¹⁶⁵ Jack Britton and others, ‘How English Domiciled Graduate Earnings Vary with Gender, Institution Attended, Subject and Socioeconomic Background’ (2016) IFS Working Papers W16/06, Institute For Fiscal Studies <<https://www.ifs.org.uk/uploads/publications/wps/wp201606.pdf>> accessed 10 February 2021.

¹⁶⁶ Simon Marginson, ‘Limitations of Human Capital Theory’ (2019) *Studies in Higher Education* 44(2) 287, 288-289.

¹⁶⁷ Rachel Higdon, ‘Employability: The Missing Voice: How Student and Graduate Views Could be Used to Develop Future Higher Education Policy and Inform Curricula’ (2016) *Power and Education* 8(2) 176, 177.

¹⁶⁸ Philip Brown, Anthony Hesketh and Sara Williams, ‘Employability in a knowledge-driven Economy’ (2003) *Journal of Education and Work*, 16(2) 107.

¹⁶⁹ Rachel Higdon, ‘Employability: The Missing Voice: How Student and Graduate Views Could be Used to Develop Future Higher Education Policy and Inform Curricula’ (2016) *Power and Education* 8(2) 176; Rachel Higdon, ‘From Employability to ‘Complexability’: Creatour – A Construct for Preparing Students for Creative Work and Life’ (2018) *Industry & Higher Education* 32(1) 33.

¹⁷⁰ See 3.4.3 for further information on the social class of the alumni participants.

Bourdieu,¹⁷¹ who is widely referenced in the literature,¹⁷² developed the concept of capitals (economic, social, and cultural) to provide an explanation for the ongoing inequality in society that he argues is perpetuated through the educational system as it gives legitimacy to the existing social hierarchy by transforming it into an apparent hierarchy of gifts and merit.¹⁷³ The meaning and influence of social and cultural capitals will be explored below.

2.5.1 Social Capital

Social capital has been defined as the 'goodwill inherent in social networks'¹⁷⁴ and these social networks can not only be utilised to access career opportunities but may give a positional advantage if employers perceive those networks to offer commercial opportunities.¹⁷⁵ Rolfe and Anderson discuss the advantage of having personal contacts to legal recruiters, while, Macmillan and others' research found that privately educated graduates are a third more likely to enter into high-status occupations (such as law) than state educated graduates and that social networks were found to provide an advantage.¹⁷⁶

Bourdieu sees social capital as being derived from an individual's social position and status and as resources that individuals acquire through 'more or less institutionalised relationships of mutual acquaintance and recognition'.¹⁷⁷ Tomlinson suggests that social capital 'mobilises graduates' existing human capital through developing bridging ties' with other key social actors where they can use those networks to gain greater insights, insider knowledge, and understandings into potential opportunities and the gatekeepers to those opportunities.¹⁷⁸ Fugate and others refer to the influence of job search behaviours of individuals who had well

¹⁷¹ Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society, and Culture* (2nd edn, SAGE publications 1977); Pierre Bourdieu, 'The Forms of Capital' in JG Richardson (ed), *Handbook of Theory and Research for the Sociology of Education* (Greenwood Press 1986) 46–58.

¹⁷² Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 333; Stella Williams and others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877; Jason D Edgerton and Lance W Roberts, 'Cultural Capital or Habitus? Bourdieu and Beyond in the Explanation of Enduring Educational Inequality' (2014) *Theory and Research in Education* 12(2) 193; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

¹⁷³ Jason D Edgerton and Lance W Roberts, 'Cultural Capital or Habitus? Bourdieu and Beyond in the Explanation of Enduring Educational Inequality' (2014) *Theory and Research in Education* 12(2) 193, 193.

¹⁷⁴ Mel Fugate, Angelo J Kinicki, Blake E Ashforth, 'Employability: A Psycho-social Construct, Its Dimensions, and Applications' (2004) *Journal of Vocational Behavior* 65(1) 14, 23.

¹⁷⁵ Stella Williams and others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877, 889.

¹⁷⁶ Heather Rolfe and Tracy Anderson, 'A Firm Choice: Law Firms' Preferences in the Recruitment of Trainee Solicitors' (2003) *International Journal of the Legal Profession* 10(3) 315, 319; Lindsey Macmillan, Claire Tyler and Anna Vignoles, 'Who Gets the Top Jobs? The Role of Family Background and Networks in Recent Graduates' Access to High-status Professions' (2015) *Journal of Social Policy* 44(3) 487.

¹⁷⁷ Pierre Bourdieu, 'The Forms of Capital' in JG Richardson (ed), *Handbook of Theory and Research for the Sociology of Education* (Greenwood Press 1986) 241-258.

¹⁷⁸ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 342.

developed social capital, where they were able to utilise both informal networks (e.g. 'friend of a friend') and formal ones (e.g. company sponsored placement services).¹⁷⁹ Social capital is based on 'who you know' rather than 'what you know' and therefore the size and diversity of an individual's network is going to determine the amount of information and influence provided.¹⁸⁰ Tomlinson certainly thinks so, suggesting,

'The more points of social connection individuals are able to establish, from diverse and knowledge-enriching sources, the more knowledgeable and trusting they may become towards areas of social or economic life to which they may have been less familiar'.¹⁸¹

Students need to be able to build these social networks, which is a greater challenge for some, particularly students from the lower socio-economic groups who may have limited access to these 'bridging ties' that would connect them to opportunities.¹⁸² The CLE experience where students engage with qualified solicitors, could potentially provide these 'bridging ties' as well as more standard employer engagement opportunities through careers fairs, employer events and work experience. Turning now to cultural capital.

2.5.2 Cultural Capital

Williams and others¹⁸³ and Tomlinson¹⁸⁴ refer to Bourdieu's¹⁸⁵ concept of cultural capital, with Tomlinson suggesting it is 'the formation of culturally valued knowledge, dispositions and behaviours aligned to the workplaces that graduates seek to enter'.¹⁸⁶ The cultural capital narrative therefore aligns with the representations of fit between employer and employee referred to in the literature.¹⁸⁷ Friedman and Laurison refer to 'fit' as mastering behavioural

¹⁷⁹ Mel Fugate, Angelo J Kinicki and Blake E Ashforth, 'Employability: A Psycho-social Construct, Its Dimensions, and Applications' (2004) *Journal of Vocational Behavior* 65(1) 14, 24.

¹⁸⁰ Mel Fugate, Angelo J Kinicki and Blake E Ashforth, 'Employability: A Psycho-Social Construct, Its Dimensions, and Applications' (2004) *Journal of Vocational Behavior* 65(1) 14, 24.

¹⁸¹ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 342.

¹⁸² Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 342.

¹⁸³ Stella Williams and others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877.

¹⁸⁴ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 342.

¹⁸⁵ Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society, and Culture* (2nd edn, SAGE publications 1977); Pierre Bourdieu, 'The Forms of Capital' in JG Richardson (ed), *Handbook of Theory and Research for the Sociology of Education* (Greenwood Press 1986) 46–58.

¹⁸⁶ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 343.

¹⁸⁷ Stella Williams and others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877.

codes and a key way of signalling that you are the 'right type' to get the job.¹⁸⁸ This approach challenges the human capital and possession conceptualisation examined in 2.4 and discusses employability in terms of a 'justification for unequal opportunities',¹⁸⁹ where employers use recruitment and selection processes that perpetuate forms of injustice. With the massification of HE, employers look less at formal credentials and instead focus on more subjective credentials, related to the 'personality package' which employers claim can be assessed objectively through increasingly complex recruitment and selection structures¹⁹⁰ but which all too often results in recruitment of people like themselves in terms of having the same personal and cultural capital as the existing senior managers.¹⁹¹ Tomlinson discusses the importance of being able to demonstrate the 'interpersonal and behavioural expectations' of a particular sector with the demonstration of appropriate forms of capital through 'accent, body language, humour and the overall personality package' being important.¹⁹²

In the educational context, while formal credentials at one time signalled elite achievement, Tomlinson suggests that this may be 'less potent' in the world of mass access to HE.¹⁹³ In the current graduate labour market where there is a bountiful supply of graduates, those from privileged backgrounds are more likely to have acquired educational credentials from attending a more elite university that secure advantage with elite employers who recruit from a small pool of pre-1992 universities.¹⁹⁴ To ensure positional advantage, other credentials are required as is demonstrated through Bathmaker and others' research, which explores students' awareness of 'how to play the game' of enhancing their chances of acquiring jobs through deployment of cultural capital, often formed through extracurricular activities rather than the university experience.¹⁹⁵ While undertaking extra-curricular activities translate into valuable personal capital, Bathmaker and others found a class disparity, with middle class

¹⁸⁸ Sam Friedman and Daniel Laurison, *The Class Ceiling: Why It Pays To Be Privileged* (Policy Press 2020) 124.

¹⁸⁹ Stella Williams and others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877, 896.

¹⁹⁰ Philip Brown, Anthony Hesketh and Sara Williams, 'Employability in a Knowledge-driven Economy' (2003) *Journal of Education and Work* 16(2) 107, 121.

¹⁹¹ Phillip Brown, Anthony Hesketh and Sara Williams, *The Mismanagement of Talent: Employability and Jobs in the Knowledge Economy* (Oxford University Press 2004) 223; Louise Ashley and others, 'A Qualitative Evaluation of Non-Educational Barriers to the Elite Professions (Social Mobility and Child Poverty Commission, June 2015)' <https://dera.ioe.ac.uk/23163/1/A_qualitative_evaluation_of_non-educational_barriers_to_the_elite_professions.pdf> accessed 10 March 2019.

¹⁹² Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 344.

¹⁹³ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 343.

¹⁹⁴ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 547.

¹⁹⁵ Ann-Marie Bathmaker, Nicola Ingram and Richard Waller, 'Higher Education, Social Class and the Mobilisation of Capitals: Recognising and Playing the Game' (2013) *British Journal of Sociology of Education* 34(5-6) 723.

students more likely to engage with these activities.¹⁹⁶ Bathmaker and others' and Burke and others' research highlights the different understandings students from different socio-economic groups have of understanding the 'rules of the game' for success in the graduate recruitment market and having the knowledge and confidence to decipher and navigate them.¹⁹⁷

For students engaging with CLE, cultural capital may be developed from it as there will be exposure to the legal sector and legal practitioners, and insights gained into workplace behaviours. The CLE experience may help these students and although the CLE module is not extra-curricular, it has a similar effect in enhancing personal capital, particularly for those alumni from lower socio-economic groups who may not have a strong understanding of the 'rules of the game' of the graduate recruitment market.

The positioning approach to employability appears to be deeply pessimistic if taken to its conclusion as it would mean no one from a disadvantaged or working-class background who has not had on-going exposure to cultural experiences, who went to the 'wrong' university, who has the 'wrong' accent and who has limited networks would never be able to access the best graduate positions. We know that not to be the case. However, social mobility remains an issue and the elite professions such as law, do have a 'class ceiling' which make it harder for working-class students to access them and even when they do get access, they will earn less than those from a privileged background.¹⁹⁸ Therefore, universities, particularly post-1992 universities and those who have students from lower socio-economic groups must have an understanding of the impact of cultural and social capital and how universities can support students to develop them. These issues are pertinent to my study, which involves a post-1992 university and alumni participants, the majority of whom described themselves as working-class. Tomlinson suggests processes of 'cultural unfreezing' and 'expanding the realms of the possible' through exposure to institutional cultures,¹⁹⁹ while Holmes rejects what he refers to

¹⁹⁶ Ann-Marie Bathmaker, Nicola Ingram and Richard Waller, 'Higher Education, Social Class and the Mobilisation of Capitals: Recognising and Playing the Game' (2013) *British Journal of Sociology of Education* 34(5-6) 723, 740; See also Michael Tomlinson, 'The Degree is Not Enough': Students' Perceptions of the Role of Higher Education Credentials for Graduate Work and Employability' (2008) *British Journal of Sociology of Education*, 29(1) 49; Social Mobility Commission, 'An Unequal Playing Field' (2019) <<https://www.gov.uk/government/publications/extra-curricular-activities-soft-skills-and-social-mobility>> accessed 15 July 2020.

¹⁹⁷ Ann-Marie Bathmaker, Nicola Ingram and Richard Waller, 'Higher Education, Social Class and the Mobilisation of Capitals: Recognising and Playing the Game' (2013) *British Journal of Sociology of Education* 34(5-6) 723; Ciaran Burke, Tracy Scurry and John Blenkinsopp, 'Navigating the Graduate Labour Market: The Impact of Social Class on Student Understandings of Graduate Careers and the Graduate Labour Market' (2020) *Studies in Higher Education* 45(8) 1711.

¹⁹⁸ Sam Friedman and Daniel Laurison, *The Class Ceiling: Why It Pays To Be Privileged* (Policy Press 2020) 29-39, 47-51.

¹⁹⁹ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 344.

as a 'counsel of despair'. Holmes argues that the positioning approach does not take account of:

'The interactional process by which individual persons, real human beings rather than members of a social category, make their way into, through and out of higher education, and into the social arenas of their post-graduation lives.'

Thus, Holmes develops a processual or graduate identity approach to employability where individuals make a difference to their likelihood of gaining employment through the actions they take. The processual or graduate identity approach is discussed next.²⁰⁰

2.6 The Processual Approach

While the previous sections critiqued the *possession* and *positioning* approaches to employability that dominated the discourse, this section will consider the approach that influenced this study, Holmes's alternative conceptualisation, the processual or graduate identity approach.²⁰¹ Holmes's approach is supported in the wider literature. Tomlinson argues that employability is a 'dynamic, relational and socially mediated process' where graduates are interacting and making sense of the world through the identities and dispositions that they are developing²⁰² and later studies adopted this approach too,²⁰³ all of which are discussed at 2.6.1-2.6.4 below.

2.6.1 Actions

The processual approach, also identified as the graduate identity approach, draws on interactionist, constructionist social theory and was conceived by Holmes and discussed in his

²⁰⁰ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 548.

²⁰¹ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 538-554.

²⁰² Michael Tomlinson, 'Investing in the Self: Structure, Agency and Identity in Graduates' Employability' (2010) *Education, Knowledge and Economy* 4(2) 73, 80.

²⁰³ See for example, Geoffrey W Hinchliffe and Adrienne Jolly, 'Graduate Identity and Employability' (2011) *British Educational Research Journal* 37(4) 563; Belgin Okay-Somerville and Dora Scholarios, 'Position, Possession or Process? Understanding Objective and Subjective Employability During University-to-Work Transitions' (2017) *Studies in Higher Education* 42(7) 1275; Kirsty Finn, 'Relational Transitions, Emotional Decisions: New Directions for Theorising Graduate Employment' (2017) *Journal of Education and Work* 30(4) 419, 421; Ruth Bridgstock and Denise Jackson, 'Strategic Institutional Approaches to Graduate Employability: Navigating Meanings, Measurements and What Really Matters' (2019) *Journal of Higher Education Policy and Management* 41(5) 468.

2001 conceptual paper.²⁰⁴ The original paper is highly theoretical and as such the approach can appear inaccessible from a practical perspective. In later papers, Holmes provides a fuller explanation, and the practical implications of the approach are more clearly elucidated²⁰⁵ and tested empirically within the context of early career trajectories of participants entering post-graduate employment.²⁰⁶

The processual approach plays out in the decisions and actions individuals take about their employability²⁰⁷ and conceptualises employability as a process which takes the graduate from education to employment and is experienced through the interactions between the graduates seeking employment and the 'gatekeepers' to that employment.²⁰⁸ This more dynamic and interactional interpretation, where employability is not static but an ongoing process is supported by Tomlinson who asserts that in a job market where increasing demands are placed on graduates, they need to 'continually maintain their employability'.²⁰⁹ The processual approach is based on an identity project²¹⁰ where the individual must become a graduate by acting in ways that lead others to 'ascribe to them the identity of being worthy of being employed'.²¹¹ The identity that is claimed by the individual does not exist in a vacuum but will play out in their interactions with others (and be subject to a range of social and contextual factors (e.g. social background)), who will either affirm or disaffirm the claimed identity. The influence of the CLE experiences will be relevant here as the students build their identity, and through interactions with employers, will have that identity affirmed or disaffirmed.

The processual approach contrasts to the employability as possession approach, which would lead the graduate to the conclusion that if they do not get a particular graduate job they have to improve on their skills and attributes. The processual approach is a relational approach to the concept of employability where identity is 'socially constructed, negotiated and fragile' in

²⁰⁴ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111.

²⁰⁵ Leonard Holmes, 'Reconsidering Graduate Employability: Beyond Possessive-individualism' (2006) Paper presented at the Seventh International Conference on HRD Research and Practice across Europe, Tilburg, The Netherlands, 22-24 May; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; Leonard Holmes, 'Realist and Relational Perspectives on Graduate Identity and Employability: A Response to Hinchliffe and Jolly' (2013) *British Educational Research Journal* 39(6) 1044, 1049.

²⁰⁶ Leonard Holmes, 'Becoming a Graduate: The Warranting of an Emergent Identity' (2015) *Education + Training* 57(2) 219.

²⁰⁷ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111.

²⁰⁸ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 540.

²⁰⁹ Michael Tomlinson, 'Graduate Employability: A Review of Conceptual and Empirical Themes' (2012) *Higher Education Policy* 25(4) 407, 413.

²¹⁰ Rom Harre', *Personal Being (Ways of Being)* (Blackwell 1983).

²¹¹ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 549.

that it could be contested.²¹² Clark and Zukas also conceptualise employability in relational terms dependent on individuals developing required ‘positions and dispositions’ as well as workplace culture and social contacts.²¹³ Tomlinson espouses this relational approach too in his 2012 review of conceptual and empirical themes when he suggests:

‘That graduates’ employability is intimately related to personal identities and frames of reference reflects the socially constructed nature of employability more generally: it entails a negotiated ordering between the graduates and the wider social and economic structures through which they are navigating’.²¹⁴

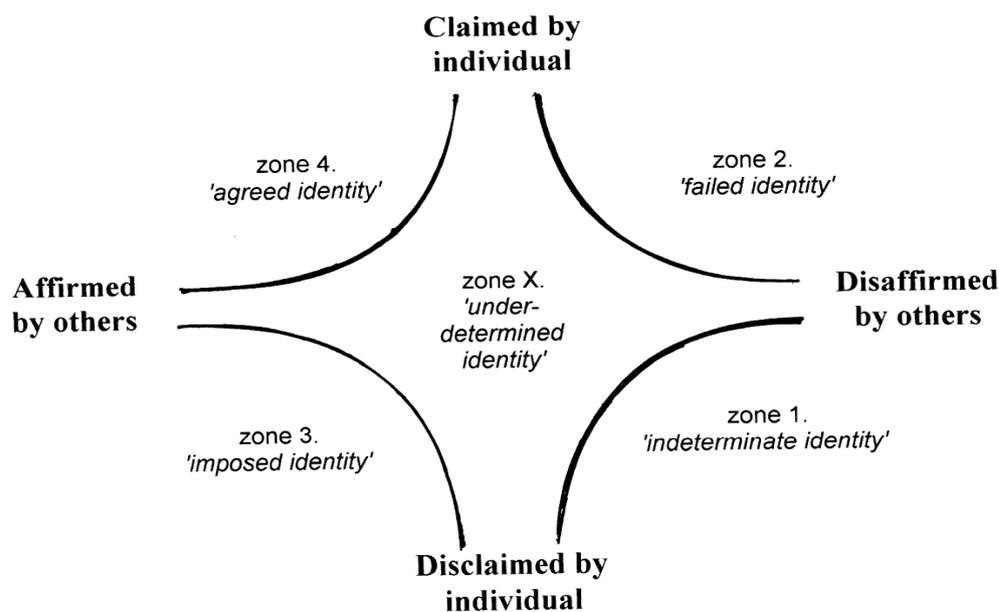
Holmes devised a model (Diagram 2) to show possible emergent identity positions which attempts to show the trajectories of individuals as they transition *in, through and on from* education and/or training and into employment. If a claimed identity is affirmed by others it becomes an agreed identity (zone 4); if it is disaffirmed it becomes a failed identity (zone 2), which might result in the graduate being employed but not in a graduate position (zone x). The individual may not agree with how they are being ascribed or may later change their mind in relation to a particular job, in which case they will fall into zone 3 with an ‘imposed identity.’ Finally, there may be an indeterminate position where the interactions have not resulted in a definitive judgement, and this is shown as the ‘indeterminate identity’ in zone 1. This model is pertinent to my study and while Holmes’s research is limited to the trajectories of individual graduates, my research develops the approach by applying it to a specific academic context, CLE. My research looks at how identities developed from clinical experiences are claimed, disclaimed, affirmed, and disaffirmed. Alumni and employer perceptions of the impact of CLE through the CLE module are explored through this frame of reference.

²¹² Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538, 549.

²¹³ Martyn Clark and Miriam Zukas, ‘A Bourdieusian Approach to Understanding Employability: Becoming a ‘Fish in Water’’ (2013) *Journal of Vocational Education & Training* 65(2) 208, 216.

²¹⁴ Michael Tomlinson, ‘Graduate Employability: A Review of Conceptual and Empirical Themes’ (2012) *Higher Education Policy* 25(4) 407, 428.

Diagram 2: Holmes's Model of Modalities of Emergent Identities²¹⁵



Within this approach, it must be understood how an individual's identity claims are affirmed or disaffirmed. Holmes applies the idea of *warranting* to emergent identity to explain how an individual *warrants* their claim that they are worthy of graduate employment and indeed how employers *warrant* the decisions they make around who they recruit. This reintroduces the vocabulary of skills and attributes as graduates and employers may use the vocabulary of skills and attributes to warrant identity claims. In this context, Holmes states that, 'the language of skills is best used as a way of alluding to practices appropriate to the occupational setting',²¹⁶ which Knight and Yorke are in agreement with, explaining that it is pragmatic to do so.²¹⁷ As discussed in section 2.4.1 above, Holmes is critical of the large number of lists and frameworks articulated in the possession approach, as when graduates are seeking employment or, once employed are having to warrant their ongoing claim on the graduate identity in relation to their job performance, it is unlikely that there will be a 'specific and limited' set of terms. He maintains however that it is, 'the very plethora of terms, the richness of the vocabulary, that enables a graduate to maintain their warranting, adjusting their linguistic

²¹⁵ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 550.

²¹⁶ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 544.

²¹⁷ Phillip Knight and Mantz Yorke, 'Employability and Good Learning in Higher Education' (2003) *Teaching in Higher Education* 8(1) 3, 7.

repertoire to the (untechnical) usage by interlocutors'.²¹⁸ Therefore, skills and attributes remain relevant and graduates need to be able to use the terminology of skills and attributes to refer to practices they believe to be appropriate within a particular occupational context when they are applying for graduate jobs.²¹⁹ This will be relevant for students engaging with CLE as they develop skills and attributes through their CLE experiences and potentially build their understanding of the occupational context to enable them to articulate those in a sector appropriate way.

A processual approach to employability has been argued to be even more important now with the changes occurring in work due to the disruptive influences of technologies and therefore the emphasis should be on enabling career self-management as there will be a need to continually adapt and reskill.²²⁰ Holmes's processual approach has not been used extensively in other research, perhaps due to the highly theoretical nature of his original paper²²¹ but it has influenced other studies, such as that of Okay-Somerville and Scholarios who use it to provide a better understanding of successful university-to-work transitions, highlighting the importance of proactive career self-management, which forms part of the processual, interactional conceptualisation and will be discussed further in section 2.6.3.²²² Finn's research extends Holmes's conceptualisation by exploring emotional and personal concerns of graduates that sit 'outside the official relations of HE and employment' to gain an understanding of the role of graduates' relational networks in employability.²²³ A paper by Hinchliffe and Jolly provides an insight into the kinds of graduate experience that employers are interested in, which they categorise as values; intellect; performance (the ability to deliver results); and engagement (the ability to engage with others across a variety of contexts).²²⁴ It has been used within a legal context, where Francis argues that legal employability has to be taken beyond the skills and attributes conceptualisation and understood through the psychological concept of 'possible selves', being what students imagine they can become.²²⁵ Francis argues that employability is a negotiated and situated process and this resonates with

²¹⁸ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 551.

²¹⁹ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 116.

²²⁰ Ruth Bridgstock and Denise Jackson, 'Strategic Institutional Approaches to Graduate Employability: Navigating Meanings, Measurements and What Really Matters' (2019) *Journal of Higher Education Policy and Management* 41(5) 468.

²²¹ Discussed earlier in this section.

²²² Belgin Okay-Somerville and Dora Scholarios, 'Position, Possession or Process? Understanding Objective and Subjective Employability During University-to-Work Transitions' (2017) *Studies in Higher Education* 42(7) 1275.

²²³ Kirsty Finn, 'Relational Transitions, Emotional Decisions: New Directions for Theorising Graduate Employment' (2017) *Journal of Education and Work* 30(4) 419, 421.

²²⁴ Geoffrey W Hinchliffe and Adrienne Jolly, 'Graduate Identity and Employability' (2011) *British Educational Research Journal* 37(4) 563.

²²⁵ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 175.

both Tomlinson and Holmes.²²⁶ The former argues that it is a 'socially active process by the way graduates position themselves and are positioned,' and the latter developed the processual/'graduate identity' conceptualisation of employability discussed earlier.

Holmes emphasises the importance of not conflating his graduate identity approach with 'graduate attributes', the latter equating or associating graduate identity with the acquisition of skills and attributes.²²⁷ Holmes separated out the conceptualisation of graduate identity from that of graduateness and refers to the latter as the realist perspective, which he argues is,

'... intended to encompass attempts to investigate graduate employability on the assumption that there are discrete, existent, objectively real and (in principle) identifiable characteristics of graduates that constitute their identity and employability.'

Holmes contrasts this 'realist' approach with the 'relational' approach and suggests that the 'relational' approach to graduate identity should be used to make further contributions to employability research that are novel. My research sits within the relational perspective, in that it does not seek to simply establish skills and attributes that are gained from the CLE module, but frames employability as socially constructed and negotiated, and explores the role CLE plays in graduates constructing their employability narrative. A novel contribution stems from my study in looking at employability from a professional identity conceptualisation, which is an extension of the graduate identity construct discussed by Holmes and aligned to the processual approach. Professional identity is considered in the next section.

2.6.2 Constructing a Professional Identity

As we saw in section 2.6.1, identity is a key construct in Holmes's processual approach, a view shared by a number of academics, including Tomlinson, Bridgstock, and Jackson²²⁸ where individuals are 'progressively constructing and refining their career and life identities

²²⁶ Michael Tomlinson, 'Investing in the Self: Structure, Agency and Identity in Graduates' Employability' (2010) *Education, Knowledge and Economy* 4(2) 73, 74; Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 112.

²²⁷ Leonard Holmes, 'Realist and Relational Perspectives on Graduate Identity and Employability: A Response to Hinchliffe and Jolly' (2013) *British Educational Research Journal* 39(6) 1044.

²²⁸ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Michael Tomlinson, 'Investing in the Self: Structure, Agency and Identity in Graduates' Employability' (2010) *Education, Knowledge and Economy* 4(2) 73; Ruth Bridgstock and Denise Jackson, 'Strategic Institutional Approaches to Graduate Employability: Navigating Meanings, Measurements and What Really Matters' (2019) *Journal of Higher Education Policy and Management* 41(5) 468; Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925.

through authentic experiences and social interactions'.²²⁹ This is contrasted with conceptualising employability as simply about the acquisition of skills and attributes. When Holmes wrote about graduate identity in his 2001 paper, he refers to it being unclear whether employers want skills *per se* or whether they want the graduates to perform in a certain way, which he refers to as 'competently' and 'effectively'.²³⁰ For graduates to perform well in this arena, they must understand the 'practices of that occupational' arena rather than simply focusing on skills-acquisition. Tomlinson refers to the 'work-related disposition and identities' that graduates are developing as they approach the labour market.²³¹

These references to the occupational arena and work-related dispositions extend the identity construct to the development of professional identity, which is particularly relevant to my research where students are engaging with a CLE module. There is a paucity of literature that explores the development of professional identity through university, as was established by Trede and others²³² who struggled to find a definition of professional identity, other than 'this sense of being a professional'.²³³ They connected elements of professional identity to the pressure HEIs face in preparing graduates for the world of work and refer to that preparation including learning professional roles, understanding workplace cultures, commencing the professional socialisation process and educating towards citizenship.²³⁴ In reviewing the literature they focus on the notion that professional identity 'is a way of being and a lens to evaluate, learn and make sense of practice'.²³⁵ Ryan and Carmichael refer to professional identity as involving,

'... the understanding and application of particular disciplinary knowledge and skills that mark us out as members of a profession including an understanding of accepted ways of knowing, relating and being in that field'.²³⁶

²²⁹ Ruth Bridgstock and Denise Jackson, 'Strategic Institutional Approaches to Graduate Employability: Navigating Meanings, Measurements and What Really Matters' (2019) *Journal of Higher Education Policy and Management* 41(5) 468, 475.

²³⁰ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 112.

²³¹ Michael Tomlinson, 'Graduate Employability: A Review of Conceptual and Empirical Themes' (2012) *Higher Education Policy* 25(4) 407, 409.

²³² Franziska Trede, Rob Macklin and Donna Bridges, 'Professional Identity Development: A Review of the Higher Education Literature' (2012) *Studies in Higher Education* 37(3) 365, 368.

²³³ Margo Paterson and others, 'Clinical Reasoning and Self-directed Learning: Key Dimensions in Professional Education and Professional Socialisation' (2002) *Focus on Health Professional Education* 4(2) 5, 6.

²³⁴ Franziska Trede, Rob Macklin and Donna Bridges 'Professional Identity Development: A Review of the Higher Education Literature' (2012) *Studies in Higher Education* 37(3) 365, 365.

²³⁵ Franziska Trede, Rob Macklin and Donna Bridges, 'Professional Identity Development: A Review of the Higher Education Literature' (2012) *Studies in Higher Education* 37(3) 365, 374.

²³⁶ Mary Ryan and Mary-Ann Carmichael, 'Shaping (reflexive) Professional Identities Across an Undergraduate Programme: A Longitudinal Case Study' (2016) *Teaching in Higher Education* 21(2) 151, 151.

Professional identity is therefore relevant to this study as through the CLE module alumni were part of a professional setting, gaining insights and understandings of the accepted ways of behaving, relating and being in that professional setting. Legal professional identity is explored in a longitudinal study by Sommerlad,²³⁷ and while it is not directly relevant to CLE, it does provide interesting insights into the legal profession and as such is related to the broader context of my study. Sommerlad's research focuses on what she describes as non-traditional (working-class) entrants to the legal profession who were undertaking a Legal Practice Course in a post-1992 university in a large provincial city and followed them as they moved into employment.²³⁸ The study findings were explored within theoretical perspectives, such as theories of symbolic, linguistic, and cultural capital and provided interesting findings on the issue of class within the legal profession. Professional identity formation for 'outsiders' (non-traditional entrants) is premised differently from privileged 'insiders' as their 'current cultural life and schemes of perception are ... incompatible with those of legal professionalism.'²³⁹ To develop a professional identity, individuals need to have a 'strategic understanding' of the professional landscape and many working-class students lack familial connections at an early stage to gain those understandings.²⁴⁰ The encoding of certain behaviours that then signify professional behaviours may not be understood by non-traditional entrants who have had limited exposure to professional socialisation. Given my study relates to students in a post-1992 university, the majority of whom described themselves as working-class, it will be important to see if CLE plays a role in helping these students, considered 'outsiders', to develop their professional identities.

Jackson presents an exploration of how a pre-professional identity, which includes skills, qualities, conduct, culture, and ideology of a student's intended profession, can be cultivated in HE.²⁴¹ To Jackson, a pre-professional identity is a less mature form of professional identity which she situates within Wenger's concept of a *landscape of practice*²⁴² with the HE landscape providing the 'rich setting' where students can interact with 'different communities, including professional associations, student societies, community groups, academics, career

²³⁷ Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society* 34 (2) 190.

²³⁸ Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society* 34 (2) 190, 196.

²³⁹ Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society* 34 (2) 190, 198.

²⁴⁰ Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society* 34 (2) 190, 200.

²⁴¹ Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925, 926.

²⁴² Etienne Wenger, 'Communities of Practice and Social Learning Systems: The Career of a Concept' in E Wenger (ed), *Social Learning Systems and Communities of Practice* (Springer 2010).

services, students support services and employers.²⁴³ Through these interactions, students are able to 'reflect, visualise and imagine themselves as a graduate and novice professional to develop their understanding of self.'²⁴⁴ This will be of relevance to the alumni in this study; to explore what communities they have engaged with beyond CLE as they constructed their employability narrative. A particularly important 'landscape of practice' that affects this study relates to what Jackson refers to as 'work-integrated learning' (WIL), which includes placements, internships, client-based projects, simulations, and mentoring programmes, which is considered in the following section.²⁴⁵

2.6.2.1 The Role of Legal Work Experience in Constructing a Professional Identity

Jackson argues that WIL 'encourages pre-professional identity' as it gives students a 'clear understanding of the responsibilities, standards and expectations of their chosen profession'.²⁴⁶ Within the legal sector, work experience tends to be of two types, first, informally arranged work experience for anything from one day to a few weeks, and second, formal vacation schemes, which tend to last for a week or two and are part of the trainee recruitment process.²⁴⁷ Research by Francis and Sommerlad explores the increased significance of legal work experience as a gateway to the elite corporate sector of the legal profession in the (re) production of legal professional identity.²⁴⁸ Professional identity in this context relates to the legal profession's identity as opposed to being individualistic. In this preliminary exploration, a survey of legal firms combined with a review of firms' websites and discussion boards reaches tentative conclusions that legal work experience (focusing on vacation placements) can sometimes be obtained through contacts rather than via any formal process and that social and cultural capital 'remain highly significant factors' in obtaining work experience.²⁴⁹ Given that these vacation placements feed into the trainee recruitment process, they argue that vacation placements are a means of reproducing an exclusionary identity and occupational closure.²⁵⁰ Making a similar point, Francis draws attention to the difficulties faced by students

²⁴³ Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925, 926.

²⁴⁴ Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925, 926.

²⁴⁵ Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925, 930.

²⁴⁶ Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925, 930.

²⁴⁷ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 180.

²⁴⁸ Andrew Francis and Hilary Sommerlad, 'Access to Legal Work Experience and its Role in the (Re)production of Legal Professional Identity' (2009) *International Journal of the Legal Profession* 16(1) 63.

²⁴⁹ Andrew Francis and Hilary Sommerlad, 'Access to Legal Work Experience and its Role in the (Re)production of Legal Professional Identity' (2009) *International Journal of the Legal Profession* 16(1) 63, 65.

²⁵⁰ Andrew Francis and Hilary Sommerlad, 'Access to Legal Work Experience and its Role in the (Re)production of Legal Professional Identity' (2009) *International Journal of the Legal Profession* 16(1) 63, 79.

from 'non-traditional' (working-class) backgrounds in accessing work experience,²⁵¹ where it would appear it is not equally available to everyone, with students with connections to the profession being twice as likely to secure work experience at an earlier stage than those without connections.²⁵² Furthermore, students in the pre-1992 universities were far more likely to have attempted to secure legal work experience. For those students who did not attempt to obtain work experience, the most common reason for not doing so was that they did not know how to arrange it, with the post-1992 students being twice as likely as the pre-1992 students to provide that reason. Francis went on to report that post-1992 students were more likely to say that they did not apply because 'they didn't think of it' or were 'too nervous' to apply. Francis refers to work experience as being a 'crucial dimension' in developing an employability narrative,²⁵³ where insights are gained to help make informed career decisions. However, the value of work experience depends on the nature of the experience and having an understanding of the value and role of the experience.²⁵⁴

While work experience appears important to the employability narrative, it is not sufficient in itself and will only have a positive outcome if the graduates can translate that into a narrative that demonstrates they have the necessary skills and attributes.²⁵⁵ Work experience is apposite to this study, CLE as experienced through the CLE module could be seen as a form of work experience in terms of providing an understanding of the responsibilities, standards and expectations of the legal profession, which may otherwise be hard to secure for those without 'connections', and it will be valuable to explore how CLE experience is viewed by alumni and employers, alongside other forms of work experience.

As has been explained, the processual approach relates to *actions*, to what graduates do to develop their employability²⁵⁶ and manage university-to-work transitions,²⁵⁷ therefore career management forms part of this processual approach and is considered in the following section.

²⁵¹ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 185.

²⁵² Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 187.

²⁵³ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 187.

²⁵⁴ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 187.

²⁵⁵ David J Finch and others, 'A Dynamic Capabilities View of Employability: Exploring the Drivers of Competitive Advantage for University Graduates' (2013) *Education + Training* 58(1) 61, 74.

²⁵⁶ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111.

²⁵⁷ Belgin Okay-Somerville and Dora Scholarios, 'Position, Possession or Process? Understanding Objective and Subjective Employability During University-to-Work Transitions' (2017) *Studies in Higher Education* 42(7) 1275, 1276.

2.6.3 Career Management as Part of the Processual Approach

As mentioned in section 2.6.2 above, career management forms part of the processual approach to employability and refers to an individual's ability to navigate the labour market to achieve their career goals.²⁵⁸ Bridgstock's research positions career management at the heart of employability and she defines it as,

'... creating realistic and personally meaningful career goals, identifying, and engaging in strategic work decisions and learning opportunities, recognising work/life balance, and appreciating the broader relationships between work, the economy and society... it also includes the process involved in obtaining and maintaining work.'²⁵⁹

Williams and others identified two sub-dimensions of career management, being signal management and self-management. Signal management, which is based on the work of Spence,²⁶⁰ is where inferences are drawn through signals individuals display and how those are interpreted. Signal management focuses on individuals being able to identify signalling opportunities and then being able to effectively present or articulate their signals (comprising skills, knowledge, attributes), which aligns with the earlier literature of employability being linked to the possession of skills and attributes and there are links to social capital in terms of the role of networking in identifying opportunities, and cultural capital in terms of qualifications and demonstrating common ways of thinking.²⁶¹ This demonstrates the interconnectivity of the different approaches to conceptualising employability.

The second sub-dimension of career management identified by Williams and others is self-management skills, which they suggest complements signal management. They model self-management skills on Bridgstock's definition, being an 'individual's perception and appraisal of themselves in terms of values, abilities, interests and goals.'²⁶² A recent study by Jackson and Tomlinson,²⁶³ reveals a prevalence of intrinsic career values²⁶⁴ in students' career decision making and those values-driven students were more likely to demonstrate career

²⁵⁸ Stella Williams others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877, 880.

²⁵⁹ Ruth Bridgstock, 'The Graduate Attributes We've Overlooked: Enhancing Graduate Employability Through Career Management Skills' (2009) *Higher Education Research & Development* 28(1) 31, 36.

²⁶⁰ Michael Spence, 'Job Market Signalling' (1973) *The Quarterly Journal of Economics* 87(3) 355.

²⁶¹ Stella Williams others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877, 893.

²⁶² Ruth Bridgstock, 'The Graduate Attributes We've Overlooked: Enhancing Graduate Employability Through Career Management Skills' (2009) *Higher Education Research & Development* 28(1) 31, 37.

²⁶³ Denise Jackson and Michael Tomlinson, 'Career Values and Proactive Career Behaviour Among Contemporary Higher Education Students' (2019) *Journal of Education and Work* 32(5) 449.

²⁶⁴ Intrinsic career values include, meaning and sense of purpose; alignment with personal values/beliefs; fulfilment and enjoyment; challenge and creativity; work/life balance; passion/calling, see Denise Jackson and Michael Tomlinson, 'Career Values and Proactive Career Behaviour Among Contemporary Higher Education Students' (2019) *Journal of Education and Work* 32(5) 449, 457.

management proactivity.²⁶⁵ This links to the psychological resources that graduates can draw on to cope with the challenges of managing their career in an ever-changing and turbulent career environment.²⁶⁶ Williams and others refer to adaptability, resilience, self-efficacy and flexibility as being important²⁶⁷ and Tomlinson refers to the ability to cope with the inevitable pressures and set-backs they will encounter during their careers and developing proactive strategies to deal with that.²⁶⁸ Building psychological resources has clear benefits, including higher self-perceived employability and job search behaviours and productive coping strategies.²⁶⁹ The CLE module may play a part in developing psychological resource as the alumni deal with the pressures and challenges of a live client environment and what that means in terms of enhancing their employability.

An awareness of the importance of career identity is incorporated within self-management, and it goes beyond the stage where individuals set their career goals and expands this notion to being able to accurately appraise their own abilities and values and being able to relate those to the working environment.²⁷⁰ Williams and others refer to research by Hillage and Pollard highlighting the importance in career management of self-awareness and deployment, in terms of not only being aware of human capital but how that awareness is 'actively' used.²⁷¹ They draw on research by Dacre Pool and Sewell in their CareerEDGE model,²⁷² where reflection and evaluation are linked to the development of self-esteem, self-confidence and self-efficacy. If self-awareness and reflection are absent, then despite having the human capital, the necessary signals are incapable of being presented. Reflection is part of the CLE experience, which if this theory is evidenced may help students present the skills and attributes they have developed during the CLE module through that signalling process.

As part of career management, Tomlinson²⁷³ and Fugate and others refer to the value of career narratives, with Tomlinson referring to the importance of 'sustaining a narrative of self'

²⁶⁵ Denise Jackson and Michael Tomlinson, 'Career Values and Proactive Career Behaviour Among Contemporary Higher Education Students' (2019) *Journal of Education and Work* 32(5) 449, 460.

²⁶⁶ Mel Fugate, Angelo J Kinicki and Blake E Ashforth, 'Employability: A Psycho-social Construct, Its Dimensions, and Applications' (2004) *Journal of Vocational Behavior* 65(1) 14, 15.

²⁶⁷ Stella Williams others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877, 893, 891.

²⁶⁸ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 347.

²⁶⁹ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 347.

²⁷⁰ Stella Williams others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877, 893, 894.

²⁷¹ Stella Williams others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877, 893, 895.

²⁷² Lorraine Dacre Pool and Peter J Sewell, 'The Key to Employability: Developing a Practical Model of Graduate Employability' (2007) *Education and Training* 49(4) 277.

²⁷³ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 346.

and of thinking 'proactively and imaginatively' about future careers.²⁷⁴ Unfortunately, undergraduates have a tendency to delay decision making about careers until graduation and do not fully utilise the resources available to them,²⁷⁵ with students who need it most (those with less social capital) being less likely to seek help from careers advisors.²⁷⁶ Hesketh and Brown refer to individuals having to package 'self' as a 'life story full of productive promise.'²⁷⁷ Graduates need to be able to present a compelling narrative that conveys their identities and Tomlinson refers to work-related achievements and experiences becoming markers of potential value to an employer. CLE experiences are relevant here and how those experiences are presented to employers will impact on how they are perceived by those employers.

The final element of the processual approach is the role of confidence, and it is considered in the following section.

2.6.4 The Role of Confidence in the Processual Approach

Turner argues that confidence underpins the processual approach, therefore it is important to consider the role of confidence in the employability discourse.²⁷⁸ Yorke and Knight's model of employability includes efficacy beliefs and self-theories drawing on work by Dweck²⁷⁹ and argues that self-beliefs are 'more powerful as determinants of people's action than other parameters,' including their level of intelligence.²⁸⁰ Dacre Pool and Sewell's model of employability introduces the three Ss, which they argue are 'closely-linked', being self-efficacy, self-confidence and self-esteem and suggest that people with self-efficacy, self-confidence and self-esteem can successfully present themselves as having the knowledge, skills, and attributes that employers are seeking.²⁸¹ Self-efficacy is also referred to as self-belief and according to Bandura it refers to,

²⁷⁴ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 346.

²⁷⁵ Ruth Bridgstock, 'The Graduate Attributes We've Overlooked: Enhancing Graduate Employability Through Career Management Skills' (2009) *Higher Education Research & Development* 28(1) 31, 40.

²⁷⁶ Fiona Christie, 'Careers Guidance and Social Mobility in UK Higher Education: Practitioner Perspectives' (2016) *British Journal of Guidance & Counselling* 44(1) 72, 77.

²⁷⁷ Phillip Brown, Anthony Hesketh and Sara Williams, *The Mismanagement of Talent: Employability and Jobs in the Knowledge Economy* (Oxford University Press 2004) 36.

²⁷⁸ Nancy K Turner, 'Development of Self-belief for Employability in Higher Education: Ability, Efficacy and Control in Context' (2014) *Teaching in Higher Education* 19(6) 592, 593.

²⁷⁹ Carol S Dweck, *Self-theories: Their Role in Motivation, Personality, and Development* (1st edn, Psychology Press 1999).

²⁸⁰ Peter T Knight and Mantz Yorke, 'Employability Through the Curriculum' (2002) *Tertiary Education & Management* 8(4) 261, 266.

²⁸¹ See for example, Lorraine Dacre Pool and Peter Sewell, 'The Key to Employability: Developing a Practical Model of Graduate Employability' (2007) *Education and Training* 49(4) 277; Ike E Onyishi and others, 'The Mediating Role of Perceived Employability in the Relationship Between Core Self-evaluations and Job Search Behaviour' (2015) *Career Development International* 20(6) 604.

'... beliefs in one's capabilities to organize and execute the course of action required to manage prospective situations. Efficacy beliefs influence how people think, feel, motivate themselves and act'.²⁸²

Bandura suggests some sources of efficacy beliefs, with the one being most relevant to CLE comprising mastery experiences,²⁸³ which he argues is the most effective way to build self-efficacy.²⁸⁴ This is where students experience success or mastery of tasks, this supports a belief in one's personal efficacy as they are more likely to believe they can do something new if they have done something similar in the past and done it well. Students engaging with CLE have the opportunity to gain mastery experiences as students work with clients and receive feedback and learn to reflect on their performance and progress and 'develop habits and values of professionalism'.²⁸⁵ So where a student experiences success or mastery of tasks within their CLE module then this supports a belief in their personal efficacy. Having been successful, they are more likely to believe they can succeed again.

Self-efficacy or self-belief has therefore been seen as a key element of employability development but while that is generally agreed, it is less clear how HE can develop it pedagogically.²⁸⁶ A conceptual paper by Turner draws on extensive literature and asserts that self-belief has to be developed within the HE curriculum in the context of disciplinary knowledge and to encourage that self-belief, HEIs needed to help students appreciate (1) that ability can be improved; (2) that one has the ability to achieve one's goals; and (3) that the environment will allow for goal attainment.²⁸⁷ Turner describes the skills approach to employability as being 'inextricably linked' to what she refers to as Holmes's 'action' approach and that self-belief underpins that approach and consequently it had to be developed 'alongside and through the development of skills within the context of the disciplinary curriculum'.²⁸⁸

Considering Turner's first point, that ability can be improved, she draws on extensive literature that demonstrates that someone who believes that ability can be improved will make more

²⁸² Albert Bandura, 'Exercise of Personal and Collective Efficacy in Changing Societies' in Albert Bandura (ed), *Self-Efficacy in Changing Societies* (Cambridge University Press 1995) 2.

²⁸³ Albert Bandura, 'Exercise of Personal and Collective Efficacy in Changing Societies' in Albert Bandura (ed), *Self-Efficacy in Changing Societies* (Cambridge University Press 1995) 1-45.

²⁸⁴ Albert Bandura, 'Exercise of Personal and Collective Efficacy in Changing Societies' in Albert Bandura (ed), *Self-Efficacy in Changing Societies* (Cambridge University Press 1995) 3.

²⁸⁵ Cynthia Batt, 'A Practice Continuum: Integrating Experiential Education into the Curriculum' (2015) 7 *Elon L. Rev.*, Forthcoming, Stetson University College of Law Research Paper No. 2015-5, 7-8 <<https://ssrn.com/abstract=2554786>> accessed 10 February 2021.

²⁸⁶ Jane Artess, Tristram Hooley and Robin Mellors-Bourne, 'Employability: A Review of the Literature 2012-2016, A Report for the Higher Education Academy' (2017) <<https://www.advance-he.ac.uk/knowledge-hub/employability-review-literature-2012-2016>> accessed 12 November 2020.

²⁸⁷ Nancy K Turner, 'Development of Self-belief for Employability in Higher Education: Ability, Efficacy and Control in Context' (2014) *Teaching in Higher Education* 19(6) 592.

²⁸⁸ Nancy K Turner, 'Development of Self-belief for Employability in Higher Education: Ability, Efficacy and Control in Context' (2014) *Teaching in Higher Education* 19(6) 592, 593.

effort even when facing difficult tasks. This is relatable to the employability sphere but will be linked to a specific disciplinary context, so an improvement in a specific disciplinary task may play a part in that student believing it is possible. As we saw, Bandura argues that the most effective way to build self-efficacy is through mastery experiences, so where a student experiences success or mastery of tasks then this supports the idea that goals can be achieved, representing Turner's second point. Turner suggests that 'Mastery experiences will move beyond the perception of control (I can do it) to experiencing that control in action (I am doing it)'.²⁸⁹ Turner's third point, relates to the belief that the environment will allow for goal attainment, which relates to the ability a student has to 'control the outcome of a particular life event'.²⁹⁰ If they feel a lack of perceived control then Turner contends this can result in 'withdrawal, passivity and submissiveness'.²⁹¹ By providing students with experiences of control, they can build their self-belief through mastery experiences where they face difficulties and because of their robust self-belief, believe they have 'control over their own success in that context and will work harder to rise to a new challenge'.²⁹² Turner's references to ability and control sit contrary to the skills and attributes approach to conceptualising employability, and present it as providing experiences to develop agency within enabling structures.

Self-confidence is described by Dacre Pool and Sewell as the way self-belief is projected to others; it is something that can be seen from someone's manner and behaviour, demonstrated through presenting oneself with 'self-assurance' and having a 'presence'. By increasing self-belief, they argue that would be reflected in an increase in self-confidence.²⁹³ A study by Alvarez-Gonzalez and others found that 'self-confidence is the key variable for building up the perceived employability of university students'.²⁹⁴

The final element of the three Ss, is self-esteem, which is referred to by Dacre Pool and Sewell as comprising self-respect, feeling worthy and being realistic in how someone evaluates themselves. This realistic element means someone is more likely to reflect on how they can improve, which is seen as being so important to lifelong learning and an important element of CLE.

²⁸⁹ Nancy K Turner, 'Development of Self-belief for Employability in Higher Education: Ability, Efficacy and Control in Context' (2014) *Teaching in Higher Education* 19(6) 592, 595.

²⁹⁰ Nancy K Turner, 'Development of Self-belief for Employability in Higher Education: Ability, Efficacy and Control in Context' (2014) *Teaching in Higher Education* 19(6) 592, 596.

²⁹¹ Nancy K Turner, 'Development of Self-belief for Employability in Higher Education: Ability, Efficacy and Control in Context' (2014) *Teaching in Higher Education* 19(6) 592, 595.

²⁹² Nancy K Turner, 'Development of Self-belief for Employability in Higher Education: Ability, Efficacy and Control in Context' (2014) *Teaching in Higher Education* 19(6) 592, 597.

²⁹³ See for example, Lorraine Dacre Pool and Peter Sewell, 'The Key to Employability: Developing a Practical Model of Graduate Employability' (2007) *Education and Training* 49(4) 277, 286.

²⁹⁴ Paula Álvarez-González, M Jesús López Miguens and Gloria Caballero, 'Perceived Employability in University Students: Developing an Integrated Model' (2017) *Career Development International* 22(3) 280 < Doi: 10.1108/CDI-08-2016-0135 > accessed 10 November 2020.

There is limited empirical evidence on the link between CLE and confidence, this research will seek to fill that gap in the literature.²⁹⁵ The role CLE can play in providing mastery experiences and the impact those experiences have on confidence and employability are explored in this research.

2.7 Summarising the Processual Approach

So far this chapter has considered the meaning of employability and the literature relating to the three broad conceptualisations of employability, being possession, positioning, and processual. It has provided a critique of those conceptualisations to explain the approach that influenced this study, being the processual approach. However, while the processual approach relates to the interactions between the graduates seeking employment and the 'gatekeepers' to that employment, it also incorporates the possession and positioning approaches. The processual approach is based on an identity project²⁹⁶ where the individual must become a graduate by acting in ways that lead others to 'ascribe to them the identity of being worthy of being employed'.²⁹⁷ Nevertheless, an identity that is claimed by the individual does not exist in a vacuum but will play out in their interactions with others, where fluency in the language of skills will be required (possession approach), and will be subject to a range of social and contextual factors (e.g. social background from the positioning approach).²⁹⁸

Having reviewed the employability literature, the following section considers the literature on CLE and employability.

2.8 CLE and Employability

Chapter 1 provided a context for this study by exploring the development of CLE in the UK and at Northumbria University through its CLE module. Employability within UK CLE literature

²⁹⁵ See 2.7.1 and Jill Alexander and Carol Boothby, 'Stakeholder Perceptions of Clinical Legal Education Within an Employability Context' (2018) *International Journal of Clinical Legal Education* 25(3) 53 <[Doi.org/10.19164/ijcle.v25i3.768](https://doi.org/10.19164/ijcle.v25i3.768)> accessed 20 May 2019; Francina Cantatore and others, 'A Comparative Study into Legal Education and Graduate Employability Skills in Law Students Through Pro Bono Law Clinics' (2020) *The Law Teacher* 1 <[Doi:10.1080/03069400.2020.1818464](https://doi.org/10.1080/03069400.2020.1818464)> accessed 12 December 2020.

²⁹⁶ Rom Harre', *Personal Being (Ways of Being)* (Blackwell 1983).

²⁹⁷ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 549.

²⁹⁸ See Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; Lorraine Delaney and Margaret Farren, 'No 'Self' Left Behind? Part-time Distance Learning University Graduates: Social Class, Graduate Identity and Employability' (2016) *Open Learning: The Journal of Open, Distance and E-Learning* 31(3) 194; Belgin Okay-Somerville and Dora Scholarios, 'Position, Possession or Process? Understanding Objective and Subjective Employability During University-to-Work Transitions' (2017) *Studies in Higher Education* 42(7) 1275.

has received little critical attention, despite an ‘explosion’ of scholarship on CLE²⁹⁹ with a considerable amount focusing on the establishment and running of clinics and the development of knowledge, skills, and attributes within a clinical context.³⁰⁰ The literature on knowledge, skills and attributes within legal education has been plentiful with conceptual, qualitative, and quantitative papers as well as textbooks³⁰¹ and reports from policymakers and legal regulators all contributing to the debate.³⁰² A systematic review by Dunn³⁰³ identifies around one hundred studies, with the vast majority of those being conceptual papers addressing not only what skills are required to practice law but whether these are and could be developed through CLE.³⁰⁴ Dunn makes an interesting discovery in her systematic review of the quantitative papers which resonates with Holmes’s critique of the employability literature discussed above. She establishes that while many of the studies are similar (in terms of sample size and questions asked of the participants) there is no consistency in the knowledge, skills and attributes provided to the participants or how they were measured.³⁰⁵ The legal skills and attributes literature therefore faces the same challenges as the wider employability literature in terms of inconsistencies across different studies and reports on the use of language. This study therefore will move the debate from the possession and positioned led approaches to offer a new way of viewing CLE from an employability perspective. In so doing, the literature pertaining to the following areas is considered:

- The literature on the intersection of employability and CLE.
- The literature on CLE and Professional Identity Formation.
- The literature on CLE and ‘practice-ready’ graduates.

²⁹⁹ Tribe Mkwebu, ‘A Systematic Review of Literature in Clinical Legal Education: A Tool for Researchers in Responding to an Explosion of Clinical Scholarship’ (2015) *International Journal of Clinical Legal Education* 22(3) 238 <[Doi.org/10.19164/ijcle.v22i3.415](https://doi.org/10.19164/ijcle.v22i3.415)> accessed 26 January 2020.

³⁰⁰ Rachel Dunn, ‘A Systematic Review of Literature on Clinical Legal Education’ (2017) *International Journal of Clinical Legal Education* 24(2) 81 <<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020; Rachel Dunn, ‘The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them’ (2017) Doctoral Thesis, Northumbria University <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020.

³⁰¹ See for example Fiona Boyle and Deverall Capps, *A Practical Guide to Lawyering Skills* (4th edn, Routledge 2019).

³⁰² Lord Chancellor’s Advisory Committee on Legal Education and Conduct, ‘First Report on Legal Education and Training’ (1996) <<https://ials.sas.ac.uk/ukcle/78.158.56.101/archive/law/files/downloads/407/165.c7e69e8a.aclec.pdf>> accessed 25 May 2019; Julian Webb and others, ‘Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales (The Legal Education and Training Review (LETR) (2013))’ (2013) <<http://letr.org.uk/the-report/index.html>> accessed 1 December 2019.

³⁰³ Rachel Dunn, ‘The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them’ (2017) Doctoral Thesis, Northumbria University <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020.

³⁰⁴ See for example Richard Grimes, ‘Reflections on Clinical Legal Education’ (1995) *The Law Teacher* 29(2) 169; Andrew Boon, ‘History Is Past Politics: A Critique of the Legal Skills Movement in England and Wales’ (1998) *Journal of Law and Society* 25(1) 151; Kate Kruse, ‘Legal Education and Professional Skills: Myths and Misconceptions About Theory and Practice’ (2013) 45 *McGeorge Law Review* 7.

³⁰⁵ Rachel Dunn, ‘The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them’ (2017) Doctoral Thesis, Northumbria University, 50 <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020.

- The literature on employer perspectives of the skills and dispositions sought and of CLE and work experience.

2.8.1 CLE and the Employability Gap

While there is a rich discourse on the skills and attributes required for practice and whether CLE can provide them, evidence that students who have experienced CLE enhance their employability is largely anecdotal but despite little research many assumptions have been made about the value of CLE in enhancing employability in the ‘ever-present employability agenda’.³⁰⁶

In terms of research linking CLE and employability, there are three UK papers, one is conceptual (Russell³⁰⁷), one is qualitative (Alexander and Boothby³⁰⁸), and one is quantitative (Blandy³⁰⁹). With little UK empirical literature, papers from Australia and America will be considered as both these countries engage with CLE in some form and can therefore offer contributions to the CLE discourse. To provide context for these research studies, as already stated in chapter 1, CLE takes many different forms, and in addition a further caveat is that in America a law degree can only be studied as a post-graduate qualification. In reviewing the research, the type of CLE involved in each of the studies will be identified as this may influence its relevance to alternative offerings.

The UK Literature

The first UK paper that mentions employability involves an initiative with ILEX³¹⁰ and a clinic at London South Bank University in 2011.³¹¹ While claims are made in that paper that clinical legal education enhances employability, there is no empirical data to support that contention and the paper is a largely descriptive piece focusing on what they do in their law clinic. In 2018, Alexander and Boothby published findings from a small-scale pilot study in 2018, which is based on the skills possession approach to employability, using focus groups to gain insights into the perceptions of employers, alumni, students, and clinical teaching staff of what

³⁰⁶ Damian Carney and others, ‘The LawWorks Law School Pro Bono and Clinic Report 2014’ (2014) 39 www.lawworks.org.uk/sites/default/files/LawWorks-student-pro-bono-report%202014.pdf accessed 12 February 2019.

³⁰⁷ John Russell, ‘Enhancing Employability for LLB Law graduates’ (2011) *The Law Teacher* 45(3) 348.

³⁰⁸ Jill Alexander and Carol Boothby, ‘Stakeholder Perceptions of Clinical Legal Education Within an Employability Context’ (2018) *International Journal of Clinical Legal Education* 25(3) 53 <[Doi.org/10.19164/ijcle.v25i3.768](https://doi.org/10.19164/ijcle.v25i3.768)> accessed 20 May 2019.

³⁰⁹ Sarah Blandy, ‘Enhancing Employability Through Student Engagement in Pro Bono Projects’ (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

³¹⁰ ILEX means Institute of Legal Executives (since 2012, it is now Chartered Institute of Legal Executives (CILEX)).

³¹¹ John Russell, ‘Enhancing Employability for LLB Law graduates’ (2011) *The Law Teacher* 45(3) 348.

employability skills can and perhaps cannot be gained from CLE through a full case work model.³¹² There was agreement across all the groups that the skills in the CBI/NUS model were relevant to current law practice albeit that some required greater emphasis than others, with communication being the most important of them all. The alumni were overwhelmingly positive about CLE and its value to them as they started their graduate careers, with some of the alumni mentioning that it gave them confidence in the work place.

The next UK study was published by Blandy in 2019,³¹³ which comprises a survey of existing students and alumni where the participants are asked for their views on whether '*volunteering at the pro bono project [or taking the pro bono optional module] while at the School of Law was a help in gaining training /employment in your chosen field [and/or] in securing any training/employment*'. Although called 'pro bono', the project sits within the CLE paradigm, comprising a student-run project at a Russell Group university,³¹⁴ albeit it differs to the CLE module at Northumbria in several ways including the fact that it is optional, and students apply through a competitive process to access the project. The participants could provide explanations for their answers via a 'free-text box' on the survey form and interestingly despite not being asked about skills development, the participants describe the skills they felt they had developed. Blandy's research mainly contributes to the debate around skills/attributes acquisition through CLE experiences and what is interesting is that the issues that were highlighted as part of the employability critique (see section 2.4.1), are equally pertinent in this discourse.

Blandy maps the skills mentioned by the participants against three other skills sets provided by 1) World Economic Forum (WEF),³¹⁵ 2) Online legal careers advice, and 3) UK Higher Education Authority (HEA).³¹⁶ It is not made clear in the article why she chose these three lists in particular but somewhat confusingly her abstract refers to these as being the 'key skills and attributes that constitute 'employability''³¹⁷ albeit that none of the lists self-describe in this way. There is the added issue of interpretation where the terms used in Blandy's survey do not

³¹² Jill Alexander and Carol Boothby, 'Stakeholder Perceptions of Clinical Legal Education Within an Employability Context' (2018) *International Journal of Clinical Legal Education* 25(3) 53 <[Doi.org/10.19164/ijcle.v25i3.768](https://doi.org/10.19164/ijcle.v25i3.768)> accessed 20 May 2019.

³¹³ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7, 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

³¹⁴ The Russell Group comprises 24 leading, research-intensive UK universities; see <<https://russellgroup.ac.uk/>> accessed 3 February 2021.

³¹⁵ World Economic Forum, 'The Future of Jobs: Employment, Skills and Workforce Strategy for the Fourth Industrial Revolution' (2016) Geneva: World Economic Forum <<https://www.weforum.org/reports/the-future-of-jobs>> accessed 1 December 2019.

³¹⁶ Blandy's table has been re-produced in Appendix D to demonstrate the skills and attributes findings of her study.

³¹⁷ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7, 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

exactly correlate to the terms used in the other lists and Blandy therefore has to 'interpret' what they mean to map them against the other lists.³¹⁸ This approach resonates with the doubts raised by Holmes regarding assumptions of shared meanings across a range of research projects³¹⁹ where we see lists based on other lists that are then seen to evidence a set of skills that if possessed will make someone more employable without any contextual factors being considered.

While a low response rate and issues with the survey design mean it is not possible to obtain any 'statistically reliable correlation' between volunteering at the pro bono project and the participants subsequent training or employment, the results show that in the student cohort 91% (21 out of 23) and in the alumni cohort 86% (25 out of 29) consider that pro bono volunteering had assisted them in securing placements, training, employment or promotion.³²⁰ From unprompted comments,³²¹ it is reported that many participants feel that employers appear to value pro bono work, but Blandy suggests that this would be dependent on how effectively pro bono experience could be presented to employers as CLE is 'generally poorly understood' by employers.³²² Some participants report that they had not only developed skills and attributes through their engagement with the pro bono work but that they had been able to deploy them in the recruitment process, with various examples given including using it to demonstrate skills and commitment to the sector.³²³ Some survey participants did not feel that the module had assisted their employability, although no reasons were provided.³²⁴

While Blandy's quantitative research relates to a voluntary CLE experience and is predominately from a skills-based perspective, it suggests a potential link between CLE and employability, which my research will seek to augment through qualitative insights into alumni and employers' perspectives.

³¹⁸ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7, 31 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

³¹⁹ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 544.

³²⁰ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7, 33 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

³²¹ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7, 28 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

³²² Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7, 35 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

³²³ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7, 36 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

³²⁴ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7, 40 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

Australian Literature

As mentioned above, given the paucity of UK research, my literature search looked further afield to other countries that engage with CLE and that have contributed to the CLE and employability discourse and that literature will now be reviewed. Turning first to the Australian literature, CLE in these studies is not part of an accredited programme, is voluntary and is supported by outside lawyers. A further important distinction to CLE at Northumbria is that their focus is a community service focus rather than a teaching focus.³²⁵

Cantatore has published three articles relating to pro bono experiences and employability skills, two relating to Australian law clinics and a third article comprising a comparative study with clinics in other jurisdictions. The first article is a conceptual paper, and despite its title, 'Boosting Law Graduate Employability', actually says little about employability and no literature or empirical evidence is produced.³²⁶ The article simply comprises anecdotal evidence from feedback from students and the lawyers who worked with those students in the pro bono clinic. However, the first paper laid down the foundations for further research and the absence of empirical evidence is addressed in Cantatore's second article which involves a pilot study looking at how students' 'graduate employability skills' benefit from involvement in pro bono projects.³²⁷ Again, this is predominantly a quantitative study, based in this case on the skills and attributes from the Australian Graduate Employability Indicators (GEIs).

While the article did not trace the full germination of the GEIs, they appear to have been developed from other Australian surveys.³²⁸ Cantatore's survey asks students to indicate their level of competence (0-100) in the identified skills and attributes at the beginning of their pro bono experience and then at the end of that experience.³²⁹ The same survey was completed by a control group, comprising students who were not taking part in the pro bono project, and the results reveal that the students doing the pro bono projects (33 students) show a far higher average increase in perceived competency than the control group (34 students). There is a

³²⁵ John Corker, 'How Does Pro Bono Students Australia (PBSA) Fit With Clinical Legal Education in Australia?' (2005) Paper presented at the Third International Journal of Clinical Legal Education Conference and Eighth Australian Clinical Legal Education Conference, Australia <<https://probonocentre.org.au/wp-content/uploads/2015/09/HowdoesPBSAfitwithCLEinAustralia.pdf> > accessed 10 July 2019.

³²⁶ Francina Cantatore, 'Boosting Law Graduate Employability: Using Pro Bono Teaching Clinic to Facilitate Experiential Learning in Commercial law Subjects' (2015) *Legal Education Review* 25(1) 7, 147.

³²⁷ Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019.

³²⁸ Beverley Oliver and others, 'The Graduate Employability Indicators: Capturing Broader Stakeholder Perspectives on the Achievement and Importance of Employability Attributes' (2010) in *Proceedings of the Australian Quality Forum: Higher Education. Quality in Uncertain Times*, Jun 30-Jul 02 2010, 85-95. Gold Coast, Australia: Australian Universities Quality Agency <https://www.researchgate.net/publication/278010410_The_graduate_employability_indicators_capturing_broader_stakeholder_perspectives_on_the_achievement_and_importance_of_employability_attributes> accessed 26 January 2020.

³²⁹ Listed in Appendix E.

qualitative element to the research derived from a SurveyMonkey survey which asks for post semester feedback on their experiences 'and to provide detailed feedback if they choose to do so'.³³⁰ The qualitative feedback only appears to have been obtained from some of the cohort and it is not clear how many students gave feedback or how the feedback was provided, which impacts on the weight that can be attached to the comments. Bearing that in mind, Cantatore concludes from the qualitative comments that, 'students specifically recognised an increase in their knowledge, speaking, writing, problem-solving and industry awareness skills'.³³¹

Cantatore's third article is a comparative article featuring clinics in Australia, Chile and South Africa and again uses the skills and attributes from the Australian Graduate Employability Indicators (GEIs).³³² With only 27 participants across three clinics, no statistical weight can be attached to the findings, but it is interesting that all groups report a significant increase in the perceived level of competencies. The study claims that the focus was collecting qualitative data by way of an online survey, although it is not clear how that data was obtained. It was apparent that despite the diverse nature of the different clinics, students have similar comments on their perceived increase in skills and knowledge, with a better understanding of legal practice, gaining experience, and learning/improving practical skills being most frequently referred to, as shown in Table 2 below. The fact that only two participants mention an increase in confidence is curious as anecdotal evidence has often linked clinic experience with increased confidence.³³³ It will be important to see what develops from the alumni CLE experiences in terms of confidence enhancement.

³³⁰ Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019, 164.

³³¹ Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) *International Journal of Clinical Legal Education* 25(1) 147, 167 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019.

³³² Francina Cantatore and others, 'A Comparative Study into Legal Education and Graduate Employability Skills in Law Students Through Pro Bono Law Clinics' (2020) *The Law Teacher* 1. <Doi: [10.1080/03069400.2020.1818464](https://doi.org/10.1080/03069400.2020.1818464)> accessed 12 December 2020.

³³³ See for example Richard Grimes, 'Reflections on Clinical Legal Education' (1995) *Law Teacher* 29(2) 169, 174.

Table 2: Cantatore and others' Table of Emerging Themes: Students' Perceptions of Increased Skills/Knowledge by Theme³³⁴

Number of occurrences

Comments regarding the clinic experience	Australia	South Africa	Chile	Totals
Better understanding of legal practice	6	3	5	14
Exposure to lawyers	3	0	5	5
Learned/Improved practical skills	5	7	6	18
More confident	1	1	0	2
Gained experience	3	6	5	14

Like Blandy, Cantatore's research is very much grounded in the skills and attributes approach discussed above and does not include any reference to wider contextual issues or to the employer voice, which are addressed in my research.

American Literature

Research in America by Professor Yackee created a veritable storm of conflict when he looked at experiential learning and employment outcomes, concluding that there is a lack of evidence that engagement with experiential learning improves employment outcomes and it could actually harm law schools and their students.³³⁵ Yackee's research focuses on the narrower concept of employability being about 'getting a job' and acknowledges that the empirical analysis of a link between law school clinics and employment outcomes is preliminary and that the 'statistical model is admittedly thin'.³³⁶ Kuehn agrees and addresses several methodological concerns in his article³³⁷ and Findley suggests that caution should be exercised when considering empirical data to ensure it does not mislead.³³⁸ However, despite its acknowledged limitations, Condlin comments that Yackee's study design is 'inventive and

³³⁴ Francina Cantatore and others, 'A Comparative Study into Legal Education and Graduate Employability Skills in Law Students Through Pro Bono Law Clinics' (2020) *The Law Teacher* 1, 21
<Doi: [10.1080/03069400.2020.1818464](https://doi.org/10.1080/03069400.2020.1818464)> accessed 12 December 2020.

³³⁵ Jason W Yackee, 'Does Experiential Learning Improve JD Employment Outcomes?' 2015 (2015) *WIS L REV* 601.

³³⁶ Jason W Yackee, 'Does Experiential Learning Improve JD Employment Outcomes?' 2015 (2015) *WIS L REV* 601

³³⁷ Robert R Kuehn, 'Measuring Clinical Legal Education's Employment Outcomes' (2015) *Legal Studies Research Paper Series Paper No. 15-12-01* 645.

³³⁸ Keith A Findley, 'Assessing Experiential Legal Education: A Response to Professor Yackee' (2015) *Legal Studies Research Paper Series, Paper No. 1348*.

thoughtful, its analysis careful and thorough, and its conclusions measured and cautious'.³³⁹ While Yackee's research certainly caused a scholarly rumpus, it did open an interesting debate around the importance/relevance of clinical experience to American employers. Kuehn's article draws on other research findings where employers and graduates have 'repeatedly documented the value of clinical experience in the hiring process'.³⁴⁰ Kuehn suggests further research is needed to find out what educational experiences of students are most valued by employers and 'retrospectively look at various employment outcomes for graduates and any relationship to their experiences while students'.³⁴¹ My research engages with employers and seeks insight into the value of CLE.

The next section looks at CLE and professional identity and responsibility.

2.8.2 CLE and Professional Identity/Responsibility

Professional identity was considered in 2.6.2 in relation to its significance to the processual approach to employability, which as was discussed was a major influence on this research. In this section, the literature on professional identity construction from a CLE perspective will be considered, to establish any potential gaps in the literature. Professional identity formation and professionalism are part of the discourse in CLE, although there has been little empirical research and no research in terms of any link to employability. Empirical studies by Foley and others³⁴² and Thanaraj³⁴³ contribute to the discourse and are therefore useful to this study. First, Foley and others' research reports on a qualitative pilot study of new lawyers as they transitioned into legal practice. Professional identity within this study is about 'acquiring the skills of competent lawyering'.³⁴⁴ The study describes what the lawyers say is important to an effective transition and then suggests that CLE could play a significant role in smoothing the transition. Unfortunately, there is no indication that the participants had engaged with a CLE module and therefore the suggestions were not grounded in empirical evidence. Second,

³³⁹ Robert J Condlin, 'Assessing Experiential Learning, Jobs and All: A Response to the Three Professors' (2015) U of Maryland Legal Studies Research Paper No. 2015-24 <https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2540&context=fac_pubs> accessed 10 July 2019.

³⁴⁰ Robert R Kuehn, 'Measuring Clinical Legal Education's Employment Outcomes' (2015) Legal Studies Research Paper Series Paper No. 15-12-01 645, 663.

³⁴¹ Robert R Kuehn, 'Measuring Clinical Legal Education's Employment Outcomes' (2015) Legal Studies Research Paper Series Paper No. 15-12-01 645, 664.

³⁴² Tony Foley and others, 'Teaching Professionalism in Legal Clinic – What New Practitioners Say Is Important' (2012) International Journal of Clinical Legal Education 17:6 <<https://doi.org/10.19164/ijcle.v17i0.42>> accessed 2 October 2019.

³⁴³ Ann Thanaraj, 'Understanding How a Law Clinic Can Contribute Towards Students' Development of Professional Responsibility' (2016) International Journal of Clinical Legal Education 23(4) 89 <<https://doi.org/10.19164/ijcle.v23i4.521>> accessed 15 October 2019.

³⁴⁴ Tony Foley and others, 'Teaching Professionalism in Legal Clinic – What New Practitioners Say Is Important' (2012) International Journal of Clinical Legal Education 17:6 <<https://doi.org/10.19164/ijcle.v17i0.42>> accessed 2 October 2019.

Thanaraj's research is based on qualitative research which studies students' lived experiences and conceptions of professional responsibility after a clinical module.³⁴⁵ Thanaraj compiles a list of knowledge, lawyering skills, values and behaviours which she defines as 'professional responsibility' and concludes that CLE has the capability of developing and enhancing 'professional responsibility' and the students believe they have developed greater awareness of 'professional responsibility'.³⁴⁶ What is apparent from Thanaraj's study is that while 'professional responsibility' has similarities to 'professional identity' they are not the same. Professional responsibility within Thanaraj's study aligns more with the skills and attributes led approach discussed earlier in this chapter as it involves questioning participants on what lawyering skills, value and characteristics develop through the CLE experience, rather than whether CLE develops a professional identity that could enhance employability. Therefore, my research moves the discourse into the employability sphere and explores perceptions of professional identity formation from a processual approach, to offer a novel approach to the discourse.

Turning now to CLE and its relationship to 'practice ready' graduates.

2.8.3 CLE and 'Practice Ready' Law Graduates

It is often said that law schools 'teach students to think like lawyers but not to act like them' and as such are 'out of step' in preparing students for practice.³⁴⁷ There is scant empirical evidence exploring the relationship between CLE and how 'practice ready' graduates perceive themselves to be, with some scepticism in the academy about what 'practice ready' actually means.³⁴⁸ What evidence that exists emanates from America, so this literature will be considered as it does contribute to the debate but is subject to the caveat that my research seeks insights into alumni and employer perceptions from a UK perspective, through the lens of a clinical compulsory programme that offers a full case work model.

Sandefur and Selbin's article draws on quantitative data from early-career attorneys in the USA³⁴⁹ and reports that clinical courses/training rates more highly than other educational

³⁴⁵ Ann Thanaraj 'Understanding How a Law Clinic Can Contribute Towards Students' Development of Professional Responsibility' (2016) *International Journal of Clinical Legal Education* 23(4) 89 <<https://doi.org/10.19164/ijcle.v23i4.521>> accessed 15 October 2019.

³⁴⁶ Ann Thanaraj, 'Understanding How a Law Clinic Can Contribute Towards Students' Development of Professional Responsibility' (2016) *International Journal of Clinical Legal Education* 23(4) 89, 133 <<https://doi.org/10.19164/ijcle.v23i4.521>> accessed 15 October 2019.

³⁴⁷ Rebecca Sandefur and Jeffrey Selbin, 'The Clinic Effect' (2009) 16 *Clinical Law Review* 57, 58; Bryan F Taylor, 'Through the Looking Glass: Perceptions of The Law School Learning Experience' (2015) 16 *Loyola Law Review*, 275, 278.

³⁴⁸ Robert J Condlin, "Practice Ready Graduates': A Millennialist Fantasy' (2014) *Touro Law Review* (31) 1 75, 86 U of Maryland Legal Studies Research Paper No. 2013-48 <<https://ssrn.com/abstract=2316093> or <http://dx.doi.org/10.2139/ssrn.2316093>> accessed 10 July 2019.

³⁴⁹ It should be noted that all law programmes in America are post-graduate programmes.

experiences in helping make the transition into early work experiences as a lawyer.³⁵⁰ Clinical courses/training however rank below legal employment (this takes place during the summer break) in terms of helpfulness in making the transition. The research does not distinguish between the types of clinical experiences the participants may have engaged with (and as we have already seen there are many different models), nor does it provide insights into why clinical courses/training are perceived as being helpful in the transition to work.

A qualitative study by Taylor focuses on newly practising criminal lawyers (comprising nine graduates from seven different American law schools), and looks at their perceptions of whether law school education prepares and trains them to practice law.³⁵¹ The study finds that law schools provide attorneys with a general understanding and familiarisation with the law, and therefore teaches them how to think like lawyers but fails to teach them how to practice like lawyers.³⁵² In Taylor's study, all the participants had engaged with some form of CLE (on an elective basis) and 'stressed the importance' of these experiential experiences in preparing them for their jobs as attorneys in terms of skills development and helping them determine which area of practice was right for them.³⁵³

The American literature focuses on graduate perceptions, whereas my research also considers employer perspectives, and so the literature relating to employers is now considered.

2.8.4 Employer Perspective

2.8.4.1 Introduction to the Employer Perspective

Employers face mounting challenges in recruitment and selection due to the huge numbers of graduates seeking employment. The increase and widening of participation in HE mean that employers are no longer dealing with graduates from a narrow sector of society but a more heterogeneous group within a 'stratified and differentiated' mass HE system which Tomlinson argues may be perpetuating the structural inequalities it was intended to alleviate.³⁵⁴ When only a small number of institutions were able to confer degrees, employers had a comparatively simple approach to evaluating degree credentials but with the widening of

³⁵⁰ Rebecca Sandefur and Jeffrey Selbin, 'The Clinic Effect' (2009) 16 *Clinical Law Review* 57, 85.

³⁵¹ Bryan F Taylor, 'Through the Looking Glass: Perceptions of The Law School Learning Experience' (2015) 16 *Loyola Law Review* 275, 278.

³⁵² Bryan F Taylor, 'Through the Looking Glass: Perceptions of The Law School Learning Experience' (2015) 16 *Loyola Law Review* 275, 296.

³⁵³ Bryan F Taylor, 'Through the Looking Glass: Perceptions of The Law School Learning Experience' (2015) 16 *Loyola Law Review* 275, 297.

³⁵⁴ Michael Tomlinson, 'Graduate Employability: A Review of Conceptual and Empirical Themes' (2012) *Higher Education Policy* 25(4) 407, 410-411.

institutions conferring degrees, the legitimatisation of credentials has become more complex for employers. It seems apparent that elite recruitment in particular continues to focus on a relatively narrow range of 'traditional' universities³⁵⁵ as they perceive attendance at these institutions as being an 'efficient shorthand for merit'.³⁵⁶ Even when working-class-origin people attend those types of universities, they are 'less likely than those from privileged origins, (who do similarly well) to be found in top jobs'.³⁵⁷

Whatever university has been attended, the degree level qualification has become the start-point with employers looking beyond that to the totality of what the individual has to offer relating to their skills, abilities, and attitudes.³⁵⁸ Selection processes have evolved in this highly competitive and global market to meet the demands of increased choice through more sophisticated processes. Typically, larger organisations will have multiple stages and use online tests and assessment centres as well as interviews, but even some smaller employers now use more sophisticated, 'objective' and cost-effective methods of recruitment and selection.³⁵⁹ The graduate recruitment and selection process is now less 'job-oriented' and more 'person-related', as employers are more interested in 'attitudes, personality and transferable skills'.³⁶⁰

Within the legal sector, the legal recruitment market at graduate level is not straight-forward in what has become an increasingly stratified profession. The commercial sector recruit two years in advance, which is unusual in the general graduate recruitment field where recruitment tends to be located near the end of a student's university programme. However, smaller legal firms or organisations recruiting into the paralegal sector will recruit on a 'needs' basis and that would not usually be more than a year before the student graduates. While all recruitment is based to some degree on potential, this is particularly the case for those recruiting two years in advance and it does mean that law students who wish to work in the commercial sector need to be able to meet employer expectations at an earlier stage in their development than most graduates. Recruitment and selection practices vary with the larger corporate firms following a similar multiple stage approach to other large organisations, with smaller firms using a more informal approach that usually involves a CV stage followed by an interview. The

³⁵⁵ Ashley L and others, 'A Qualitative Evaluation of Non-Educational Barriers to the Elite Professions (Social Mobility and Child Poverty Commission, June 2015)' 44

https://dera.ioe.ac.uk/23163/1/A_qualitative_evaluation_of_non-educational_barriers_to_the_elite_professions.pdf accessed 10 March 2019.

³⁵⁶ Louise Ashley and Laura Empson, 'Understanding Social Exclusion in Elite Professional Service Firms: Field Level Dynamics and the 'Professional Project'' (2017) *Work, Employment and Society* 31(2) 211, 223.

³⁵⁷ Sam Friedman and Daniel Laurison, *The Class Ceiling: Why It Pays To Be Privileged* (Policy Press 2020) 38.

³⁵⁸ Philip Brown and Anthony Hesketh, *The Mismanagement of Talent: Employability and Jobs in the Knowledge Economy* (Oxford University Press 2004).

³⁵⁹ Mohamed Branine, 'Graduate Recruitment and Selection in the UK: A Study of Recent Changes in Methods and Expectations' (2008) *Career Development International* 13(6) 497, 497.

³⁶⁰ Mohamed Branine, 'Graduate Recruitment and Selection in the UK: A Study of Recent Changes in Methods and Expectations' (2008) *Career Development International* 13(6) 497, 511.

large corporate legal firms dominate recruitment, offering around 30% of the training contracts available each year. These firms are referred to as 'elite' law firms in this thesis and in much of the literature to distinguish them from the rest of the legal sector.³⁶¹

While this research focuses on regional firms, there is little empirical research relating to their recruitment practices so the elite sector literature will be considered to establish their approach, which may or may not be relevant to the approach taken by regional firms. Within this elite sector, social and cultural capital is assessed throughout the recruitment and selection process to establish 'fit', with employers valuing 'polish', characterised as a 'high level of confidence; strong communication skills; and a 'professional' presentation with respect to dress and appearance'.³⁶² The systemisation of the recruitment and selection process provides employers with a view of their recruitment and selection practices as being both fair and merit based. However, Francis and Sommerlad posit that merit is not an objectively verifiable standard, and highlight that such a view is 'contradicted by evidence that real-life recruitment and selection processes are characterised by heuristic biases in favour of the familiar and the similar'.³⁶³ Morley's research suggests that employers' decision-making processes are 'non-transparent' and 'subjective', which she submits are the 'ideal preconditions for the reproduction of elitism and inequalities'.³⁶⁴ Elite legal employers follow a similar approach to other elite employers and will typically focus their recruitment around a small number of old universities,³⁶⁵ reasoning that the higher entry requirements of old universities mean that their graduates must be 'better',³⁶⁶ and will have high levels of cultural capital and as such are 'likely to help the firm secure a high-class image'.³⁶⁷ Consequently, entry to the elite legal profession remains closed, or at least difficult to access, to a large number of students, particularly working-class students³⁶⁸ and those in post-1992 universities.³⁶⁹ This is relevant to my study given the research is based in a post-1992

³⁶¹ UK law firms with elite status include those within the *Legal Business* Top 25. This includes the five firms collectively known as the 'magic circle', as well as 'second tier' UK-based firms (Legal Business, 2013).

³⁶² Louise Ashley and Laura Empson, 'Understanding Social Exclusion in Elite Professional Service Firms: Field Level Dynamics and the 'Professional Project'' (2017) *Work, Employment and Society* 31(2) 211, 222.

³⁶³ Andrew Francis and Hilary Sommerlad, 'Access to Legal Work Experience and its Role in the (Re)production of Legal Professional Identity' (2009) *International Journal of the Legal Profession* 16(1) 63, 64.

³⁶⁴ Louise Morley, 'The X Factor: Employability, Elitism and Equity in Graduate Recruitment' (2007) *Journal of the Academy of Social Science* 2(2) 191, 194.

³⁶⁵ Hilary Sommerlad, 'The Commercialisation of Law and the Enterprising Legal Practitioner: Continuity and Change' (2011) *International Journal of the Legal Profession* 18(1) 73, 80.

³⁶⁶ Heather Rolfe and Tracy Anderson, 'A Firm Choice: Law Firms' Preferences in the Recruitment of Trainee Solicitors' (2003) *International Journal of the Legal Profession* 10(3) 315, 321.

³⁶⁷ Louise Ashley and Laura Empson, 'Differentiation and Discrimination: Understanding Social Class and Social Exclusion in Leading Law Firms' (2013) *Human Relations* 66(2) 219, 232.

³⁶⁸ Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society*, 34(2) 190, 217; Hilary Sommerlad, 'The 'Social Magic' of Merit: Diversity, Equity, and Inclusion in the English and Welsh Legal Profession' (2015) *Fordham Law Review* 83(5) 2325, 2331.

³⁶⁹ Andrew Francis refers to the importance placed by the largest recruiters on the institution attended and the further weakening of a student's social and cultural capital by the institution's reputational capital, Andrew

university and the majority of the alumni participants describe themselves as working-class. There is evidence that some students 'opt out' as they perceive there is no 'fit' between them and the culture of certain law firms.³⁷⁰

In the next section, employer perspectives of what they are looking for in graduates are considered.

2.8.4.2 In Search of the 'Oven Ready' Graduate

The employer perspective of employability has been much researched, with earlier research appearing to establish some employer dissatisfaction with the graduates they are recruiting.³⁷¹ This led to further research into employer perceptions identifying the skills employers are looking for in graduates generally³⁷² and in law graduates specifically.³⁷³ The perceived mismatch between the skills and dispositions graduates present and those sought by employers resulted in criticism being levelled at HEIs where Tomlinson argues the focus has been on the academic provision and pedagogy rather than on 'applied learning and functional skills'.³⁷⁴ Dearing and Browne also positioned skills development within HEI provision and

Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 195.

³⁷⁰ Eleanor Rowan and Steven Vaughan, 'Fitting In' and 'Opting Out': Exploring How Law Students Self-Select Law Firm Employers' (2018) *The Law Teacher* 52(2) 216.

³⁷¹ See for example, Anthony Hesketh, 'Recruiting an Elite? Employers' Perceptions of Graduate Education and Training' (2000) *Journal of Education and Work* 13(3) 245; John Browne, 'Securing a Sustainable Future for Higher Education: Independent Review of Higher Education and Student Finance in England' (Department for Business, Innovation and Skills 2010).

³⁷² See for example, Lorraine Dacre Pool and Peter Sewell, 'The Key to Employability: Developing a Practical Model of Graduate Employability' (2007) *Education and Training* 49(4) 277, 277–289; Will Archer and Jess Davison, 'Graduate Employability: The View of Employers' (2008) *The Council for Industry and Higher Education* <<http://hdl.voced.edu.au/10707/97377>> accessed 10 November 2020; Ruth Bridgstock, 'The Graduate Attributes We've Overlooked: Enhancing Graduate Employability Through Career Management Skills' (2009) *Higher Education Research & Development* 28(1) 31; Denise Jackson, 'Testing a Model of Undergraduate Competence in Employability Skills and Its Implications for Stakeholders' (2014) *Journal of Education and Work* 27(2) 220; Paul Blackmore and others, 'Employability in Higher Education: A Review of Practice and Strategies Around the World' (2016) *Pearson Efficacy & Research*, Pearson Education <www.pearson.com/uk/content/dam/region-core/uk/pearson-uk/documents/about/news-and-policy/employability-models-synthesis.pdf> accessed 15 April 2019.

³⁷³ See for example, Robert AD Schwartz, 'The Relative Importance of Skills Used by Attorneys' (1973) 3 *Golden Gate University Law Review* 321; 6; Leonard L Baird, 'Survey of the Relevance of Legal Training to Law School Graduates' (1978) *Journal of Legal Education* 20(3) 264; Frances K Zemans and Victor G Rosenblum, 'Preparation for the Practice of Law - The Views of the Practicing Bar' (1980) *American Bar Foundation Research Journal* 5(1) 1; Neil Hamilton, 'Law-Firm Competency Models and Student Professional Success: Building on a Foundation of Professional Formation/Professionalism' (2013) *University of St Thomas Law Journal*, Forthcoming, U of St. Thomas (Minnesota) Legal Studies Research Paper No.13-22. [Doi.org/10.2139.ssrn.2271410](https://doi.org/10.2139/ssrn.2271410); Avnita Lakhani, 'Required Legal Skills for the 21st Century Lawyer: Legal Education at a Crossroads' (2013) *International Journal of Private Law* 6(1) 38; Marjorie M Shultz and Sheldon Zedeck, 'Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions' (2001) *Law & Social Inquiry* 36(3) 620; Elisabeth Peden and Joellen Riley, 'Law Graduates' Skills - A Pilot Study into Employers' Perspectives' (2007) *Sydney Law School Research Paper No 07/81*.

³⁷⁴ Michael Tomlinson, 'Graduate Employability: A Review of Conceptual and Empirical Themes' (2012) *Higher Education Policy* 25(4) 407, 412.

consequently HEIs did undergo significant change.³⁷⁵ Different initiatives were introduced to meet both employer and policy makers criticisms, and help ensure graduates met employer expectations.³⁷⁶ These initiatives include greater focus on placement and internship opportunities,³⁷⁷ employer engagement activities,³⁷⁸ promotion of employability through issuing awards based on extra-curricular activities,³⁷⁹ and embedding or ‘bolting on’ employability and skills development into the curriculum.³⁸⁰ Despite this plethora of initiatives, employers still have concerns about the quality of the applicants they chose not to hire.³⁸¹ The areas they are mainly concerned about are: inter-personal skills (especially communication); attitudes towards work and workplace behaviour; and career management and employability (in terms of researching opportunities; and students presenting themselves to employers in applications and interviews). An added challenge to getting an understanding of the skills that employers want is that the literature tends not to distinguish between different sizes of companies and as Archer and Davison argue, ‘the needs of an international company will differ to one that does not trade internationally’ and therefore a nuanced approach to understanding employer employability requirements is needed.³⁸² In their study of 233 UK firms, Archer and Davison establish that regardless of company size, ‘communication skills, team-working and integrity’ are the most valued soft skills by UK employers (80%) but employers found graduates lacking in key ‘soft’ skills and qualities.³⁸³

The literature prescribes that many of these employer concerns could potentially be addressed through undertaking some form of work experience or work-integrated learning during

³⁷⁵ Ron Dearing, ‘Higher Education in the Learning Society’ (1997) Report of the National Committee of Inquiry into Higher Education (HMSO); John Browne, ‘Securing a Sustainable Future for Higher Education: Independent Review of Higher Education and Student Finance in England’ (Department for Business, Innovation and Skills 2010).

³⁷⁶ Shelley Kinash and others, ‘Discrepant Stakeholder Perspectives on Graduate Employability Strategies’ (2016) *Higher Education Research & Development* 35(5) 951.

³⁷⁷ Nick Wilton, ‘The Impact of Work Placements on Skill Development and Career Outcomes for Business and Management Graduates’ (2012) *Studies in Higher Education* 37(5) 603; Ruth Brooks and Paul L Youngson, ‘Undergraduate Work Placements: An Analysis of the Effects on Career Progression’ (2014) *Studies in Higher Education* 41(9) 1563; Denise Jackson, ‘Employability Skill Development in Work-integrated Learning: Barriers and Best Practice’ (2015) *Studies in Higher Education* 40(2) 350.

³⁷⁸ See BIS (Department for Business Innovation and Skills), ‘Understanding Employers’ Graduate Recruitment Practices’ (Department for Business, Innovation and Skills 2015).

³⁷⁹ See Rose Watson, ‘A Rationale for the Development of an Extracurricular Employability Award at a British University’ (2011) *Research in Post-Compulsory Education* 16(3) 371; Sarah Speight, Natasa Lackovic and Lucy Cooker, ‘The Contested Curriculum: Academic Learning and Employability in Higher Education’ (2013) *Tertiary Education and Management* 19(2) 112, 116.

³⁸⁰ See Sue Cranmer, ‘Enhancing Graduate Employability: Best Intentions and Mixed Outcomes’ (2006) *Studies in Higher Education* 31(2) 169; Ruth Bridgstock, ‘The Graduate Attributes We’ve Overlooked: Enhancing Graduate Employability Through Career Management Skills’ (2009) *Higher Education Research & Development* 28(1) 31; Denise Jackson, ‘Testing a Model of Undergraduate Competence in Employability Skills and Its Implications for Stakeholders’ (2014) *Journal of Education and Work* 27(2) 220.

³⁸¹ BIS (Department for Business Innovation and Skills), ‘Understanding Employers’ Graduate Recruitment Practices’ (Department for Business, Innovation and Skills 2015).

³⁸² Will Archer and Jess Davison, ‘Graduate Employability: The View of Employers’ (2008) *The Council for Industry and Higher Education*, 6 <<http://hdl.voced.edu.au/10707/97377>> accessed 10 November 2020.

³⁸³ Will Archer and Jess Davison, ‘Graduate Employability: The View of Employers’ (2008) *The Council for Industry and Higher Education*, 8 <<http://hdl.voced.edu.au/10707/97377>> accessed 10 November 2020.

university, described by Blackwell and others as the ‘missing ingredient’ in undergraduate education.³⁸⁴ Acquiring a better understanding of work culture, gaining an understanding of the world of work, and building confidence in workplace capabilities demonstrate that the benefits of work experience extend beyond improving a graduate’s chances of gaining employment.³⁸⁵ Legal work experience was considered earlier in this chapter at 2.6.2.1, and reference was made there to its relevance to this research. While CLE experiences can be different to work experience, CLE experiences could be viewed as part of a work-integrated learning conceptualisation of work experience, and therefore might help students (who might otherwise struggle to find legal work experience due to their social and cultural capital) acquire an understanding of the work culture and the world of work to build their professional identity. Given the importance of work experience and the potential for CLE to be seen as ‘work experience’, we now turn to consider the literature on the employer perceptions of CLE as work experience.

2.8.4.3 Employer Perceptions of CLE and Work Experience

The literature on employer perceptions of the impact of CLE on employability and work experience is limited and what exists appears to be from employers who have not directly experienced CLE, either through the recruitment process or in employment. However, it is still of interest given they operate in legal recruitment and so will be considered. There are three contributions to the debate, Francis, King, and Thomas. Francis draws on empirical research to consider the role legal work experience plays in enhancing employability within the legal profession and the influences of social and cultural reproduction on access into the legal profession, but his comments on CLE appear to be personal opinion rather than empirically evidenced.³⁸⁶ There is no indication in Francis’s article about what questions were asked and there is no indication that CLE was mentioned or that any of the participants had engaged with CLE. With that caveat in place, Francis suggests that for law firms who are considering the value of CLE it is ‘unlikely to be viewed as carrying the same cultural capital as traditional forms of legal work experience’.³⁸⁷ Francis argues that whilst experiential learning in the form of clinical work can be an effective way to develop knowledge and skills, he suggests that:

³⁸⁴ Alison Blackwell and others, ‘Transforming Work Experience in Higher Education’ (2001) *British Educational Research Journal* 27(3) 269.

³⁸⁵ Denise Jackson, ‘Employability Skill Development in Work-integrated Learning: Barriers and Best Practice’ (2015) *Studies in Higher Education* 40(2) 350, 350.

³⁸⁶ Andrew Francis, ‘Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience’ (2015) *Journal of Law and Society* 42(2) 173.

³⁸⁷ Andrew Francis, ‘Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience’ (2015) *Journal of Law and Society* 42(2) 173, 196.

‘... in terms of the transformation of the employability of students from all backgrounds, the value of what is learnt will depend on the work to which they are exposed, the ability of the student to identify what they are learning, and, ultimately, the preparedness of the profession to recognize any distinction that such initiatives may bring’.³⁸⁸

Francis cites the importance of ‘additionality’, that is, the additional factors which make students stand out to employers, and he argues that ‘there is limited value in ‘work experience credit-bearing modules’ as they will not have the same ‘cultural capital’ as the more traditional forms of work experience. Francis appears to be suggesting in his article that CLE is simply about the acquisition of skills and attributes and since these can be developed elsewhere then he is challenging what differentiator they offer employers. While CLE does undoubtedly develop skills and attributes, it will be valuable to gain alumni perspectives on whether they felt they could gain them from elsewhere.³⁸⁹ Francis’s research appears to present CLE and work experience as binary choices, with CLE representing the ‘poor relation’, which may or may not be the case but will be explored in the findings in chapter 4.

King’s contribution draws on his personal experience as a partner in a London Magic Circle law firm and seems to offer a slightly more positive view of CLE than Francis, suggesting that CLE could be a bridge between academic practice and study. However, he makes it clear that it does not put students in a ‘uniquely stronger position in the recruitment market’.³⁹⁰ While King regards CLE as a ‘good thing’, it is just one of many factors that would be considered but if faced with two applicants and everything else is equal, then the CLE experience could ‘tip the balance’ as that applicant would be able to show that they appreciated what it means to be a lawyer.³⁹¹

While King’s paper is based on his personal opinion of a London Magic Circle law firm, Thomas’s research project focuses on a range of legal recruiters to ascertain levels of awareness and understanding of CLE, as well as the role of CLE in improving the employability

³⁸⁸ Andrew Francis, ‘Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience’ (2015) *Journal of Law and Society* 42(2) 173, 195.

³⁸⁹ Rachel Dunn, ‘A Systematic Review of Literature on Clinical Legal Education’ (2017) *International Journal of Clinical Legal Education* 24(2) 81 <<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020; Rachel Dunn, ‘The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them’ (2017) Doctoral Thesis, Northumbria University <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020.

³⁹⁰ Tony King, ‘Clinical Legal Education: A View from Practice’ in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Hart Publishing 2018) 124.

³⁹¹ Tony King, ‘Clinical Legal Education: A View from Practice’ in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Hart Publishing 2018) 125.

of students who participate in it.³⁹² Thomas's research finds that the employers in her study knew little about the concept of CLE, and not one of the top 50 law firms mention it on their websites as something they are seeking in future trainees. Her research goes on to say that once the employers are provided with information, they can readily identify skills and attributes likely to be developed through CLE. There is no consistency in the employers' responses relating to the relative value of CLE compared to the more traditional forms of work experience, although the majority 'appeared to draw little or no distinction' between experience generated through a clinical programme as opposed to traditional work experience in a law firm or in chambers.³⁹³ However, some employers do view clinical legal experience as a 'poor relation' of legal experience mirroring Francis's viewpoint, albeit better than having no experience at all.³⁹⁴ While these insights were interesting, they have to be treated with caution given that none of the employers have any direct experience of CLE.

My research seeks to advance the debate by exploring how CLE is perceived by alumni and employers, with the key differentiator being that this research involves alumni who have had a CLE experience and employers who recruit graduates who have undertaken a CLE module.

In the following section, the development of the conceptual framework is discussed.

2.9 Developing the Conceptual Framework

In this section of the chapter, the 'gaps' and critiques identified from the literature review will be considered and then the conceptual framework will be described as both of these explain the genesis of the research question.

2.9.1 The 'Gaps' and Critiques in the Literature

Turning to the 'gaps' and critiques in the literature, Table 3 identifies these along with the associated study/studies.

³⁹² Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018).

³⁹³ Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018) 143.

³⁹⁴ Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018) 144. See also Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 195.

Table 3: Summary of 'Gaps' and Critiques of the Literature

Identified gap/critique	Associated studies
Call for further qualitative employability research from the student and graduate perspective to inform curricula and policy development	Higdon ³⁹⁵
Call for further research on the processual approach to make further contributions to employability research that are novel	Holmes; Okay-Somerville and Scholarios ³⁹⁶
Abundance of skills-led research and confusion over meaning	Employability: Tomlinson; Holmes; Jackson ³⁹⁷ CLE: Dunn; Cantatore; Blandy ³⁹⁸
Focus on non-credit bearing CLE experiences rather than accredited full case work models	Cantatore; Blandy ³⁹⁹

³⁹⁵ Rachel Higdon, 'Employability: The Missing Voice: How Student and Graduate Views Could Be Used to Develop Future Higher Education Policy and Inform Curricula' (2016) *Power and Education* 8(2) 176, 192.

³⁹⁶ Leonard Holmes, 'Realist and Relational Perspectives on Graduate Identity and Employability: A Response to Hinchliffe and Jolly' (2013) *British Educational Research Journal* 39(6) 1044, 1049; Belgin Okay-Somerville and Dora Scholarios, 'Position, Possession or Process? Understanding Objective and Subjective Employability During University-to-Work Transitions' (2017) *Studies in Higher Education* 42(7) 1275.

³⁹⁷ Michael Tomlinson, 'Graduate Employability: A Review of Conceptual and Empirical Themes' (2012) *Higher Education Policy* 25(4) 407, 412; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; Denise Jackson, 'Testing a Model of Undergraduate Competence in Employability Skills and Its Implications for Stakeholders' (2014) *Journal of Education and Work* 27(2) 220, 221.

³⁹⁸ See Rachel Dunn, 'A Systematic Review of Literature on Clinical Legal Education' (2017) *International Journal of Clinical Legal Education* 24(2) 81 <<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020; Rachel Dunn, 'The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them' (2017) Doctoral Thesis, Northumbria University <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020; Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019; Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

³⁹⁹ Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019; Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

Focus on the elite UK legal education sector rather than post-1992 universities	Blandy ⁴⁰⁰
Limited UK qualitative data on graduate perceptions of CLE	Alexander and Boothby; Blandy ⁴⁰¹
Employers with no experience of CLE	Francis; King; Thomas ⁴⁰²
Scant empirical evidence of confidence and CLE	Cantatore and others ⁴⁰³
Professional identity: <ul style="list-style-type: none"> • Explored in the legal field but not related to CLE • Lack of literature exploring professional identity formation through university 	Sommerlad; Francis ⁴⁰⁴ Trede and others ⁴⁰⁵
Practice ready lawyers (USA studies)	Sandefur and Selbin; Bryan F Taylor ⁴⁰⁶
Call for further research to find out what educational experiences of students are most valued by employers, and retrospectively look at various	Kuehn; Kemp and others ⁴⁰⁷

⁴⁰⁰ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

⁴⁰¹ Jill Alexander and Carol Boothby, 'Stakeholder Perceptions of Clinical Legal Education Within an Employability Context' (2018) *International Journal of Clinical Legal Education* 25(3) 53 <[Doi.org/10.19164/ijcle.v25i3.768](https://doi.org/10.19164/ijcle.v25i3.768)> accessed 20 May 2019; Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

⁴⁰² Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173; Tony King, 'Clinical Legal Education: A View from Practice' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Hart Publishing 2018); Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018).

⁴⁰³ Francina Cantatore and others, 'A Comparative Study into Legal Education and Graduate Employability Skills in Law Students Through Pro Bono Law Clinics' (2020) *The Law Teacher* 1 <Doi: [10.1080/03069400.2020.1818464](https://doi.org/10.1080/03069400.2020.1818464)> accessed 12 December 2020.

⁴⁰⁴ Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society* 34 (2) 190; Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 195.

⁴⁰⁵ Franziska Trede, Rob Macklin and Donna Bridges, 'Professional Identity Development: A Review of the Higher Education Literature' (2012) *Studies in Higher Education* 37(3) 365, 368.

⁴⁰⁶ Rebecca Sandefur and Jeffrey Selbin, 'The Clinic Effect' (2009) 16 *Clinical Law Review* 57, 58; Bryan F Taylor, 'Through the Looking Glass: Perceptions of The Law School Learning Experience' (2015) 16 *Loyola Law Review* 275, 278.

⁴⁰⁷ Robert R Kuehn, 'Measuring Clinical Legal Education's Employment Outcomes' (2015) *Legal Studies Research Paper Series Paper No. 15-12-01* 645, 664; Vicky Kemp, Tine Munk and Suzanne Gower, 'Clinical legal Education and Experiential Learning: Looking to the Future' (2016) A Report commissioned by The University of Manchester, School of Law, 55 <<https://core.ac.uk/download/pdf/78911073.pdf>> accessed 5 January 2020.

employment outcomes for graduates and any relationship to their experiences while students.	
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What Table 3 depicted is a summary of what has been established from the literature review in terms of ‘gaps’ and critiques. This includes the difficulties around the meaning of employability due to definitional challenge and conceptual clarity.⁴⁰⁸ There is an abundance of skills and attributes research, which is mainly quantitative and highlights interpretation issues around the language of skill and attributes.⁴⁰⁹ Tomlinson⁴¹⁰ refers to the notion of skills, competencies and attributes being used interchangeably and shares Collet and others’ view that they often mean different things to different people.⁴¹¹ What is clear however is that employability is complex and multidimensional⁴¹² and as such the dominant possession and positioned approaches to conceptualising employability, while important, do not sufficiently take into account what Holmes refers to as the ‘interactional’ nature of education-employment trajectories.⁴¹³

While the employability discourse is rich and wide ranging, as is the discourse on CLE, the intersection of employability and CLE has had limited academic attention. The research that

⁴⁰⁸ Lorraine Dacre Pool, Pamela Qualter and Peter J Sewell, ‘Exploring the Factor Structure of the CareerEDGE Employability Development Profile’ (2014) *Education + Training* 56(4) 303, 303.

⁴⁰⁹ Michael Tomlinson, ‘Graduate Employability: A Review of Conceptual and Empirical Themes’ (2012) *Higher Education Policy* 25(4) 407, 412; Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538; Denise Jackson, ‘Testing a Model of Undergraduate Competence in Employability Skills and Its Implications for Stakeholders’ (2014) *Journal of Education and Work* 27(2) 220, 221; Rachel Dunn, ‘A Systematic Review of Literature on Clinical Legal Education’ (2017) *International Journal of Clinical Legal Education* 24(2) 81 <<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020; Rachel Dunn, ‘The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them’ (2017) Doctoral Thesis, Northumbria University <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020; Francina Cantatore, ‘The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students’ (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019; Sarah Blandy, ‘Enhancing Employability Through Student Engagement in Pro Bono Projects’ (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

⁴¹⁰ Michael Tomlinson, ‘Graduate Employability: A Review of Conceptual and Empirical Themes’ (2012) *Higher Education Policy* 25(4) 407, 412.

⁴¹¹ Chris Collet, Damian Hine and Karen du Plessis, ‘Employability Skills: Perspectives from a Knowledge-intensive Industry’ (2015) *Education + Training* 57(5) 532, 533.

⁴¹² Stella Williams and others, ‘A Systematic Review of Current Understandings of Employability’ (2016) *Journal of Education and Work* 29(8) 877, 877; Lee Harvey, ‘Embedding and Integrating Employability’ (2005) *New Directions for Institutional Research* 128:13.

⁴¹³ Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538, 540.

exists has been skills-led,⁴¹⁴ has focused on the elite sector of the UK legal education sector,⁴¹⁵ with little qualitative data on graduate or employer perceptions of accredited full casework models of CLE within the UK.⁴¹⁶ Professional identity and confidence are part of the processual construct but while professional identity construction features as part of the employability literature, it has not been explored within a CLE context and there is a lack of literature exploring professional identity formation through university.⁴¹⁷ Finally, the potential of confidence in enhancing employability has featured in the employability literature but has not been fully explored from a CLE perspective. The employer's voice has been largely absent, despite calls for further research⁴¹⁸ and what research exists appears to be based on employers with no direct experience of CLE, either during recruitment or in the workplace.⁴¹⁹

There is no attempt in the CLE literature to conceptualise employability as a relational concept, where graduates position themselves and are positioned. It is this alternative approach, referred to as the processual approach that has influenced this study, where the interactions of graduates and their employers are examined using a qualitative methodology, an approach that has not been adopted in studies of law students undertaking a compulsory CLE module, thus offering potential contributions that are novel.⁴²⁰ In this study employability experiences are explored not just through the possession of skills and attributes or from a positioned perspective of social and cultural capitals but through the actions graduates take to form,

⁴¹⁴ Jill Alexander and Carol Boothby, 'Stakeholder Perceptions of Clinical Legal Education Within an Employability Context' (2018) *International Journal of Clinical Legal Education* 25(3) 53 <[Doi.org/10.19164/ijcle.v25i3.768](https://doi.org/10.19164/ijcle.v25i3.768)> accessed 20 May 2019; Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

⁴¹⁵ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

⁴¹⁶ Jill Alexander and Carol Boothby, 'Stakeholder Perceptions of Clinical Legal Education Within an Employability Context' (2018) *International Journal of Clinical Legal Education* 25(3) 53 <[Doi.org/10.19164/ijcle.v25i3.768](https://doi.org/10.19164/ijcle.v25i3.768)> accessed 20 May 2019; Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020. For American studies, see Rebecca Sandefur and Jeffrey Selbin, 'The Clinic Effect' (2009) 16 *Clinical Law Review* 57 58; Bryan F Taylor, 'Through the Looking Glass: Perceptions of The Law School Learning Experience' (2015) 16 *Loyola Law Review* 275, 278.

⁴¹⁷ Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society* 34 (2) 190; Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 195.

⁴¹⁸ Robert R Kuehn, 'Measuring Clinical Legal Education's Employment Outcomes' (2015) *Legal Studies Research Paper Series Paper No. 15-12-01* 645, 664; Vicky Kemp, Tine Munk and Suzanne Gower, 'Clinical Legal Education and Experiential Learning: Looking to the Future' (2016) A Report commissioned by The University of Manchester, School of Law, 55 <<https://core.ac.uk/download/pdf/78911073.pdf>> accessed 5 January 2020.

⁴¹⁹ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173; Tony King, 'Clinical Legal Education: A View from Practice' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Hart Publishing 2018); Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018).

⁴²⁰ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

negotiate, and present their graduate or professional identity within the context of CLE. Within this processual approach, employability is 'socially constructed, negotiated and fragile' where part of the process involves individuals warranting their claim that they are worthy of graduate employment and indeed employers warranting the decisions they make around who they recruit.⁴²¹ In locating my study within this processual conceptualisation, it offers a novel approach to CLE and employability, where the perceptions of alumni and employers are explored to gain insights from a wider perspective than has been previously explored to obtain a better understanding of the impact of CLE on employability. Turning now to the conceptual framework.

2.9.2 The Conceptual Framework

The literature has been synthesised to develop a conceptual framework, which as Green explains is poorly understood by the novice researcher due to the paucity of literature explaining what it is, and confusion around its interchangeable use with theoretical frameworks.⁴²² I use Miles and others' explanation, that a conceptual framework is 'simply the current and evolving version of the researcher's 'map' of the qualitative territory being investigated'.⁴²³ In line with my interpretivist stance, where research is exploratory and inductive, the conceptual framework evolved as the study progressed and therefore, the conceptual framework will be re-visited in chapter 5 (Discussion and Contributions) after the data has been analysed (see 5.8).

The conceptual framework has been developed at this stage of the process to help frame the focus of this research, to show the 'map' of the existing literature which will assist in appreciating where this study can contribute to the debate.⁴²⁴ The original concepts that drove this research project were 'employability' and 'CLE' and as has been seen through the literature review, CLE and its intersection with employability is an area that could be further researched as the CLE literature has given scant attention to its potential impact on employability. Diagram 3 depicts the employability literature in a purple circle and refers to the influence for this study being Holmes's theoretical paper on employability from 'possession, positioning, and processual' constructs.⁴²⁵ The CLE literature is in a green circle and refers to

⁴²¹ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 549.

⁴²² Helen Elise Green, 'Use of Theoretical and Conceptual Frameworks in Qualitative Research' (2014) *Nurse Researcher* 21(6) 34 <Doi: [10.7748/nr.21.6.34.e1252](https://doi.org/10.7748/nr.21.6.34.e1252)> accessed 10 February 2021.

⁴²³ Matthew Miles, A Michael Huberman and Johnny Saldana, *Qualitative Data Analysis, A Methods Sourcebook* (Sage Publications 2020) 15.

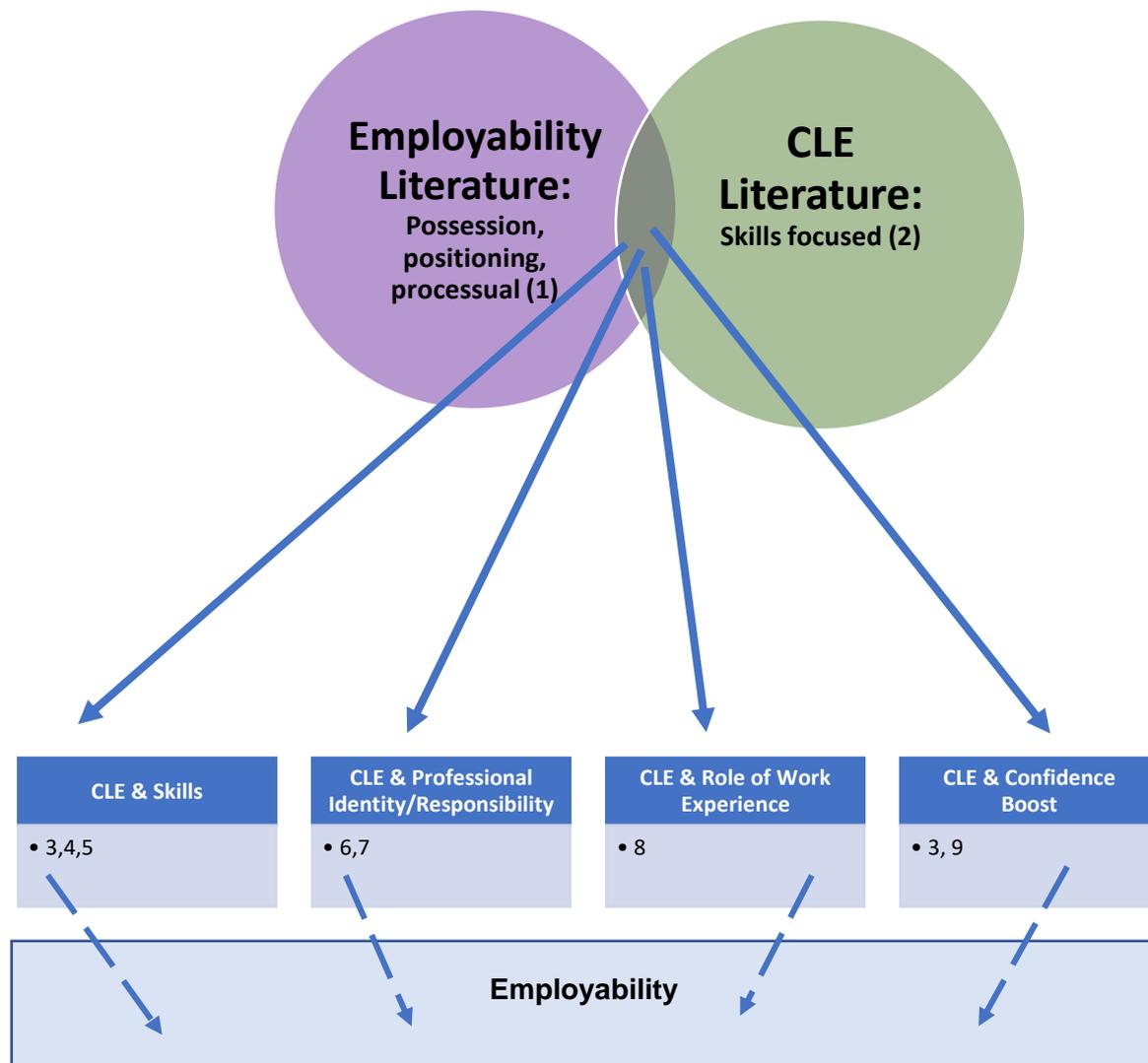
⁴²⁴ Christopher S Collins and Carrie M Stockton, 'The Central Role of Theory in Qualitative Research' (2018) *International Journal of Qualitative Methods* 17(1) 1.

⁴²⁵ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

the existing literature being focused on CLE developing skills.⁴²⁶ The area in the middle of these circles showing where these two areas interconnect, is the area of interest in this study. The empirical literature that exists on the intersection of CLE and employability is illustrated in Diagram 3 below and shows not only how little exists but how it is only loosely connected to employability and compartmentalised into different 'bins' with no references to any of the elements interconnecting or to any contextual factors. These loosely connected bins represent a fragmented approach to employability in the CLE literature, which does not reflect the employability literature's processual approach where employability is more holistic and interconnected. In Diagram 3, the 'loose' connection is depicted by a broken line in the arrows connecting each CLE 'bin' to employability. To explain the 'bins', the CLE literature that has been reviewed in this chapter supports conceptualisations of employability as skills development via CLE experiences, it includes professional identity/responsibility formation through CLE experiences, as well as how CLE experiences are valued as forms of work experience and the potential role it can play in confidence enhancement.

⁴²⁶ Rachel Dunn, 'A Systematic Review of Literature on Clinical Legal Education' (2017) *International Journal of Clinical Legal Education* 24(2) 81 <<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020.

Diagram 3: The Conceptual Framework - Bins



Key to the conceptual framework literature: 1: Holmes, 2: Dunn, 3: Alexander and Boothby, 4: Cantatore, 5: Blandy, 6: Foley, 7: Thanaraj, 8: Thomas, 9: Cantatore.⁴²⁷

⁴²⁷ 1: Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; 2: Rachel Dunn, 'A Systematic Review of Literature on Clinical Legal Education' (2017) *International Journal of Clinical Legal Education* 24(2) 81 <<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020; 3: Jill Alexander and Carol Boothby, 'Stakeholder Perceptions of Clinical Legal Education Within an Employability Context' (2018) *International Journal of Clinical Legal Education* 25(3) 53 <[Doi.org/10.19164/ijcle.v25i3.768](https://doi.org/10.19164/ijcle.v25i3.768)> accessed 20 May 2019; 4: Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019; 5: Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020; 6: Tony Foley and others, 'Teaching Professionalism in Legal Clinic – What New Practitioners Say Is Important' (2012) *International Journal of Clinical Legal Education* 17:6 <<https://doi.org/10.19164/ijcle.v17i0.42>> accessed 2 October 2019; 7: Ann Thanaraj, 'Understanding How a Law Clinic Can Contribute Towards Students' Development of Professional Responsibility' (2016) *International Journal of Clinical Legal Education* 23(4) 89 <<https://doi.org/10.19164/ijcle.v23i4.521>> accessed 15 October 2019, 89-135; 8: Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in

2.10 Chapter Summary

This chapter and chapter 1 addressed the first research objective which is to:

1. Critically evaluate the literature relating to the conceptualisations of employability and the intersection of employability and CLE.

In addressing this research objective, it was evident that the literature on the intersection of employability and CLE was very limited, but the employability literature offered an approach to employability which would influence my study, the processual approach.⁴²⁸ This approach was developed by Holmes, where employability is not just about skills acquisition or where you are positioned in society, although both of those remain relevant, but is a process which takes the graduate from education to employment and is experienced through the interactions between the graduates seeking employment and the 'gatekeepers' to that employment.⁴²⁹ The processual approach is based on an identity project⁴³⁰ where the individual must become a graduate by acting in ways that lead others to 'ascribe to them the identity of being worthy of being employed'. To answer my research question, being - What are the perceptions of alumni and employers of the impact of clinical legal education on employability? - I develop Holmes's processual approach by placing it within a disciplinary context, being CLE, to gain understandings of what effect CLE has on employability. In capturing alumni and employers' understandings and expectations, my research builds on Holmes's approach, which only looked at employability from the graduate position.

This chapter explained the process I have gone through to build a conceptual framework through mapping the existing literature and identifying the gap in the literature which will be filled by the answers to my research question. The next chapter examines the research methodology adopted in this thesis.

Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018); 9: Francina Cantatore and others, 'A Comparative Study into Legal Education and Graduate Employability Skills in Law Students Through Pro Bono Law Clinics' (2020) *The Law Teacher* 1 <Doi: [10.1080/03069400.2020.1818464](https://doi.org/10.1080/03069400.2020.1818464)> accessed 12 December 2020.

⁴²⁸ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 540.

⁴²⁹ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 540.

⁴³⁰ Rom Harre', *Personal Being (Ways of Being)* (Blackwell 1983).

Chapter 3: Methodology

3.1 Introduction

Chapter 2 critically evaluated the literature relating to the conceptualisations of employability and the intersection of employability and CLE. This chapter explains how this research was approached and conducted to answer the research question - What are the perceptions of alumni and employers of the impact of clinical legal education on employability?

I outline the epistemological and theoretical perspectives that underpin the methodology, as well as the rationale for the method chosen. Crotty's⁴³¹ view is that these four elements inform each other, are interrelated⁴³² and together form what he refers to as research 'scaffolding'.⁴³³ This addresses the following objective:

2. Conduct qualitative research with alumni and employers to explore and determine their perceptions of the impact of CLE on employability via an interpretivist methodology.

This chapter explains how participants were identified and accessed; how the study was designed and the data analysed and interpreted. Ethical issues are also considered.

3.2 Epistemological and Ontological Positioning of the Research: Social Constructionism

Epistemology considers 'how we know what we know'⁴³⁴ and 'is concerned with providing a philosophical grounding for deciding which kinds of knowledge are possible and how we can ensure that they are both adequate and legitimate'.⁴³⁵ The epistemological position aligning with this research is social constructionism, where meaning is constructed rather than created.⁴³⁶ Within this positioning, my epistemological standpoint is that there is no objective truth. Meaning is socially constructed in and out of interaction between human beings since the world is always already there.⁴³⁷ It is worth noting that Crotty when discussing epistemological and ontological perspectives, ontology– 'understanding what is' and

⁴³¹ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 2.

⁴³² A view shared by King and Horrocks, see Nigel King and Christine Horrocks, *Interviews in Qualitative Research* (2nd edn, SAGE Publications 2019) 7.

⁴³³ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 16.

⁴³⁴ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 8.

⁴³⁵ Mary Maynard and June Purvis, *Researching Women's Lives from a Feminist Perspective* (Taylor & Francis 1994) 10.

⁴³⁶ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 42.

⁴³⁷ Maurice Merleau-Ponty, *Phenomenology of Perception* (Routledge 2013) XI.

epistemology – ‘understanding what it means to know’ does not consider them as separate issues as they ‘tend to emerge together’ and therefore when using the term epistemology it includes both concepts.⁴³⁸

My stance is that the social world is constructed between individuals through daily interactions during social life, and it is this subjective experience of individuals that is of importance in the creation of the social world where individuals are not seen as products of their environment but rather that they create their own environment through their own actions. This aligns with the processual approach which has influenced this research, and which was discussed extensively in chapter 2.⁴³⁹ What follows from this stance is that there is no objective truth but that meaning is constructed by humans as they engage with the world that they are interpreting.⁴⁴⁰ While there is no objective truth that does not mean that constructionism fully aligns to a subjective epistemology but instead that subjective and objective is a continuum where the subject and the object are interdependent. When describing a social constructionist standpoint, Crotty posits that:

‘No object can be adequately described in isolation from the conscious being experiencing it, nor can any experience be adequately described in isolation from its object’.⁴⁴¹

Working within this epistemology, objectivity and subjectivity are ‘indissolubly’ brought together and held together, and human interaction with the world and the interplay of the objective and subjective is where meaning is constructed.⁴⁴² Cunliffe describes social constructionism as a ‘broad umbrella’ under which lies several different approaches to research, knowledge, and theorising. She expresses this as a continuum and within that continuum, the position that resonates with my research is categorised as relational social constructionist, which focuses on the micro-level, which is how people within a particular setting create sense of and meaning about themselves and their surroundings through their conversations and interactions with the people around them.⁴⁴³ Taking this stance, this research is based on the assumption that knowledge is a product of these interactions and as such the meanings that individuals attach to concepts may vary and my role within the

⁴³⁸ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 10.

⁴³⁹ Leonard Holmes, ‘Reconsidering Graduate Employability: The ‘Graduate Identity’ Approach’ (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538.

⁴⁴⁰ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 43.

⁴⁴¹ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 45.

⁴⁴² Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 44.

⁴⁴³ Ann L Cunliffe, ‘Orientations to Social Constructionism: Relationally Responsive Social Constructionism and its Implications for Knowledge and Learning’ (2008) *Management Learning* 39(2) 123, 128-129.

research is to be open to the potential multiplicity of perspectives encountered through the accounts the participants share.

Following on from Crotty's position that ontology and epistemology emerge together, I refer to social constructionism as my epistemology although this includes ontology. Turning now to the next stage of the research scaffolding, a discussion of the theoretical perspective of this research.

3.3 Theoretical Perspective: Interpretivism

A theoretical perspective is described by Crotty as the philosophical stance that 'lies behind our chosen methodology'.⁴⁴⁴ The philosophical stance that aligns with my epistemological position and underpins my methodology can be described as interpretivism, which looks for 'culturally derived and historically situated interpretations of the social life-world'.⁴⁴⁵ I would make the point here that while there are different schools of thought that sit within the interpretivism umbrella, this research utilises a broadly interpretivist perspective, embracing interpretivism as a generic approach.⁴⁴⁶ This aligns with the exploratory approach taken in this research, which is not seeking to interrogate 'explanations' of phenomena but rather to understand the subjective world of human experience,⁴⁴⁷ to understand individuals' interpretations of the world around them.⁴⁴⁸ Interpretative research is 'idiographic' in that it does not seek to formulate laws or generalise results to others but aims to describe aspects of the social world through detailed accounts of specific social settings, processes or relationships.⁴⁴⁹ In seeking alumni and employer perceptions of the impact of CLE on employability through a processual lens, it is detailed accounts of the processes and interactions that will provide valuable insights.

Crotty refers to interpretivism being linked to Weber's notion of *Verstehen*,⁴⁵⁰ which is based on the 'understanding' of human behaviour and seen as contrasting with the positivist approach being based on the 'explanation' of human behaviour.⁴⁵¹ This research sits within this notion of *Verstehen*, which has been described as meaning, 'to inductively describe and

⁴⁴⁴ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 7.

⁴⁴⁵ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 67.

⁴⁴⁶ Robert Elliott and Ladislav Timulak, 'Descriptive and Interpretive Approaches to Qualitative Research' in J Miles and P Gilbert (eds), *A Handbook of Research Methods for Clinical and Health Psychology* (Oxford University Press 2005) 148.

⁴⁴⁷ Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (7th edn, Routledge 2011) 17.

⁴⁴⁸ Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (7th edn, Routledge 2011) 18.

⁴⁴⁹ Nigel King and Christine Horrocks, *Interviews in Qualitative Research* (2nd edn, SAGE Publications 2019) 11.

⁴⁵⁰ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 67.

⁴⁵¹ Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012) 28.

explain patterns of actors' inter-subjective meanings'.⁴⁵² Through this research, the actual 'meanings and interpretations' participants 'subjectively ascribe to phenomena' were captured in order to answer the research question.⁴⁵³

By working under the interpretivist umbrella, this research is positioned within interpretivism traditions which align with the exploratory nature of the research being undertaken. In this research, the perceptions and experiences of the participants within the social-world are of value and this theoretical perspective supports an exploration of how they experience the world through their 'understandings'. Interpretivists look for meanings and motives behind people's actions and interpreting those human experiences is what drives the research to uncover deeper knowledge of human phenomena. The intent of this research is to pursue contextual depth or thick descriptions, to gain an understanding of *how* people make sense of their worlds through interpretations. Within this paradigm, understandings are generated from the data.

As previously stated, a flexible approach was adopted in this research when working within the interpretivist paradigm to be open to the differing perspectives that are revealed as meaning is constructed by the participants. Participants from different work backgrounds have been included within this study to interrogate a range of perceptions to answer the research question, as no attempt is being made to find a single 'truth' or to generalise the findings. Since this research is exploratory in nature, with its emphasis on knowledge being personal, unique, and subjective this theoretical perspective supports the chosen methodology and methods. The next section considers the data collection method utilised in this study.

3.4 Data Collection Method: Qualitative Semi-Structured Interviews

An interpretivist approach leads naturally to a qualitative methodology where the researcher is concerned with interrogating contextual depth, Hammersley defines qualitative research as:

'... a form of social inquiry that tends to adopt a flexible and data-driven research design, to use relatively unstructured data, to emphasise the essential role of subjectivity in the research process to study a small number of naturally occurring cases in detail, and to use verbal rather than statistical forms of analysis'.⁴⁵⁴

⁴⁵² Phil Johnson and others 'Evaluating Qualitative Management Research: Towards a Contingent Criteriology' (2006) *International Journal of Management Reviews* 8(3) 131, 147.

⁴⁵³ Phil Johnson and others 'Evaluating Qualitative Management Research: Towards a Contingent Criteriology' (2006) *International Journal of Management Reviews* 8(3) 131, 132.

⁴⁵⁴ Martyn Hammersley, *What is Qualitative Research?* (Bloomsbury 2013) 12.

Qualitative research often adopts a constructionist epistemology, which as discussed above, is premised on the belief that there is no objective fixed reality, but rather multiple realities constructed by individuals.⁴⁵⁵ Holliday posits that qualitative research looks deeply at the quality of social life and provides opportunities for exploring all possible social variables and leads to a more informed exploration as themes and focuses develop.⁴⁵⁶ The qualitative paradigm relies on words rather than quantification in the collection of data and predominantly follows an inductive approach, which results in what Bryman refers to as ‘the generation of theories’.⁴⁵⁷ Patton suggests inductive analysis is where the ‘patterns, themes, and categories of analysis come from the data rather than being imposed on them prior to data collection and analysis’.⁴⁵⁸ Bryman refers to qualitative research being ‘invariably unstructured’ to enhance the opportunity of meanings and concepts developing from the data.⁴⁵⁹ The qualitative researcher must be confident in their own decision making in choosing an approach that best suits their objectives.

A key element of qualitative research is that the researcher is the primary instrument for data collection and analysis. As a qualitative researcher, the researcher has to interact closely with the participants in the study while collecting the data, and it provides an opportunity to delve into the detail about the participants’ decision-making and the outcomes of those decisions to get a genuine understanding of their experiences. As Oppenheim states: ‘The interview, unlike most other techniques, requires interpersonal skills of a high order’⁴⁶⁰ and if not done well can ruin a study. The interview approach requires the interviewer to manage a multiplicity of things simultaneously, such as ensuring the interviewee is at ease, managing the flow of the interaction without ‘leading’ the interviewee, all while attempting to make some notes and most stressful of all, ensuring the technology recording the session is working! As Oppenheim goes on to say, ‘When taken seriously, interviewing is a task of daunting complexity’.⁴⁶¹ Despite these potential challenges, I felt drawn towards this method, as I believed it was the best way to uncover the contextual and deeper understandings that were harder or indeed impossible to capture through other methods. I have considerable experience of carrying out interviews both when I was a solicitor in private practice and in an academic context when recruiting and line managing staff and I teach interviewing skills and therefore felt comfortable in this arena.

⁴⁵⁵ James Holstein and Jaber Gubrium, ‘The Constructionist Analytics of Interpretive Practice’ in N Denzin and Y Lincoln (eds), *Strategies of Qualitative Inquiry* (4th edn, Sage 2013) 253.

⁴⁵⁶ Adrian Holliday, *Doing and Writing Qualitative Research* (SAGE Publications 2007) 5.

⁴⁵⁷ Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012) 36.

⁴⁵⁸ Michael Q Patton, *Qualitative Evaluation Methods* (SAGE publications 1980) 306.

⁴⁵⁹ Alan Bryman, *Social Research Methods* (Oxford University Press 2012) 208.

⁴⁶⁰ AN Oppenheim, *Questionnaire Design, Interviewing and Attitude Measurement* (Continuum 1992) 65.

⁴⁶¹ AN Oppenheim, *Questionnaire Design, Interviewing and Attitude Measurement* (Continuum 1992) 65.

To ensure authenticity and credibility, there is a need to be reflexive throughout the process, which is explored in 3.4.4 and in 6.5 below.

In conducting this study, what was of interest was the participants' voices and the accounts that develop from the data; this inductive strategy results in theories developing as the data collection method is flexible and open-ended. The outcome is a rich descriptive account of the phenomena that addresses the research question and provides in-depth insights into the participants' expectations, motivations, and perceptions. As was seen in chapter 2, with little research existing on the intersection of CLE and employability, and with what does exist being predominantly quantitative in nature, this qualitative approach is novel.

Within a qualitative framework, and taking an interpretivist stance, this study is concerned with identifying the impact of CLE on employability. With the nature of this research being exploratory, this qualitative research sought to generate theory from seeking the opinions of the alumni and employer participants focusing on their experiences. To answer the research question, interviews were chosen as the research method as Rowley suggests:

'... interviews are generally used in conducting qualitative research, in which the researcher is interested in...gaining insights into or understanding of opinions, attitudes, experiences, processes, behaviours, or predictions ...'.⁴⁶²

Interviews can 'achieve a level of depth and complexity'.⁴⁶³ While there are different approaches to interviews, a semi-structured approach was used, where the same basic areas were addressed but the participants had space to introduce issues and explanations around their decision-making and the outcomes of those decisions in line with my interpretivist stance. This approach provides a balance in that questions are used to guide the process but there is flexibility⁴⁶⁴ for the researcher to take an active role in interacting with the participants to probe for further detail when appropriate, to secure the in-depth accounts needed to address the research question.⁴⁶⁵

Through this approach, this research answers the 'what' and 'how' questions that when combined can result in the best research. Interviews have been used extensively in social

⁴⁶² Jennifer Rowley, 'Conducting Research Interviews' (2012) *Management Research Review* 35(3/4) 260, 261.

⁴⁶³ Bridget Byrne, 'Qualitative Interviewing' in C Seale (ed), *Researching Culture and Society* (4th edn, Sage 2018).

⁴⁶⁴ Ali Alsaawi, 'A Critical Review of Qualitative Interviews' (2014) *European Journal of Business and Social Sciences* 3(4) 149, 151 <Doi:[10.2139/ssrn.2819536](https://doi.org/10.2139/ssrn.2819536)> accessed 10 March 2019.

⁴⁶⁵ Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012) 471.

science research and have been conceptualised as a professional conversation or interaction, with Kvale suggesting:

'The qualitative research interview is a construction site for knowledge. One form of research interview – a semi-structured life-world interview ... is defined as an interview with the purpose of obtaining descriptions of the life world of the interviewee with respect to interpreting the meaning of the described phenomena'.⁴⁶⁶

However, while interviews offer flexibility and a certain informality, there was an awareness that they were not everyday conversations but had a specific purpose and as such required careful pre-planning. In choosing to use interviews as the data collection method, the aim was to focus on and explore the participants' personal experiences⁴⁶⁷ of the impact of CLE on employability, which would hopefully be forthcoming from building rapport within the interview environment with those participants.⁴⁶⁸ In the following section, the development of the interview guides is discussed.

3.4.1 Developing the Interview Guides

In advance of drafting the questions that would be used to frame the interviews, the literature review was re-read, and areas of interest were identified that then informed the choice of questions and probes to be used to guide the interviews. Two sets of interview guides were formulated, one for alumni participants and one for employer participants. In developing the interview guides, it is important to be cognisant of the fact that participants are not being asked to answer the research question, but research objectives had to be translated into questions.⁴⁶⁹ While a range of questions to be addressed by the participants were used, they were not prescriptive and did allow opportunities for the participants to raise issues of interest. A careful balance had to be struck to ensure that all potentially relevant topics were covered, while being open to new perspectives being revealed by the participants. In designing the interview guides, King and Horrocks's⁴⁷⁰ approach was adopted where the initial questions focused on the participants' backgrounds, including information about their current role and in relation to the alumni, their social class as the literature had shown that in the elite employment

⁴⁶⁶ Steinar Kvale, *Doing Interviews* (SAGE Publications 2007) 24.

⁴⁶⁷ Nigel King and Christine Horrocks, *Interviews in Qualitative Research*, (2nd edn, SAGE Publications 2019) 2.

⁴⁶⁸ Nigel King and Christine Horrocks, *Interviews in Qualitative Research*, (2nd edn, SAGE Publications 2019) 77.

⁴⁶⁹ Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (7th edn, Routledge 2011) 415.

⁴⁷⁰ Nigel King and Christine Horrocks, *Interviews in Qualitative Research*, (2nd edn, SAGE Publications 2019) 65.

sector, which includes law,⁴⁷¹ non-traditional students, such as the alumni participants in my study (the majority of whom described themselves as working class) face different challenges to their more privileged peers when seeking employment.⁴⁷²

Questions about experience/behaviour/opinion were explored and in relation to alumni, the questions were around their experiences at university and then beyond, around the impact of clinical experience both before they found graduate employment and thereafter. In respect of the employers, the questions related to their expectations and perceptions of employability from recruitment to transition into employment, along with their perceptions of the impact of clinical experience on employability.

A range of question types were used, including open and closed questions, direct and indirect as well as specific and non-specific to encourage the participants to draw on their experiences.⁴⁷³ In developing the questions, an opportunity was provided for the participants to respond freely and prompts and probes were used to draw out the 'richer' stories and examples.⁴⁷⁴ The interview questions were not fixed at the outset, there was the potential for these to evolve as each interview was consciously reflected upon to try to ensure the study was capturing the kind of data that was needed to answer the research question.⁴⁷⁵

In advance of the first interview, two of my supervisors and an experienced academic who works in the Student Law Office reviewed the draft guides to check on the nature and the way the questions were framed and the potential for them to elicit the 'stories' I was looking for. Constructive observations were made, although no changes were needed. I was open to using some of the initial interviews as a form of pilot/pre-testing as while more generally associated with quantitative studies and certainly not necessary in qualitative studies, a pilot can be useful in any paradigm.⁴⁷⁶ However, as my approach was evolving, reflexive and flexible, a pilot study proved to be otiose, and no changes were deemed necessary to the questions contained in the guides throughout the interviewing process. Bryman refers to part of the value of conducting pilot interviews being for a novice interviewer to gain experience⁴⁷⁷ but given my background and extensive interview experience, this was not needed as while I am a novice

⁴⁷¹ Sam Friedman and Daniel Laurison, *The Class Ceiling: Why It Pays To Be Privileged* (Policy Press 2020) 11.

⁴⁷² Friedman and Laurison use the UK government's National Statistics Socio-economic Classifications (NS-SEC) when discussing class origins. People from 'privileged' backgrounds have at least one parent whose job is in the top two classes of the NS-SEC, see Sam Friedman and Daniel Laurison, *The Class Ceiling: Why It Pays To Be Privileged* (Policy Press 2020) 38.

⁴⁷³ Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (7th edn, Routledge 2011) 417.

⁴⁷⁴ Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (7th edn, Routledge 2011) 420.

⁴⁷⁵ Virginia Braun and Victoria Clarke, *Successful Qualitative Research, A Practical Guide for Beginners* (SAGE Publications 2013) 85.

⁴⁷⁶ Edwin R van Teijlingen and Vanora Hundley, 'The Importance of Pilot Studies' (2001) *Social Research Update* (35).

⁴⁷⁷ Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012) 474.

qualitative researcher, I am not a novice interviewer. Copies of the guides are in Appendix F. The next section looks at how the participants were selected.

3.4.2 Selecting Participants

Working within the processual approach, which (as was discussed in chapter 2), relates to the interactions between the graduates seeking employment and the 'gatekeepers' to that employment,⁴⁷⁸ and as such required both alumni and employers' perceptions to be explored. The employer and alumni participants were not 'paired' in the sense of being from the same organisation as in the comparatively close-knit North-East legal community I knew I would not be able to recruit participants to a project that asked employers to comment on individual employees and vice-versa, and in any event that was not part of the rationale behind this project. The approach taken to selecting participants was *purposive*, which is typical in qualitative research where insights and in-depth understandings are being sought.⁴⁷⁹ Therefore, participants were not selected at random but were selected in a strategic way so that the participants were relevant to the research question.⁴⁸⁰ Consequently, selection had to be from alumni and employer groups who would be able to speak on the topics and issues that were relevant to the research question.

Within the processual approach, this research considers alumni and employers' interactions and the outcomes of those interactions from pre-recruitment to post-recruitment to obtain a view of the impact of CLE on employability.⁴⁸¹ By involving both alumni and employers who recruit and/or supervise graduates, the views and perceptions of the alumni were not only being captured but insights were being gained into the views and expectations that Holmes conceptualised as emanating from 'significant others'⁴⁸² being those who control the practices within the workplace into which the alumni enter. Accordingly, each group had to meet certain selection criteria. For alumni, only those who had undertaken a CLE module could participate as otherwise they would not be able to comment on the phenomena being researched. As the focus of the study is employability within the graduate sector the alumni participants had to have secured employment in the graduate sector, whether that was within the legal or non-legal sector. In relation to employers, they needed to be involved in the recruitment of

⁴⁷⁸ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 540.

⁴⁷⁹ Virginia Braun and Victoria Clarke, *Successful Qualitative Research, A Practical Guide for Beginners* (SAGE publications 2013) 56.

⁴⁸⁰ Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012) 418.

⁴⁸¹ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111.

⁴⁸² Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111.

graduates and/or the supervision of graduates who have completed a CLE module, since as was seen in chapter 2, there is no empirical research from this perspective.⁴⁸³

Alumni and employer participants were accessed primarily through my network of contacts, and by asking alumni participants if they knew of anyone else who might be interested in getting involved (referred to as 'snowballing'⁴⁸⁴), subject to meeting the criteria. My network has developed from my prior professional life as a solicitor in private practice and as an academic practitioner for the last 27 years. In respect of alumni, I initially spoke to one of my personal tutees and she passed on a couple of contacts and then this resulted in a snowball effect as each alumni participant interviewed made new suggestions.⁴⁸⁵ Staff were asked to reach out to any of their alumni contacts and a number of those were followed up too. In relation to employer contacts, employers who recruited our graduates were approached by email. Contacts that were made were recorded through a table of key information, which included dates of contact and responses. Within my social constructionist approach, which is based on the assumption that knowledge is a product of interactions and as such the meanings that individuals attach to concepts may vary, I wanted to gain perspectives from a range of graduate roles rather than limiting the study to trainee solicitors within legal firms. The nature of the legal sector has changed in recent years with more paralegal positions being created, therefore paralegals and graduates in non-law jobs were included as not all law students want to pursue careers in law. The sample included only one employer participant who did not come from the legal sector and I made the decision to include this participant in the data in order to allow their 'voice' to be heard as I felt they offered valuable and interesting insights and because of my interpretivist perspective, the focus was on gaining a greater understanding rather than establishing generalisability from a large sample size. After twelve alumni interviews and ten employer interviews, no new themes developed from the data, this is known by the term 'saturation'.⁴⁸⁶ In total, twenty-two interviews were carried out.

⁴⁸³ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173; Tony King, 'Clinical Legal Education: A View from Practice' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Hart Publishing 2018); Linden Thomas 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018).

⁴⁸⁴ Virginia Braun and Victoria Clarke, *Successful Qualitative Research, A Practical Guide for Beginners* (SAGE Publications 2013) 57.

⁴⁸⁵ Nigel King and Christine Horrocks, *Interviews in Qualitative Research* (2nd edn, SAGE Publications 2019) 34.

⁴⁸⁶ Barney G Glaser and Anselm L Strauss, *The Discovery of Grounded Theory: Strategies For Qualitative Research* (Aldine 1967) 61.

3.4.3 The Interviews

The study consisted of twenty-two interviews which took place between October 2018 and January 2020. In advance of each interview, participants were provided with an Information Sheet (see Appendix G), that outlined the purpose of the study and how the data would be used. At the beginning of each interview, the participant was asked to read and sign an Individual Informed Consent form (see Appendix H), and a brief overview of the purpose and structure of the interview was provided. The content of the interviews and the questioning approach have been described above at 3.4.1.

The interviews were all carried out face to face and ranged in duration from 45 minutes to an hour and a half. Some of the interviews took place in a private room at Northumbria University and others took place at the employers' offices. The interview setting is important, as the physical environment can affect the success of the interview. Each participant decided where they wanted the interview to take place and for those interviewed at Northumbria University, a quiet place was secured where there would be no interruptions. For interviews that took place elsewhere, the rooms were private and there were no interruptions.

The interviews were audio-recorded and as Warren states, this can influence the process as the fact that their contribution is being recorded has meaning for the participants.⁴⁸⁷ Potential concerns were alleviated by explaining the reasons for recording to the participants, emphasising that confidentiality was still guaranteed. A few notes were made on the interview guide during the interviews, not to record what the participants were saying but as prompts for me to reflect on after the interview. As a consequence of these notes and my diary entries, I was able to reflect on the questions and although I did not change any of them, I did review how I framed some of the questions to ensure the interviewee had a clear understanding of what was being asked. Interviews were transcribed by an external transcription service approved by Northumbria University. The recordings were listened to as part of a quality assurance review to ensure accuracy, and brief notes were made of the interviews highlighting some key issues.⁴⁸⁸ The transcripts were then sent to the participants, and they were invited to comment (no one did).

I was confident about the rapport-building and 'performance' side of conducting interviews. As an experienced legal practitioner, I have interviewed clients on many occasions and so understood the importance of non-verbal communication and of letting the participant get their points across with minimum interference and interruption. As Mishler opines:

⁴⁸⁷ Karen AB Warren, 'Qualitative Interviewing in JF Gubrium and JA Holstein (eds), *Handbook of Interview Research: Context and Method* (SAGE publications 2002) 91.

⁴⁸⁸ AN Oppenheim, *Questionnaire Design, Interviewing and Attitude Measurement* (Continuum 1992) 76.

'If we allow respondents to continue in their own way until they indicate they have finished their answer, we are likely to find stories; if we cut them off, . . . if we do not appear to be listening to their stories . . . then we are unlikely to find stories'.⁴⁸⁹

Participants appeared relaxed and comfortable, and they were surprisingly engaged and enthusiastic. In fact, they all said afterwards that they had enjoyed being interviewed, which was a relief as I was conscious of how busy the participants were, and how generous they were in giving up their time.

The participants are detailed below, along with their pseudonyms and job type or role. I found gender neutral pseudonyms through a google search and refer to the participants as 'they' and 'them'. The alumni were asked in which social class they place themselves as well as whether they were first generation to university and state or privately educated, and this was recorded. It is important to note that there is no consensus about how to measure social class but that proxy measures are often used relating to social and economic status. This study used two proxy indicators as well as the alumni self-descriptors, being if they were first generation to university and if they were privately educated. In the following tables, the participants are grouped by role title.

Table 4: Alumni Participant Details

Pseudonym	Role	Class
Paralegal		
Jay	Paralegal (training contract secured to start following year)	Working
Ari	Paralegal	Working
Fin	Paralegal (training contract secured to	Middle

⁴⁸⁹ Elliot Mishler, 'The Analysis of Interview-narratives' in T Sarbin (ed), *Narrative Psychology: The Storied Nature of Human Conduct* (Praeger Press 1986) 235.

	start in 2 years' time)	
Kennedy	Paralegal (training contract secured to start following year)	Working
Tate	Paralegal (training contract secured to start following year)	Middle but first generation to university
Cameron	Paralegal (training contract secured to start following year)	Middle but first generation to university
Trainee solicitor/solicitor		
Charlie	Trainee solicitor	Working
Rowan	Solicitor	Working
Kit	Trainee solicitor	Working
Alex	Trainee solicitor	Middle
Non-legal graduate employment		
Blair	Tax assistant	Working
Casey	Local Authority Graduate Trainee	Working

(training contract secured to start following year)

Table 5: Employer Participant Details

Pseudonym	Role
Sydney	Graduate Recruitment Specialist (law firm)
Bailey	Graduate Recruitment Specialist (law firm)
Devin	Partner (law firm)
Drew	Partner (law firm)
Jesse	Head of Operations (law firm)
Frankie	Solicitor (law firm)
Taylor	Partner (law firm)
Archer	Solicitor (law firm)
Bobby	Senior Associate (law firm)
Jude	Learning & Organisational Development Manager (non-law)

As with any method, conducting interviews has its limitations and challenges, which as a qualitative researcher are explored reflexively, through a reflexive diary which is discussed next.

3.4.4 Reflexivity: The Diary

Reflexivity is an essential element of good qualitative research and refers to the 'process of critically reflecting on the knowledge we produce, and our role in producing that knowledge'.⁴⁹⁰

Reflexivity is therefore part of the quality assurance process, with its benefits including enhanced trustworthiness of the data and an enhanced appreciation of the researcher's

⁴⁹⁰ Virginia Braun and Victoria Clarke, *Successful Qualitative Research, A Practical Guide for Beginners* (SAGE Publications 2013) 37.

role.⁴⁹¹ In this study, a reflexive diary supported the reflexive process,⁴⁹² which derived from my epistemological position of social constructionism and the need to be as transparent as possible in explaining the subjective elements of the researcher and the research process which affect the interpretations that are generated.⁴⁹³

The diary entries were made as soon as practically possible after each interview and were used to record my thoughts and feelings and reflections about each interview and included reflections on how well the interview had gone, whether anything needed to be changed going forward, as well as developing themes. The diary provided an opportunity to create the 'space' referred to by Nadin and Cassells as being required to be reflexive,⁴⁹⁴ to record concerns and anxieties (both practical and methodological), which might otherwise have been lost with the passage of time and the frailty of memory. An extract of the diary is in Appendix I.

In the previous sections, the epistemological and theoretical perspectives that underpin the methodology as well as the rationale for the method chosen in this research were established and justified. Additionally, the way the participants were selected and accessed was explained, details regarding the interviews were provided and the role of the reflexive diary was explored. The following sections explore my approach to data analysis.

3.5 Data Analysis Approach: Introducing Thematic Analysis

Creswell describes analysing qualitative data as 'challenging',⁴⁹⁵ but its appeal is that it 'captures the complexity, mess and contradiction that characterises the real world, yet allows us to make sense of patterns of meaning'.⁴⁹⁶ This section will explain the approach chosen to analyse and interpret the interview data, which aligns with Braun and Clarke's phases of thematic analysis. Thematic analysis identifies, analyses and reports on themes within data and although it was widely used when Braun and Clarke wrote their original article in 2006,

⁴⁹¹ Sara Nadin and Catherine Cassell, 'The Use of a Research Diary as a Tool for Reflexive Practice: Some Reflections from Management Research' (2006) *Qualitative Research in Accounting & Management* 3(3) 208, 209 <Doi:[10.1108/11766090610705407](https://doi.org/10.1108/11766090610705407)> accessed 26 January 2020.

⁴⁹² The reflexive process is discussed further at 6.5.

⁴⁹³ Sara Nadin and Catherine Cassell, 'The Use of a Research Diary as a Tool for Reflexive Practice: Some Reflections from Management Research' (2006) *Qualitative Research in Accounting & Management* 3(3) 208, 210 <Doi:[10.1108/11766090610705407](https://doi.org/10.1108/11766090610705407)> accessed 26 January 2020.

⁴⁹⁴ Sara Nadin and Catherine Cassell, 'The Use of a Research Diary as a Tool for Reflexive Practice: Some Reflections from Management Research' (2006) *Qualitative Research in Accounting & Management* 3(3) 208, 214 <Doi:[10.1108/11766090610705407](https://doi.org/10.1108/11766090610705407)> accessed 26 January 2020.

⁴⁹⁵ John W Creswell and Cheryl N Poth, *Qualitative Inquiry and Research Design, Choosing Among Five Approaches* (4th edn, SAGE Publications 2018) 181.

⁴⁹⁶ Virginia Braun and Victoria Clarke, *Successful Qualitative Research, A Practical Guide for Beginners* (SAGE Publications 2013) 10.

they said it was poorly ‘branded’ and often was not explicitly acknowledged as the method that had been used.⁴⁹⁷

To address these quality issues, Braun and Clarke formulated a step-by-step guide to conducting thematic analysis. Their guide contains six phases, being familiarisation; generating initial codes; searching for themes; reviewing the themes; defining and naming the themes; and producing the report. Although Braun and Clarke clearly demarcate these six phases, they emphasise that analysis is not a linear process but a ‘recursive’ one where ‘movement is back and forth as needed, throughout the phases’.⁴⁹⁸ McLeod describes Braun and Clarke’s approach as, ‘flexible, straight-forward and accessible’⁴⁹⁹ and consequently over the next decade and more it proves popular but Braun and Clarke opine that despite its popularity, there remains confusion about what thematic analysis is, how it is underpinned from a philosophical perspective and what ‘best practice’ looks like.⁵⁰⁰ In their 2018 paper Braun and Clarke express dismay at instances where their intended approach, which was to be ‘a fully qualitative one’, is ‘mashed up’ with a ‘positivist research sensibility and analytic procedures’.⁵⁰¹

Braun and Clarke’s approach is not committed to any pre-existing theoretical framework, but can be used within different theoretical frameworks.⁵⁰² In thematic analysis, the researcher’s role in knowledge production is ‘at the heart’⁵⁰³ of this approach, emphasising researcher subjectivity ‘as a resource (rather than a problem to be managed)’,⁵⁰⁴ where analysis is not shaped by existing theory but is inductively generated from the data.⁵⁰⁵ Qualitative data analysis, they argue is about telling ‘stories’, about interpreting, and creating, not discovering and finding the ‘truth’, and they emphasise that ‘themes do not passively emerge from data’ but are the ‘product of deep and prolonged data immersion’.⁵⁰⁶ This all aligns with the social

⁴⁹⁷ Virginia Braun and Victoria Clarke, ‘Using Thematic Analysis in Psychology’ (2006) *Quality Research in Psychology* 3(2) 77, 79-80.

⁴⁹⁸ Virginia Braun and Victoria Clarke, ‘Using Thematic Analysis in Psychology’ (2006) *Quality Research in Psychology* 3(2) 77, 86.

⁴⁹⁹ John McLeod, *Qualitative Research in Counselling and Psychotherapy* (3rd edn, SAGE publications 2011) 146.

⁵⁰⁰ Virginia Braun and Victoria Clarke, ‘Using Thematic Analysis in Counselling and Psychotherapy Research: A Critical Evaluation’ (2018) *Counselling and Psychotherapy Research* 18(2) 107, 107.

⁵⁰¹ Virginia Braun and Victoria Clarke, ‘Using Thematic Analysis in Counselling and Psychotherapy Research: A Critical Evaluation’ (2018) *Counselling and Psychotherapy Research* 18(2) 107, 108.

⁵⁰² Virginia Braun and Victoria Clarke, ‘Using Thematic Analysis in Psychology’ (2006) *Quality Research in Psychology* 3(2) 77, 81.

⁵⁰³ Virginia Braun and Victoria Clarke, ‘Reflecting on Reflexive Thematic Analysis’ (2019) *Qualitative Research in Sport, Exercise and Health* 11(4) 589, 594.

⁵⁰⁴ Victoria Clarke and Virginia Braun, ‘Using Thematic Analysis in Psychology’ (2006) *Quality Research in Psychology* 3(2) 77, 107.

⁵⁰⁵ Victoria Clarke and Virginia Braun, *Successful Qualitative Research, A Practical Guide for Beginners* (SAGE Publications 2013) 174.

⁵⁰⁶ Virginia Braun and Victoria Clarke, ‘Reflecting on Reflexive Thematic Analysis’ (2019) *Qualitative Research in Sport, Exercise and Health* 11(4) 589, 591.

constructionism and interpretive stance,⁵⁰⁷ which underpins this study and was discussed at 3.2 and 3.3 above.

My objective in the following section is to provide a transparent account of how I approached thematic analysis using Braun and Clarke's guide by explaining each phase and its application to this research⁵⁰⁸

3.5.1 Phase One: Familiarisation

In this first phase, Braun and Clarke refer to immersing yourself in the data and that the researcher needs an analytical sensibility, which is the ability to read and interpret the data and produce insights into the meaning of the data.⁵⁰⁹ Even before this first phase, my reflexive diary was being used to record preliminary impressions on things of interest immediately after each interview took place (see Appendix I for an example of a diary extract). So, there was a pre-phase 1 stage for me, and then once all the data had been transcribed, I moved to Phase 1 where the process started of immersing myself in the data by listening to the recordings to check the transcripts for accuracy. It was at this point that the transcripts were sent to the participants, and they were invited to comment but none chose to do so.

During this phase, notes were made (see Appendix J for an example of these notes) as each recording was listened to, which helped me begin the analytical process, albeit at a rudimentary level.

After all the recordings had been listened to, each transcript was read carefully, and I started to make brief notes of ideas and potential codes. With twenty-two interviews, this was a slow process but as the 'bedrock'⁵¹⁰ for the rest of the analysis, I endeavoured to actively engage and become as familiar as possible with the data so I could begin to think about what the data meant. I then progressed to Phase Two.

3.5.2 Phase Two: Generating Initial Codes

The move from Phase One to Phase Two occurred organically as I became more deeply immersed in the data and started to identify codes. Codes 'identify a feature of the data

⁵⁰⁷ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 80.

⁵⁰⁸ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 79- 80.

⁵⁰⁹ Virginia Braun and Victoria Clarke, *Successful Qualitative Research, A Practical Guide for Beginners* (SAGE Publications 2013) 201.

⁵¹⁰ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 87.

(semantic content or latent) that appears interesting to the analyst'.⁵¹¹ I started by coding all the data that was relevant to the research question, this is known as 'complete coding' and involved 'attributing a word or a brief phrase that captured the essence' of why a particular piece of data was useful.⁵¹² Coding was approached in 2 stages:

Stage 1: The 'comment' feature in word was used on each transcript to record the codes that were being generated, along with some contextual information to ensure the context was not lost.⁵¹³ The full dataset was reviewed in this way.

Stage 2: All the transcripts were then re-read, and a number was attributed to each code and at the same time a table of codes was prepared with supporting quotes (see Appendix K for examples of extracts from a transcript with the codes/numbers; Appendix L for an extract from the alumni table of codes and its supporting quotes; and Appendix M for an extract from the employer table of codes and its supporting quotes). This resulted in quotes being readily available to support each code. After that initial coding process, ninety-five employer codes and seventy-four alumni codes had been generated (see Appendix N which contains all the initial alumni codes and Appendix O for the initial employer codes). The table of codes and supporting quotes extended to one hundred and thirty pages for alumni and ninety-four pages for employers.

This was a time-consuming part of the process, long days over a six-week period were spent working exclusively on this phase of the analysis before moving to Phase Three.

3.5.3 Phase Three: Searching for Themes

Braun and Clarke conceptualise themes as 'meaningful entities that are constructed from codes that unify disparate data, and capture the essence of some degree of recurrent meaning across a data-set'.⁵¹⁴ They make it clear that themes are not 'diamonds scattered in the sand, waiting to be plucked-up by a passer-by'⁵¹⁵ and repeatedly and forcefully criticise research that refers to the themes emerging from the data.⁵¹⁶ Developing themes is something that has

⁵¹¹ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 88.

⁵¹² Virginia Braun and Victoria Clarke, *Successful Qualitative Research, A Practical Guide for Beginners* (SAGE Publications 2013) 206.

⁵¹³ Alan Bryman, *Social Research Methods* (4th edn, Oxford University Press 2012) 578.

⁵¹⁴ Virginia Braun and Victoria Clarke, '(Mis)Conceptualising Themes, Thematic Analysis, and Other Problems with Fugard and Potts' (2015) *Sample-size Tool for Thematic Analysis*' (2015) *International Journal of Social Research Methodology* 19(6) 739, 740.

⁵¹⁵ Virginia Braun and Victoria Clarke, '(Mis)Conceptualising Themes, Thematic Analysis, and Other Problems with Fugard and Potts' (2015) *Sample-size Tool for Thematic Analysis*' (2015) *International Journal of Social Research Methodology* 19(6) 739, 740.

⁵¹⁶ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 80; Victoria Clarke and Virginia Braun, '(Mis)Conceptualising Themes, Thematic Analysis,

to be done *actively* and they liken it to the work of a sculptor who ‘actively make choices about how they shape and craft their ‘raw data’ (e.g. their pieces of marble) into an analysis’.⁵¹⁷

By the end of this phase, the aim was to have created a collection of ‘candidate themes and sub-themes, and all extracts of data that have been coded in relation to them’.⁵¹⁸ A substantial number of codes had been developed and these were then reviewed and the process of placing them in candidate themes was started. The initial approach taken was to simply draw lines between codes that could be merged, and which ones could be grouped together into themes and which ones could be discarded. Page after page of scribbles on pieces of paper were created as codes were arranged and re-arranged. This was a laborious process, but I ultimately prepared documents that illustrated the journey from codes to candidate themes for alumni and employers (Appendices P and Q). Turning now to Phase Four, reviewing themes.

3.5.4 Phase Four: Reviewing Themes

As I started the review phase, I was questioning what I had produced and whether some of the themes reflected what my early impressions had been from interviewing the participants. I was unable to visualise what I was going to meaningfully write about some of the themes/sub-themes and what the overall story that developed from the analysis would be. At this point, I really did feel like giving up as this was a particularly lonely and frustrating part of the process, which was exacerbated by the ‘lockdown’.⁵¹⁹ I decided to seek out some support, which had to be virtual as everyone was under government advice to stay at home. I contacted an experienced academic colleague by email, who agreed to review my codes and themes. Braun and Clarke anticipate this stage in the process where themes would need to be refined and reworked, and perhaps new themes created and referred to coding as ‘an ongoing organic process’.⁵²⁰

While I was waiting for feedback, I re-visited the literature to see if that could help give me a sense of direction, some context and perspective. It also provided an opportunity to put a little distance between myself and the data; I had been concentrating solely on this endeavour now

and Other Problems with Fugard and Potts’ (2015) Sample-size Tool for Thematic Analysis’ (2015) *International Journal of Social Research Methodology* 19(6) 739, 740; Victoria Clarke and Virginia Braun, ‘Using Thematic Analysis in Counselling and Psychotherapy Research: A Critical Evaluation’ (2018) *Counselling and Psychotherapy Research* 18(2) 107, 108; Virginia Braun and Victoria Clarke, ‘Reflecting on Reflexive Thematic Analysis’ (2019) *Qualitative Research in Sport, Exercise and Health* 11(4) 589, 591.

⁵¹⁷ Virginia Braun and Victoria Clarke, *Successful Qualitative Research, A Practical Guide for Beginners* (SAGE Publications 2013) 225.

⁵¹⁸ Virginia Braun and Victoria Clarke, ‘Using Thematic Analysis in Psychology’ (2006) *Quality Research in Psychology* 3(2) 77, 89.

⁵¹⁹ Covid-19 resulted in a national lockdown during my sabbatical.

⁵²⁰ Virginia Braun and Victoria Clarke, ‘Using Thematic Analysis in Psychology’ (2006) *Quality Research in Psychology* 3(2) 77, 91.

for ten weeks and was perhaps overly immersed in the detail of the data. The feedback confirmed my thoughts, I had far too many codes and had coded to such a granular level that the voices of the participants had got lost and some of the themes did not answer my research question. The feedback from my colleague, said coding had been approached 'like a lawyer', interrogating the data with the same forensic approach that would have been used to review a legal document where every small detail had to be excavated and examined. She advised me to go back to my transcripts and read them all again and re-work the coding and the themes based on that review. This involved me stepping back from the granular detail to bring out the stories that reflected the data that had been collected. I duly followed her advice and with the literature fresh in my mind, I was able to re-engage with the data, refine codes and re-work themes that I felt would answer the research question in an interesting and meaningful way. This stage moved organically into Phase 5, where themes were defined and named.

3.5.5 Phase Five: Defining and Naming Themes

In this phase, themes are defined and further refined, which means each theme has to have an 'essence' or 'core concept that underpins and unites the observations'.⁵²¹ I was cognisant of Braun and Clarke's advice not to 'get a theme to do too much, or to be too diverse and complex'.⁵²² I went back and forth between my themes and data extracts to 'organise them into a coherent and internally consistent account'.⁵²³ The tables in Appendix R show in detail the themes and sub-themes (with related codes) that were developed after reviewing the themes and codes discussed in Phase Four. In summary, the themes developed were:

Alumni & Employer theme:

The disputed language of employability

Alumni themes:

1. The currency of confidence
2. The impact of CLE v the rest of the degree
3. Cultivating a professional identity through CLE
4. Cultivating a professional identity through professional socialisation

⁵²¹ Victoria Clarke and Virginia Braun, 'Using Thematic Analysis in Counselling and Psychotherapy Research: A Critical Evaluation' (2018) *Counselling and Psychotherapy Research* 18(2) 107, 108.

⁵²² Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 91.

⁵²³ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 92.

Employer themes:

1. Exploring employability through the employers' lens
2. Employers' perceptions of how students use and could use CLE in the recruitment process
3. Employers' perceptions of the impact of CLE on performance at work

3.5.6 Phase Six: Producing the Report

During this sixth stage, the final analysis and report writing takes place, which will 'tell the complicated story of your data in a way that convinces the reader of the merit and validity of your analysis'.⁵²⁴ Even at this stage, I remained cognisant of Braun and Clarke's advice that throughout the process themes would need to be refined and reworked, and perhaps new themes created as part of the 'ongoing organic process'.⁵²⁵

In telling the 'stories', it must be emphasised that this is an interpretative process and does not simply involve repeating or paraphrasing quotes but must identify what is interesting about them. Rich or thick descriptions are used to tell the complex 'stories' and are an important way of demonstrating trustworthiness in qualitative research.⁵²⁶

In this thesis, the final analysis and report writing starts in chapter 4 (Findings) and continues into chapter 5 (Discussion).

In adopting Braun and Clarke's approach, sections 3.5.1-3.5.6 have illustrated that the data was analysed throughout the six phases,⁵²⁷ and that interpretive qualitative data analysis is a 'continuous, iterative enterprise'.⁵²⁸ My objective in this section was to provide a transparent account of how I had approached thematic analysis, I believe I have met that objective.

3.6 Evaluating the Quality of the Research Process and its Rigour

The final section of this chapter involves evaluating the quality of the research process and its rigour. Both qualitative and quantitative research processes must demonstrate integrity in the

⁵²⁴ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 93.

⁵²⁵ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 91.

⁵²⁶ Sarah J Tracy, 'Qualitative Quality: Eight "Big-Tent" Criteria for Excellent Qualitative Research' (2010) *Qualitative Inquiry* 16(10) 837, 843.

⁵²⁷ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77.

⁵²⁸ Matthew Miles, A Michael Huberman and Johnny Saldana, *Qualitative Data Analysis, A Methods Sourcebook* (4th edn, SAGE Publications 2020) 10.

way the research is conducted to ensure the findings are judged to be credible. This appears to be a greater challenge in the qualitative paradigm, which often faces criticism as being 'airy fairy' - not 'real' research.⁵²⁹ There is a certain degree of consensus regarding the criteria for evaluating quality in the quantitative paradigm where the focus is mainly on measurement and the adequacy of measures, and which aims for reliability, replication, and validity.⁵³⁰ By way of contrast, the qualitative academy offers an array of concepts,⁵³¹ which can be rather bewildering to a novice researcher. Critics of qualitative research often raise the criticism that qualitative research cannot be generalised and is not easily replicated.⁵³² However, Silverman argues that generalisability is not essential and that small scale studies such as this one can yield important insights from the in-depth analysis that is possible using a qualitative approach.⁵³³

To ensure qualitative research is treated as legitimate, Lincoln and Guba suggest it is judged by its 'trustworthiness' and that the qualitative researcher has to 'persuade his or her audience (including self) that the findings of an inquiry are worth paying attention to, worth taking account of'.⁵³⁴

To demonstrate the trustworthiness of my study, Diagram 4 refers to each stage of the process that was discussed in the previous sections and summarises the steps taken in this research study to provide a transparent and logical account of the research process.

⁵²⁹ Adri Laubschange, 'Qualitative Research – Airy Fairy or Fundamental?' (2003) *Qualitative Report* 8(1) 100 <doi.org/10.46743/2160-3715/2003.1901> accessed 20 April 2021.

⁵³⁰ Sarah J Tracy, 'Qualitative Quality: Eight "Big-Tent" Criteria for Excellent Qualitative Research' (2010) *Qualitative Inquiry* 16(10) 837, 837.

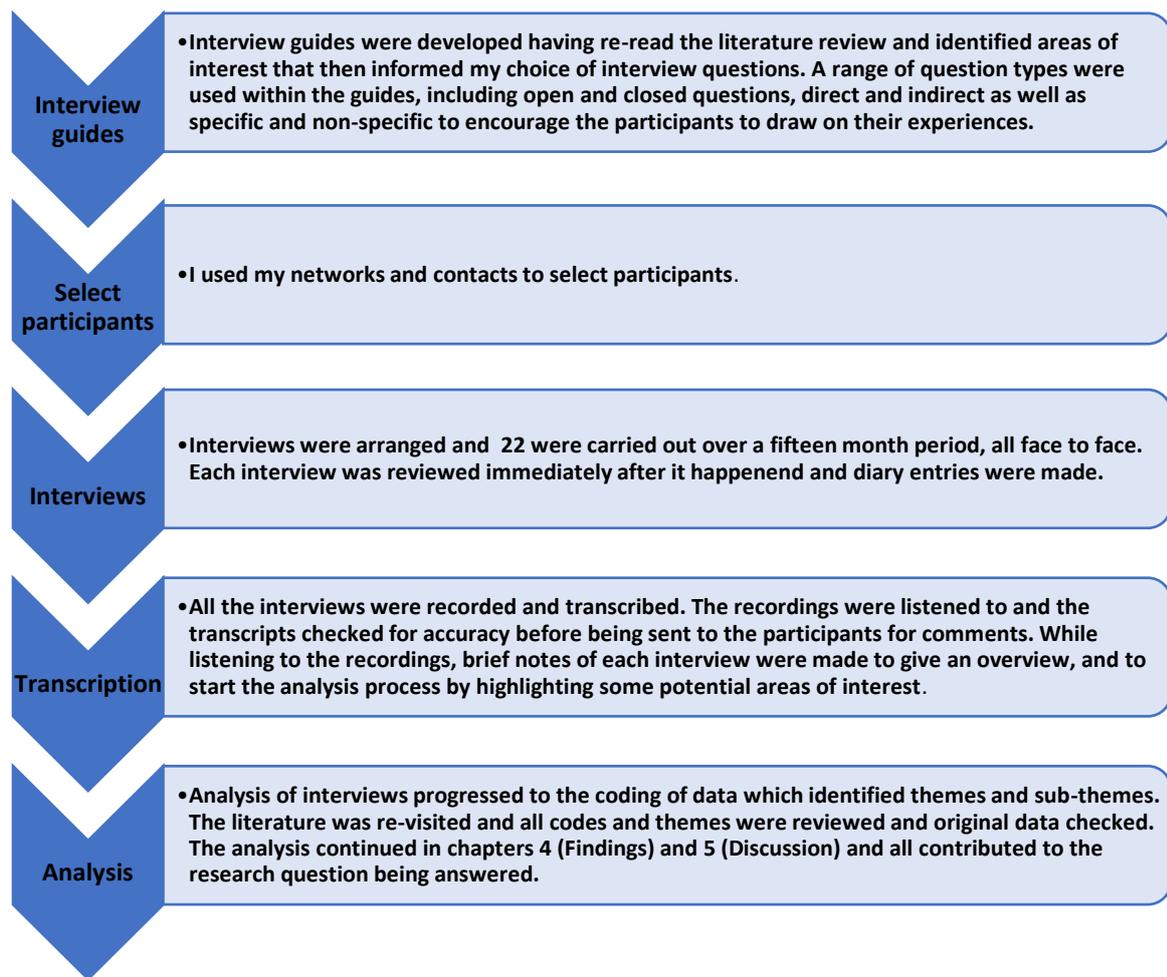
⁵³¹ Sarah J Tracy, 'Qualitative Quality: Eight "Big-Tent" Criteria for Excellent Qualitative Research' (2010) *Qualitative Inquiry* 16(10) 837, 837.

⁵³² Michael Q Patton *Qualitative Research and Evaluation Methods* (4th edn, SAGE Publications 2015) 91.

⁵³³ David Silverman, *Interpreting Qualitative Data* (5th edn, SAGE Publications 2014) 72-73.

⁵³⁴ Yvonne S Lincoln and Egon G Guba, *Naturalistic Inquiry* (SAGE Publications 1985) 290.

Diagram 4: Summary of the Research Process (source: author)



Looking now at the trustworthiness of my analysis, Nowell and others refer to the importance of 'clear descriptions of analysis methods' being essential as otherwise it would be difficult to evaluate the trustworthiness of the research process.⁵³⁵ Issues of rigour and trustworthiness in my research process will be addressed by applying Braun and Clarke's checklist of criteria that should be met to be considered good thematic analysis.⁵³⁶ While other authors have developed general criteria for assessing the quality of qualitative research,⁵³⁷ given Braun and

⁵³⁵ Lorelli S Nowell and others, 'Thematic Analysis: Striving to meet the Trustworthiness Criteria' (2017) *International Journal of Qualitative Methods* 16(1), 1, 2.

⁵³⁶ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 96.

⁵³⁷ See for example, Yvonne S Lincoln and Egon G Guba, *Naturalistic Inquiry* (SAGE Publications 1985) and Sarah J Tracy, 'Qualitative Quality: Eight "Big-Tent" Criteria for Excellent Qualitative Research' (2010) *Qualitative Inquiry* 16(10) 837.

Clark's checklist relates to the data analysis approach adopted in my research, it is the most apt. Table 6 addresses the criteria and confirms if and where they are met in this research.⁵³⁸

Table 6: Criteria for Qualitative Research (Braun and Clarke's 15-point Checklist for Good Thematic Analysis⁵³⁹)

Process	No.	Criteria	Met
Transcription	1	The data have been transcribed to an appropriate level of detail, and the transcripts have been checked against the tapes for 'accuracy'.	Yes See: 3.5.1
Coding	2	Each data item has been given equal attention in the coding process.	Yes See: 3.5.1 - 3.5.2
	3	Themes have not been generated from a few vivid examples (an anecdotal approach), but instead the coding process has been thorough, inclusive, and comprehensive.	Yes See: 3.5.1 - 3.5.2
	4	All relevant extracts for all each theme have been collated.	Yes See: 3.5.2 - 3.5.4
	5	Themes have been checked against each other and back to the original data set.	Yes See: 3.5.3-3.5.5
	6	Themes are internally coherent, consistent, and distinctive.	Yes See: 3.5.3-3.5.5

⁵³⁸ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 96.

⁵³⁹ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 96.

Analysis	7	Data have been analysed – interpreted, made sense of - rather than just paraphrased or described.	Yes See 3.3, 3.5.3-3.5.6, Ch. 4 & 5
	8	Analysis and data match each other – the extracts illustrate the analytic claims.	Yes See: 3.2, 3.3, 3.5, Ch. 4 & 5
	9	Analysis tells a convincing and well-organised story about the data and topic.	Yes See: Ch. 4 & 5
	10	A good balance between analytic narrative and illustrative extracts is provided.	Yes See: Ch. 4 & 5
Overall	11	Enough time has been allocated to complete all phases of the analysis adequately, without rushing a phase or giving it a once-over-lightly.	Yes See: 3.5.1-3.5.6
Written report	12	The assumptions about, and specific approach to, thematic analysis are clearly explicated.	Yes See: 3.5
	13	There is a good fit between what you claim you do, and what you show you have done – i.e., described method and reported analysis are consistent.	Yes See: 3.2 - 3.5, Ch. 4 & 5
	14	The language and concepts used in the report are consistent with the epistemological position of the analysis.	Yes See: 3.2, 3.3 & Ch. 4 & 5
	15	The researcher is positioned as active in the research process; themes do not just 'emerge'.	Yes See 3.5, Ch. 4 & 5

3.7 Ethical Issues

Ethical approval for this study was granted in May 2018 after submission of an application and subsequent independent peer review, in accordance with Northumbria University's policies on ethics. This research project was categorised as 'medium risk', as it involves individuals as participants. Participants all received an Information Sheet in advance of proceeding with the study and all participants provided Informed Consent (Appendices G and H). It was explicitly stated that participation was voluntary and that participants could opt out at any time. All the participants received a copy of their interview transcript. All the data that was collected was anonymised and securely stored.

During the data analysis and write up stages, protecting participants' anonymity was of paramount importance, consequently pseudonyms were used throughout this process and any references were removed that might result in data being identifiable to a particular source.⁵⁴⁰

3.8 Chapter Summary

In this chapter I have satisfied the second research objective which is to:

2. Conduct qualitative research with alumni and employers to explore and determine their perceptions of the impact of CLE on employability via an interpretivist methodology.

In doing this, I have explained and justified the chosen methods and methodologies as well as the theoretical and epistemological perspectives that underpin those choices, and which Crotty refers to as research 'scaffolding'.⁵⁴¹ The chapter started by referring to my epistemological and theoretical stances which are positioned within social constructionist assumptions and informed by a broadly interpretivist perspective. The chapter then explained and justified the research strategy and approach to reflexivity and the reflexive diary, which provided a means of increasing the integrity and trustworthiness of the research findings, with critical reflection being used to continually monitor, or even audit, the research process'.⁵⁴² The chapter included a detailed and transparent step-by-step account of how the data was

⁵⁴⁰ John W Creswell and Cheryl N Poth, *Qualitative Inquiry and Research Design, Choosing Among Five Approaches* (4th edn, SAGE Publications 2018) 182.

⁵⁴¹ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 16.

⁵⁴² Linda Finlay, 'Negotiating the Swamp: The Opportunity and Challenge of Reflexivity in Research Practice' (2015) *Qualitative Research* 2(2) 209.

analysed, along with an explanation of how this research was evaluated against Braun and Clarke's criteria for good thematic analysis.⁵⁴³

In chapter 4, the findings from the interviews are presented and the themes that were developed from the data analysis are explored. Chapter 5 synthesises the themes with the literature to provide insights into the impact of CLE on employability.

⁵⁴³ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 96.

Chapter 4: Findings

4.1. Introduction

This chapter analyses and interprets the findings from the interviews, which explored alumni and employers' perceptions of the impact of clinical legal education (CLE) on employability. This chapter addresses the following research objective:

3. Analyse the data using thematic analysis and identify key themes to gain a better understanding of alumni and employer perceptions of the impact of CLE on employability.

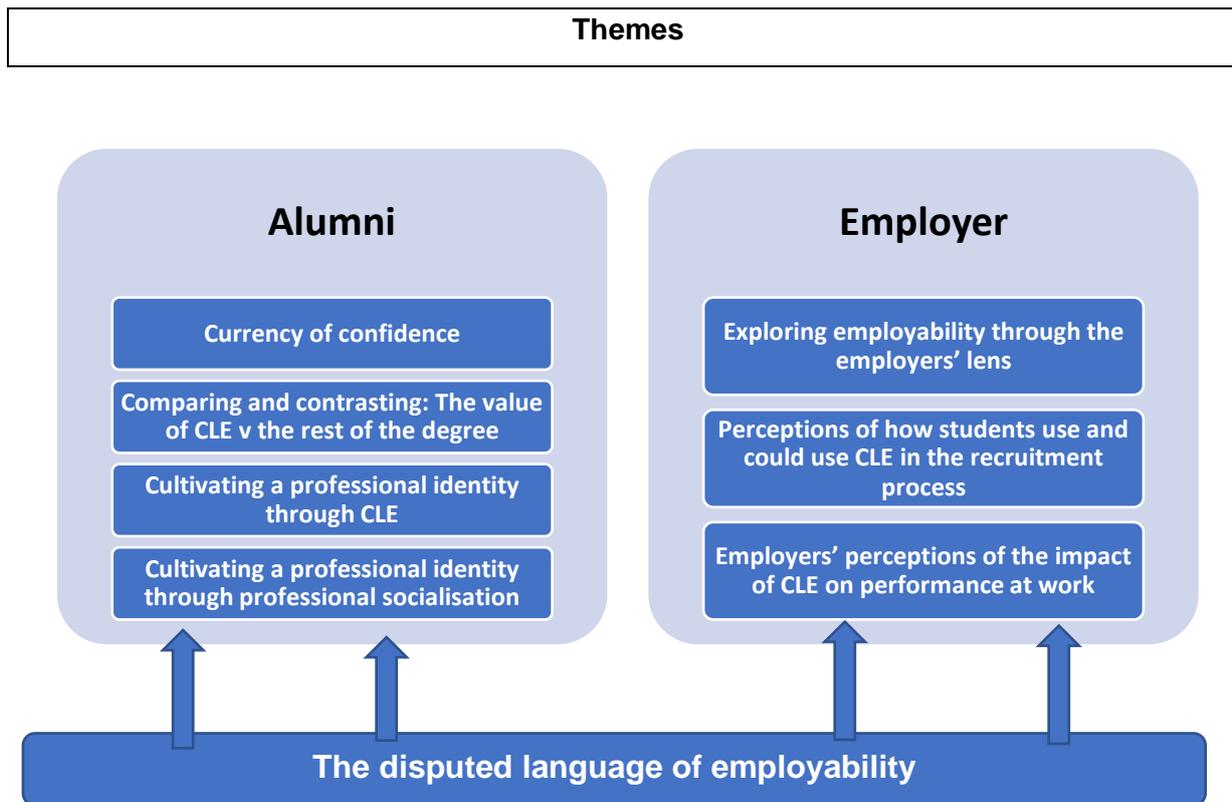
In chapter 3, my data analysis approach was explained, which involved working through Braun and Clarke's⁵⁴⁴ six phases of thematic analysis and resulted in the development of themes and sub-themes, and in chapter 5, I position my findings within the literature.

4.2 Themes and Sub-themes Presented

This chapter presents the key themes that were identified from the data and are shown in Diagram 5. The first theme to be considered, which is the disputed language of employability, is explored from both the alumni and employers' perspectives. This is shown in Diagram 5 with arrows linking the theme to both alumni and employers. This theme is followed by a consideration of alumni themes, which are: The currency of confidence; Comparing and contrasting: The value of CLE v the rest of the degree; Cultivating a professional identity through CLE; and Cultivating a professional identity through professional socialisation. The employer themes are then explored, these are: Exploring employability through the employers' lens; Employers' perceptions of how students use and could use CLE in the recruitment process; and Employers' perceptions of the impact of CLE on performance at work.

⁵⁴⁴ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77.

Diagram 5: Key Themes Identified From the Interview Data (source: author)



It should be noted that colloquially the participants refer to the CLE module as the ‘student law office’ or more commonly the ‘SLO’. Consequently in the data extracts used to illustrate the themes that developed, the participants use these terms when referring to the CLE module and the office that comprises the Student Law Office (SLO).

The themes shown in Diagram 5 are explored in the following sections, starting with the disputed language of employability.

4.3 Theme: The Disputed Language of Employability

The term employability is used extensively by HEIs, governments, employers and students and has been researched comprehensively in the literature both conceptually and pedagogically.⁵⁴⁵ Given the centrality of employability to this thesis, both groups were asked what employability meant to them and the word clouds encapsulate the words alumni and employers used to describe what they understood employability to mean. The alumni gave comparatively short responses, but the employers were more detailed (the word clouds at 4.3.1 and 4.3.2 below illustrate this). What is interesting is that the employers did not use

⁵⁴⁵ See chapter 2 of this thesis for an overview of the employability literature.

exactly the same terminology that they had used when they described what they were looking for when they were recruiting and when the graduates transition into the workplace, although there was some overlap. Both alumni and employers were familiar with the term employability, although Devin referred to the term employability as 'jargon' and a term that is 'not particularly helpful' while Kennedy said it can be 'so many things to so many different people'. These types of observations on employability are certainly not new⁵⁴⁶ but do serve as a reminder of the ongoing confusion around the term. For alumni and employers, employability was not simply focused on skills, although skills were mentioned, but embraced a broader range of characteristics. There was a clear employer focus on being able to interact with clients/people; they looked for personality and an ability to build interpersonal relationships alongside being professional and hard-working. For the alumni, several of them expressed employability as being simply around getting a job and being attractive to employers, thus using 'employability' interchangeably with 'employment.' Other alumni referred to being able to speak to people, working in a team and demonstrating a willingness to learn. This final attribute had been mentioned extensively by employers when they were asked what they wanted graduates to demonstrate in the workplace but did not feature here. Clearly, it is important to them, but this just demonstrates the difficulty around placing too great an emphasis on precise terminology when stakeholders do not always appear to be consistent even with themselves in describing what employability means to them.

The word clouds at 4.3.1 and 4.3.2 below provide a visual summary of the language used by each group of participants to describe 'employability'.

⁵⁴⁶ See for example Jim Hillage and Emma Pollard, 'Employability: Developing a Framework for Policy Analysis' (1998) 85 Institute for Employment Studies (Department for Education and Employment).

4.4 Exploring Alumni Data

In this section themes will be explored to investigate the 'supply' side of employability through the lens of the alumni to interrogate how they constructed their employability generally and more specifically within the context of CLE. Biographical details relating to the alumni were provided in Chapter 3, but as a reminder, ten of the twelve alumni interviewed worked in the legal sector (six as paralegals, three as trainee solicitors and one as a solicitor), one alumnus worked in the financial sector as a tax assistant and the other was on a graduate training scheme in a local authority. Despite some of the alumni entering different graduate sectors, on the whole, the data did not show any significant points of dissonance that could be attributed to the graduate being in a particular sector, but where dissonance arose it is highlighted.

4.4.1 Theme: The Currency of Confidence

The currency of confidence theme was one that came across so powerfully from the alumni data and appeared to influence and shape the choices and decisions made by the alumni throughout their university experience. What very strongly developed from the data was that the majority of the alumni reported that they lacked confidence during their early years at university, but that CLE had a transformational effect in building their confidence, which then appeared to provide a bridge from their position as a student who expressed doubts about being able to achieve their personal goals, to a position where they seemed able to see themselves as professionals. Only one alumnus, Alex described themselves as 'overconfident' and interestingly, this [middle class] alumnus had secured a training contract at first attempt in Year 2 of their studies.

To explore the currency of confidence more fully, the theme is split into two sub-themes: (1) lack of confidence before the CLE module and, (2) boosting confidence through CLE. These are now considered in turn.

4.4.1.1 Lack of Confidence Before CLE

Most of the alumni expressed feelings of lacking confidence before they commenced the CLE module and perhaps not surprisingly, this lack of confidence impacted alumni in different ways, which are discussed below and include: (i) their relationships with their peers and clients, (ii) moving in uncharted territory, (iii) delaying making applications for graduate jobs, and (iv) failing to engage with university societies and career opportunities.

(i) Speaking to peers and clients

Kennedy and Rowan commented on how difficult they found it to 'speak up' during firm meetings or to engage with people they did not know before they did the CLE module. Rowan provided a little more detail and explained that the effect of this was that they initially felt intimidated by the other students in their CLE firm who they perceived to be more intelligent, they told me:

'I think because of my confidence I was sometimes a little bit shy to say, to raise a point or to say something in case it was wrong, especially because there were some really clever people, you just know the clever ones when you're at uni.'(Rowan)

This lack of confidence went beyond working with peers, for example Jay was affected by how they would be perceived by clients and employers, worrying that they would 'crumble' or 'stutter' or be considered 'a bit of a joke'.

(ii) Moving in 'unchartered territory'

For Jay, who was first generation to attend university, they worried about whether they would be any good at being a lawyer. Their confidence was affected by being from a working-class background, where coming to university was 'breaking the mould' and entering the legal profession was described by them as moving in 'unchartered territory'.

(iii) Delaying making applications for graduate jobs

Lack of confidence disrupted decision making around applying for training contracts, with some alumni delaying applications until they were in the later stages of their degree as they felt they lacked the skills they felt employers were looking for, with Casey saying, 'I felt like I didn't have enough experience really to be able to [apply for a training contract]'. What was surprising is that despite having strong academic results, extra-curricular activities and a part-time job, Casey's lack of confidence made them opt out of the process saying, 'but I just didn't think that was strong enough because I knew what the competition was like'. Rowan said they had not applied because, 'I wasn't going to be successful' and did not apply to any large commercial firms because, 'I always thought that these kind of law firms were for someone that wasn't like me [working-class]'. Rowan got a paralegal job when they left university and it was five years before they secured a training contract and interestingly it was with a large commercial practice, which they had previously felt would not have been open to them.

(iv) Failing to engage with university societies and career opportunities

For some alumni, lack of confidence permeated into other areas of university life, which resulted in them not joining societies or attending careers fairs. Jay felt 'scared' of the unknown and of having to put themselves 'out there' but then Rowan said they felt the absence of these types of activities would affect their attractiveness to employers meaning they could never 'make myself look like a more well-rounded person who can deal with these things'.

In the following section, the influence of CLE on alumni confidence is explored.

4.4.1.2 Boosting Confidence Through CLE

What came powerfully from the data was a dominant consensus that CLE had boosted alumni confidence, which they had then been able to harness and utilise not only in their studies but in their graduate job applications and/or as they transitioned into the workplace. This section will firstly consider the consequences of boosting confidence during university and then go on to consider the consequences of boosting confidence as alumni transitioned into the workplace.

4.4.1.2.1 Consequences of Confidence Being Boosted While at University

The alumni were in complete harmony that their confidence had been boosted through their engagement with the CLE module and shared some consequences that had resulted from this increase in confidence, which include (i) improving their approach to dealing with peers and clients, and (ii) being able to see themselves as lawyers.

(i) Improving their approach to dealing with their peers and clients

Some alumni made reference to CLE building up their confidence in speaking to people, for example for Alex that was, 'just speaking to people and being able to hold conversations and not having the worries about going over and talking to someone that I didn't know' or within their CLE firm, where Kennedy mentioned 'having the confidence I guess to contribute in the firm meetings and things like that'. For Kennedy, they also expressed increased confidence in dealing with clients, they talked about previously being terrified when they had to call someone, 'I was, like, physically shaking but obviously now I don't do that anymore' and Rowan reflected on the sense of achievement after a client interview, saying:

'... but afterwards it felt really nice to have done that and [I] was able to speak to someone and they thought that I knew what I was talking about even if at times I didn't.'
(Rowan)

Rowan went on to provide an interesting aside by adding that they had not really understood as a student how 'people are attracted to confidence' and that they had learned to 'fake confidence'.

(ii) Seeing themselves as lawyers

As we saw in 4.4.1.1 (ii), Jay was unsure about entering the unknown territory of being a lawyer and this impacted on their confidence. What CLE then achieved was explained by Jay who said they grew in confidence as a result of the CLE experiences because they found out that they 'could do the job' and that translated into them feeling ready to proceed to the next step and become a paralegal or a trainee. Jay had been unsure if they could be a lawyer but felt their high mark in the CLE module 'proves I'm good at it' and they felt they had 'a bit of assurance there on a certificate that shows I am definitely good at that' and they could use that with employers as evidence of their skill-set. For Jay, they harnessed the currency of confidence that emanated from their high mark and used that to 'prove' their value to employers.

For the majority, CLE was a transformational experience that really boosted their confidence and provided a catalyst for some to continue with the career path they had originally planned but had begun to think was not possible.

4.4.1.2.2 Consequences of Confidence Being Boosted on Transitioning to the Workplace

There was a robust consensus that CLE boosted alumni confidence going into the workplace with some alumni referring to the fact that their CLE experiences made the transition less daunting and that it stood them in good stead, helped them to settle in well and hit the ground running. Kit told me that, 'it actually prepares you so much more that I think people realise, than I even realised' with Rowan saying if they had not had the CLE experience 'I would have been even more terrified'. What is of note here is that this reference to confidence boosting transcended different work sectors, with Casey (a local authority graduate trainee) telling me that without the CLE module they would have 'felt like I'd started three or four steps back from what I actually started on'. The only dissenting voice in this otherwise uncompromisingly positive outlook, was Charlie whose anxiety about starting a new job made them question the

value of their CLE experience as they felt they knew nothing and compared themselves to a 'rabbit in the headlights' when they started their training contract. However, even their reservations were overcome when with the benefit of hindsight and reflection and as they settled in their new role, they re-thought their CLE experiences and said, 'Ok, well I did that in the SLO ... I did have that experience,' and as such they recognised that the CLE module had helped their transition into the workplace.

While the alumni's voices were broadly in harmony in proclaiming their confidence was boosted going into the workplace because of their CLE experience, a myriad of consequences were provided to evidence this, which are depicted and summarised in Diagram 6 below. It is interesting and to be expected that graduates entering different graduate roles with different graduate employers, will draw on different experiences as they enter their first graduate role. Turning to the consequences illustrated in Diagram 6, it is unsurprising that most of the alumni who entered the legal sector emphasised an increase in their confidence from being able to speak to clients, for example Ari when referring to calling clients on the phone, told me that if they had not done the CLE module, they would have been 'Oh God! What am I doing?'

For alumni who worked alongside other graduates, they referred to gaining confidence from their CLE experience as they felt it made them stand out from other graduates in the workplace, with for example Blair saying that while interviewing skills improve with practice, 'at least I was a lot further with that practice than other people'. Tait said they were able to write an email without having to think too much about it and contrasted this with non-CLE colleagues 'who were a little bit more unsure and took a little bit more time to adapt to little things like that' and that their CLE experience meant they were immediately assigned work tasks which was not the case for others (non-CLE colleagues). Cameron also referred to the differing skill sets of fellow employees who had not undertaken a CLE (or similar) experience and who 'tend to focus more on an academic level' and do not have the same level of skills in communication and teamwork and as a result 'can be quite awkward to work with'. For Casey (a local authority graduate trainee), they felt better prepared than the other graduates in their workplace as they had been used to teamwork and had built up resilience doing CLE 'to take on challenging situations' and to not be afraid to 'rock the boat' because they had to 'give new cases a go all the time in the SLO'. For some alumni, it was the practical skills of having dealt with files and understanding time management that boosted their confidence, and while Kit recognised them as being 'really little things', they proved to be useful and gave them confidence and eased the transition from university into the workplace. For others, the CLE experience set them up to 'turn' work around right from the beginning which they pointed out, was not the case for every graduate.

While feeling anxious about starting a new job is to be expected, what is very evident from the alumni is that the majority were able to draw on their CLE experiences in their various workplaces and this boosted their confidence at this early but critical stage of their career.

As previously discussed, Diagram 6 below provides a summary of the reasons that the alumni provided that evidence their increased confidence as they started their graduate jobs.

Diagram 6: Summary of Alumni's Reasons for Increased Confidence in the Workplace (source: author)



4.4.1.3 Theme Summary: The Currency of Confidence

As we have seen from the above, the currency of confidence theme developed strongly from the alumni data. While I was not entirely surprised that lack of confidence would be mentioned, I was startled by how many of the alumni reported on it and it certainly provided much food for thought when insights were given into how the alumni were affected by it. What was transparently illuminated across this theme was the debilitating influence that a lack of confidence had on many of the alumni during the early stages of their academic career. This lack of confidence not only affected their ability to interact with their peers but made some of them question whether they could be a lawyer, which was described by one alumnus as 'unchartered territory'. This lack of confidence made them doubt their ability and for some this resulted in them delaying making applications for graduate positions as they seemed to undervalue their strengths and attributes. What is slightly contradictory although perhaps understandable, is that their lack of confidence resulted in some alumni not accessing resources that were in theory readily available, with the result that they were limiting their horizons in terms of gaining different experiences at university which could help to open doors to graduate career opportunities.

What then developed from the data was a powerful consensus that CLE had boosted alumni confidence, and what was perhaps a little surprising is that this appeared to be the case even for alumni who had already secured graduate jobs as well as those who had not. This boost in confidence affected alumni during the remainder of their time at university and meant they could more effectively interact with their peers and clients and for some it provided a catalyst to continue with the career path they had originally planned but had begun to think was not possible. There was consensus among the alumni that this increase in confidence extended beyond university and into their graduate jobs, and they provided a variety of reasons for this which all related back to the skills and attributes gained through their CLE experience.

What is abundantly clear from this theme is the significance of confidence as the currency for success. When students lack it, they make choices and decisions, while understandable, limit their opportunities and their horizons. It would appear from the data that CLE instils confidence in ways that the rest of the degree seems unable to match. What will be valuable to explore in the following theme, is why this might be the case.

4.4.2 Theme: Comparing and Contrasting: The Value of CLE v the Rest of the Degree

This theme relates to the alumni's views on the difference between what they gained across the rest of their degree when compared and contrasted with CLE. While alumni expressed positive attitudes to the whole of their undergraduate degree, that positivity was eclipsed by

the strength of their feelings towards the CLE module. There were no dissenting voices on the importance of this module and on how much enjoyment alumni had gained from it, with Alex proclaiming it to be the 'most valuable thing I did at university'.

We saw in 4.4.1 the pivotal role CLE played in boosting alumni confidence, in this section alumni views will be explored to obtain a better understanding of what CLE offered that was not provided elsewhere on the degree programme. What developed from the data was that a range of reasons were provided on how the CLE module differed to other modules. For Blair it was the capstone to their learning journey:

'It just kind of brought everything together... so it did mean everything that was useful beforehand became a lot more important and a few times I wished I'd actually paid a bit more attention because it did come into play and I wish I'd like ... you don't realise how good an opportunity that is until you need to draw on those skills'. (Blair)

The prior learning that underpinned the CLE experience was certainly seen as having ongoing importance to the alumni, although perhaps in some cases, understanding the relevance of the substantive modules only really came to be fully appreciated when they were doing the CLE module and applying it to real cases. Blair did appear to regret not paying more attention throughout their studies as they came to realise, rather belatedly, that earlier learning was being referred to and relied on when dealing with live client issues during their CLE module. A number of the alumni mentioned the value of learning how to apply the law, which they felt they had not had the opportunity to do in other modules and where they felt their learning was more focused on exam performance, with Jay referring to learning enough 'to pass the exam paper' rather than appreciating that the learning could be applied to legal problems. There was a disconnect reported between what the alumni learned in the other modules and how they perceive that to be unrelated to 'real' legal issues which present in very different ways to how seminar questions are presented. Charlie said:

'Completely different skills in the SLO to the rest of course, yeah. Because with the rest of the course, you're doing your module and you know, for example, the module is about employment law and you kind of know what questions you're going to get asked in each seminar because you know where it's going, whereas in the Student Law Office, you have a problem, and you don't even know where to look! So it does train your brain to kind of look outside the box and think about what is the real problem ...' (Charlie)

Alumni also referred to the differences in how feedback is managed and valued. In most other modules, feedback is provided at the end point and is attached to a grade, so they had largely ignored the feedback, whereas during the CLE module feedback is ongoing and must be followed through to ensure a positive client experience. Cameron told me:

'I think it really made me think about what I needed to improve whereas a piece of coursework you get the comments and you'd be like I could've done that better but with the SLO you had to actually go and implement that and you had to think about that the next time you wrote a letter or did a PLR or something you had to think I didn't quite do this as well last time but I need to do it this time so I think there was a lot more thought went into it when it came back to you'. (Cameron)

Unsurprisingly, client interaction was mentioned, and the alumni referred to developing 'practical' skills they could not otherwise have gained that they felt directly related to dealing with clients, such as being able to communicate well both orally and in writing. Alex confirmed that the skills from the CLE module were 'different' and that meeting clients was just a 'massive thing' for them.

The final insight relates to enjoyment, and while a number of students referred to how much they enjoyed the module, Rowan elaborated on this and told me how hard studying law was and that they were starting to 'fall out of love with doing it' until they did the CLE module, which restored that feeling. It appears that the practical nature of this module where students were able to deal with live client cases for the first time not only gave them new skills but did so in an environment that they enjoyed.

4.4.2.1 Theme Summary: Comparing and Contrasting: the Value of CLE v the Rest of the Degree

In exploring this theme where the value of CLE was compared and contrasted with the other modules on the degree programme, it seems that the alumni saw the CLE module as the capstone to their other learning in that it brought it all together. They were able to put into practice the theory they had previously learned and to apply the law to real problems, which they had not experienced in their other modules. They felt they developed different, more practical skills where they were more connected to their learning as they had to resolve problems that were unpredictable and real and there was absolute harmony in their positivity towards the CLE module. Cultivating a professional identity will be considered in the next section.

4.4.3 Cultivating a Professional Identity

What appeared to evolve from the alumni data was the role CLE played in cultivating the alumni's professional identities although none of the alumni made any direct reference to building a professional identity. However, when the data was analysed, several elements appeared to coalesce around the concept of professional identity formation. References by the alumni to working on real cases within a real legal work environment appeared to help the alumni construct an idea of what a professional role demands. Casey describing what they did during the CLE module as 'real work and real pressure', where Alex said they were 'living the life – to a dumbed-down extent – of a trainee solicitor' and preparing themselves for employment. The cultivation of their professional identity is explored in 4.4.4 from the CLE perspective and then in 4.4.5 from a professional socialisation perspective.

4.4.4 Theme: Cultivating a Professional Identity Through CLE

The cultivation of a professional identity through CLE appeared to emanate from four sources: (1) managing relationships, (2) preparing for the real world of work; (3) making mistakes and learning from them through feedback; and (4) reflection, each of which is now considered in turn.

4.4.4.1 Managing Relationships

Within the CLE module, it appears that alumni developed their professional identities from three pivotal relationship: (i) the firm/person the student worked with; (ii) their supervisor; and (iii) their clients and lessons learned. These three relationships and their role in cultivating a professional identity are discussed below.

(i) Working in Firms and Pairs

The students in the CLE module are put into groups of 6/8 that are called firms and then within that group/firm students are often split into pairs, and they will work in that firm and pair for the duration of the module. All the alumni in this study worked in pairs during their CLE module. Working in close partnership with one other person and within a small group (firm) for the entirety of a module is unusual in higher education and the alumni reported both positive and negative experiences from working in this environment. What is interesting is that the alumni said they recognised the skills they had developed from both the negative and positive

experiences and reported that they were able to articulate the skills they had developed during the recruitment process and into working life.

Turning first to the positive experiences, Tait recognised how 'useful' CLE had been in learning how to manage working with different people where, unlike their previous experiences, they have no choice in who they talked to or worked with, and then going on to use the experience they had gained in their role in the workplace. Tait said to me:

'So it was that experience of sort of trying to manage working with different people who have different ideas or different working styles and things, and I put that into practice now where that's been really useful'. (Tait)

While working in pairs and in a firm were viewed positively by most alumni, working with others was harder for some of them, and the reason given for this was that some students did not fully engage with the module. Alex commenting that they felt 'frustrated' when the person they were paired with was not 'pulling their weight' and Ari expressed the view that some people in doing the CLE module 'just weren't that fussed', whereas in real life people tend to make more of an effort 'because otherwise they will get fired'. Even when working relationships were more challenging because some students were not working as hard as others, Kit and Blair reflected on being able to take positives from those challenging situations. Kit felt that the experience had meant they had already managed a difficult situation and were therefore better prepared for managing relationships when they started work:

'I actually think that's somewhat more challenging in the SLO than it can be in real life ... I think generally in work you don't tend to get that, people know their own responsibilities and just get on with it, so actually I think it prepares you really nicely for work because it makes it easier to manage those relationships'. (Kit)

Blair had managed to use their negative experience and converted it to a positive by using their partner's unsatisfactory work ethic to successfully evidence their own work ethic by responding to a teamwork question raised by an employer at interview by saying:

'I'm also prepared to put in the work if somebody else isn't, and I think that's how I sold it, the fact I'll put in the extra work, I'll keep going, even if somebody isn't doing their half, I'll make sure ... at the end of the day ... the client got their ... what they needed'. (Blair)

As we can see from the above, while the majority of the alumni commented positively on their experiences of working in firms and pairs, some students expressed a strong adverse reaction to working with 'less committed' students but even when that was the case, some alumni commented on being able to use that challenging relationship in the recruitment process to highlight their skills in managing difficult relationships while others felt it better prepared them for managing relationships at work.

(ii) Working with a Supervisor

The next relationship to be considered is the one between alumni and their supervisors. During the CLE module, each firm that deals with live client work has a supervisor who is a fully qualified lawyer and who will closely oversee everything that is going on within the firm and will assess the students' performances. All but one of the alumni viewed the supervisory relationship in a wholly positive light. These alumni appeared to value this relationship for several reasons which are connected to cultivating their professional identities, including learning how to maintain a professional relationship; as well as obtaining an understanding of how a supervisory relationship worked, which they could then draw on in the workplace. Casey commented on how important the supervisory relationship had been as it was their first experience of working with a professional:

'I think the supervisor ... it's a very important relationship, you can draw a lot from it ... I got a lot from working with mine, because I think, it's the first sort of professional one to one contact, sort of, weekly that you sort of experience'. (Casey)

Tait agreed and said it taught them a lot about 'maintaining a professional relationship' and for Kit they commented that the relationship with your supervisor 'was the key to everything'. Alex valued the fact that the supervisor had 'treated us and spoke to us like she would a trainee in a firm' and this gave them an understanding of the supervisory relationship that they were then able to carry into their supervisory relationships at work. Alex, Kennedy, Tait, and Kit were all in agreement on how similar the supervisory relationship is in their work to what they experienced doing the CLE module and therefore, the alumni appeared to gain an early insight into the role of a professional from this supervisory relationship.

Only one alumnus, Rowan reported that they had struggled with the supervisory relationship and had felt undermined by what they perceived was their supervisor's lack of confidence in their abilities, which had stemmed from one incident when they had been unable to answer a question. Although when asked to consider what could have been done differently, they could

not think of anything and in fact ultimately reflected that perhaps it was their own lack of confidence that had been the problem in this relationship, and it seemed that this one incident had coloured their view. This alumnus referred to lacking confidence throughout their academic career, which was discussed in 4.4.1 above.

Because the CLE module has educational objectives, students get a considerable amount of ongoing feedback on the cases they are working on. Due to this, Casey described the relationship with their supervisor as a supervisor/mentor relationship, 'because you do have quite a lot of contact and you are getting quite a lot of feedback on your work'. The level and frequency of feedback can be more variable in a workplace supervisory relationship which usually places greater demands on graduates, with Cameron explaining the difference in approach they had experienced as a paralegal:

'In the SLO ... you are supervised minutely for the entire year... in the workplace you might only be minutely supervised for a project and then you've demonstrated the based level of skills that you run on and have a go'. (Cameron)

The supportive environment during the CLE module where work is closely monitored did mean the change to the level of supervision in work was described by some alumni as a bigger jump than they had expected. Casey suggested that the CLE supervisors could 'maybe shift a little bit more ... remove a bit more of the strings as they go on' as otherwise Cameron thought it can 'stifle' some people from developing the ability to cope with less supervision when they enter the workplace. What is interesting from these views is the sectors these alumni went on to work in. Neither were trainee solicitors, Casey worked in the local authority in a graduate training scheme which gave the graduates a high level of autonomy and Cameron was a paralegal and referred above to supervision being *de minimis* after they have worked on their first project. The change in supervision levels once in employment did not come as a surprise to other alumni with Alex telling me they expected to be 'given responsibilities and left to your own devices' when they started their training contract with Kit opining that you cannot constantly ask for feedback in the workplace which Kennedy attributed to people not having the time to provide it. The level of feedback was not the only difference mentioned, one alumnus appeared to be taken aback by a different style of feedback in the workplace, which Charlie described as more direct and when given in a shared office space left them 'embarrassed'.

What is clear from the alumni is that the opportunity to work closely with a professionally qualified lawyer and begin to get an understanding of how a professional supervisory

relationship is structured appeared to be of value to the alumni even with the limitations discussed.

(iii) Working with Clients and Lessons Learned

The third and final relationship to be considered is the one between alumni and their clients. Dealing with clients and learning from those experiences during the CLE module appeared of great significance to the alumni and played a major role in cultivating a professional identity. Kit told me that having an understanding of how the client process worked made it easier to see how they could 'fit into a firm as a lawyer'. Kit and Fin referred to CLE as being 'a big selling point to firms' because of the experience of dealing with real clients and gaining what Fin referred to as 'everyday real-life skills that you wouldn't otherwise get to develop'. All the alumni referred to employers (legal and non-legal) being impressed that they had managed client relations whatever career path they had chosen, with all of them using it in some way in the recruitment process and/or within their workplaces. This unique experience of dealing with clients in this environment appeared to be highly prized by all the alumni and that was the case whether applying to legal or non-legal jobs. In fact, Blair and Casey who were employed in non-legal jobs had extensively used client contact in the recruitment process and felt it could be transferred into many different sectors. For Blair, the impact of dealing with clients appeared to make such a lasting impression that they left their first graduate job with a large organisation in the financial sector and moved to a smaller organisation so they could have client contact, which they realised was important to the quality of their working life. Casey too reported on the on-going influence of their CLE experiences which resulted in them changing career and moving into the legal sector.

In terms of lessons learned, much emphasis was placed around the importance of communication skills. There was consensus amongst the alumni that CLE had provided them with the opportunity to develop their oral and written communication skills, with Fin, Rowan and Cameron adding that they had learned to adapt their communication style depending on who they were talking to. For Tait, they told me that CLE really helped them develop their written communication, which was particularly important for them in their paralegal role where they had little face to face interaction with clients. Additionally, they had learned how to explain issues in a client-friendly way, 'because you had to turn something, which was a load of legal research into something that an everyday person is going to understand, someone who has no legal knowledge'. For Cameron, CLE had taught them how to write concisely and they would not have developed that skill elsewhere as, 'academically we are told show your working from A to Z'.

Only Blair who worked in the financial sector mentioned that they had learned to manage client meetings, which they were able to rely on when they started work. Casey, who worked in a local authority and managed projects with a range of stakeholders within the community, mentioned learning how to manage difficult people and difficult conversations, which they had experienced extensively in their workplace. Rowan mentioned CLE helping them empathise, which was important in their specialism. While those experiences were not mentioned by anyone else, this does not mean they were not developed; it is likely they were specifically mentioned by Blair, Casey, and Rowan because of the type of work they were involved with made those particular skills of importance to them. Trainee solicitors and paralegals working in the commercial sector will have more limited exposure to clients so the emphasis they placed on communication skills would be expected at this early stage in their careers where they would have less face-to-face contact with clients.

Alumni expressed a strong and consistent message on the significance of dealing with clients during the CLE module and while there may have been differing views on what lessons they had learned, there was complete harmony on its importance to them in helping them navigate into graduate roles.

4.4.4.2 Preparing for the Real World of Work

The role of CLE in preparing alumni for the real world of work developed from the skills and attributes that the alumni felt they learned from their CLE experiences. While the alumni agreed that the CLE module did not fully replicate working life, the majority still felt it was of benefit and that they were as well prepared as they could be through their CLE experiences. This exposure to working in a legal setting continues to build into the professional identity narrative and is considered from the following perspectives: (i) real world exposure; (ii) law in context; and (iii) practical skills.

(i) Real World Exposure

In preparing for the real world of work, Kit said that they thought CLE was ‘a bit of an eye opener’ to the students ‘that what they do is very serious, the job is very serious, and they have to start behaving in a way that is appropriate’. For many of the alumni it is their first office experience, and as a consequence, Alex felt that CLE got them in the right ‘mindset’ for managing the transition into work as they treated it like a nine to five job. Blair agreed with that and referred to their CLE experience as getting them more used to the ‘real world’ where ‘I don’t have time to swan off for a coffee in the middle of the day like we used to’. Kit felt more

prepared for work and more comfortable 'just knowing how an office works' and the CLE module is 'about as close as you can possibly get to what it is really like [to be a lawyer]'. Casey referred to the CLE module as their first office experience and said that learning to navigate the office through CLE was 'important' and 'a skill on its own'. However, Casey who worked in a graduate role in a local authority, expressed surprise to find that they were not working with 'like-minded people' and that 'office politics was a massive thing'. They had not found this to be the case during the CLE module, but they went on to say that the module had helped them 'deal with' office politics and its absence was a 'good thing' as it was not a 'productive learning environment' and in their view it was not something that you could ever be prepared for. It is interesting that while this aspect of Casey's real-world experience differed to their CLE experience, they appeared to view that as a positive, particularly within the context of providing a positive learning experience.

This real-world exposure to a working environment while still at university appeared to give the alumni a sense of feeling prepared for what was ahead of them in their graduate roles.

(ii) Law in Context

Another aspect of preparing for the real world of work is that the CLE module was the first opportunity the alumni had to put law into context, where they had to manage facts, find the relevant law, and then advise a client. Kit referred to this experience giving them an appreciation that 'everyone in a firm is still learning' and that the student expectation that once you are a lawyer you will 'know what you are doing' was unrealistic and they felt that knowing that made them more comfortable in the transition into work as they appreciated that you are never going to know it all and no one within a work environment has that expectation.

The process of managing a live client case is complex and as Casey said, 'clients are real people, they're not fictitious scenarios which you can control'. This reference to fictitious scenarios, was further developed by Ari when they compared the CLE module with other law undergraduate modules where you usually know in advance the area of law and prepare an answer within those parameters. Ari told me:

'In the Student Law Office, you have a problem and you don't even know where to look ... it's just not one issue, whereas in modules it will all just be criminal law, there's not going to be family issues within that, whereas I think with a lot of SLO, you know, there might be a criminal issue but there's also family law issues and a property issue etc'.
(Ari)

Charlie made a similar point to Ari and came to appreciate the challenges of working with real clients, where the client may think their issue is one thing, but it is the lawyer's role to 'pick out and find out the finer details and say, 'OK so this is the area that we actually need to look at''.

Working in this real-world environment appeared to provide a context where alumni were able to appreciate the challenges of dealing with real clients and how they present their issues and how much that differed to the more sanitized and controlled scenarios they had previously experienced in their undergraduate studies. This awakening to the complexity of dealing with 'real' clients and 'real' issues appeared to give them a valuable insight into the reality and complexity of legal work and that learning would therefore be an ongoing process that went beyond graduation.

(iii) Gaining Practical Skills

In preparing for the real world of work, alumni referred to gaining what they referred to as 'practical skills' from their CLE module. There was no consensus on what they meant by 'practical skills' but seemed to depend on which type of graduate role the alumni had moved into. For the alumni who were in the legal sector, they highlighted being able to manage a client's case from both a perspective of understanding how a file was compiled to being able to manage a case procedurally, as Fin said, 'case management is not something you would otherwise get to do, and that's something that's important in practice'. Time management and being able to prioritise by using the CLE experiences as examples to evidence these skills were referred to by some alumni, with Tait emphasising to employers their appreciation of the importance of managing a case load and putting clients first:

'I spoke about managing a case load in the SLO and actually having that alongside studying as well and knowing that the impact on me not managing my case load would not just impact me it would impact the client and so that provided me with an experience that otherwise I wouldn't have had ... it's not just you that you've got to think about you've got to constantly have them in the back of your head as well'. (Tait)

For other alumni, CLE developed their ability to work independently and be self-motivated, with Blair saying, 'having to prepare for that interview [with a client], and not everything was done for us' and Ari commenting that no one was 'sitting over you' making you do the work. Blair and Casey, who did not work in the legal sector, used the CLE experience to demonstrate that they could manage stressful situations, since at that point in their studies they were all managing their dissertations alongside dealing with their CLE commitments with Casey telling

me that: 'the SLO it's actually real work and real pressure ... that's a great one to draw on' when being asked questions at interview about managing difficult situations or conversations.

The expansion of the alumni's skill set mentioned above is attributed by the alumni to the CLE module and the accumulation of these 'practical skills' continues to build on the professional identity narrative, which would appear to support them not only through the recruitment process but as they transition from university to work.

4.4.4.3 Making Mistakes and Learning from them Through Feedback

As part of the cultivation of a professional identity, the issue of making mistakes and lessons learned from them is explored in this section. Alumni shared similar views on making mistakes during their CLE module and appeared to appreciate that the CLE module provided a protected environment where they could make mistakes, with Alex saying, 'you're not expected to come in and be the finished product'. The uniqueness of the environment within which the CLE module operated, was highlighted by Kit who referred to it as being in a 'comfort zone' and told me that it was not an experience you can get anywhere else as you are learning how the law works in the real world 'whilst also being in an environment where you can theoretically make mistakes'. Fin compared their CLE experience with legal work experience and said making mistakes during the CLE module could be turned into a 'learning experience' but making mistakes in a legal work experience would make them worry about the impact it would have on being successful in securing a job with that firm. Cameron had a similar view when comparing their experience of the CLE module with their current job where you had to:

'... get it right the first time, you learn but you learn it while getting it right whereas in the student law office there was the freedom to do things, get things wrong, do them again, space it out'. (Cameron)

Cameron's view of getting things right first time was not shared by Alex who told me that making mistakes during the CLE module had removed the fear of ever making a mistake, they said that 'it's fine, you'll get it right next time'. It's interesting that Alex appeared to perceive making mistakes within the workplace as acceptable while Cameron clearly felt under pressure to get things right first time. This may be attributed to the different roles these alumni held, Alex was a trainee solicitor and appeared to have the view that making mistakes at their level was expected, whereas Cameron was a paralegal and presumably within that organisation getting it right first time was perceived to be the expectation.

Alumni referred to their work during the CLE module being closely scrutinised (also discussed at 4.4.4.1 (ii) 'Working with a supervisor' above) with a high level of feedback, with work having to be changed and being reviewed by their supervisor on numerous occasions. Fin felt this built resilience and prepared them for working life where changes are still made to their work and added that if they had not had that CLE experience of work being changed by supervisors, they 'would just think that university hadn't prepared me properly for practice'.

Being able to make mistakes in a 'safe' environment during the CLE module and having had experience of using feedback to learn and improve appear to have been valued by the alumni in developing resilience which they were able to draw on as they moved into their graduate jobs.

4.4.4.4 Reflection In and On Learning

The role of reflection in cultivating professional identity will be discussed in this section. While discrepancies in alumni thinking were identified in relation to levels of enthusiasm and engagement with the reflective process, there was consensus on appreciating its ongoing relevance in a work environment. As part of the CLE module, all students must engage in reflection and in fact it forms part of their assessment. Reflection involves the student learning from their experiences from reviewing what they did and how they did it and working out the strengths and weaknesses of their choices. This would lead to them thinking about how they might have done things differently to get a different outcome, and what they could do differently going forward.

While alumni expressed different levels of enthusiasm for reflection, they appreciated its importance. Kennedy summed it up well:

'So, like, with reflection, I never really expected ... when I got told we had to do that I was thinking it was a bit stupid, why do we have to do that? But I actually see now how important it is because it's really important to be always thinking about your strengths and weaknesses and how you can do things better and I think lawyers have to do that all the time, so I think that was quite ... something that I didn't expect'.
(Kennedy)

Other alumni were more enthusiastic, with Rowan saying they were, 'really good at reflection' and still use it now, and Kit commented that it is 'a really useful life skill that you're going to need for the rest of your life'. For others, reflection remains a challenge albeit they know they have to do it. Cameron said, 'it's something that I struggle with in practice, and it is something that we do a lot of, reflection is fed throughout my job', with Tait saying they know they have

to engage with reflection and that it is useful, but they found it 'a bit awkward, I don't like writing about myself or what I've done well'.

Being able to reflect, while not universally popular with the alumni, was seen as important in graduate jobs and the alumni recognised its ongoing relevance as they started their careers.

4.4.4.5 Theme Summary: Cultivating a Professional Identity Through CLE

What developed from the data was that CLE played a vital role in the cultivation of professional identity where these alumni were able to see themselves as lawyers. The stand-out factor was a robust consensus that working on real cases within a real legal work environment during the CLE module was valued highly by the alumni and this appeared to provide a solid foundation to help them identify themselves as having the skills and attributes that would allow them to navigate into a professional environment. They were able to 'see themselves as lawyers'. While differing views were expressed on certain aspects of the four sources that fed into the development of professional identities, all the alumni referred to the relationships that they had learned to manage through their CLE module. While most of the alumni commented positively on their experiences of working in firms and pairs, some alumni expressed a strong adverse reaction to working with students who they perceived to be less committed to CLE, albeit they went on to say that they were able to re-package that negative experience to demonstrate for example their own work ethic to employers. In relation to the supervisory relationship, there was broad agreement on how valuable the relationship had been in giving them an insight into the role of a supervisor, with only one dissenting voice where they reported that their supervisor had made them feel less confident in themselves. However, the pivotal relationship discussed by the alumni was with clients, the alumni were in complete accord that what they had learned from this working relationship was of interest and impressed employers and importantly allowed them to imagine themselves working within the legal sector and to get an insight into how they could 'fit' into the role of a lawyer. The alumni who entered non-legal careers were no less effusive about working with clients and used their client experience extensively and successfully in the recruitment process.

Turning now to the real world of work, there was consensus that completing the CLE module had prepared the alumni as much as it possibly could for the realities of working life. There was a strong sense of how much the alumni valued the opportunity to go beyond academic study and put the law into context, and several alumni reported that they had gained what they referred to as practical skills from this experience. There was a more individualistic view of what was meant by practical skills with the emphasis unsurprisingly dependent on what role the alumni had entered post-graduation. An interesting insight was offered by some of the

alumni who reflected on their experience making them appreciate that legal employers did not have an expectation that graduates would be the finished product and that learning in that sector was an ongoing process. This ties neatly to the next source, which related to making mistakes during the CLE module.

There was consensus around feeling comfortable in making mistakes during the CLE module and valuing being able to learn from those in a safe environment, but less consensus on how that impacted on the alumni as they moved into the workplace with one alumna accepting that mistakes were part of their development and consequently did not appear to be fazed by making them in the workplace, while another appeared to perceive mistakes to be unacceptable in their workplace. These conflicting views appeared to emanate from the differing nature of graduate jobs and the variable employer expectations across sectors. An interesting point was made by one alumna around resilience, the feedback received during the CLE module had allowed them to develop a resilient attitude to dealing with feedback in the workplace.

Finally, turning to reflection, and while there was consensus that reflection was important, there was less harmony around its popularity with some alumni having strong negative reactions to reflection not just in relation to using it during the CLE module but that it continues to be relevant in their workplace.

4.4.5 Theme: Cultivating a Professional Identity Through Professional Socialisation

In the first theme, the cultivation of a professional identity was explored through the lens of the CLE module, this theme continues to explore professional identity but by widening its ambit to report on professional socialisation through the communities the alumni engaged with beyond the CLE module. What transpired was that many of the alumni engaged with several communities during their university years and what will now be explored is what these communities consisted of and alumni motivations for engaging with them. The communities to be discussed are: (1) legal work experience/vacation schemes (2) extra-curricular activities and non-legal work experience and (3) career provision within the university.

4.4.5.1 Legal Work Experience/Vacation Schemes

All of the alumni seemed to view legal work experience and vacation schemes as being important to their progression and perceived them to be valued by employers. All but one of the alumni had been successful in obtaining some form of legal work experience or vacation

scheme during their time at university, and some of the alumni had multiple experiences. This made their views, naturally it might be argued, similar in tone. For example, Jay reported:

'You see what it's like working in an office because office work is not for everyone, not everyone likes to sit behind a desk all day or not everyone likes to speak with clients, so I think I got a feel of what it's like to work in an office, what it's like to work in a law firm'. (Jay)

For some alumni, they expressed a more specific goal and used their various experiences to test their interest in different types of legal work and different types of firms for what Fin described as getting 'a sense of whether or not I wanted to ultimately work in the firm'. Fin added that it showed them, 'how they treat people that come into the firm and then you can sort of make some guesses about how they might treat you if you were an employee'. In contrast, Alex saw the work experience as an opportunity for the employer to get to know them, with Casey saying, 'I feel like the work experience weeks ... my experience was that it was all a test really. So, it really was an assessment week'.

The alumni referred to the limited exposure to any legal work during work experience which seemed to surprise them, with both Blair and Fin being shocked that the work they submitted did not matter with Blair commenting:

'I don't think most people really cared what you did in that week, it was you had that week's work experience and it took me a while to realise that they don't actually ... no one really cares what you did in that week'. (Blair)

Jay reported that the feedback they received after their first vacation scheme had been 'brutal', they had not really understood what was expected within that environment and consequently had been told that they were not 'ready to speak to clients'. Jay had concentrated on getting to know people in the firm at the expense of getting the tasks done but learnt from that in their next vacation scheme to 'get the work done ... if it's not done by 5 o'clock, stay a bit later and do it'.

What was interesting was that one alumnus, Kennedy, who had not been successful in securing any legal work experience or vacation schemes had quite naturally worried about that and before an interview had anticipated being challenged on it and told me they had been 'trying to think of ways, beforehand, to defend that', and so was then 'quite surprised' at interview not to be questioned about it.

While the alumni recognised the value in doing legal work experiences and vacation placements for gaining insights and making connections with other lawyers, they all agreed that the CLE module was a completely different experience, as it lasted for a much longer time and was a learning and development experience where, as Rowan said, 'I was actively being asked for advice'. Tait referred to the difference as:

'I'd say with the vacation schemes and work experience you're gaining insight whereas with the SLO you're gaining experience and skills,' they went on to say that in work experience, 'you just get a little task with not so much context and then when you compare that to your experience in the SLO where you've got a case from start to finish its completely different.' (Tait)

While all the alumni clearly agreed that legal work experience and/or vacation schemes were useful, it is clear from Kennedy's story that they are not essential in ultimately securing a graduate job. The alumni were in accord and forcefully made the point that legal work experience/vacation placements are very different to the CLE module and should not be compared; they fundamentally achieve different objectives, but both appeared important in helping them gain insights into the legal sector through professional socialisation. In the following section, extra-curricular activities and non-legal work experience will be considered as part of professional identity cultivation.

4.4.5.2 Extra-curricular Activities and the Benefits of Non-legal Work Experience

In this section, extra-curricular activities and non-legal work experience will be considered as part of the exploration of communities that the alumni engaged with beyond the CLE module to cultivate their professional identities.

Extra-curricular Activities

Of those interviewed, it became clear that most engaged with some form of extra-curricular activity outside their studies. These included, joining, or running university societies; volunteering in different sectors including Citizens Advice and the Personal Support Unit (supporting unrepresented people before and after court). The alumni discussed their motivations for getting involved in these activities and these were consistently similar. For example, Jay stated that 'behind doing all of these things was the end goal, to get a job', with Alex adding, 'I knew at the back of my mind that was going to look very good on my CV and helped with the application process and it did'. What appeared to fuel this engagement was a

common view regarding the competitive nature of the legal sector, where non-engagement brought with it profound regret at possible missed opportunities, highlighted by Rowan who told me:

‘... and I think because I didn’t do all those things that I should I put myself at a disadvantage because of that, and there’s going to be so many people that are super clever and fantastic and have all these other things on their CV and I just don’t have that, and I regretted not doing all of those things’. (Rowan)

In contrast to Rowan’s view, Kit expressed no regret in not engaging with extra-curricular activities, but they were in a more unusual position in that they had worked full time for a number of years and were of the opinion quite understandably that, ‘the skill sets they [other students] were trying to build up were ones I already had anyway’.

Most of the alumni engaged with some form of extra-curricular activity and they were open that their primary motivation was to enhance their CVs and help them secure graduate employment.

The Benefits of Non-legal Work Experience

Many of the alumni had part-time jobs throughout university and told me they used the skills they gained from those during the recruitment process and typically used that experience to evidence to employers that they had good time management skills and had dealt with the public. An interesting consequence of being at a university where many of their fellow students had part-time jobs was raised by Fin, who had never had a part-time job, but who became concerned that it might affect their attractiveness to employers. Fin addressed this perceived deficiency in their experience through volunteering and said:

‘I didn’t actually have a part time job at university, which is partly why I threw myself into the volunteering, because conscious that part time jobs do help develop some key skills, I thought well, if I’m not doing a part time job, there’s no reason why I shouldn’t have a go at doing some volunteering’. (Fin)

The alumni appeared to recognise that employers would value the skills gained from part-time work and for those who did not have any part-time work, there was an awareness that their CVs would need to plug that gap in other ways. Turning now to the careers provision within university.

4.4.5.3 Careers Provision Within University

Given the complexity of the legal sector and its recruitment practices, an early understanding of both the sector and its practices would prove very useful. Despite this, it is interesting though not surprising that engagement with careers advice and events through the university was rather inconsistent and most alumni could not really say why they did not engage more although there appeared to be issues around confidence (more fully explored at 4.4.1 above), with Jay commenting that they had been too nervous to go to the careers fair during their early years at university, and Cameron saying that while they had gone, they had not spoken to any employers, which they regretted.

Some of the alumni were engaged with what the university had to offer, for example by using the careers service for advice on CVs and applications while others were less connected, with Jay explaining this by saying at the early stages of their university life they were not really thinking about 'the end goal'. For Kit, a mature student they felt underwhelmed by the advice they had received from the careers advisor and felt that their maturity, was perceived as a disadvantage, so they had no further engagement with the careers service after that one negative encounter. All the alumni did engage, again to varying degrees and some much earlier than others, with employer events. These employer events are often poorly attended but provide information as well as networking opportunities and were really appreciated by some alumni, for example Kit told me:

'Events, the talks and lectures etc. that the uni has on were so valuable and I think if people realise they would definitely go more if they realised how valuable those are'.
(Kit)

Jay realised the importance of building their networks while at university, but only did so in their final year, telling me:

'You need to build up your network somehow, you need to ... I mean, if you're going to get a job at one of these firms you need to meet the firms'. (Jay)

While alumni did appreciate that firms expected applicants to have researched them, they did not appear to have fully made the link to what they can find out through engaging more fully with the careers service generally and more particularly, the employer events, where there are opportunities to not only gather intelligence about employers and the different sectors but to

become known to the employers who deliver the presentations. This can therefore be a missed opportunity to cultivate a professional identity through professional socialisation.

4.4.5.4 Theme Summary: Cultivating a Professional Identity Through Professional Socialisation

In this section, the theme 'Cultivating a professional identity through professional socialisation,' was explored and what was seen was consensus around alumni motivations in engaging with different communities (legal work experience, extra-curricular activities, and careers provision), which they agreed was primarily to enhance their CVs. Legal work experience and/or vacation schemes were considered by the alumni as being very important in building CVs but given the lack of challenge Kennedy experienced when they did not have any of those experiences, alumni may hold these experiences in too high a regard. For those alumni who did work experiences and vacation schemes there was accord in appreciation of their usefulness and their limitations albeit that the limitations were retrospectively realised. The alumni gave an interesting insight into the difference between these experiences and the CLE module, which they agreed, fundamentally achieved different objectives. While most alumni were involved with extra-curricular activities and part-time work, it was thought-provoking to explore the views and reactions of those who did not have those experiences as regrets and alternative plans to fill perceived CV gaps were revealed.

There was a less consistent approach when it came to engaging with careers provision within the university. This is a valuable resource and opportunity to cultivate their professional identity by researching employers and the sector to get a sense of its culture and values that they do not fully engage with despite apparently appreciating its value and understanding the importance of having fully researched an organisation before making an application. These employer events are often poorly attended, and it would appear that part of the reason for that can be attributed to lack of confidence and a nervousness around attending an event with people you do not know and worry around what might be expected of you. This lack of confidence was more fully explored at 4.4.1 above. The following section summarises the alumni themes.

4.4.6 Alumni Themes Summary

The four alumni themes that have been explored in this section are: The currency of confidence; Comparing and contrasting: The value of CLE v the rest of the degree; Cultivating

a professional identity through CLE; Cultivating a professional identity through professional socialisation.

What stood out powerfully from the data analysis was the initial lack of confidence amongst the alumni and the resulting increase in confidence for all of them, which they attributed to their CLE experience, and how significant confidence is in students being able to bridge the gap between university and being able to imagine themselves as someone who could enter a professional career. For the alumni who secured a graduate job after the CLE module, they felt that CLE played a significant part in them being successful, and all of them felt it gave them a head start when they began their graduate jobs. Clearly, the CLE module was the highlight of their degree for all these alumni, and through the module they felt they had developed in a range of ways that would not have been possible without participating in CLE.

When exploring the data, it was apparent that the alumni used their CLE experiences extensively to build their professional identities and while it is true to say that CLE played a pivotal role in their identity formation, it did not do so in isolation. The alumni engaged with several communities as part of their professional socialisation which supported their understanding of the culture and values of the profession they aspired to enter.

Having completed the alumni themes summary, the findings from the employer data are now considered.

4.5 Exploring Employer Data

Interpreting and analysing the alumni data, has provided insight into the 'absolute' side of employability in terms of what skills and attributes the alumni perceived they had gained and used to construct their employability. The 'relative' side must also be considered, as employability has to be viewed in its context and be 'validated' by employers during the recruitment process. Building a strong employability narrative does not exist in a vacuum, it is tested in the recruitment process and then in the workplace, which is what will be considered in the next section, when the data from the employer interviews is discussed.

The alumni section explored employability from the 'supply' side, in this section the 'demand' side will be explored through the lens of the employers who recruit into the local graduate market, to interrogate their perceptions and expectations of applicants during recruitment and then as graduates transition into the workplace, and the potential role of CLE in helping to meet employer expectations. Details relating to the employers were provided in chapter 3, but as a reminder, ten employers were interviewed. Nine worked in the legal sector (six lawyers,

two legal recruitment specialists and one head of operations). The non-legal employer was a learning and organisational development manager in a local authority.

What developed from the data around employer expectations and perceptions during recruitment and transition was unsurprising and very much resonated with the existing literature but will be considered in the following section to give context to the role CLE can play in meeting those expectations. The employers spoke in general terms about skills, attributes and personality characteristics, and there was broad consensus on these albeit that some were more important to certain employers than others depending on the type of work they undertook. What came though clearly from the data was the need for applicants to present their authentic selves and to demonstrate a strong commitment to the sector. It was surprising that only one employer explicitly referred to accent as previous research has highlighted that firms typically focus on 'polish' which includes how someone pronounces words⁵⁴⁷ but that did not develop from the employers interviewed for this study. What did develop was that the majority of the employers referred to expecting applicants to be 'professional' and/or 'appropriate' during the recruitment process and while there were no explicit references to 'polish' perhaps the references to being 'professional and appropriate' bring this in by proxy.

All of the employers viewed the CLE module positively and expected applicants to make reference to it during the recruitment process but did express a caveat around some applicants being overly reliant on their CLE experience, which could indicate to an employer that the applicant had too narrow a focus. As graduates transitioned into the workplace, there was consensus amongst the employers that graduates who had completed the CLE module ('CLE graduates') performed well, with CLE boosting their performance.

The themes that will be considered in the following sections are: Exploring employability through the employers' lens; Employers' perceptions of how students use and could use CLE

⁵⁴⁷ Louise Ashley and others, 'A Qualitative Evaluation of Non-Educational Barriers to the Elite Professions (Social Mobility and Child Poverty Commission, June 2015)' <https://dera.ioe.ac.uk/23163/1/A_qualitative_evaluation_of_non-educational_barriers_to_the_elite_professions.pdf> accessed 10 March 2019; Heather Rolfe and Tracy Anderson, 'A Firm Choice: Law Firms' Preferences in the Recruitment of Trainee Solicitors' (2003) *International Journal of the Legal Profession* 10(3) 315; Rosaline Sullivan, 'Barriers to the Legal Profession' (2010) Legal Services Board <<https://legalservicesboard.org.uk/wp-content/media/2010-Diversity-literature-review.pdf>> accessed 2 June 2019; Hilary Sommerlad and others, 'Diversity in the Legal Profession in England and Wales: A Qualitative Study of Barriers and Individual Choices' (2010) Legal Services Board; S Aulakh and others, 'Mapping Advantages and Disadvantages: Diversity in the Legal Profession in England and Wales' (2017) Solicitors Regulation Authority <<https://www.sra.org.uk/globalassets/documents/sra/research/diversity-legal-profession.pdf>> accessed 6 March 2019.

module in the recruitment process; and Employers' perceptions of the impact of CLE on performance at work.

4.5.1 Theme: Exploring Employability Through the Employers' Lens

The data from the employer interviews reflect existing literature in that it would appear that recruitment is not a precise science, and that recruitment decisions are often based on vague and highly subjective grounds, with employers referring to how difficult differentiating between applicants can be and sometimes, as Sydney told me, it is just about getting a 'real good feel' from someone's application, with Devin adding:

'... there's not sort of one thing you could ever say 'that's the person,' you just tend to get a gradual vibe I think, as the process is going'. (Devin)

This theme has three sub-themes; Skills and legal expertise; Authentic self; and Demonstrating commitment to the sector, which will be explored below.

4.5.1.1 Skills and Legal Expertise

Although none of the questions that were put to the employers asked them directly about skills, they were asked what they were looking for and in responding to that question they mainly expressed their expectations with reference to skills. Their responses were unsurprising and there was a broad consensus around communication and building relationships, with less consensus around leadership, commercial awareness, attention to detail, good organisation and being self-aware. Communication and building relationships will now be considered in more detail as they were not only emphasised by the employers, but the alumni referred to these extensively when discussing their CLE experience.

Communication

During the recruitment process all the employers wanted applicants to demonstrate they had strong communication skills. Written communication would be assessed initially through CVs and applications, so grammar, spelling and punctuation would all be considered, and with so many applicants to consider, mistakes usually mean the application will not progress any further. For Jesse, an employer in the paralegal sector, where there was limited client

interaction, communication was largely written and therefore they were looking for applicants who could demonstrate 'good attention to detail'.

Oral communication was assessed at assessment centres and interviews, with employers looking for applicants who can communicate with a range of people effectively and concisely and some applicants let themselves down at this stage in being under prepared for the interview, which employers find unacceptable, with Drew saying:

'You wouldn't go into an interview without being prepped and it's just to take it seriously and don't think you can breeze through it. I think sometimes especially if they are strong on paper, I think they just turn up and believe they can breeze through it a little bit'. (Drew)

For most of the legal employers, they wanted to be confident that the candidate will be able to speak to clients, with Drew commenting:

'Could you just bring them to a meeting without any legal skills, sit them down, could they chat to the client and have a conversation with them about anything, business, what's going on, just generally, could they actually do that?' (Drew)

Communication is such a significant skill in the graduate labour market and legal employers indicated that they need graduates who will be able to communicate well both in writing and orally and put great weight on graduates being able to interact with clients. It was evident from the alumni data (see 4.4.1.2.1 (i) and 4.4.4.1 (iii)) that alumni felt they had developed strong oral and written communication skills from the CLE module, which they then were able to utilise during recruitment and in the workplace.

Building Relationships

All the employers stated that they are looking for applicants to demonstrate that they can form relationships with a variety of different people. Client relationships were emphasised by the legal employers as being pivotal, with Drew telling me:

'... the ability to get on with people because fundamentally that's what I think being a lawyer is, it's about building relationships'. (Drew)

Several of the legal employers told me they judged applicants on whether they could leave them with a client and not be worried about what they might say and whether they would be able to manage client relations. Archer explained this by saying:

‘... at the end of the day, people are buying the service and I think it’s that relationship that’s actually really important in the provision of the service’. (Archer)

The non-legal graduate employer particularly emphasised the need within a local authority graduate scheme for people who can build relationships as the workplace has changed so significantly with graduates working on project delivery within teams rather than in isolation, with Jude telling me:

‘It’s about small collaboration, larger collaboration and flowing through a work day, ultimately it’s about using the best of the people around you to do that’. (Jude)

Working well with your colleagues was valued by the legal employers too whatever the size of the organisation, with Bobby commenting:

‘What we are far more interested in is that the softer skills side of it and how that translates into how they fit into our team and how they would work with us because that is really important’. (Bobby)

Once in employment, this commitment to building relationships was expected to continue within the organisation to get an understanding of what was happening across the business, and for trainee solicitors the firm would expect them to be working on their networks outside the firm. Employers want people who could talk to everybody, Frankie referred to this as being able to speak to anyone ‘from top to bottom with no airs and graces’. For the employer from the local authority, building relations in their large organisation was hugely significant as graduates had to deal with people from different and diverse settings and be able to draw people into projects fairly quickly. They could only do this successfully if they worked on building networks across the organisation so they knew who they could bring in to assist on different projects.

The alumni discussed relationships extensively at 4.4.4.1 above and appeared to have a clear understanding of the importance of relationship building within a work context. Through the CLE module, graduates met and dealt with a range of clients and managed relationships with

their peers and their supervisor, which they felt put them in a strong position to meet employer expectations around forming workplace relationships.

On a broader issue, all the employers emphasised how important it was for applicants to recognise the skills that they had developed from everything they were engaging with. Some employers felt applicants underestimated the value of the skills that could be developed in for example part-time jobs, with Jesse saying what those experiences meant to them:

'I know that they're going to have had to work ... juggle their home life with work, plus uni, they're going to have to have dealt with some tricky people, they've probably had to truly be teamwork players and they've had to think about someone else's business when they're part of it'. (Jesse)

Jude, Frankie, and Drew referred to applicants being self-aware so they can not only identify the skills they have developed from across all their experiences but can then explicitly match those skills to the job they are applying for. This requires a level of specificity that is sometimes lacking in applications.

Legal Expertise

The legal employers generally did not expect applicants to have specific legal technical knowledge. They all referred to the fact that they will train graduates in the areas that are relevant to their organisation, with Sydney saying, 'that all just comes as part of the training, that's our job, not theirs'. As far as academic achievement is concerned, employers said that they expected students to achieve a 2.1, with Frankie telling me, 'you're looking for a 2:1 ... unless there's a reason for it I don't think we'd interview anybody with a 2:2'. The smaller firms who do not recruit so far in advance reported that they are increasingly seeing applications from applicants who had paralegal experience in other organisations applying to them for training contracts. Frankie said they were benefitting from the large increase in the paralegal sector in the North East and while the work may not be the same type of work that they do, the applicants did have experience of value to employers having worked in a legal environment and 'could hit the ground running' in that they could work with documents, practice management systems and file management.

4.5.1.2 Authentic Self

Employers referred to how important it was for applicants to demonstrate to them who they were in the recruitment process. Applicants needed to ensure from the application stage of

the recruitment process that they are being their authentic self, with Drew telling me 'you want to get a sense of who that person is', with Jesse adding that a CV needed to 'show a level of individuality' but made it clear that they 'wouldn't want to see a wacky CV with no quality'. Jesse said a CV should be demonstrating 'who you are' and 'what you are trying to say about yourself', with Frankie adding a cautionary note:

'Don't try and second guess what we're looking for because you don't know that, just be you, and if you're it, great, if you're not, you'll be it for somebody else'. (Frankie)

Employers did acknowledge how difficult it is to define exactly what it is they are looking for, with Bobby saying, 'you can't really put your finger on what makes the right person' and Archer saying they want someone 'who's got something about them'. Depicting one's authentic self was referred to by several employers as applicants showing their 'personality' in the recruitment process. This nebulous and subjective concept can be quite challenging for applicants to understand, and there was no consensus on what type of personality employers preferred but some character and personality traits were identified from the data which can provide some detail around what employers expected to be demonstrated during the recruitment process, along with a few added traits that they expected in the workplace. The character and personality traits identified from the employer data are not unique to the legal sector but what is interesting is the consensus around the evidence employers look for to demonstrate the existence of these characteristics and traits, which is largely based on the activities students are involved with beyond their standard undergraduate studies. Employers were keen to stress these activities do not have to be unusual, Frankie said they appreciated that, 'not everybody has got the opportunity to go in the Amazon rain forest and save the world' but they were interested in the motivations behind those activities and what skills had been developed that the employer could benefit from. Jude said:

'If they've gone out and they've done fundraising, they've gone off to Kenya or wherever and they've climbed a mountain and it's actually the story behind ... 'why did you do that?' the logistics, the planning, the value-base ... you were doing it to fundraise for a good cause, tell us that story because all of a sudden they'll be resonating with loads of partner businesses 'oh they could be good at doing this, they could be doing that, that's what we need,' ... but actually if it's just 'I climbed a mountain, I like keeping fit and I've climbed a few mountains,' then ...' (Jude)

In the following section, the character and personality traits employers are seeking during the recruitment process and what evidence supports this are explored.

4.5.1.2.1 Authentic Self: Character and Personality Traits During Recruitment

The character and personality traits identified by the employers are work ethic, curiosity, commitment/drive, confidence, manage pressure, well-rounded and ‘fit,’ with ‘confidence’ and ‘fit’ appearing to be important to the majority of employers. Table 7 encapsulates the employers’ perceptions of the character and personality traits and gives important detail on how they can be evidenced through the recruitment process.

Table 7: Authentic Self: Character and Personality Traits During Recruitment

Work Ethic

Employer/s	Supporting quote	Evidenced
Devin, Taylor, Drew	Devin told me, ‘first thing I always would look for is that someone’s worked hard’.	Applicants can demonstrate their work ethic through part-time jobs and anything they have done outside their degree.

Curious

Employer/s	Supporting quote	Evidenced
Bailey	Bailey said: ‘being curious, having an enquiring mind and having a passion for the subject, the area, the region, the clients’.	Applicants demonstrate curiosity when answering and more importantly asking interesting questions at interview or during vacation schemes.

Commitment/drive

Employer/s	Supporting quote	Evidenced
Archer, Drew	Archer told me, ‘commitment, drive, that’s what’s hard ... going in to be a lawyer is not an easy job, its stressful you have to	Drew referred to applicants working and studying as being ‘impressive’ as well as those who juggled family

	manage a lot between client expectations, the expectations of your firm and you have to have a real commitment I think to try to do it to a good standard'.	commitments alongside their studies.
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Confidence

Employer/s	Supporting quote	Evidenced
Sydney, Jude, Frankie, Taylor, Bobby, Drew	Bobby told me applicants needed to demonstrate that they 'have the confidence and aptitude to give authoritative advice' but that confidence had to be balanced as Taylor said they do not want to see 'too much bluster'.	Employers referred to applicants at interview who have a genuine friendly manner, who maintain eye contact and can speak clearly and concisely and who perform well in group activities.

Manage pressure

Employer/s	Supporting quote	Evidenced
Bobby, Drew	Drew referred to 'when they're nervous and under pressure that's when you see the real glimpses of peoples' personalities ... you never know what people are like until they're under pressure'.	How applicants manage pressure is judged through their application as well as at interview/assessment centres. Examples of managing pressure can be demonstrated from how applicants manage their university workload and there is additional recognition if they are doing this alongside part-time work

		or other extra-curricular activities. Employers gain insights from how well applicants cope with a formal interview or assessment centre activities.
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Well-rounded

Employer/s	Supporting quote	Evidenced
Jesse, Archer, Drew	Jesse told me: 'I think getting as much experience as possible. You have got to show yourself as a well-rounded person'.	Applicants are expected to have a range of experiences on their CVs that they can then discuss at interview.

'Fit'

Employer/s	Supporting quote	Evidenced
Sydney, Jude, Frankie, Taylor, Bobby, Drew	Drew said: 'how they demonstrate that they think they can fit in, how they demonstrate that they think they understand what our culture is, what we're about, and why they'll enjoy working here'.	Employers are looking for applicants to demonstrate this at interview and at assessment centres by having thoroughly researched the organisation. Jude felt strongly that some applicants got this wrong when they used the interview to explain the benefits they were going to get from the employer but failed to understand or explain what they would be giving back.

It is clear that applicants must ensure they show their authentic self on their CVs/applications and at interview. With recruiters having so many to consider, the generic and formulaic ones will not stand out. Engaging fully with the university careers provision and employer events would undoubtedly help applicants to get the insights and support they need to stand out in the recruitment process, to ensure they 'understand the game' and can market themselves to employers. In the next section, the character and personality traits that employers expect in the workplace are considered.

4.5.1.2.2 Authentic Self: Character and Personality Traits Expected in the Workplace

Once working within an organisation, further personality and character traits were identified by the employers that they expected graduates to demonstrate in the workplace. These were willingness to learn, autonomy and understanding limits, and making mistakes and resilience. These are considered in the following sections.

Willingness to Learn

All the legal employers placed significant weight on graduates showing a willingness to learn and improve as they start their working life. They had to be proactive in demonstrating that willingness through seeking out different development opportunities, as Drew made the point that the trainees are 'not spoon-fed'. Frankie referred to the fact that trainees had to have the 'ability to muck in', with Sydney and Taylor saying how important it was for trainees to develop a reputation as soon as possible within a firm as the type of person who had that eagerness to learn. Bobby was of the view that if you cannot show willingness at this early stage in your career then you will never last because:

'It does get difficult at times and it gets boring at times, you know it's not all High Court this and it's not all mega glamorous exciting stuff, some of it is but I think you do have to understand that sometimes its heavy so if you're not keen to learn at that point its difficult and you have to be committed'. (Bobby)

Drew saw willingness to learn being linked to an employee's attitude to hard work and said they did not think graduates sometimes grasped how hard lawyers had to work and that technology had made it much harder than in the past as everything now was quicker. Sydney, Bailey, Devin, and Taylor were keen to stress that hard work did not necessarily involve long working hours all the time, but graduates needed to be flexible and there would be times they

would have to work a bit later or a weekend, and clearly some employees were resistant to this, with Taylor telling me:

'I'm not saying they don't want to work hard but some of them want to just work hard within their core hours, 9 to 5, and the suggestion that they might have to stay later or start earlier can be difficult'. (Taylor)

That attitude was perceived by Taylor and Bobby as demonstrating a failure to take on the responsibility of the role. Bobby referred to a failure to appreciate the 'real world aspect' of acting for clients who can have issues arising that need urgent attention at any time, and Taylor referred to graduates needing to have 'an awareness of what the business needs'. Turning now to autonomy and understanding limits.

Autonomy and Understanding Limits

There was agreement among the legal employers that they wanted trainees to show initiative and to be aware of how busy their supervisor is and appreciate what is expected of them. They referred to graduates being able to think for themselves and try to find out things for themselves whenever possible, with Taylor saying, 'If you think that something else should be done as well, point that out to them [your supervisor], go the extra mile'. The paralegal employer, Jesse raised a slightly different concern, where employees were at times over-reliant on their supervisors/managers and used them for low level spelling and grammar checks, where employees were 'kind of clinging on to somebody' and wanted the managers to 'make decisions for them and check their work' which was not what the employer wanted in the longer term. Interestingly, this ties in with a comment made by Cameron, who worked in the paralegal sector (see 4.4.4.1 (ii)). The other legal employers did not seem to share this concern, so this may be unique to that sector which is hierarchically structured, and which has less client contact and a greater level of written communication.

Being able to work autonomously was critical in the local authority graduate training scheme. Jude explained that the workplace environment within the local authority has changed massively with a move away from direct and close supervision, where there is now a greater expectation that the graduates will 'need to find their own way through the working day'. For all initiative and autonomy were valued, employers agreed on the importance of understanding your limits, with Archer telling me:

‘As a junior lawyer sometimes the best thing that you can say is ‘I’m really sorry I don’t know the answer to that’ and some people are embarrassed to do that’. (Archer)

It seems clear that getting the balance right between showing initiative and understanding when you needed support was something employers wanted graduates to master in the workplace. The CLE module had provided CLE graduates with an early opportunity to develop an understanding of the supervisory relationship (see 4.4.4.1 (ii)), which gave them unique insights into that relationship that they could draw on as they transitioned into the workplace. However, there is a note of caution as the supervisory relationship that existed during the CLE module is not always replicated in practice and some alumni may become over reliant on that supported environment, which may impact on their ability to work more independently. In the next section, making mistakes and resilience are discussed.

Making Mistakes and Resilience

There was consensus among the employers that mistakes are very much part of any learning and training and Devin emphasised the importance of trainees being upfront about any mistakes that they made and not letting them overwhelm them. Drew told me that some graduates struggle with not getting everything right as they have often done well at university and when they start a training contract, they realise that despite having years of study behind them ‘they still don’t really know a lot’. Some graduates it would appear found accepting criticism difficult, with Frankie telling me about one graduate who handed in their notice after a minor conversation around when it was appropriate to send an email. Frankie referred to them as lacking ‘resilience’ in being unable to accept criticism. Resilience was mentioned by Bobby too who said:

‘It’s that being able to deal with the cut and thrust, you know, deadlines can be tough, people aren’t always nice to you, but you don’t need to take it personally, and you can walk out the office thinking that was a really difficult day but keep it in context and think but actually that’s okay because most days are great and you’ll get a bit of rough and tumble around the edges and that’s part of what this kind of job entails, and being able to come through all of that and still make a positive contribution I think is really important’. (Bobby)

Resilience was valued really highly by Bobby as in their experience people who lacked it underperformed on a personal level and pulled a lot of resource from the rest of the team, which they described as ‘sucking energy out of other people’. So, for Bobby, resilience was about being able to cope with the reality of the workplace. Jude and Jesse referred to the need

for employees to be resilient with the pressures on delivering 'more for less' in the legal sector and the uncertainty with jobs in both the legal sector and the local authority. Resilience has slightly different meanings to different employers but there is an underlying consensus around an ability to cope with the modern workplace.

The alumni did talk about making mistakes and learning from them through their CLE experiences as well as building resilience through receiving and accepting criticism through the extensive feedback during their CLE module (see 4.4.4.3). CLE therefore appears to provide a platform to help CLE graduates manage the modern workplace as they have been exposed to some of its challenges doing the CLE module. Turning now to graduates demonstrating a commitment to the legal sector.

4.5.1.3 Demonstrating Commitment to the Sector

Nine of the ten employers interviewed were legal employers and all of them talked about applicants needing to demonstrate that they want to be a lawyer and that goes beyond having simply done a law degree, which Jay articulated as follows:

'It is so competitive, we need people that we are convinced want to be a lawyer for more reasons than 'oh I've done a law degree so it's the obvious next step' or, you know, 'my dad's a lawyer' or whatever it might be'. (Jay)

There are three elements to this which will be explored. These are: doing their homework, the contribution of legal work experience and presenting a professional identity.

Doing Their Homework

Beyond demonstrating they want to be a lawyer, there was agreement that the employers wanted applicants to show a commitment to the firm and the region, as they do not want to invest in training them if they then do not plan to stay with the organisation. Employers expect applicants to have researched the organisation with Bailey telling me 'there's so much out there' and consequently feel that there is no excuse if applicants cannot demonstrate any insight into what type of work the firm does and their clients. However, Bailey and Jesse made it clear that research must go beyond simply looking at the firm's website as Bailey explained:

'You ask them why they've applied to this firm in particular; you get a stock answer where people have pretty much just looked at the internet and often you get just regurgitated internet speak back to you'. (Bailey)

Bailey gave more detail on what they hoped to get from applicants, they talked about applicants being 'sensible' and 'smart' and 'actively' researching the firm by 'going out of their way to find out more'. Bailey said this could involve looking beyond the website at local newspapers, the wider media, projects they had been involved in or researching one of their clients. For Devin and Drew part of that research would be knowing who was going to interview you and having questions you could ask them. Devin emphasised that questions should go beyond asking 'when will I start' and 'will you give me constructive feedback'. Bailey and Drew spoke positively about students who had been engaging with the firm through employer events and careers fairs, and who demonstrated their commitment to the firm by mentioning who they have previously spoken to in the firm. Bailey felt this demonstrates to the employer that the candidate has 'taken every opportunity' to find out more and they are doing everything they can. From what we observed from the alumni data (see 4.4.5.3), it is clear students do not fully appreciate the significance of employer events and presentations and the benefits they can gain from attending them.

The Significance of Legal Work Experience

Being able to demonstrate they want to be a lawyer goes further than researching the organisation and the area, there was a consensus among the legal employers that they are looking at broader experiences and legal work experience features within that category. In the legal sector, this would typically be a week or two weeks working in a legal firm. Most of the employers had a preference for applicants who had legal work experience as it provided an opportunity to see what the sector is like, Bobby described it as, 'a culture and an immersion thing rather than what the reality of the job is like' with Devin telling me:

'It might be a bit of a reality check for some people if they've never done that to then suddenly end up in practice and actually find that it's very different and they don't like it and they're regretting it'. (Devin)

So, while legal work experience can give those insights, Drew did not put too much emphasis on how many work experiences/vacation schemes someone had done as 'that doesn't tell us whether a potential trainee is going to fit in here'. Bailey, Jesse, and Taylor all mentioned how difficult it can be to secure legal work experience, with Bailey and Jesse mentioning that

students with connections are able to access legal work experience through informal mechanism not available to everyone, with Bailey telling me:

‘A lot of the ability to get work experience is down to contacts, is a matter of chance and a matter of luck, so through no fault of your own you may just be unable to access it’. (Bailey)

Only Sydney was less convinced that work experience was hard to secure and felt that some students just did not try hard enough to get work experience and ‘get their foot in the door’. However, Sydney did appreciate that not everyone could do work experience or vacation schemes because they had other commitments, such as a job that was funding their studies. When a candidate did not have legal work experience, there was consensus amongst the employers that they still needed to test the applicants understanding of what it is to be a lawyer and what that person has done to demonstrate their interest in being a lawyer. For Bailey that interest could be demonstrated through ‘going along to the presentations, I don’t know, maybe take themselves off to the law courts to have a look at some of the cases or the employment tribunal’. Some applicants only have the CLE experience on their CV as their legal work experience, which for Devin was acceptable, whereas for Taylor it was only acceptable if despite trying that was all the legal experience they had. However, for Archer this was less than ideal and should be supplemented by legal experience in an actual law firm because in their view:

‘The student law office is great but it’s a bubble, it’s a very nice kind supportive environment which is obviously what all law firms should be but in reality they’re not and I think it’s good if people can actually see what it’s really like in the environment of a law firm’. (Archer)

While there are differing views on how important undertaking some legal work experience is, it does provide a way to evidence commitment to and an understanding of the legal sector, which all employers were looking for. However, there may be little to be gained from multiple experiences unless they are part of a firm’s recruitment strategy. Alumni were all of the view that legal work experience was important and valued by employers, but it was clear from the data that they only appreciated in retrospect what was to be gained through these experiences and so an earlier insight into what these experiences achieve would be useful as alumni plan their careers (see 4.4.5.1).

Presenting a Professional Identity

The majority of the employers referred to expecting applicants to be 'professional' and/or 'appropriate' during the recruitment process. For Sydney, Frankie, Taylor, Archer, Bobby, and Drew they assessed whether someone was professional by determining whether they could put an applicant in front of a client. Taylor for example said they were 'looking for somebody that I feel I could put in front of one of my {named}⁵⁴⁸ clients tomorrow' and they could 'maintain a professional relationship'. For Sydney who used assessment centres as part of the recruitment process, they stated this gave them an extended period to get to know the applicants and see how they behaved towards different people within the organisation. Sydney referred to the need for applicants to be 'professional at all times' and to them that would be demonstrated through being 'well presented at all times and just think about who you're around and what you say'.

Some of the employers referred to applicants being 'appropriate', which appeared to be linked to being professional as it included references to how applicants dressed and behaved. For Taylor and Archer, they were looking for applicants who dressed appropriately and could therefore represent the firm in the way the firm wishes to be represented, with Taylor saying:

'I don't care if they haven't got an awful lot of money to go and buy a brand new suit from Marks and Spencer's, but I would hope that they would turn up not looking like they're going clubbing, so they would have to have made an effort to look professional, it can come down to someone wearing big boots and tights with holes in, that's not going to give a great impression sitting in our reception area with someone who's come to discuss a merger with another company'. (Taylor)

In terms of 'appropriate' behaviour, Frankie told me that 'hiding in a corner and drinking too much' at a drinks event that was organised as part of an assessment centre meant that an applicant was 'never going to get it'. Frankie mentioned accent and referred to an applicant who had been so nervous that they had drunk too much and then spoke so fast that their strong regional accent could not be understood. While Frankie appreciated that they had put the applicant into that position, they ruled that applicant out as their performance at the drinks' reception led them to the conclusion that they could not put that applicant in front of clients. Frankie was the only employer who directly mentioned accent, which was surprising as the literature does show firms typically focus on 'polish' which includes how someone pronounces

⁵⁴⁸ Name redacted for confidentiality purposes.

words⁵⁴⁹ but that did not develop more widely in an explicit form from the employers interviewed for this study.

Jesse and Drew mentioned that some applicants lacked professionalism in how they approached the interview, where they said something inappropriate that the employer would not expect someone to share. Drew wanted applicants to feel at ease, but they had to remember they were there 'as a professional you're there to be a lawyer'. Drew opined that the applicant's behaviour could be explained by social background and lack of experience in being interviewed in a graduate setting. Another example of unprofessional behaviour cited by Jesse is where applicants criticise people who are in a more senior position to them:

'But that's an absolute 'no' at any point in an interview, to show that you've got a problem with somebody else or their authority.' (Jesse)

Jesse worked within a hierarchical structure in a large legal outsourcing organisation and so they had to be confident that employees would appreciate the structures and the authority of senior managers within their organisation. For Archer and Drew questions around work life balance were described by Drew as 'tricky', with Archer telling me they were completely 'put off' when an applicant kept telling them in an interview 'how important the work life balance was to them', and while this employer said they agreed work life balance was important, they 'didn't think that was the best way to present yourself' when you're 'fighting for a job in a pool of people that is so vast, and the job number is so small'.

Employers appear to have a clear understanding of what being professional and appropriate means to them, applicants may be less clear, particularly if they have had limited opportunities to mix with lawyers before they are interviewed or take part in assessment centres. What is interesting is that other than one or two passing comments on how you should dress for an interview, none of the alumni explicitly referred to presenting a professional identity although we saw that what developed from the data (see 4.4.4) was that the CLE module appeared to help alumni develop a professional identity even if they were unaware that this is what was

⁵⁴⁹ Louise Ashley and others, 'A Qualitative Evaluation of Non-Educational Barriers to the Elite Professions (Social Mobility and Child Poverty Commission, June 2015) <https://dera.ioe.ac.uk/23163/1/A_qualitative_evaluation_of_noneducational_barriers_to_the_elite_profession_s.pdf> accessed 10 March 2019; Heather Rolfe and Tracy Anderson, 'A Firm Choice: Law Firms' Preferences in the Recruitment of Trainee Solicitors' (2003) *International Journal of the Legal Profession* 10(3) 315; Rosaline Sullivan, 'Barriers to the Legal Profession' (2010) *Legal Services Board* <<https://legalservicesboard.org.uk/wp-content/media/2010-Diversity-literature-review.pdf>> accessed 2 June 2019; Hilary Sommerlad and others, 'Diversity in the Legal Profession in England and Wales: A Qualitative Study of Barriers and Individual Choices' (2010) *Legal Services Board*.

happening. The next section summarises the theme, exploring employability through the employers' lens.

4.5.1.4 Theme Summary: Exploring Employability Through the Employers' Lens

What has been explored in this section is the perceptions and expectations of the employers during the recruitment process and as graduates transition into the workplace. The employers emphasised certain skills and personality traits as being important for graduates to demonstrate as they start their graduate career. Key traits were willingness to learn and work ethic. While it is clear that employers' views generally align with current literature, some interesting insights were highlighted which stressed the importance to employers of applicants researching the firm or organisation and what that research could involve as well as recognising their own worth and being able to articulate that to the employers when presenting their authentic self. Presenting a professional identity and being appropriate were important to employers and this appeared to be evidenced by how applicants dress as well as how they behave. The CLE module is delivered in a professional setting and gives students, many of whom have had no prior exposure to a professional environment, an opportunity to learn from their supervisor and the other lawyers teaching on the module what it means to be a professional, so they have the potential to gain an understanding of how to present themselves in what employers consider to be both professional and appropriate.

Turning now to the next theme, how students use and could use CLE in the recruitment process.

4.5.2 Theme: Employers' Perceptions of How Students Use and Could Use CLE in the Recruitment Process

Having considered perceptions and expectations of the employers during the recruitment process and as graduates transition into the workplace, this theme will explore employers' perceptions of how students use and could use CLE in the recruitment process. All the employers reported that all the applicants who had done the CLE module (hereafter called 'CLE applicants') used their CLE experience in the recruitment process in some way and they would expect them to do so, with Bobby saying, 'I think it is worth talking about'. The employers provide useful insights on how to best use CLE experiences and this included some references to CLE applicants not overly relying on their CLE experiences. Overusing and overselling the CLE module appeared to indicate to some employers an absence of other experiences or a naivety around the realities of a commercial environment.

Four sub-themes developed from this theme which are: CLE and skills; Showcasing case work; Using the CLE experiences to demonstrate they want to be a lawyer; Avoiding oversell and overkill. These are considered in turn, starting with CLE and skills.

4.5.2.1 CLE and Skills

Unsurprisingly, the employers agreed that the CLE applicants tended to use the CLE module to demonstrate they had developed certain skills, and all the employers felt this was the right approach. Archer said the 'most common' skills CLE applicants typically referred to from their CLE experience were:

'Communication skills, time management skills would be the other one balancing that with their studies, teamwork would've been another one that they have referred to because you don't get that opportunity to demonstrate that typically in your degree'.
(Archer)

These skills had been recognised through the alumni data as being important to employers, as had dealing with clients. All the employers valued the skills CLE applicants could demonstrate from client contact, with Devin and Jude mentioning how they had seen it used effectively to demonstrate that CLE applicants could deal with difficult situations or people, which Devin said was 'very different to just going to university and doing essays'.

While there was agreement that CLE could be used to showcase skills and that some students did that well, this was not a universal truth according to Bailey, Frankie, and Taylor. Frankie told me 'they need to be probably better at pulling the skills out' with Bailey saying they need to take 'a step back' and articulate as clearly as possible the skills they have learned. Taylor said that sometimes CLE applicants could be 'rather vague' about their experiences, and they needed to be able to 'articulate these things [what they did during the CLE module] really well'.

Turning now to how case work can be used within the recruitment process.

4.5.2.2 Showcasing Case Work

Opinions differed on whether CLE applicants should share details of the cases they had worked on (within the confines of professional confidentiality rules). Devin, Jude, Frankie, Taylor, and Bobby were interested in hearing about the cases the students had worked on during the CLE module and Devin said that was the position even if the cases 'don't fit in entirely with what we do, it's still useful'. The employers appeared to be less interested in

outcomes of cases and more interested in what the students had done for a client and how well the students can articulate that. For example, Taylor said sometimes CLE applicants are 'vague' about what they did, and they want them to be a 'bit more specific' about how the problem was resolved. Both Devin and Taylor were interested in the detail, with Devin being impressed if students could look beyond only positive results and explore 'the more difficult things' that had to be dealt with as that 'rosy' outlook does not reflect the reality of the law.

Bailey cautioned against CLE applicants getting 'too bogged down in individual cases' and in their view, should use their case work more broadly to demonstrate they can apply the law, with Bailey saying:

'Clients don't ... I suppose ... come in do they and say 'I've got a tort problem' or 'I've got a contract problem' so it's how do you get to that point where you actually work out what to do when the client just maybe comes in and, you know, splurges this big, long problem, so the analytical side I suppose, of working out those steps'. (Bailey)

Jesse, Frankie, and Drew wanted students to take a step back from the CLE module and really question what they had learned from it, with Drew telling me some CLE applicants just treat the module as a 'tick box' that means 'I'm great' rather than detailing why 'it's helped you' and what 'they have learned'. Jesse and Frankie talked positively of students who were 'self-aware' and who could not only clearly explain what they had done but were able to reflect on their performance and could articulate what had gone well, and what they would do differently next time. That element of what the employer called 'honest' reflection seemed to be highly regarded by employers with Frankie commenting:

'It's absolutely important because sometimes there's no script is there? You get something and you do it once and you get to the end of whatever it might be, whether it's contentious or non-contentious and then you look back and say 'right, well we got there, however I'd do it differently this time' and 'which bits I'm going to keep from it.' So yeah there's got to be lessons learned from everything you do and then ... but actually learn from them and then use that next time'. (Frankie)

CLE applicants perhaps feel that they will be judged in a negative light if they say they would have done something differently or better, whereas Jesse and Frankie looked for that questioning attitude and Jesse expressed concerns if they do not see that as they want employees 'who will be able to take positive constructive criticism of their view on board.' With reflection so integral to the CLE experience, and something the alumni understood to be

important to employers, it is surprising to find this attitude. The next section considers whether CLE can be used to demonstrate that the CLE applicant wants to be a lawyer.

4.5.2.3 Using CLE to Demonstrate They Want to Be a Lawyer

In 4.5.1.3, the legal employers looked for applicants to demonstrate that they wanted to be a lawyer and understood what that meant. Legal work experience was shown to be one way of demonstrating that and Archer told me that CLE experience:

'Gave students the answer to the question 'why do you think you're going to make a good lawyer', 'well I've had a taste of doing that', whereas a lot of people if you don't have any legal experience how are you going to explain this, so I think it gives a really good reason for students when they're actually saying why I want to do this job'. (Archer)

The final element of this theme is avoiding oversell and overkill and is considered next.

4.5.2.4 Avoiding Oversell and Overkill

While all the employers were positive about the CLE module, some employers expressed concern in the way some CLE applicants presented their CLE experiences, which could result in a negative impression inadvertently being made. The legal employers reported on varying approaches to how CLE applicants categorise their CLE experience, with some listing it as a job on their CV/application and selling themselves as having had a year similar to a paralegal role, but some employers were sceptical about this approach. Devin felt they could present it like that 'to some extent', but for Jesse and Frankie this appeared to be 'oversell', with for example Frankie saying:

'I think there's a little bit of oversell because I think the SLO is good, I think it's got its place and it gives them some good experience; however it is different to being let loose in practice and you worry if they think that they're ready to run their own caseload here, that they're actually a little bit naïve about what the world's like out there'. (Frankie)

Jesse said that to avoid 'oversell' they thought 'the better way of doing it is for them to accept the level of responsibility they have versus what they perhaps want to *think* they've had' and that meant they had to explain the context of their experiences. Frankie made a similar point around context and said that CLE applicants needed to appreciate how the 'very nice kind

supportive environment' within which the CLE module operated differed from a law firm environment as it was 'just learning; it's part of the uni course, it's not like you're under time pressure' and 'it's not the same as being a trainee'. Frankie went on to say how important it was to have other 'things to talk about'.

It is interesting that some employers had picked up on the approach taken by some CLE applicants to framing their CLE experiences and how that could be judged negatively as perhaps demonstrating a naivety around understanding the realities of working in a law firm or as highlighting a gap in their CV. In the following section, the theme, employers' perceptions of how students use and could use CLE in the recruitment process, is summarised.

4.5.2.5 Theme Summary: Employers' Perceptions of How Students Use and Could Use CLE in the Recruitment Process

There was consensus that the CLE module could be used extensively to meet employer expectations especially around evidencing skills, and while there was less harmony around how to use cases, that experience and the ability to apply the law were valued by employers. A strong message did develop which was that the CLE module should not be used exclusively or excessively as employers expect a range of different experiences to be demonstrated. Getting the balance right between selling the CLE experience and overselling it, would appear to be a challenge for some applicants.

In the next section, the theme, employers' perceptions of the impact of CLE on performance at work, is explored.

4.5.3 Theme: Employers' Perceptions of the Impact of CLE on Performance at Work

There was consensus amongst the employers that graduates who had completed the CLE module ('CLE graduates') performed well in the workplace, which Archer said was in part due to CLE being 'an eye opener for them and an opportunity for them to develop skills'. The employers gave a range of ways that the CLE graduates performed well. For example, Frankie said that the CLE graduates were 'quite practical', and Bobby told me what they noticed was that CLE graduates were more ready and willing to speak to people, that it stands out when there are people who can just get on with the job:

'Knowing how to make calls to a claimant or another solicitor at that point you notice the readiness and the lack of fear about doing it'. (Bobby)

Bailey referred to the CLE module as giving trainees a 'boost', with Devin saying it 'puts them in a stronger position'. Bailey said the CLE graduates were 'typically ahead of others' and compared them to trainees who had not had that more practical experience and who did struggle, and commented:

'We still tend then to get the very wordy answers, a big, long piece of research that's more like a nice essay rather than something a client actually wants to see whereas grads who worked at the clinic would understand that'. (Bailey)

Jesse, who employed large numbers of paralegals, reported that students who had gone to red brick universities were generally 'not ready' and attributed that to the absence of any kind of practical application of the law at university. Jesse added that these graduates:

'... do not understand the importance of attention to detail and it's one of the biggest problems that we have, is their kind of slightly slapdash approach ... just don't seem to have an eye for it at all'. (Jesse)

Devin referred to CLE graduates 'picking things up quickly' and are then 'able to handle all their own files'. Bailey said they needed 'less time to get to a good level' where client communication could go out 'without many changes'. For Jesse, the fact that the CLE graduates were better at applying the law was a significant factor and important to their business.

Drew said they did not see any fundamental difference between CLE graduates and other graduates for 'better or worse', which given the other trainees are all from what are considered elite (Russell group) universities⁵⁵⁰ can be seen as demonstrating that CLE graduates are performing at the same level as those other graduates. Sydney (a graduate recruitment specialist rather than a lawyer), felt CLE experience was not 'noticeable in the sense that if you sat round a table, you'd be able to pick out which ones have had it, without knowing'. However, they went on to say that their trainees often mentioned it as part of 'mid-seat reviews' that they had had previous experience of something from the CLE module that had helped them manage a similar task at work. Sydney therefore saw its importance in terms of how it impacted on the trainee and their confidence in undertaking the tasks they were given, saying 'if it helps them then that's the main thing'.

⁵⁵⁰ The Russell Group comprises 24 leading, research-intensive UK universities; see <<https://russellgroup.ac.uk/>> accessed 3 February 2021.

What is interesting was the overwhelming positivity of the local authority employer who unlike the legal employers had not come across a CLE graduate before. For Jude, the CLE graduate really stood out on the graduate training programme and was 'able to deal with people from different, diverse settings engage with everyone [they] dealt with whatever their background'. Jude felt this came from the CLE graduate's experience during the CLE module where they had been exposed to 'difficult situations' and a diverse range of people and consequently they could 'build trust' with all the stakeholders they dealt with.

All the employers were positive about the CLE experience and its impact on how well the graduates performed at work, with the non-legal employer showing the greatest enthusiasm for the experience and the skills it offered to employers. Perhaps the local legal recruiters are so used to seeing graduates that have CLE experience that they are less enthused by it, albeit they do value it.

In the following section, the theme, employers' perceptions of the impact of CLE on performance at work, is summarised.

4.5.3.1 Theme Summary: Employers' Perceptions of the Impact of CLE on Performance at Work

The employers shared extremely positive attitudes in relation to how well the CLE graduates performed in the workplace, with some employers comparing their performance to non-CLE graduates who they felt were less ready for the workplace. What was enlightening was the attitude of the non-legal employer who had not employed a CLE graduate before but was the most enthusiastic of all the employers about their contribution to the work environment.

Turning now to a summary of the findings from the data.

4.6. Summary of Findings

In this chapter I have interpreted and reported on the data from the alumni and employers to evaluate their perceptions of the impact of CLE on employability. I use this section to summarise the overall findings. At the beginning of the chapter, word clouds encapsulated the words alumni and employers used to describe what they understood employability to mean and there was no great surprise that for alumni and employers, employability was not simply focused on skills, although skills were mentioned, but embraced a broader range of attributes and characteristics. The word clouds illustrated what appeared to be some differences in understanding between alumni and employers around defining the term, but those differences did not manifest themselves when broader discussions around what employers were looking

for from graduates were examined. This inconsistency just underpins the danger in focusing too much on terminology without the broader questioning that provides greater insights into meaning. Inconsistency was further exemplified when employers did not refer to 'willingness to learn' as part of their description of employability but had mentioned it extensively when they were asked what they wanted graduates to demonstrate in the workplace, further illustrating the difficulty around placing too great an emphasis on precise terminology when stakeholders do not always appear to be consistent even with themselves in describing what employability means to them.

As discussed in chapter 2, qualitative data analysis, is about telling 'stories', about interpreting, and creating, not discovering and finding the 'truth', and 'themes do not passively emerge from data' but are the 'product of deep and prolonged data immersion'.⁵⁵¹ This is an iterative process, where the data is revisited on many occasions as a deepening understanding of the data develops.⁵⁵² As part of the 'continuous meaning-making and progressive focusing inherent to analysis processes',⁵⁵³ the remaining themes have been further probed and interpreted. Braun and Clarke anticipated this stage in the process where themes would need to be refined and reworked, and perhaps new themes created, and referred to coding as 'an ongoing organic process'.⁵⁵⁴ Consequently, the themes have been synthesised into three new themes to assist in providing the best explanation of the data to answer the research question, being 'Class & Confidence', 'Actions', and 'Personality & Professionalism'. Diagram 9 depicts pictorially the process of interpretation or 'funnelling' that has resulted in those three themes (the themes in the blue circles are the alumni themes and the themes in the red circles are the employer themes, the new themes are within the purple rectangle).

In terms of confidence, the data clearly shows the alumni, the majority of whom said they were working-class, lacked confidence prior to the CLE module but gained confidence from the module and they then sought traction in the graduate sector through 'actions' in that they attempted to apply what they had learned from those CLE experiences. Their actions were underpinned by the professional identities they had developed from their CLE experiences and professional socialisation. Through their actions, the alumni had to translate their CLE experiences to align them with employer expectations and draw on the professionalism and cultural values they had been exposed to during the CLE module and through professional

⁵⁵¹ Virginia Braun and Victoria Clarke, 'Reflecting on Reflexive Thematic Analysis' (2019) *Qualitative Research in Sport, Exercise and Health* 11(4) 589, 591.

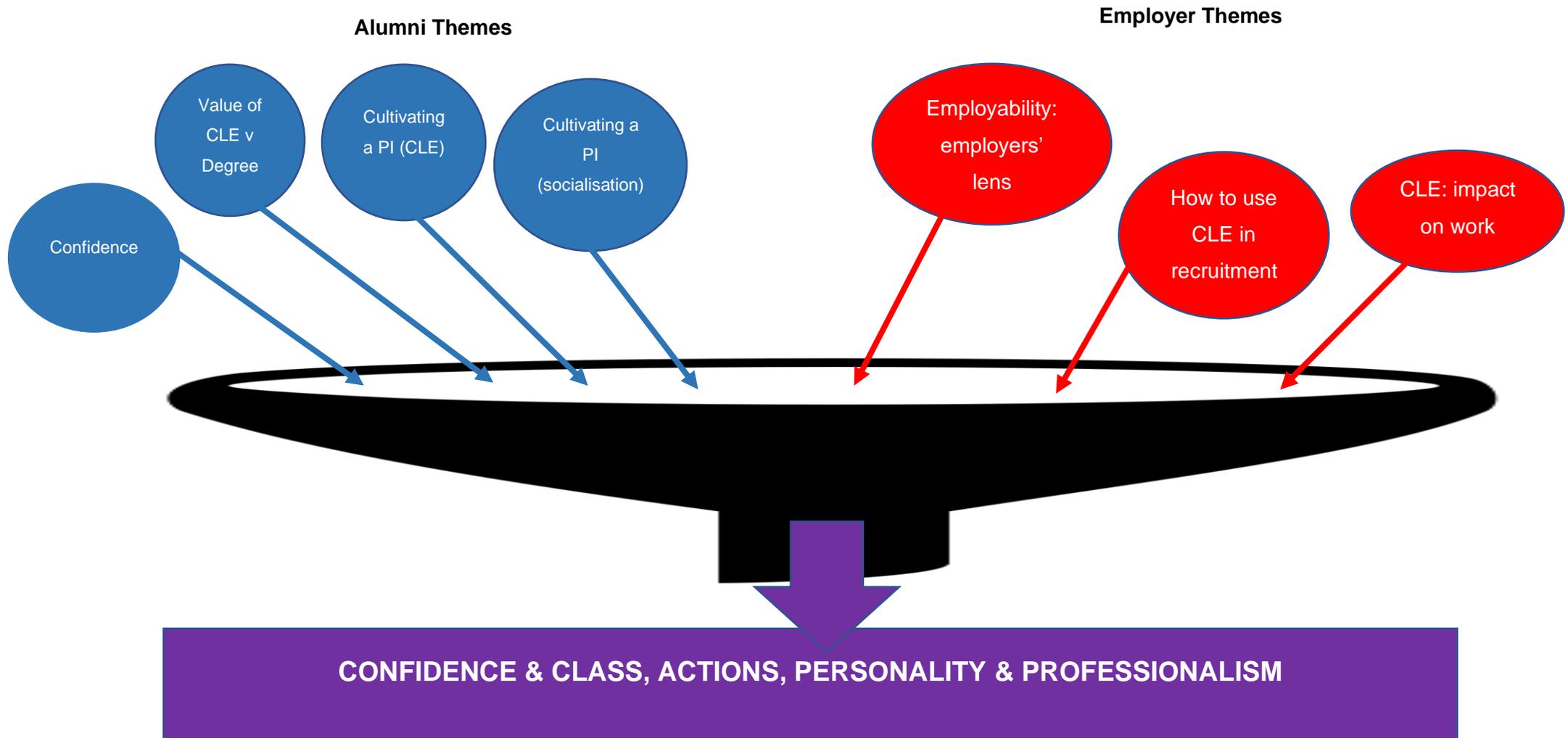
⁵⁵² Prachi Srivastava and Nick Hopwood 'A Practical Iterative Framework for Qualitative Data Analysis' (2009) *International Journal of Qualitative Methods* 8(1) 76, 77.

⁵⁵³ Prachi Srivastava and Nick Hopwood 'A Practical Iterative Framework for Qualitative Data Analysis' (2009) *International Journal of Qualitative Methods* 8(1) 76, 77.

⁵⁵⁴ Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) *Quality Research in Psychology* 3(2) 77, 91.

socialisation to portray the 'personality' that employers appeared to desire, which within the legal sector appeared to be judged by being able to be safely left with a client. What is clear, is that even when alumni possess this combination of confidence and personality it can be disrupted when they cannot fully and clearly 'action' those experiences through an inability to articulate and translate those CLE experiences to align with the employers' requirements. The following section will expand on the three themes of 'Class & Confidence', 'Actions', and 'Personality & Professionalism.'

Diagram 7: New Themes Developed From Synthesising the Alumni & Employer Themes (source: author)



4.6.1 Confidence & Class

What developed from the data was that confidence was the primary lever of change amongst the alumni. Confidence is a trait the employers wanted to see in applicants and while some reference to alumni lacking confidence was expected, it was startling to see these alumni, the majority of whom described themselves as working-class, expressing a lack of confidence before they undertook the CLE module, with some expressing doubts in being able to visualise themselves as lawyers. What then shone so strongly from the alumni data was the transformational effect CLE had on the alumni's confidence which some then harnessed to re-launch themselves into the legal graduate market having thought this might be closed to them. That confidence flowed into the workplace and while the alumni did find it daunting, they felt this would have been even more the case if they had not had the exposure to a taste of the real-world through the CLE module. They had felt more confident going into the workplace for a range of reasons linked to CLE, including their client care skills, practical skills, dealing with supervisors and colleagues, and understanding how to deal with mistakes and feedback and being able to reflect on their performance. The alumni who went into the legal sector appreciated at that stage that the CLE module did not totally replicate a legal workplace, but they did feel it was a close comparator. The employers reported that CLE graduates performed well in the workplace and were more ready for the workplace than graduates who had not had this experience. They picked things up quickly, could handle their own files and importantly could apply the law. The alumni who were able to compare themselves with other graduates, reported that they had felt ahead of the other graduates in the early stages of their job and were in accord with the employers' view that they picked things up quickly as a result of their CLE training. Calling clients and writing emails and advice letters were some examples of what they had been able to do from 'day one', which other graduates had struggled with. Having this boost in confidence at what is a stressful time for all graduates entering the workplace, was really appreciated by the alumni.

Alumni were in complete accord that the CLE module offered them learning experiences that could not be replicated elsewhere on the degree. This was seen as the capstone to their prior learning where they developed practical skills and gained unique insights into legal practice. It provided an opportunity to learn how to apply the law in real life cases, to manage relationships with co-workers, supervisors, and clients, as well as build resilience in managing constructive criticism through the close supervision and detailed feedback they received during the CLE module. Being able to apply the law, manage relationships, process feedback, and show resilience were all traits valued by the employers. Turning now to actions.

4.6.2 Actions

In considering the actions theme, the data showed that through alumni actions in building their professional identities, they were better able to negotiate the recruitment process and manage the transition to employment.

What has been exhibited from the data is that the alumni and employers do have considerable shared perceptions around what is expected to be successful during recruitment and at the beginning of graduate careers but there were some divergencies. It appeared clear from the data that the alumni had a solid understanding of the skills employers were looking for during the recruitment process, but employer data demonstrated that this did not always mean that all applicants could follow through on their understanding. While the alumni understood the need for example for good written communication skills, employers reported that some applicants needed to be more careful in terms of spelling and grammar as this lack of attention to detail was an easy way to filter out applicants at an early stage in the process. During recruitment, employers expected CLE applicants to mention the CLE module and suggested it could be used and was used to effectively showcase skills, but employers felt that there was work to be done on how well some applicants were able to articulate at interview the value to them of certain experiences in terms of aligning those to what the employer was seeking. This is linked to being self-aware and being able to reflect and while the alumni all recognised its value, some did express how difficult they still found it albeit they knew it had ongoing importance and value to employers.

CLE played an important role in the alumni constructing a professional identity, which they could use to market themselves to employers; it gave them strong examples to evidence that they wanted to be a lawyer and that they understood what that entailed. Employer data highlighted how important it was to legal employers that applicants were committed to the sector and both the CLE module and legal work experience/vacation schemes could be used to support this. The position around the value of legal work experience/vacation schemes was interesting, with alumni sharing a belief in its importance to them and to employers. However, employers were not in agreement about its value with some taking a more nuanced approach to how applicants could demonstrate their commitment to the legal sector. A better understanding of the purpose of legal work experiences at an early stage might therefore benefit students and enable them to be more strategic and targeted when trying to secure these opportunities.

There was no ambiguity in the data around how significant dealing with clients was to both the alumni and the employers. The legal employers made multiple references to judging applicants on whether they would be able to leave a candidate with a client and alumni referred

extensively to client interaction being responsible for the development of a range of skills that they would not otherwise have developed. The alumni who were not employed in the legal sector and the non-legal employer, felt the experiences from client interactions were transferable across sectors. There were mixed views on how alumni could use their case work in interviews, with some employers seeking detail and others preferring a more generalist approach so interviewees need to be cognisant of the signals they are receiving at interview as to what approach works in any given situation. What was agreed on however, was that employers wanted applicants to be able to reflect on what they had done during their CLE module and wanted to employ people who could clearly appreciate not only what they did but why they did it and what they could have done better or differently. CLE applicants clearly need to have a better understanding of this to make the most of any interview opportunity. In the next section, the final theme of personality and professionalism is considered.

4.6.3 Personality & Professionalism Proxies

Turning to the personality and professionalism theme, employers used a range of descriptors to illustrate what they were looking for during the recruitment process and when graduates transitioned into the workplace. While there was some consensus around certain skills, it was personality that employers emphasised. This nebulous concept was linked to several traits including hard work, drive, confidence and fit, and employers looked more holistically at the applicants' experiences beyond standard undergraduate studies as a way of judging if a particular personality would fit into their organisation. As part of the personality narrative, employers emphasised that CVs/applications should not be generic or formulaic but personal, showing to the employer the applicant's authentic self. Employers did recognise how difficult it was for graduates to differentiate themselves, but personality appeared key in recruitment decision-making, with employers looking at extra-curricular activities and part-time jobs as factors in assessing whether someone had the personality to fit into their organisation. Employers expected alumni to have thoroughly researched them and be fully prepared for an interview, which was not always the case. Alumni certainly knew how important researching an organisation, extra-curricular activities and part-time jobs were and that a degree was no longer enough in this highly competitive market, and most of them were strategic in building experiences beyond their studies and even the alumni who were not, knew they should be doing so. However, employers expected applicants to have engaged with them through events and to refer to those during the recruitment process and while the alumni did appreciate the need to research employers, many opted out of opportunities to network and gain insights by not fully engaging with careers and employer events.

Professionalism appears essential to the legal employers and while the alumni make limited explicit references to it, the data supported the cultivation of a professional identity through the alumni completing the CLE module where they had a unique opportunity during their studies to get insights into the cultural norms and values of the legal sector. Given the high percentage of the alumni who described themselves as coming from working-class backgrounds or who were first generation to university, they would have had limited opportunity to develop this elsewhere. It was surprising that only one employer explicitly referred to accent as previous research has highlighted that firms typically focus on 'polish' which includes how someone pronounces words⁵⁵⁵ but that did not develop from the employers interviewed for this study. What did develop was that the majority of the employers referred to expecting applicants to be 'professional' and/or 'appropriate' during the recruitment process and while there were no explicit references to 'polish' perhaps the references to being 'professional and appropriate' combined with the personality narrative mentioned above, bring this in by proxy.

The alumni all emphasised how critical the CLE module had been in their development but what is seen from the alumni biographies is that successfully transitioning from university into a graduate role is complex and multi-faceted. While pivotal, the CLE module was part of a bigger picture; all the alumni engaged, to varying degrees, with a range of other communities to build a professional identity through professional socialisation as they came to an understanding that the competitive nature of the legal sector would mean having a degree was simply not enough, even one with the unique offering of the CLE module. The next section summarises the chapter.

⁵⁵⁵ Louise Ashley and others, 'A Qualitative Evaluation of Non-Educational Barriers to the Elite Professions (Social Mobility and Child Poverty Commission, June 2015) <https://dera.ioe.ac.uk/23163/1/A_qualitative_evaluation_of_noneducational_barriers_to_the_elite_profession_s.pdf> accessed 10 March 2019; Heather Rolfe and Tracy Anderson, 'A Firm Choice: Law Firms' Preferences in the Recruitment of Trainee Solicitors' (2003) *International Journal of the Legal Profession* 10(3) 315; Rosaline Sullivan, 'Barriers to the Legal Profession' (2010) Legal Services Board <<https://legalservicesboard.org.uk/wp-content/media/2010-Diversity-literature-review.pdf>> accessed 2 June 2019; Hilary Sommerlad and others, 'Diversity in the Legal Profession in England and Wales: A Qualitative Study of Barriers and Individual Choices' (2010) Legal Services Board.

4.7 Chapter Summary

This chapter has addressed the third research objective:

3. Analyse the data using thematic analysis and identify key themes to gain a better understanding of alumni and employer perceptions of the impact of CLE on employability.

In addressing this objective, the key themes were presented, and progress was made in answering the research question – What are the perceptions of alumni and employers of the impact of clinical legal education on employability? To answer the question, what is clear is how much CLE was and still is valued by the alumni and how significant that experience was for them in building their confidence and constructing their professional identities, which they certainly perceived as enhancing their employability both during the recruitment process and as they transitioned into the workplace. With the majority of the alumni describing themselves as working-class, access to an elite profession like law, can be challenging but despite this, they have all managed to do so. For most of the alumni, the pathway from university to their job of choice was not linear and some continued to navigate and negotiate their way through the recruitment processes over quite an extended period as they built their understanding of the 'demand' side of the market. Even once in a graduate job, the CLE module continued to impact on career choices with one alumnus leaving their first graduate job and successfully securing one that would offer client contact at an earlier stage in their career, and another moving into the legal sector, which they felt offered them greater fulfilment.

The CLE module was such a momentous experience for the alumni, but for some that translated into what some employers reported as being an oversell of and an overreliance on the experience in the recruitment process. Employers were incredibly positive about the CLE module and so for both alumni and employers there was a clear perception that CLE improved employability. However, the employers mentioned that the CLE module had to be seen in its context, and if applicants did not see that then they gave an impression of naivety. Furthermore, the employers emphasised that the CLE module should not be the only experience applicants used to demonstrate their skills, attributes and traits, and applicants were right in making it a key part of their personal marketing but only if they appreciated its limits and used it appropriately and proportionately.

In the following chapter the findings are synthesised with the literature in order to further develop the answer to the research question to provide a full picture of the perceptions of alumni and employers of the impact of CLE on employability.

Chapter 5: Discussion and Contributions

5.1 Introduction

Chapter 4 analysed and interpreted the findings from the interviews and presented the key themes that were identified from the thoughts and reflections of the participants. In this chapter, the findings are discussed in light of the literature along with contributions to knowledge and practice. The following research objective is addressed:

4. Discuss the findings alongside the literature to offer new insights and gain greater understandings of alumni and employers' perceptions of the impact of CLE on employability to contribute to knowledge and practice.

5.2 Sign-posting the Chapter

First, the theme of the disputed language of employability will be considered which is based on both the alumni and employers' perspectives and relates to the confusion emanating from the disputed language of employability and skills that is highlighted in the employability discourse. Thereafter the new themes identified in chapter 4 being, 'Confidence & Class', 'Actions', and 'Personality & Professionalism' will be considered and the interrelationship between them will be explored. Finally, the chapter provides a pictorial depiction illustrating the alumni claim and employer warranting process that positions the findings within Holmes's model of modalities of emergent identity, which forms part of the processual approach which influenced this study.⁵⁵⁶ Looking now to the theme of the disputed language of employability.

5.3 Confusion over Meaning

As was revealed in the literature review, despite a plethora of conceptualisations and frameworks,⁵⁵⁷ there is a sense of confusion around the multitude of meanings assigned to

⁵⁵⁶ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; Leonard Holmes, 'Becoming a Graduate: The Warranting of an Emergent Identity' (2015) *Education + Training* 57(2) 219.

⁵⁵⁷ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; Phillip Knight and Mantz Yorke, 'Employability and Good Learning in Higher Education' (2003) *Teaching in Higher Education* 8(1) 3; Lorraine Dacre and Peter J Sewell, 'The Key to Employability: Developing a Practical Model of Graduate Employability' (2007) *Education and*

employability and to specific skills and attributes.⁵⁵⁸ The ongoing confusion around terminology was borne out in this research, when both groups were asked what employability meant to them, it was interesting to see what each group said but of greater note was that the employers did not use exactly the same terminology that they had used when they described what they were looking for when they were recruiting and when the graduates transition into the workplace, although there was some overlap. This confusion demonstrates rather starkly the difficulty around placing too great an emphasis on precise terminology when stakeholders do not always appear to be consistent even with themselves in describing what employability means to them.⁵⁵⁹

With HEIs, governments, employers and students all engaging in the employability agenda, there appears to be an absence of shared meaning across the different groups,⁵⁶⁰ with a consequential impact on engagement. With much of the research focusing on producing lists of the skills and attributes that are needed to make someone 'employable', there are layers of interpretation that could all too readily end up being lost in translation.⁵⁶¹ Dunn reports similar issues in her systematic review of the CLE literature in relation to what skills are required to practice law and whether they can be developed through CLE.⁵⁶² Holmes's scepticism around the compilation of these 'lists' led him to demand a cautious approach be taken to making assumptions around shared meaning.⁵⁶³

As was highlighted in the literature review, the many lists that have developed from the abundance of research presents a wide-ranging set of skills, attributes, attitudes, and behaviours.⁵⁶⁴ These extensive lists demonstrate the ever-increasing pressure graduates are under to meet employer expectations, with Artess and others referring to the 'multiple facets'

Training 49(4) 277; Ruth Bridgstock, 'The Graduate Attributes We've Overlooked: Enhancing Graduate Employability Through Career Management Skills' (2009) *Higher Education Research & Development* 28(1) 31; Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338.

⁵⁵⁸ Lorraine Dacre Pool, Pamela Qualter and Peter J Sewell, 'Exploring the Factor Structure of the CareerEDGE Employability Development Profile' (2014) *Education + Training* 56(4) 303, 303.

⁵⁵⁹ The word clouds at 4.3.1 and 4.3.2 depict the terminology used by the participants when asked to describe what employability meant to them.

⁵⁶⁰ Chris Collet, Damian Hine and Karen du Plessis, 'Employability Skills: Perspectives from a Knowledge-intensive Industry' (2015) *Education + Training* 57(5) 532, 533.

⁵⁶¹ See for example, Jane Artess, Tristram Hooley and Robin Mellors-Bourne, 'Employability: A Review of the Literature 2012-2016, A Report for the Higher Education Academy' (2017) <<https://www.advance-he.ac.uk/knowledge-hub/employability-review-literature-2012-2016>> accessed 12 November 2020.

⁵⁶² Rachel Dunn, 'The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them' (2017) Doctoral Thesis, Northumbria University, 50 <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020.

⁵⁶³ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 543.

⁵⁶⁴ Jane Artess, Tristram Hooley and Robin Mellors-Bourne, 'Employability: A Review of the Literature 2012-2016, A Report for the Higher Education Academy' (2017) <<https://www.advance-he.ac.uk/knowledge-hub/employability-review-literature-2012-2016>> accessed 12 November 2020; Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

of employability that either explicitly or implicitly form part of the recruitment and selection process and which are 'subjective, shifting and often unknown' to students'.⁵⁶⁵ While some may argue that it would conceivably be beneficial if consensus could be reached between HEIs and employers on what all these criteria mean, it seems an unrealistic goal to achieve across thousands of disparate employers within sectors that continue to evolve. It is difficult to see why employers across every sector would want to put time and resource into granular level interpretations that may only be relevant for relatively short periods of time, even if such consensus were possible. A better approach is arguably to accept that these lists of skills and attributes are not a definitive set of 'technical' terms that refer to 'discrete, existent and 'real' phenomena' but more realistically comprise the language that graduates must use during their interactions with employers.⁵⁶⁶

While this theme does not explicitly relate to the research question - What are the perceptions of alumni and employers of the impact of clinical legal education on employability? - it does provide important insights linked to the research question. In this study we saw that despite the employers not being asked specifically about skills and attributes, they articulated what they are looking for in graduates through the language of skills and attributes. Equally, the students too used this language unprompted and although not forming part of her findings, a similar conclusion was seen in the CLE literature in Blandy's research where, despite not being asked about skills development, the participants describe the skills they felt they had developed.⁵⁶⁷ It is clear that whatever confusion exists around precise interpretations of these terms, students need to be fluent in the language of skills and attributes as employers use those terms to justify the decisions they make about who to recruit.

When skills and attributes are understood within these parameters, their relevance is ongoing and important but not all encompassing. What is then critical to success is a whole range of factors, including how the knowledge, skills and attributes that have developed are deployed in a way that is deemed appropriate within particular employment sectors. Employability extends beyond skills and attributes and as was seen in the literature, aligns with a more nuanced conceptualisation that it is a socially active process, tied to identity in terms of

⁵⁶⁵ Jane Artess, Tristram Hooley and Robin Mellors-Bourne, 'Employability: A Review of the Literature 2012-2016, A Report for the Higher Education Academy' (2017) 18 <<https://www.advance-he.ac.uk/knowledge-hub/employability-review-literature-2012-2016>> accessed 12 November 2020.

⁵⁶⁶ Leonard Holmes, 'Realist and Relational Perspectives on Graduate Identity and Employability: A Response to Hinchliffe and Jolly' (2013) *British Educational Research Journal* 39(6) 1044, 1052.

⁵⁶⁷ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

graduates' positioning and being positioned.⁵⁶⁸ The next theme, the currency of confidence and class is discussed in the following section.

5.4 The Currency of Confidence & Class

The following sections more explicitly relate to the research question, and I will start with perhaps one of the most striking findings of my study: the effect CLE had on confidence. Prior to participating in the CLE module, the majority of the alumni participants reported that they lacked confidence during their early years at university, which had impacted on them in a number of ways, including not joining societies, not engaging with employers, delaying applying for graduate jobs and anxiety around interacting with peers and clients. Interestingly, only one alumnus, did not describe themselves as lacking confidence and this was a middle-class student who had secured a training contract at first attempt in the second year of their studies.

The majority of the alumni in the study described themselves as working-class, and as one alumnus said, their background meant they were moving in 'unchartered territory', which affected their confidence and self-belief, worrying that they may not be any good at being a lawyer. Another provided an interesting insight into why they did not apply for any training contracts, Rowan said they had not applied because, 'I wasn't going to be successful' and did not apply to any large commercial firms because, 'I always thought that these kind of law firms were for someone that wasn't like me [working-class]'. The literature provides an interesting insight into this positioning, with social and cultural capital playing an important role in employability enhancement.⁵⁶⁹ Francis refers to the 'limits' of the employability agenda, with one such limit being the strength of someone's 'possible selves'.⁵⁷⁰ He argues that students from non-traditional backgrounds are unable to perceive a career in the law being 'possible', while for more privileged students the future was knowable and they could therefore see

⁵⁶⁸ See Michael Tomlinson, 'Investing in the Self: Structure, Agency and Identity in Graduates' Employability' (2010) *Education, Knowledge and Economy* 4(2) 73, 73; Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 112; Leonard Holmes 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 544; Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 175.

⁵⁶⁹ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 544; Rachel Higdon, 'Employability: The Missing Voice: How Student and Graduate Views Could be used to Develop Future Higher Education Policy and Inform Curricula' (2016) *Power and Education* 8(2) 176 177; Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 342.

⁵⁷⁰ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173.

themselves as lawyers and that kept them motivated to engage with employers and opportunities.

There was a dominant consensus from the alumni data that engaging in the CLE module had boosted their confidence, which they had then been able to harness and utilise not only in their studies but in their graduate job applications and/or as they transitioned into the workplace. The CLE module had provided the link these working-class students needed to see their 'future selves' as lawyers, with Jay, one of the alumni gaining reassurance from the experience that they 'could do the job' and that they could 'prove' that to an employer through the high grade they had gained during the CLE module. Charlie added:

'... it wasn't really until being in the SLO and that sort of exposure that I decided actually, yeah, that's something I could go into now, so I actually thought about really applying more. I could go into this now; I think I could be ready for this sort of ... I mean I know it's not identical to your day to day working, from what I've experienced but there was ... at some point through the SLO I thought actually yes, I would like to go into this. It certainly gave me the idea of what sort of work I could be doing and interested in and could actually see myself doing it as a career.'

It is perhaps worth reflecting that in building an employability narrative, for some students, the greatest challenge may not be having that externally validated by employers, but from these findings, the greatest challenge may well be in convincing themselves before they do the CLE module that they can be lawyers.

These findings support confidence being enhanced when the alumni commenced graduate jobs, not just in terms of skills enhancement but in finding the transition to work being less daunting, with Kit commenting that, 'it actually prepares you so much more that I think people realise, than I even realised', and that appears to be the case even across non-legal employment, with Casey (a local authority graduate trainee) telling me that without the CLE module they would have 'felt like I'd started three or four steps back from what I actually started on'. The alumni referred to their confidence being boosted as their experiences made them stand out from other graduates, with Blair saying that while interviewing skills improve with practice, 'at least I was a lot further on with that practice than other people'. Cameron referred to the differing skill sets of fellow employees who have not had a CLE experience and who 'tend to focus more on an academic level' and do not have the same level of skills in

communication and teamwork. Skills enhancement through the CLE module is consistent with the literature.⁵⁷¹

What is abundantly clear from this theme is the significance of confidence as the currency for success. When students lack it, they make choices and decisions, that while understandable, limit their opportunities and their horizons. The findings support the earlier anecdotal evidence that CLE can enhance employability as it builds confidence. The findings demonstrate the hugely positive impact of the CLE experiences on employability, particularly for the alumni who described themselves as working-class and whose CLE experience appeared to be the catalyst that sparked the confidence boost that allowed them to see themselves as future lawyers. While anecdotal evidence has made claims in the past to CLE increasing confidence, with scant empirical evidence,⁵⁷² this study offers encouraging findings. What is clear from the literature is the key role self-belief plays in being able to present oneself successfully to employers.⁵⁷³ The literature emphasises that self-belief or self-efficacy are key elements of employability development but what is less clear is how HE can develop it pedagogically,⁵⁷⁴ albeit Turner expresses the view that it should be done within the context of the disciplinary curriculum. By engaging with legal case work, students appear to build their self-efficacy as they experience success or mastery of the cases they have been assigned. These experiences can involve facing challenges but because they have built their self-belief through mastery experiences, they believe they have, 'control over their own success in that context and will work harder to rise to a new challenge.'⁵⁷⁵ That view would certainly appear to be supported by the findings in this study, with Blair telling me:

'I was in the business firm in the SLO and it didn't put me off, it didn't kind of ... it just 'made me think 'oh yeah I do kind of want to do business' ... it was one of those and ... based on the Companies Act and lots of legislative stuff and I still wanted to work

⁵⁷¹ Bryan F Taylor, 'Through the Looking Glass: Perceptions of The Law School Learning Experience' (2015) 16 *Loyola Law Review* 275, 278; Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7, 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020; Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019; Francina Cantatore and others, 'A Comparative Study into Legal Education and Graduate Employability Skills in Law Students Through Pro Bono Law Clinics' (2020) *The Law Teacher* 1 <Doi: [10.1080/03069400.2020.1818464](https://doi.org/10.1080/03069400.2020.1818464)> accessed 12 December 2020.

⁵⁷² See the comparative (Australia, Chile & South Africa) study by Francina Cantatore and others, 'A Comparative Study into Legal Education and Graduate Employability Skills in Law Students Through Pro Bono Law Clinics' (2020) *The Law Teacher* 1 <Doi: [10.1080/03069400.2020.1818464](https://doi.org/10.1080/03069400.2020.1818464)> accessed 12 December 2020.

⁵⁷³ Lorraine Dacre Pool and Peter Sewell, 'The Key to Employability: Developing a Practical Model of Graduate Employability' (2007) *Education and Training* 49(4) 277.

⁵⁷⁴ Jane Artess, Tristram Hooley and Robin Mellors-Bourne, 'Employability: A Review of the Literature 2012-2016, A Report for the Higher Education Academy' (2017) 20 <<https://www.advance-he.ac.uk/knowledge-hub/employability-review-literature-2012-2016>> accessed 12 November 2020.

⁵⁷⁵ Nancy K Turner, 'Development of Self-belief for Employability in Higher Education: Ability, Efficacy and Control in Context' (2014) *Teaching in Higher Education* 19(6) 592, 597.

with the companies, I still wanted to be involved with those decisions and I think, because I'd seen things go wrong, for it to come to the SLO, I was thinking, no, I would like to, probably, keep working and sorting these things out.'

Unsurprisingly, given what has been seen from the data regarding confidence, there were no dissenting voices on the importance of this module and on how much the alumni had gained from it, with Alex proclaiming it to be the 'most valuable thing I did at university'. These views are supported in the American literature.⁵⁷⁶ The findings revealed why the CLE module is valued so highly, with alumni providing a range of reasons including learning to apply the law, learning to manage feedback, developing skills, and dealing with clients, all employability enhancing concepts. Additionally, there was the powerful factor of enjoyment, Rowan elaborated on this and told me how hard studying law was and that they were starting to 'fall out of love with doing it' until they did the CLE module, which restored that feeling. Given the pressures faced by HEIs in recruiting students, such powerful messages of support and clear confidence enhancement linked to this type of pedagogy certainly need to be celebrated, supported, and replicated. In the next section, the theme of actions is considered.

5.5 Actions: Constructing a Professional Identity

Within the employability literature, there is support for novel contributions to research through employability being approached within a processual construct⁵⁷⁷ and by linking this approach to CLE, a new insight can be offered into the intersection between employability and CLE. In this section, the interactions of the alumni and employers will be considered in relation to CLE as the graduates 'construct, negotiate and manage'⁵⁷⁸ their employability through building their professional identity.

The alumni interactions will be considered in this section as they construct their professional identity and is influenced by Holmes's model of modalities of emergent identity (discussed at 2.6.1 above), where identity claims are made and then either affirmed or disaffirmed.⁵⁷⁹ The findings explored professional identity construction from two perspectives, CLE, and professional socialisation and both of these will now be considered. CLE has not been studied

⁵⁷⁶ Rebecca Sandefur and Jeffrey Selbin, 'The Clinic Effect' (2009) 16 *Clinical Law Review* 57, 85; Bryan F Taylor, 'Through the Looking Glass: Perceptions of The Law School Learning Experience' (2015) 16 *Loyola Law Review* 275, 278.

⁵⁷⁷ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

⁵⁷⁸ Michael Tomlinson, 'Investing in the Self: Structure, Agency and Identity in Graduates' Employability' (2010) *Education, Knowledge and Economy* 4(2) 73, 80.

⁵⁷⁹ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 549.

from a processual, professional identity construct but has been explored within the broader legal⁵⁸⁰ and employability literature⁵⁸¹ with Trede and others referring to there being a paucity of literature that explores the development of professional identity through university (discussed at 2.5.2).⁵⁸²

5.5.1. CLE and Professional Identity Construction

The alumni data supported the finding that the CLE module had played a part in alumni constructing their professional identity. It would appear from the findings on confidence, that prior to doing the CLE module many of the alumni did not have a sense of their professional identity but this developed through what has been referred to in the literature as ‘authentic experiences’,⁵⁸³ which they gained during the CLE module. Often law schools are accused of teaching students to think like lawyers but not how to practice like lawyers⁵⁸⁴ but through these CLE authentic experiences, where Casey (alumnus) described what they did during the CLE module as being, ‘real work and real pressure’, they gained some important insights into the ‘practices of that occupational’ arena.⁵⁸⁵

These practices, which involved interactions with qualified professional staff, solicitors, other students, and clients helped the alumni gain understandings into what it is like to work within the legal sector, to gain an appreciation of what is expected, and of the culture and standards that apply. The findings highlighted the importance to the alumni of managing relationships and appreciating and getting an understanding of some of the pressures of the real world, including making mistakes and learning from them through reflection. This study reinforced the similarities in the skills the alumni perceived they had developed through CLE and those referred to in the literature.⁵⁸⁶

⁵⁸⁰ Hilary Sommerlad, *Researching and Theorizing the Processes of Professional Identity Formation* (2007) *Journal of Law and Society*, 34(2) 190-217.

⁵⁸¹ See for example, Denise Jackson, ‘Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity’ (2016) *Higher Education Research & Development* 35(5) 925; Leonard Holmes, ‘Reconsidering Graduate Employability: The ‘Graduate Identity’ Approach’ (2001) *Quality in Higher Education* 7(2) 111.

⁵⁸² Franziska Trede, Rob Macklin and Donna Bridges, ‘Professional Identity Development: A Review of the Higher Education Literature’ (2012) *Studies in Higher Education* 37(3) 365, 368.

⁵⁸³ Ruth Bridgstock and Denise Jackson, ‘Strategic Institutional Approaches to Graduate Employability: Navigating Meanings, Measurements and What Really Matters’ (2019) *Journal of Higher Education Policy and Management* 41(5) 468, 475.

⁵⁸⁴ Bryan F Taylor, ‘Through the Looking Glass: Perceptions of The Law School Learning Experience’ (2015) 16 *Loyola Law Review* 275, 278.

⁵⁸⁵ Leonard Holmes, ‘Reconsidering Graduate Employability: The ‘Graduate Identity’ Approach’ (2001) *Quality in Higher Education* 7(2) 111, 112.

⁵⁸⁶ Discussed and synthesised by Rachel Dunn, ‘A Systematic Review of Literature on Clinical Legal Education’ (2017) *International Journal of Clinical Legal Education* 24(2) 81 <<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020; Rachel Dunn, ‘The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them’ (2017) Doctoral Thesis, Northumbria

The interactions with supervisors were particularly important to the alumni. Casey referred to being able to 'draw a lot from it' as it was the first time they had ever had 'professional one to one contact', with Tait agreeing and adding that it taught them a lot about 'maintaining a professional relationship'. However, unsurprisingly, the dominant finding from the alumni was the significance of the client interactions and what the alumni gained from those interactions, with Kit telling me that having an understanding of how the client process worked made it easier to see how they could 'fit into a firm as a lawyer'. Kit and Fin referred to the CLE module as being 'a big selling point to firms' because of the experience of dealing with real clients and gaining what Fin referred to as 'everyday real-life skills that you wouldn't otherwise get to develop'. Charlie agreed and added:

'But the main point is talk about the practical side of things that you've taken from the SLO; drafting letters ... it sounds daft but taking phone calls, dealing with clients and, you know, sometimes you get clients that might be upset with something you're telling them and ... I can remember one experience in the SLO where you were having to tell clients that, you know, maybe actually it wasn't going to be quite what they expected, so definitely playing on that massively and just showing that what you've learnt at uni, whilst studying, you can actually put into a practical situation.'

There was complete harmony on the importance of the CLE experiences to the alumni in helping them navigate into graduate roles, and that employers were impressed that they had managed client relations, which had some support in the CLE literature.⁵⁸⁷ What was particularly interesting and has not been empirically explored in the literature⁵⁸⁸ is that the alumni in non-legal jobs referred to employers being impressed that they had managed client relations. Both Blair and Casey who were employed in non-legal jobs had extensively used their client contact experience in the recruitment process and felt it could be transferred into many different sectors. Casey said:

'And the non-legal sector, again, as well, it's ... if you compare it to other sort of ... no other degree incorporates having real clients who are up for criminal and civil charges ... again, it really distinguishes yourself and really gives you practical and quite high ... I think it's quite a high level, because obviously other people have, like, Camp

University <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020; Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019.

⁵⁸⁷ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

⁵⁸⁸ Discussed in a theoretical way in a Report by Vicky Kemp, Tine Munk and Suzanne Gower, 'Clinical Legal Education and Experiential Learning: Looking to the Future' (2016) A Report commissioned by The University of Manchester, School of Law, 26 <<https://core.ac.uk/download/pdf/78911073.pdf>> accessed 5 January 2020.

America and stuff but to say you've been part of a working legal office, doing real cases and going to courts is ... you can't really get that voluntary experience anywhere else.'

It is noteworthy that the influence of the CLE module appears to impact decision making even once in employment, with both Blair and Casey referring to the CLE experience propelling them to move jobs. For Casey, this meant a move into the legal sector and for Blair, a move to a smaller organisation so they could have client contact, which they realised was important to the quality of their working life.

Professional identity was constructed from working within an office environment, which Kit referred to as being, 'a bit of an eye opener' to the students 'that what they do is very serious, the job is very serious, and they have to start behaving in a way that is appropriate'. Part of this, was building an understanding of how the law worked in practice, with Casey talking about the complexity of managing a live client case where, 'clients are real people, they're not fictitious scenarios which you can control'. Charlie expanded on this and said they came to appreciate the challenges of working with real clients, where the client may think their issue is one thing, but it is the lawyer's role to 'pick out and find out the finer details' and say, 'OK so this is the area that we actually need to look at'.

Reflection and managing feedback were other elements that contributed to the construction of professional identity. Fin felt managing feedback built resilience and prepared them for working life where changes are still made to their work and added that if they had not had that CLE experience of work being changed by supervisors, they 'would just think that university hadn't prepared me properly for practice'. While discrepancies in alumni thinking were identified in relation to levels of enthusiasm and engagement with the reflective process, there was consensus on appreciating its ongoing relevance in a work environment.

As was shown in the section on Confidence & Class above, the alumni reported on the ongoing impact of the CLE module as they transitioned into the workplace, with their claim to a professional identity being affirmed as they drew on their CLE experiences to navigate that transition. Alumni perceptions were enormously supportive of the CLE experiences enhancing their employability as they started their graduate careers. It is interesting that different skills and attributes that had developed during the CLE module were more important to some alumni than others as they transitioned into the workplace, depending on the type of graduate job they were doing. While this is understandable, it does yet again highlight the difficulty of reliance on quantitative skills and attributes 'lists' and 'rankings' type research,⁵⁸⁹ when

⁵⁸⁹ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

employment context plays an important role in what particular skills and attributes are being drawn on the most as graduates transition into different sectors of employment.

While the findings support the role CLE plays in alumni cultivating a professional identity, which helps enhance their employability, in the following section this is explored from an employer's perspective.

5.5.2 CLE and Professional Identity Warrant

In this section the employer perspective will be discussed as this can be where the professional identity claimed can be contested. The employers in this study said that applicants (with CLE experience), always mentioned it in some way in the recruitment process and expected them to do so, with Bobby commenting, 'I think it is worth talking about'. All the employers in this study knew of the CLE module and recruited extensively from Northumbria Law School, which contrasted with Thomas's study where legal recruiters knew little about the concept of CLE and did not appear to have recruited any students who had completed a CLE module.

This study supports evidence from the literature in that the employer participants, without prompting, expressed their expectations of what they were looking for in graduates with reference to skills and attributes.⁵⁹⁰ This confirms the potential for CLE to develop skills and attributes as was discussed in the literature⁵⁹¹ with the employers agreeing that using the CLE module to demonstrate the development of skills and attributes was the right approach to take. While some applicants were adept at using the CLE module to demonstrate skills and attributes, some employers felt this could be done better, with Taylor adding that:

'Sometimes applicants could be 'rather vague' about their SLO experiences, and they needed to be able to 'articulate these things [what they did in the SLO] really well'.

In using the CLE module to warrant their professional identity, the employers had mixed views on how case work should be used, with some interested in the detail and others preferring the applicants to focus on what had been done for a client and how well that was articulated. Employers were interested in applicants demonstrating they can apply the law and wanted the

⁵⁹⁰ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

⁵⁹¹ Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018).

CLE module to be used to demonstrate that applicants were self-aware in that they could not only explain what they had done but reflect on their performance and clearly explain what had gone well and what they would do differently next time. Drew cautioned against using the CLE module as a 'tick box', saying:

'From the student's perspective it's important for them to understand as well that not just by doing the SLO or doing similar courses means that they have got the skills, sometimes because they've done it almost becomes a tick box on an application form to sort of say we've done the SLO that means I'm great, well you're not telling me why you think it's helped you and that comes down to the application form'.

A key question during recruitment and selection is around why someone wants to be a lawyer and the employers felt that the CLE module could be used to demonstrate that they understood what the role entailed. However, while there was consensus around using the CLE module to warrant they were worthy of being employed, there was a clear message from some employers about the deployment of the CLE experience. A criticism made was that some applicants 'oversell' their CLE experience, with Jesse saying that to avoid 'oversell' they thought 'the better way of doing it is for them to accept the level of responsibility they have versus what they perhaps want to *think* they've had' and that meant they had to explain the context of their experiences. By overselling their experiences, it could give the impression of a naivety around understanding the realities of working in a law firm, with Frankie telling me:

'I think there's a little bit of oversell because I think the SLO is good, I think it's got its place and it gives them some good experience ... however it is different to being let loose in practice and you worry if they think that they're ready to run their own caseload here, that they're actually a little bit naïve about what the world's like 'out there'.

What was really interesting, and had not been seen in the literature, and really stood out was the overwhelmingly glowing positivity from the non-legal employer to the experiences gained during the CLE module by one of their graduates. While only one non legal employer was interviewed, it does provide an insight into the potential transferability of this type of CLE experience into different graduate sectors. As the graduates transitioned into the workplace, there were some very positive comments from employers with consensus around CLE graduates performing well in the workplace through being practical and more willing to speak to people, thus the professional identity warrant drawn from the CLE experiences extended into the workplace.

The findings support the approach conceptualised by Holmes that through CLE interactions the alumni were gaining insights into the practices of the sector and effectively acting in ways that they hoped would lead others to ‘ascribe to them the identity of being worthy of being employed’.⁵⁹² This is a relational approach to the concept of employability where identity is ‘socially constructed, negotiated and fragile’ in that it could be contested.⁵⁹³

While the findings support the role CLE plays in the cultivation and warranting of a professional identity, and enhancing employability, and while alumni identified the CLE module as being the most valued element of all their experiences, it is not a panacea as is seen in the following section on professional socialisation.

5.5.3 Professional Socialisation and Professional Identity Construction

While it is clear that the alumni all valued the CLE module and used it to construct their professional identities, which was discussed above, this study took a holistic approach to employability to include whatever other interactions the alumni used to construct their professional identity and enhance their employability. This approach had not been taken before in the UK CLE literature.

The data showed that the alumni engaged in different communities during university, including (1) legal work experience/vacation schemes (2) extra-curricular activities and non-legal work experience and (3) career provision within the university, with the primary motivation being to enhance their CVs. These communities will be discussed in the following sections.

- (i) Understanding the purpose of legal work experience/vacation placements

Greater emphasis has been given to legal work experience in legal recruitment and consequently it has been the subject of previous studies with Sommerlad and Francis highlighting the increased significance of securing legal work experience (focusing on vacation placements) where these vacation placements feed into the formal trainee recruitment process.⁵⁹⁴ They draw tentative conclusions that these vacation schemes are a means of recruiting students from backgrounds that are similar to the normative professional who can ‘demonstrate their embodied, pre-reflexive understanding of what legal practice entails’, and

⁵⁹² Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538, 549.

⁵⁹³ Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538, 549.

⁵⁹⁴ Andrew Francis and Hilary Sommerlad, ‘Access to Legal Work Experience and its Role in the (Re)production of Legal Professional Identity’ (2009) *International Journal of the Legal Profession* 16(1) 63, 78.

represent a lesser recruitment risk given the cost of taking on trainees.⁵⁹⁵ Francis explores the role of legal work experience in enhancing employability and highlights that students from non-traditional (working-class) backgrounds face difficulties in securing work experiences.⁵⁹⁶

While the majority of alumni in this study were from non-traditional (working-class) backgrounds, all but one had managed to secure legal work experiences/s, and a possible explanation for this is that the previous studies mainly focus on the elite legal sector whereas the alumni in this study were all applying to regional firms. However, some of the alumni did refer to how difficult it was to secure work experience, with Blair expressing frustration at students whose family connections were opening doors that were not there for them and the importance therefore of the CLE module in providing experiences that they felt otherwise might not be available on merit. Blair said:

‘... at least in the SLO I felt like I was ... not getting rewarded ... but getting that satisfaction and the tutor could see how hard I was working, and it was on merit, it was on hard work, it wasn’t just on who your Dad was, or anything like that, it was putting everyone on a level playing field to do the work, to get the client a good outcome and it was what you put into it’.

The alumni findings support the literature in that they viewed work experience as being important to progress and they perceived it to be important to employers. Furthermore, the issue raised by Sommerlad and Francis of the difficulties faced by non-traditional students being able to demonstrate their understanding of the legal profession during work experience resonates with what was said by one of the alumni, Jay who was not considered for a training contract after their first vacation placement as they had been told they were not ready to speak to clients. Jay attributed this to their failing to understand what had to be demonstrated during a vacation placement; they had thought it was just about getting to know people and so spent too much time doing that, but Jay learnt the priority was to ‘get the work done ... if it’s not done by 5 o’clock, stay a bit later and do it’. Jay clearly failed to appreciate the practices that were appropriate in that occupational context, leading to their professional identity claim being disaffirmed by the employer.⁵⁹⁷

⁵⁹⁵ Andrew Francis and Hilary Sommerlad, ‘Access to Legal Work Experience and its Role in the (Re)production of Legal Professional Identity’ (2009) *International Journal of the Legal Profession* 16(1) 63, 78.

⁵⁹⁶ Francis refers to students from non-traditional backgrounds as including working-class students, see Andrew Francis, ‘Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience’ (2015) *Journal of Law and Society* 42(2) 173, 184-185.

⁵⁹⁷ Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538, 544.

While the alumni shared similar views on work experiences providing insights, interestingly, they had not been clear on the purpose of legal work experience before they did them, only realising later that those linked to training contracts were effectively 'tests'. There was surprise at the lack of exposure to legal work during work experience. This finding suggests providing students with clearer guidance on the variety of work experience types and what to expect from each would be beneficial in building an understanding of the occupational context. Alumni made clear distinctions between work experiences and the CLE module, which lasted much longer and was not just about gaining insights but about gaining experience and developing skills from dealing with a case from start to finish. They saw both the CLE module and work experience as valuable but distinct in terms of what they gained from them.

(ii) Extra-curricular activities

It is well established in the literature that extra-curricular activities play a role in enhancing employability and the alumni findings show they were all aware of this even if they did not all engage with them.⁵⁹⁸ Alumni knew the legal sector was competitive and one alumnus did express regret at not engaging and felt they had put themselves at a disadvantage. Unsurprisingly, most of the alumni had part-time jobs while they were studying and again most appeared to recognise that employers would value the skills gained from those jobs. With so many of their peers having part-time jobs, it made one alumnus aware of the need to do something else beyond their studies and so they threw themselves into volunteering. So, there was an awareness of the need to deliver a strong narrative around engaging with extra-curricular activities.

(iii) Engagement with university career provision

A final element in professional identity construction came from engagement with career support within the university. The findings generally support the literature, engagement was inconsistent and despite stating an understanding that they needed to research employers, many did not fully engage with the opportunities offered to meet employers through career

⁵⁹⁸ Michael Tomlinson, 'The Degree is Not Enough; Student's Perceptions of the Role of Higher Education Credentials for Graduate Work and Employability' (2008) *British Journal of Sociology of Education* 29(1) 49; Ann-Marie Bathmaker, Nicola Ingram and Richard Waller, 'Higher Education, Social Class and the Mobilisation of Capitals: Recognising and Playing the Game' (2013) *British Journal of Sociology of Education* 34(5-6) 723; Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925.

fairs and other employer events.⁵⁹⁹ Some insight was provided by the alumni into why this was the case, which refers back to the issue of confidence, with Jay referring to being 'scared of the unknown' and not really thinking at the early stages of university about 'the end goal'.⁶⁰⁰

The literature supports a conceptualisation of employability, where students engage with different landscapes of practice or networks⁶⁰¹ to build their professional identity so they can present what has been referred to as compelling narratives that convey their identities.⁶⁰² While the findings show alumni engagement and lack thereof in cultivating a professional identity through professional socialisation, in the next section this is explored from an employer's perspective.

5.5.4 Professional Socialisation and Professional Identity Warrant

Any claim to professional identity construction through professional socialisation is subject to the employer perspective, as that identity is reliant on being affirmed or disaffirmed by the employer. Turning to the employers' perspectives, they did refer to wanting well-rounded applicants and looked beyond university experiences to judge this. The legal employers wanted applicants who were committed to the sector (and the region) but their views on how commitment to the sector could be demonstrated did vary. There was consensus on wanting applicants to show commitment to the firm and the region, but employers felt applicants did not always fully understand what they were looking for. Bailey said this could involve looking beyond the website at local newspapers, the wider media, projects they had been involved in or researching one of their clients. For Devin and Drew part of that research would be knowing who was going to interview you and having questions you could ask them. This again demonstrates that while applicants can have an understanding of what employers are looking for in general terms, they sometimes lack the deeper understanding of what they need to do to demonstrate their interest.

⁵⁹⁹ Ruth Bridgstock, 'The Graduate Attributes We've Overlooked: Enhancing Graduate Employability Through Career Management Skills' (2009) *Higher Education Research & Development* 28(1) 31, 40; Fiona Christie, 'Careers Guidance and Social Mobility in UK Higher Education: Practitioner Perspectives' (2016) *British Journal of Guidance & Counselling* 44(1) 72, 77.

⁶⁰⁰ Fiona Christie, 'Careers Guidance and Social Mobility in UK Higher Education: Practitioner Perspectives' (2016) *British Journal of Guidance & Counselling* 44(1) 72, 77.

⁶⁰¹ Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925, 926; Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 342; Ann-Marie Bathmaker, Nicola Ingram and Richard Waller, 'Higher Education, Social Class and the Mobilisation of Capitals: Recognising and Playing the Game' (2013) *British Journal of Sociology of Education* 34(5-6) 723.

⁶⁰² Phillip Brown, Anthony Hesketh and Sara Williams, *The Mismanagement of Talent: Employability and Jobs in the Knowledge Economy* (Oxford University Press 2004) 36; Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 346.

Commitment to the sector could be shown through legal work experience but employer views on legal work experience did diverge and align with the existing literature.⁶⁰³ For most of the employers it is important, with Devin explaining:

'I would put a lot of emphasis on having got work experience. From my opinion, I think it just shows that they've a willingness, initially an eagerness to get involved, they're more likely to obviously now know what they want to do. So it shows a level of commitment to the cause and what you want to do'.

However, while most employers had a preference for applicants who had legal work experience, some appreciated how difficult it could be to secure legal work experience and that students with connections are able to access legal work experience through informal mechanism not available to everyone. In cases where someone had no legal work experience, some of the employers said they wanted to know what the applicant had done to try to get it and commitment then had to be shown from other sources, with Bailey saying:

'... what have you then done to demonstrate your interest ... and as long as that person is then going along to the presentations, I don't know, maybe take themselves off to the law courts to have a look at some of the cases or the employment tribunal.'

The employers had mixed views on applicants treating the CLE module as if it was a more traditional form of work experience, which was tentatively discussed in Thomas's research but because the employers in that study had not actually dealt with applicants with CLE experience it left the question as a theoretical one.⁶⁰⁴ Interestingly, the empirical evidence in this study aligns with those expressed in Thomas's research in that for some employers, it was as valued as the more traditional forms of work experience but for others, it should be supplemented by seeing what an actual legal environment is like. One of the employers, Archer said:

'I would like it if they did because it [traditional work experience] gives them that variety, the student law office is great but it's a bubble, it's a very nice kind supportive environment which is obviously what all law firms should be but in reality they're not

⁶⁰³ Andrew Francis and Hilary Sommerlad, 'Access to Legal Work Experience and its Role in the (Re)production of Legal Professional Identity' (2009) *International Journal of the Legal Profession* 16(1) 63, 78; Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173.

⁶⁰⁴ Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018).

and I think it's good if people can actually see what it's really like in the environment of a law firm as well as the longer term experience, that's ideal but having said that, if I had to rank it is probably say first student law office and then work experience of the traditional sort'.

On a broader issue, all the employers emphasised how important it was for applicants to recognise the skills that they had developed from everything they were engaging with. Some employers felt applicants underestimated the value of the skills that could be developed in for example part-time jobs. Jude, Frankie, and Drew referred to applicants being self-aware so they can not only identify the skills they have developed from across all their experiences but can then explicitly match those skills to the job they are applying for. This requires a level of specificity that is sometimes lacking in applications and without that the professional identity that is being claimed by the applicant cannot be affirmed by the employer.

While the findings support the role professional socialisation plays in the cultivation and warranting of a professional identity, it is clear that not all the alumni appreciated how important professional socialisation was to building their professional identity and enhancing their employability. Moving on now to the theme of personality and professionalism.

5.6 Personality and Professionalism Proxies

What has been discussed so far positions employability within the agency of the individual as they make claims to have their professional identities affirmed. However, there is a further element that should not be ignored, particularly as this study involves alumni from a post-1992 university, many from working-class backgrounds, referred to as 'outsiders' by Sommerlad.⁶⁰⁵ This connects to what has been referred to in the literature as the positional conceptualisation of employability,⁶⁰⁶ which relates to social and cultural capital, which as we saw in the literature remain substantial factors in legal recruitment.⁶⁰⁷ These social and contextual factors are part of the processual approach, which influenced this study, as Holmes recognises that identity claims do not exist in a vacuum.⁶⁰⁸

⁶⁰⁵ Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society* 34 (2) 190, 198; Hilary Sommerlad, 'The 'Social Magic of Merit: Diversity, Equity, and Inclusion in the English and Welsh Legal Profession' (2015) *Fordham Law Review* 83(5) 2325, 2331.

⁶⁰⁶ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

⁶⁰⁷ Andrew Francis and Hilary Sommerlad, 'Access to Legal Work Experience and its Role in the (Re)production of Legal Professional Identity' (2009) *International Journal of the Legal Profession* 16(1) 63, 78.

⁶⁰⁸ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 540.

What was evident from the data was the employers' emphasis on personality and fit, which aligns with existing research.⁶⁰⁹ Employers looked holistically at the applicants' experiences beyond standard undergraduate studies as a way of judging if a particular personality would fit into their organisation. Employers did accept how difficult it was to define exactly what they were looking for in graduates but referred to graduates being their authentic selves and showing their personality. Personality was linked to several traits including hard work and drive and what was interesting from the data was that employers placed great weight on confidence and fit and linked to this was a strong consensus around expecting applicants to be 'professional' and/or 'appropriate' during the recruitment process. These rather nebulous concepts did seem to be intertwined with their lack of specificity, perhaps making it more challenging for the non-traditional graduates to interpret and then enact during the recruitment process.

Unlike other studies, the employers did not make any explicit references to 'polish'⁶¹⁰ although there were references to how applicants dressed and behaved but surprisingly given the literature, only one employer made reference to accent and that was not in the context of it being a problem per se, but that in this particular applicant their accent was so strong that they could not be understood. A possible explanation of 'polish' not being mentioned or a broader consensus on accent, is again likely to be the regional focus of this study.

The picture that developed from the findings was that the assessment of whether or not someone was professional appeared to be primarily determined by whether they could put an applicant in front of a client. Taylor for example said they were:

'... looking for somebody that I feel I could put in front of one of my {named}⁶¹¹ clients tomorrow' and they could 'maintain a professional relationship.'

It was clear from the employer data that some applicants did not present the professionalism expected by the employers and this may be linked to a perceived absence of social and/or cultural capital, which combined with the early recruitment practices of larger firms, give students who lack 'professionalism' little time within university to develop it if they apply at the earliest opportunity. These applicants may not have had the benefit of the social networks and

⁶⁰⁹ Mohamed Branine, 'Graduate Recruitment and Selection in the UK: A Study of Recent Changes in Methods and Expectations' (2008) *Career Development International* 13(6) 497, 511.

⁶¹⁰ Polish was characterized as a high level of confidence; strong communication skills; and a 'professional' presentation with respect to dress and appearance, see Louise Ashley and Laura Empson, 'Understanding Social Exclusion in Elite Professional Service Firms: Field Level Dynamics and the 'Professional Project'' (2017) *Work, Employment and Society* 31(2) 211, 222.

⁶¹¹ Name redacted for confidentiality purposes.

the cultural capital that provides the framework for more privileged students to perform in ways that are part of the professional norm. One employer did make a reference to that. Consequently, disadvantage faced by these outsiders meant they struggled to deliver a confident performance at interview and thus were judged not to be a fit for the firm as they would not have the 'personality' or lacked the 'professionalism' to be put in front of a client. The alumni barely referenced structural inequalities, which reflects the literature where lack of success is attributed to a personal deficit.⁶¹²

The regional focus of this study may account for the less obvious references to social and cultural capital that had been seen in other studies, which have focused on employers from the London-centric elite legal sector but the references to being 'professional' and/or 'appropriate' during the recruitment process perhaps bring this in by proxy.⁶¹³ However, the picture that emanates from the data is that through the CLE module, the alumni gained relevant experiences as well as insights into the cultural norms and values of the sector, which were not otherwise available to them. The CLE module appeared to build social and cultural capital, which boosted confidence and provided an understanding of the 'rules of the game'⁶¹⁴ that enabled the alumni to portray the 'personality' and 'professionalism' that legal employers appeared to value, where they would be content to leave them with a client.

In the following section, the findings are presented pictorially within Holmes's model of modalities of emergent identity.⁶¹⁵

5.7 A Pictorial Depiction of the Findings

This research has been influenced by Holmes's processual or graduate identity conceptualisation of employability. This is based on an identity project⁶¹⁶ where the individual must become a graduate by acting in ways that lead others to 'ascribe to them the identity of

⁶¹² Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society* 34 (2) 190, 198; Hilary Sommerlad, 'The 'Social Magic' of Merit: Diversity, Equity, and Inclusion in the English and Welsh Legal Profession' (2015) *Fordham Law Review* 83(5) 2325, 2331; Heather Rolfe and Tracy Anderson, 'A Firm Choice: Law Firms' Preferences in the Recruitment of Trainee Solicitors' (2003) *International Journal of the Legal Profession* 10(3) 315; Louise Ashley and Laura Empson, 'Differentiation and Discrimination: Understanding Social Class and Social Exclusion in Leading Law Firms' (2013) *Human Relations* 66(2) 219.

⁶¹³ Andrew Francis and Hilary Sommerlad, 'Access to Legal Work Experience and Its Role in the (Re)production of Legal Professional Identity' (2009) *International Journal of the Legal Profession* 16(1) 63.

⁶¹⁴ Ann-Marie Bathmaker, Nicola Ingram and Richard Waller, 'Higher Education, Social Class and the Mobilisation of Capitals: Recognising and Playing the Game' (2013) *British Journal of Sociology of Education* 34(5-6) 723; Ciaran Burke, Tracy Scurry and John Blenkinsopp, 'Navigating the Graduate Labour Market: The Impact of Social Class on Student Understandings of Graduate Careers and the Graduate Labour Market' (2020) *Studies in Higher Education* 45(8) 1711.

⁶¹⁵ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 112; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 550.

⁶¹⁶ Rom Harre', *Personal Being (Ways of Being)* (Blackwell 1983).

being worthy of being employed'.⁶¹⁷ Holmes devised a model of modalities of emergent identity⁶¹⁸ (see Diagram 2) which was discussed in chapter 2 in the literature review and shows possible emergent identity positions which attempts to show the trajectories of individuals as they transition in, through and on from education and/or training and into employment. This model has been adapted to reflect the findings of this study, where identities developed from CLE experiences are claimed, disclaimed, affirmed, and disaffirmed, and alumni and employer perceptions of the impact of CLE can be understood through this frame of reference.

To assist in bringing the findings together, there is a pictorial representation in Diagram 8, which uses Holmes's model of modalities of emergent identity⁶¹⁹ but builds on that model to depict the role CLE plays in professional identity construction to enhance employability. Each zone will now be explained.

Starting with Zone 1, which is in the lower right of the diagram. This zone is labelled the '*indeterminate identity*', and shows that prior to the CLE module, the alumni's professional identity was indeterminate. The reason for this was that either a claim to be recognised as a professional being worthy of being employed has not been made (i.e. disclaimed because no job application has been made) or has been made and has been disaffirmed. The reasons from the findings for the identity being disaffirmed are listed in the blue circle, being because of a lack of confidence, or due to a misunderstanding about the role of work experience or through the lack of employer engagement. The blue arrow makes it clear that this circle is situated within Zone 1 '*indeterminate identity*'.

Zone 2 is labelled '*failed identity*' and is situated in the top right of the diagram, and this shows a claim to a professional identity that has failed. The reasons from the findings for the professional identity failing are listed in the purple circle, being as a result of poor deployment of the skills and attributes gained during the CLE module and/or through overselling the CLE experiences or lacking 'personality or 'professionalism'. The purple arrow makes it clear that this circle is situated within Zone 2 '*failed identity*'.

Zone 3 is situated in the bottom left of the diagram and is labelled '*imposed identity*' and shows an identity that has been imposed on someone despite them having secured a graduate position. The reasons from the findings for this imposed identity is shown in the black circle and relates to a situation where CLE graduates question an existing role because of their CLE

⁶¹⁷ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 549.

⁶¹⁸ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 112; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 550.

⁶¹⁹ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 112; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 550.

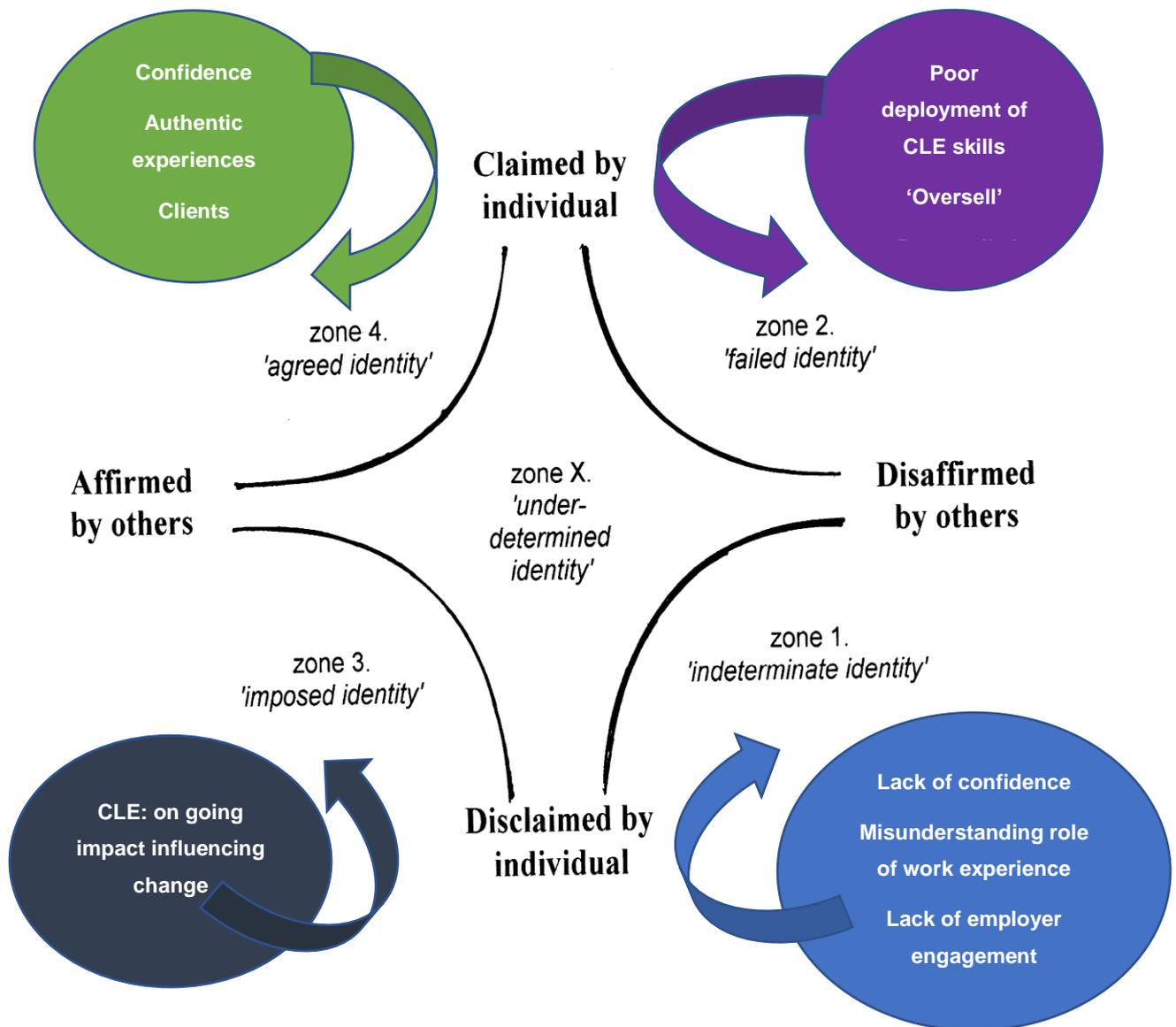
experiences and therefore they do not feel this is an identity they want ascribed to them as they decide to change role due to the experiences they had of dealing with clients and cases during the CLE module. The black arrow makes it clear that this circle is situated within Zone 3 *imposed identity*.

Zone 4 is labelled '*agreed identity*' and is in the top left hand side of the diagram and shows a professional identity that has been both claimed and agreed. The green circle lists the reasons from the findings for this successful claim and these are based on the confidence gained from the CLE module through authentic experiences and dealing with clients.⁶²⁰ The green arrow makes it clear that this circle is situated within Zone 4 '*agreed identity*'.

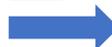
Finally, there may be an '*under-determined identity*' position where the interactions have not resulted in a definitive judgement, and this is shown in zone X. No circle has been added to zone X as this represents situations where graduates are for example in temporary positions post-graduation, which was not relevant to any of the alumni in this study.

⁶²⁰ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 550.

Diagram 8: Alumni Claims and Employer Warrants on Professional Identity Construction Based on Holmes's Model⁶²¹



KEY:

-  This shows an indeterminate professional identity through lack of confidence, misunderstanding the role of work experience and lack of employer engagement (Zone 1).
-  This shows a failed professional through poor deployment of the skills and attributes and/or through overselling the CLE experience (Zone 2).
-  This shows an imposed identity where the CLE experience has led to questioning of the role (Zone 3).
-  This shows an agreed professional identity based on the confidence gained from CLE through authentic experiences and dealing with clients (Zone 4).

⁶²¹ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 112; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 550.

5.8 The Conceptual Framework Re-visited

In line with my interpretivist stance, where research is exploratory and inductive, the conceptual framework as originally created was expected to evolve after the data was collected and analysed. As was seen in chapter 2, the literature referred to the three broad approaches to employability being possession (of skills), positioning (social and cultural capital) and processual. However, while the processual approach related to the interactions between the graduates seeking employment and the 'gatekeepers' to that employment, it also incorporated the possession and positioning approaches. The processual approach is based on an identity project⁶²² where the individual must become a graduate by acting in ways that lead others to 'ascribe to them the identity of being worthy of being employed'.⁶²³ However, an identity that is claimed by the individual does not exist in a vacuum but will play out in their interactions with others, where fluency in the language of skills will be required and will be subject to a range of social and contextual factors (e.g. social background).⁶²⁴

What was established from the data analysis was support for alumni and employer perceptions of the impact of CLE on employability being explored through a processual lens where employability is relational, interactional, and explored through professional identity formation.⁶²⁵ Thus, following the data analysis, a new conceptual framework (Diagram 9) evolved showing the processual approach within a CLE context. The diagram makes it clear that the processual approach includes the possession and positioning approaches as they sit within the 'processual circle'. The circles reflect what was seen in the data and show that the skills, and the social and cultural capital gained in CLE build confidence in the alumni as they construct their professional identities. The alumni then manage their employability by deploying what they have learned from CLE through the 'actions' that they take to have their professional identity affirmed or disaffirmed by employers. The conceptual model therefore encapsulates the current 'map' of the qualitative territory that has been investigated in this study⁶²⁶ to answer the research question – What are the perceptions of alumni and employers of the impact of clinical legal education on employability? This can be succinctly summarised as supporting a position that alumni and employers' perceptions are that CLE has a positive

⁶²² Rom Harre', *Personal Being (Ways of Being)* (Blackwell 1983).

⁶²³ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 549.

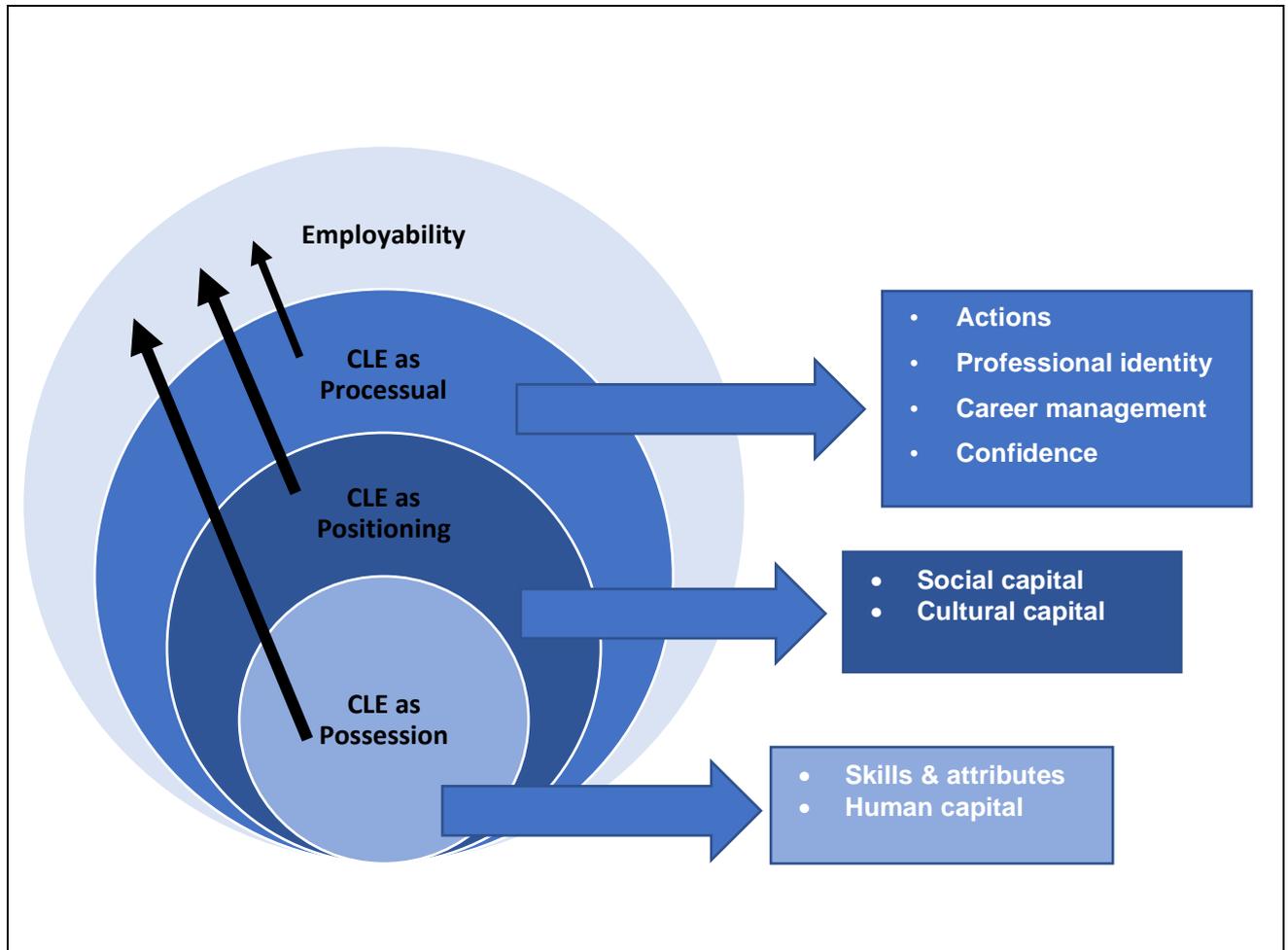
⁶²⁴ See Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; Lorraine Delaney and Margaret Farren, 'No 'Self' Left Behind? Part-time Distance Learning University Graduates: Social Class, Graduate Identity and Employability' (2016) *Open Learning: The Journal of Open, Distance and E-Learning* 31(3) 194; Belgin Okay-Somerville and Dora Scholarios, 'Position, Possession or Process? Understanding Objective and Subjective Employability During University-to-Work Transitions' (2017) *Studies in Higher Education* 42(7) 1275.

⁶²⁵ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 112.

⁶²⁶ Matthew Miles, A Michael Huberman and Johnny Saldana, *Qualitative Data Analysis, A Methods Sourcebook* (4th edn, SAGE Publications 2020) 15.

impact on employability. CLE increases confidence and inculcates a professional identity, which enhances employability during the recruitment process and as the alumni move into the graduate labour market.

Diagram 9: The Conceptual Framework Re-visited (source: author)



In the following section, the contributions to knowledge and practice will be discussed.

5.9 Contributions to Knowledge and Academic Practice

This study makes a significant contribution to knowledge and practice on the impact of CLE on employability. While there was a rich discourse on skills acquisition within CLE, there was a gap in our understanding of how CLE was perceived by alumni and employers from an employability enhancement perspective. By looking at alumni and employer perspectives through an interpretivist lens, we can explore the 'stories' that develop from the experiences of the alumni who were negotiating the complex graduate recruitment market and the

'gatekeepers' to that market, namely the employers. Through these insights, we can consider possible ways to provide support to students to help them frame their CLE experiences specifically and enhance their employability more generally.

Contributions to Knowledge are considered first and then Contributions to Academic Practice.

5.9.1 Contributions to Knowledge

This thesis contributes to knowledge in the following ways:

- This thesis provides a novel way of conceptualising the intersection of CLE and employability. It positions it within a processual construct,⁶²⁷ where employability is seen as an active process based on the professional identity that has been developed through clinical experiences. This approach goes beyond the acquisition of skills and attributes and recognises the relevance of external factors, such as social and cultural capital as being relevant to employability. The empirical study supports the conceptualisation of employability as a process and the qualitative nature of the study has allowed the complexity of graduate/employer interactions and the ensuing 'stories' to be explored to gain insights into their perceptions and expectations. The diagram at 5.7 provides a tangible account from the data of how CLE is used within the processual approach. This approach to the intersection of CLE and employability has not been explored previously and therefore offers a novel insight.

- From a methodological standpoint, this study has contributed in the following ways:
 - The employability literature and CLE employability literature are typically based on employer, student and alumni perceptions of university education and skills

⁶²⁷ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538.

utilising quantitative methodologies.⁶²⁸ Holmes⁶²⁹ and Tomlinson⁶³⁰ critique these studies with Tomlinson referring to them being ‘simplistic, descriptive and under-contextualised accounts of graduate skills’⁶³¹ while Higdon calls for more qualitative research from the student and graduate perspective to inform curricula development.⁶³² Quantitative methodologies which have been a common feature of employability and CLE research, arguably cannot provide the contextual detail that can be achieved from qualitative methodologies. A contribution of this thesis therefore is that it has built upon existing quantitative employability and CLE studies through qualitative inquiry, thus enriching the current knowledge base through a more in-depth exploration of alumni and employer perceptions on the intersection of employability and CLE.

- The employer voice has been reported in the CLE employability literature but what was noted from those studies was that none of the employers had any experience of CLE either from a perspective of recruiting graduates with CLE experience or of working with employees who had undertaken CLE modules while at university. Therefore, this thesis makes a contribution as it focuses on the perceptions and experiences of employers who recruit, select, and employ graduates who have undertaken a CLE module representing a voice that has not been represented in existing research.

⁶²⁸ Michael Tomlinson, ‘Graduate Employability: A Review of Conceptual and Empirical Themes’ (2012) *Higher Education Policy* 25(4) 407, 412; Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538; Denise Jackson, ‘Testing a Model of Undergraduate Competence in Employability Skills and Its Implications for Stakeholders’ (2014) *Journal of Education and Work* 27(2) 220, 221; Rachel Dunn, ‘A Systematic Review of Literature on Clinical Legal Education’ (2017) *International Journal of Clinical Legal Education* 24(2) 81

<<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020; Rachel Dunn, ‘The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them’ (2017) Doctoral Thesis, Northumbria University <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020; Francina Cantatore, ‘The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students’ (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019; Sarah Blandy, ‘Enhancing Employability Through Student Engagement in Pro Bono Projects’ (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

⁶²⁹ Leonard Holmes, ‘Reconsidering Graduate Employability: The ‘Graduate Identity’ Approach’ (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538; Leonard Holmes, ‘Becoming a Graduate: The Warranting of an Emergent Identity’ (2015) *Education + Training* 57(2) 219.

⁶³⁰ Michael Tomlinson, ‘Graduate Employability: A Review of Conceptual and Empirical Themes’ (2012) *Higher Education Policy* 25(4) 407, 424.

⁶³¹ Michael Tomlinson, ‘Graduate Employability: A Review of Conceptual and Empirical Themes’ (2012) *Higher Education Policy* 25(4) 407, 424.

⁶³² Rachel Higdon, ‘Employability: The Missing Voice: How Student and Graduate Views Could Be Used to Develop Future Higher Education Policy and Inform Curricula’ (2016) *Power and Education* 8(2) 176, 192.

- Finally from a methodological perspective, we saw in the literature review that there was little CLE and employability empirical research,⁶³³ and what existed emanated from the elite sector of legal education. The literature demonstrated the employability challenges facing less privileged students are different to those facing their more privileged peers. As discussed earlier, Sommerlad suggests that for ‘outsiders’ (non-traditional entrants to the legal profession) professional identity formation is premised differently from privileged ‘insiders’ as their ‘current cultural life and schemes of perception are... incompatible with those of legal professionalism.’⁶³⁴ Therefore, the final methodological contribution is that this study focuses on the perceptions of alumni from a post-1992 university, many of whom self-describe as working-class.

5.9.2 Contributions To Academic Practice

This thesis therefore contributes to academic practice in the following ways:

- The theoretical concerns raised in the employability and CLE literature were supported in the empirical research over the wide range of skills and attributes sought by employers and whether there was actually a shared understanding across different stakeholder groups as to what these terms mean.⁶³⁵ In this study there was evidence of confusion when employers did not use exactly the same terminology that they had used when they described what employability meant to them and when they then described what they were looking for when they were recruiting and when the graduates transition into the workplace, although there was some overlap. This demonstrated the difficulty around assumptions being made based on precise terminology when stakeholders do not always appear to be consistent even with

⁶³³ Sarah Blandy, ‘Enhancing Employability Through Student Engagement in Pro Bono Projects’ (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

⁶³⁴ Hilary Sommerlad, ‘Researching and Theorizing the Processes of Professional Identity Formation’ (2007) *Journal of Law and Society*, 34(2) 190-217, 198.

⁶³⁵ Chris Collet, Damian Hine and Karen du Plessis, ‘Employability Skills: Perspectives from a Knowledge-intensive Industry’ (2015) *Education + Training* 57(5) 532, 533; Denise Jackson, ‘Testing a Model of Undergraduate Competence in Employability Skills and its Implications for Stakeholders’ (2014) *Journal of Education and Work* 27(2) 220, 221; Leonard Holmes, ‘Competing Perspectives on Graduate Employability: Possession, Position or Process?’ (2013) *Studies in Higher Education* 38(4) 538, 543; Rachel Dunn, ‘The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them’ (2017) Doctoral Thesis, Northumbria University, 50 <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020.

themselves in describing what employability means to them.⁶³⁶ Therefore, research based on the possession of certain skills has to be treated cautiously in terms of reliance on precise meaning. This research reinforces Holmes's theory that the language of skills will remain relevant as, without any prompting, both alumni and employers used the language of skills and attributes extensively. The alumni referred to skills and attributes as a way of describing what they had gained from the CLE module and employers utilised them to rationalise their recruitment decisions. Thus a contribution is that this research strengthens the theoretical suggestion that the language of skills remains important at an untechnical level and therefore it remains relevant within that frame of reference and students need to be able to use that language fluently in the recruitment market.

- The role confidence plays in perceived employability has been explored in the employability literature⁶³⁷ but while confidence is seen as a key element of employability development, it is less clear from the literature how HE can develop it pedagogically.⁶³⁸ We saw that Turner's conceptual paper argues that self-belief has to be developed within the curriculum in the context of disciplinary knowledge⁶³⁹ and this is certainly overwhelmingly supported by the alumni in this study who all referred to the experiences gained during the CLE module building their confidence. The pedagogy of CLE that is utilised within the CLE module is framed to allow students to develop mastery as they receive feedback on the work they prepare and learn to reflect on their performance. 'Mastery experiences', according to Bandura, are one way of building confidence.⁶⁴⁰ Therefore, the mastery that the alumni developed helped build their confidence, which had a transformational effect on the alumni.⁶⁴¹ With the majority of the alumni describing themselves as working-class, their lack of confidence coupled

⁶³⁶ The word clouds at 4.3.1 and 4.3.2 depict the terminology used by the participants when asked to describe what employability meant to them.

⁶³⁷ Paula Álvarez-González, M Jesús López Miguens and Gloria Caballero, 'Perceived Employability in University Students: Developing an Integrated Model' (2017) *Career Development International* 22(3) 280 < Doi:10.1108/CDI-08-2016-0135 > accessed 10 November 2020; Lorraine Dacre Pool and Peter Sewell, 'The Key to Employability: Developing a Practical Model of Graduate Employability' (2007) *Education and Training* 49(4) 277.

⁶³⁸ Jane Artess, Tristram Hooley and Robin Mellors-Bourne, 'Employability: A Review of the Literature 2012-2016, A Report for the Higher Education Academy' 20 (2017) <<https://www.advance-he.ac.uk/knowledge-hub/employability-review-literature-2012-2016>> accessed 12 November 2020.

⁶³⁹ Nancy K Turner, 'Development of Self-belief for Employability in Higher Education: Ability, Efficacy and Control in Context' (2014) *Teaching in Higher Education* 19(6) 592, 597.

⁶⁴⁰ Albert Bandura, 'Exercise of Personal and Collective Efficacy in Changing Societies' in Albert Bandura (ed), *Self-Efficacy in Changing Societies* (Cambridge University Press 1995) 3.

⁶⁴¹ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 544; Rachel Higdon, 'Employability: The Missing Voice: How Student and Graduate Views Could be Used to Develop Future Higher Education Policy and Inform Curricula' (2016) *Power and Education* 8(2) 176, 177; Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 342.

with lack of social and cultural capitals made a future in law 'unknowable' but after their CLE module, they could now perceive a legal career being 'possible', they could see themselves as lawyers and that kept them motivated to engage with employers and opportunities.⁶⁴² This confidence from their CLE experiences did not just help them build a stronger employability narrative but continued as they transitioned into employment. This finding supports the contribution that the study has built upon existing tentative findings in the literature to support the link between CLE and confidence, which leads to enhanced employability through a belief that success in the graduate recruitment market is possible and once in employment helps ease that transition.

- Linked to confidence is the role the CLE experiences played in enabling the development of the alumni's professional identity. The findings of this study show that the alumni relied heavily on the CLE module to facilitate the development of their professional identity. Professional identity formation for 'outsiders' (non-traditional entrants, such as Northumbria students), is premised differently from privileged 'insiders' as their 'current cultural life and schemes of perception are 'incompatible with those of legal professionalism.'⁶⁴³ By engaging with the CLE experiences, which include dealing with clients and their supervisors as well as other lawyers and their peers, they acquired insights and understandings of the accepted ways of 'knowing, relating and being' in that professional setting.⁶⁴⁴ This new understanding underpinned their professional identity and helped them navigate the recruitment process and ease their transition into the workplace. The employer findings supported those of the alumni in relation to using CLE experiences in the recruitment and selection process and CLE alumni performing well in the workplace. This has resulted in the following contribution, it has augmented the existing literature and shown that professional identity can be developed through CLE and that it can provide 'outsiders' with a strategic understanding of the professional landscape, which might otherwise be unknowable to them. Through this, employability is enhanced, as CLE experiences are used to build robust employability narratives and to smooth the transition to the workplace.

⁶⁴² Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173.

⁶⁴³ Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society* 34 (2) 190, 198.

⁶⁴⁴ Mary Ryan and Mary-Ann Carmichael 'Shaping (reflexive) Professional Identities Across an Undergraduate Programme: A Longitudinal Case Study' (2016) *Teaching in Higher Education* 21(2) 151.

- The data demonstrated that personality was valued by the employers, which aligns with other research.⁶⁴⁵ They emphasised confidence and fit along with graduates being professional and appropriate. The findings show that employers assess personality and potential fit from the applicants' experiences beyond their undergraduate studies and for the legal employers great emphasis was placed on whether they could put a graduate in front of a client. However, some graduates could not present the professionalism required and this may be linked to a perceived absence of social and/or cultural capital. However, the findings suggest that through clinical experiences during the CLE module, the alumni gained social and cultural capital which then enhanced their employability as they had a stronger sense of how to enact professionalism and thus demonstrate the personality, fit and professionalism employers were looking for. This is particularly significant given the majority of the alumni in this study described themselves as working-class and the literature refers to the fact that students from lower socio-economic backgrounds can face greater difficulty in understanding the 'rules of the game' for success in the graduate recruitment market and lack the knowledge and confidence to decipher and navigate them.⁶⁴⁶ The findings support employability being enhanced through CLE as the alumni gained relevant experiences as well as insights into the cultural norms and values of the sector, which enabled them to enact the personality and professionalism sought by employers.
- This study looked at employability holistically and while CLE was the main lens through which it was being explored because the study is influenced by the 'processual' approach, employability is seen as a process, something that was holistic and complex, and developed over time and through graduates actions and interactions with 'significant others'.⁶⁴⁷ Therefore, in addition to constructing a professional identity through CLE, other communities were explored to obtain greater insights into how students were building their employability.⁶⁴⁸ Legal work experience was especially relevant to this study, as research has shown potential difficulties faced by 'outsiders'

⁶⁴⁵ Mohamed Branine, 'Graduate Recruitment and Selection in the UK: A Study of Recent Changes in Methods and Expectations' (2008) *Career Development International* 13(6) 497, 511.

⁶⁴⁶ Ann-Marie Bathmaker, Nicola Ingram and Richard Waller, 'Higher Education, Social Class and the Mobilisation of Capitals: Recognising and Playing the Game' (2013) *British Journal of Sociology of Education* 34(5-6) 723; Ciaran Burke, Tracy Scurry and John Blenkinsopp, 'Navigating the Graduate Labour Market: The Impact of Social Class on Student Understandings of Graduate Careers and the Graduate Labour Market' (2020) *Studies in Higher Education* 45(8) 1711.

⁶⁴⁷ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 540.

⁶⁴⁸ Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925, 926

in accessing work experience⁶⁴⁹ despite it being a 'crucial dimension' in developing an employability narrative.⁶⁵⁰ The findings of this study however showed that all but one of the alumni did secure work experience within the local area, however, no one applied to any of the elite legal sector firms. This is referred to as 'opting out' in the literature where some students perceive there is no 'fit' between them and the culture of certain law firms.⁶⁵¹ It was clear from the findings that having legal work experience was preferred by most of the employers, but it was less clear how the CLE module should be presented. Varied views were expressed on applicants treating the CLE module as if it was equivalent to a more traditional form of work experience. This was tentatively discussed in Thomas's research but because the employers in that study had not actually dealt with applicants with CLE experience it left the question as a theoretical one.⁶⁵² The empirical evidence in this study aligns with those expressed in Thomas's research in that for some employers, it was seen as equivalent to traditional forms of work experience but for others, they preferred it to be supplemented by experiencing an actual legal environment. There was support in the findings for using the CLE experience if that was all that could be drawn upon, which given the potential challenges faced by 'outsiders' in securing legal work experience, may prove a life-line to students who have been unable to secure work experience and provide them with an opportunity to present experiences that can enhance their employability. The next contribution therefore is that this study augments the theoretical literature on the uncertainty surrounding CLE being seen as equivalent to traditional forms of work experience and supports an approach that embraces a range of experiences to support the employability narrative where this is possible.

- New insight into non-legal employers' views of CLE developed from the employer and alumni findings, which had not been previously explored in the CLE literature. It was really illuminating that the alumni who had engaged with the non-legal graduate recruitment sector recounted how impressed the employers had been that they had managed client relations. Furthermore, the non-legal employer was overwhelmingly positive about the experiences one of their graduates had gained from their CLE

⁶⁴⁹ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 185.

⁶⁵⁰ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 187.

⁶⁵¹ Eleanor Rowan and Steven Vaughan, 'Fitting In' and 'Opting Out': Exploring How Law Students Self-Select Law Firm Employers' (2018) *The Law Teacher* 52(2) 216.

⁶⁵² Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018).

module, which supports the potential transferability of experiences gained through CLE beyond the legal sector to enhance employability.

5.10 Chapter Summary

This chapter dealt with the fourth research objective:

4. Discuss the findings alongside the literature to offer new insights and gain greater understandings of alumni and employers' perceptions of the impact of CLE on employability to contribute to knowledge and practice.

To satisfy the objective, the findings were explored alongside the literature, building on the progress made in chapter 4 to address the research question - What are the perceptions of alumni and employers of the impact of clinical legal education on employability?

The answer is that alumni and employers perceive CLE to have a positive impact on employability. The findings of this study provided insights into a processual approach to employability, where the CLE module underpinned the construction of a professional identity which increased alumni confidence and added value in terms of skills development, personal development and understandings of the professional norms that are expected within graduate recruitment and through the early transition into employment but that were perhaps 'unknown' but certainly not 'unknowable' after the CLE module. Insights were gained from employers of recruitment and selection interactions with graduates, and the picture that emanated from this research was that while the CLE experience was valued, it had to be part of a well-constructed career narrative, where the CLE module while important had to be framed with reference to its context and limitations.

In the next chapter, the thesis concludes and reflects on the achievement of the established objectives, it reviews the conceptual framework and includes a summary of the contributions this thesis has made to knowledge and practice.

Chapter 6: Conclusion

6.1 Introduction

This chapter concludes the thesis by summarising my contributions to knowledge and practice. It reflects on the achievement of the established objectives to answer the research question:

What are the perceptions of alumni and employers of the impact of clinical legal education on employability?

Recommendations for practice are explored and the conceptual framework reviewed. I discuss my reflexivity throughout the research process as an experienced law academic and legal practitioner. The chapter then considers the limitations of my research before outlining areas for future projects.

6.2 Review of the Research Objectives and Contributions to Knowledge

This aim of this thesis was to fill the gap I identified in the existing literature on the intersection of employability and clinical legal education (CLE). The following objectives were established:

1. Critically evaluate the literature relating to the conceptualisations of employability and the intersection of employability and CLE (Chapter 1: Introduction & 2: Literature Review).
2. Conduct qualitative research with alumni and employers to explore and determine their perceptions of the impact of CLE on employability via an interpretivist methodology (Chapter 3: Methodology).
3. Analyse the data using thematic analysis and identify key themes to gain a better understanding of alumni and employer perceptions of the impact of CLE on employability (Chapter 4: Findings).
4. Discuss the findings alongside the literature to offer new insights and gain greater understandings of alumni and employers' perceptions of the impact of CLE on employability to contribute to knowledge and practice (Chapter 5: Discussion and Contributions).

In the following sections, my contributions to knowledge and practice are summarised within the context of my objectives. The focus of this research is the intersection of CLE and employability to gain insights into alumni and employers' perceptions of the impact of CLE on employability.

To conclude this study the four research objectives are reviewed to show how they contributed to answering the research question and to the knowledge and practice claims made in 5.9.

6.2.1 Research Objective 1: Critically Evaluate the Literature Relating to the Conceptualisations of Employability and the Intersection of Employability and CLE

Chapter 1 introduced the literature and the focus of this study and chapter 2 reviewed the literature, bringing together employability and CLE research. The review revealed the ongoing confusion around the meaning of employability⁶⁵³ due to the plurality of stakeholders,⁶⁵⁴ which has resulted in its meaning becoming increasingly complex and multidimensional.⁶⁵⁵ The employability literature was considered and evaluated through three conceptualisations, possession, positioning, and processual.⁶⁵⁶ There is little UK research on employability within a CLE context and what research there is tended to use quantitative methodologies and was skills-focused.⁶⁵⁷ An alternative approach to the possession and positioning approaches was Holmes's 'processual' approach, which conceptualised employability as a process, which was holistic and complex, and developed through graduates' actions and interactions with 'significant others'.⁶⁵⁸ This conceptualisation drew on identity theory as a means of exploring and understanding a graduate journey through university and into the workplace.⁶⁵⁹ This

⁶⁵³ Lorraine Dacre Pool, Pamela Qualter and Peter J Sewell, 'Exploring the Factor Structure of the CareerEDGE Employability Development Profile' (2014) *Education + Training* 56(4) 303, 303.

⁶⁵⁴ See for example, Stella Williams and others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877; Lee Harvey, 'Defining and Measuring Employability' (2001) *Quality in Higher Education* 7(2) 97; Alex Tymon, 'The Student Perspective on Employability' (2013) *Studies in Higher Education* 38(6) 841.

⁶⁵⁵ Stella Williams and others, 'A Systematic Review of Current Understandings of Employability' (2016) *Journal of Education and Work* 29(8) 877, 877; Lee Harvey, 'Embedding and Integrating Employability' (2005) *New Directions for Institutional Research* 128:13.

⁶⁵⁶ See Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; Lorraine Delaney and Margaret Farren, 'No 'Self' Left Behind? Part-time Distance Learning University Graduates: Social Class, Graduate Identity and Employability' (2016) *Open Learning: The Journal of Open, Distance and E-Learning* 31(3) 194, 196; Belgin Okay-Somerville and Dora Scholarios, 'Position, Possession or Process? Understanding Objective and Subjective Employability During University-to-Work Transitions' (2017) *Studies in Higher Education* 42(7) 1275.

⁶⁵⁷ Jill Alexander and Carol Boothby 'Stakeholder Perceptions of Clinical Legal Education Within an Employability Context' (2018) *International Journal of Clinical Legal Education* 25(3) 53 < [Doi.org/10.19164/ijcle.v25i3.768](https://doi.org/10.19164/ijcle.v25i3.768)> accessed 20 May 2019.

⁶⁵⁸ Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 540.

⁶⁵⁹ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; Leonard Holmes, 'Becoming a Graduate: The Warranting of an Emergent Identity' (2015) *Education + Training* 57(2) 219 233.

approach influenced this study but was developed to explore the interactions of law graduates and employers within a CLE context. The processual approach recognises that employability is complex and multi-faceted, where graduates construct their professional identities through CLE. By exploring alumni and employer perceptions from a qualitative perspective through the processual lens, understandings of the alumni/employers interactions during recruitment and into employment provided insights into the impact of CLE on employability. The diagram at 5.7 provides a tangible account from the data of how CLE is used within the processual approach.

This research objective has enabled me to make the following contribution:

This thesis provides a novel way of conceptualising the intersection of CLE and employability. It positions it within a processual construct, where employability is seen as an active process based on the professional identity that has been developed through CLE. The empirical study supports the conceptualisation of employability as a process and the qualitative nature of the study has allowed the complexity of graduate/employer interactions to be explored to gain insights into their perceptions and expectations.

6.2.2 Research Objective 2: Conduct Qualitative Research via an Interpretivist Methodology

Chapter 3 provided insights into the scaffolding which underpins this research,⁶⁶⁰ which is based on social constructionist assumptions and an interpretivist perspective. Central to this stance is an understanding of the subjective world of human experience⁶⁶¹ and to understand individuals' interpretations of the world around them,⁶⁶² which has been my priority as I explored alumni and employer perceptions on the impact of CLE on employability.

This research objective was achieved through twenty-two qualitative semi-structured interviews, twelve with alumni and ten with employers. The data was analysed and interpreted drawing on Braun and Clarke's approach to thematic analysis, which is a recursive process where themes are a 'product of deep and prolonged data immersion'.⁶⁶³ In taking this stance,

⁶⁶⁰ Michael Crotty, *The Foundations of Social Research* (SAGE Publications 1998) 16.

⁶⁶¹ Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (7th edn, Routledge 2011) 17.

⁶⁶² Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (7th edn, Routledge 2011) 18.

⁶⁶³ Virginia Braun and Victoria Clarke, 'Reflecting on Reflexive Thematic Analysis' (2019) *Qualitative Research in Sport, Exercise and Health* 11(4) 589, 591.

I acknowledged that my role is at the heart of the approach, which is addressed below at 6.5 in the reflexivity section.

As discussed in chapter 2, the majority of the employability literature and CLE employability literature are typically based on employer, student and alumni perceptions of university education and skills using quantitative methodologies.⁶⁶⁴ Holmes⁶⁶⁵ and Tomlinson⁶⁶⁶ critique these studies as they are not supported by qualitative evidence and Higdon calls for more qualitative research from the student and graduate perspective to inform curricula development.⁶⁶⁷ In choosing a qualitative approach, I was interested in the rich descriptive accounts that are used to tell the complex 'stories' as it is this approach that provides valuable insights to answer the research question. By exploring in-depth the participants' expectations, motivations, and perceptions of the impact of CLE on employability, I sought to ascertain if there was empirical data to support anecdotal claims that CLE does enhance employability. With the legal graduate recruitment market becoming increasingly complex, understanding what types of activities within law schools enhance employability is critically important.

This research objective has therefore made the following methodological contribution:

It has built upon existing quantitative employability and CLE studies through qualitative inquiry, thus enriching the current knowledge base through a more in-depth exploration of the intersection of employability and CLE.

⁶⁶⁴ Michael Tomlinson, 'Graduate Employability: A Review of Conceptual and Empirical Themes' (2012) Higher Education Policy 25(4) 407, 412; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) Studies in Higher Education 38(4) 538; Denise Jackson, 'Testing a Model of Undergraduate Competence in Employability Skills and Its Implications for Stakeholders' (2014) Journal of Education and Work 27(2) 220, 221; Rachel Dunn, 'A Systematic Review of Literature on Clinical Legal Education' (2017) International Journal of Clinical Legal Education 24(2) 81 <<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020; Rachel Dunn, 'The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them' (2017) Doctoral Thesis, Northumbria University <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020; Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) International Journal of Clinical Legal Education 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019; Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) International Journal of Clinical Legal Education 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

⁶⁶⁵ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) Quality in Higher Education 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) Studies in Higher Education 38(4) 538; Leonard Holmes, 'Becoming a Graduate: The Warranting of an Emergent Identity' (2015) Education + Training 57(2) 219.

⁶⁶⁶ Michael Tomlinson, 'Graduate Employability: A Review of Conceptual and Empirical Themes' (2012) Higher Education Policy 25(4) 407, 424.

⁶⁶⁷ Rachel Higdon, 'Employability: The Missing Voice: How Student and Graduate Views Could Be Used to Develop Future Higher Education Policy and Inform Curricula' (2016) Power and Education 8(2) 176, 192.

Further, while the employer voice has been reported in the CLE employability literature, none of the employers had any experience of CLE, so this thesis makes a contribution through:

A focus on the perceptions and experiences of employers who recruit, select, and employ graduates who have undertaken a CLE module representing a voice that has not been represented in existing research.

Finally, in the scant CLE employability empirical research, only the elite sector of legal education has been explored.⁶⁶⁸ Therefore, the final methodological contribution is:

A focus on the perceptions of alumni from a post-1992 university, many of whom self-describe as working-class.

6.2.3 Research Objectives 3 & 4: Analyse the Data, Identify Key Themes & Discuss the Findings Alongside the Literature

Using thematic analysis, the interview data was analysed, and the findings were presented in chapter 4 and explored in light of existing literature in chapter 5. The following section will use the same structure as that used in the discussion chapter, being:

- (i) The disputed language of skills and employability
- (ii) Confidence & Class
- (iii) Actions
- (iv) Personality & Professionalism

(i) The Disputed Language of Skills and Employability

The empirical research supports theoretical concerns raised in the employability and CLE literature over the plethora of meanings assigned to employability and to specific skills and attributes and the consequent confusion that can be caused through assumptions being made

⁶⁶⁸ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

on shared meanings across different stakeholder groups.⁶⁶⁹ In this study there was confusion when employers did not use exactly the same terminology that they had used when they described what employability meant to them and when they then described what they were looking for when they were recruiting and when the graduates transition into the workplace, although there was some overlap. This highlights the difficulty around placing too great an emphasis on precise terminology when stakeholders do not always appear to be consistent even with themselves in describing what employability means to them.⁶⁷⁰

My research demonstrated that research based on the possession of skills approach has to be treated with caution in terms of precise meaning but supports Holmes's theory that the language of skills will remain relevant. In this study both alumni and employers, without any prompting, used the language of skills and attributes extensively. For alumni, this was to describe what they had gained from the CLE module and for employers it was to justify their recruitment decisions. It is therefore important to recognise that when creating strong career narratives that will enhance employability, skills and attributes must be understood and deployed fluently and effectively. Thus, research objectives 3 and 4 have enabled me to make the following contribution:

This research augments the theoretical suggestion that the language of skills remains important at an untechnical level.

(ii) Confidence & Class

It is clear from the literature that confidence is extremely important to perceived employability⁶⁷¹ but the challenge remains in establishing how confidence can be developed within HE. Turner argues that self-belief must be developed within the curriculum in the context

⁶⁶⁹ Chris Collet, Damian Hine and Karen du Plessis, 'Employability Skills: Perspectives from a Knowledge-intensive Industry' (2015) *Education + Training* 57(5) 532, 533; Denise Jackson, 'Testing a Model of Undergraduate Competence in Employability Skills and its Implications for Stakeholders' (2014) *Journal of Education and Work* 27(2) 220, 221; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538, 543; Rachel Dunn, 'The Knowledge, Skills and Attributes Considered Necessary to Start Day One Training Competently and Whether Live Client Clinics Develop Them' (2017) Doctoral Thesis, Northumbria University, 50 <<http://nrl.northumbria.ac.uk/36261/>> accessed 8 May 2020.

⁶⁷⁰ The word clouds at 4.3.1 and 4.3.2 depict the terminology used by the participants when asked to describe what employability meant to them.

⁶⁷¹ Paula Álvarez-González, M Jesús López Miguens and Gloria Caballero, 'Perceived Employability in University Students: Developing an Integrated Model' (2017) *Career Development International* 22(3) 280, 294 < Doi:10.1108/CDI-08-2016-0135> accessed 10 November 2020; Lorraine Dacre Pool and Peter Sewell, 'The Key to Employability: Developing a Practical Model of Graduate Employability' (2007) *Education and Training* 49(4) 277.

of disciplinary knowledge⁶⁷² and that argument is supported by the views of the alumni in this study who overwhelmingly agreed that the experiences in the CLE module built their confidence. The pedagogy of CLE is designed to allow students to develop mastery of tasks as they receive feedback on the work they prepare and learn to reflect on their performance. Bandura suggests that ‘mastery experiences’ are one way of building confidence,⁶⁷³ and it is clear from this study that the mastery that the alumni developed during the CLE module helped build their confidence, which had a transformatory effect on the alumni. With the majority of the alumni describing themselves as working-class, and reporting on low confidence impacting on their decision making around seeing a life in the legal world as ‘possible’, the CLE experiences helped them see themselves as lawyers.⁶⁷⁴ These mastery experiences provided them with the confidence they needed not just to build stronger employability narratives but helped their transition into employment.

Therefore, research objectives 3 and 4 have enabled me to make the following contribution:

Existing theoretical literature has been developed to support the link between CLE and confidence, which leads to enhanced employability through a belief that success in the graduate recruitment market is possible and once in employment helps ease that transition.

(iii) Actions: Professional Identity

This study builds on Holmes’s processual approach and identity construct to encompass ‘professional identity’, which is relevant to the legal sector and explored the experiences and perceptions of both alumni and employers to gain insights into the interactions of alumni and employers as professional identities were constructed, specifically but not exclusively through the CLE module. This has not been considered in the literature, which refers to a lack of research exploring the development of professional identity through university.⁶⁷⁵ One study by Sommerlad suggests that for ‘outsiders’ (non-traditional entrants to the legal profession) professional identity formation is premised differently from privileged ‘insiders’ as their ‘current cultural life and schemes of perception are incompatible with those of legal

⁶⁷² Nancy K Turner, ‘Development of Self-belief for Employability in Higher Education: Ability, Efficacy and Control in Context’ (2014) *Teaching in Higher Education* 19(6) 592, 597.

⁶⁷³ Albert Bandura, ‘Exercise of Personal and Collective Efficacy in Changing Societies’ in Albert Bandura (ed), *Self-Efficacy in Changing Societies* (Cambridge University Press 1995) 3.

⁶⁷⁴ Andrew Francis, ‘Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience’ (2015) *Journal of Law and Society*, 42(2) 173-201.

⁶⁷⁵ Franziska Trede, Rob Macklin and Donna Bridges, ‘Professional Identity Development: A Review of the Higher Education Literature’ (2012) *Studies in Higher Education* 37(3) 365, 368.

professionalism.⁶⁷⁶ To develop a professional identity, Sommerlad adds that individuals need to have a 'strategic understanding' of the professional landscape and many working-class students lacked familial connections at an early stage to gain those understandings.⁶⁷⁷ Given this study encompasses the 'outsiders' referred to by Sommerlad (i.e., mainly working-class students from a post-1992 university), they are likely to face similar challenges in developing their professional identities and the findings support the early challenges some of the alumni faced in trying to gain traction in the legal recruitment market. However, it was clear from the research that the alumni relied heavily on the CLE module to facilitate the development of their professional identity, which enabled them to gain insights and understandings of the accepted ways of 'knowing, relating and being' in that professional setting,⁶⁷⁸ which they were able to apply to help them navigate the recruitment process and to ease their transition into the workplace. The employer findings supported those of the alumni in relation to using the CLE experiences in the recruitment and selection process and CLE alumni performing well in the workplace. Research objectives 3 and 4 have enabled me to make the following contribution:

The existing literature has been augmented by showing that professional identity can be developed through CLE and that it can provide 'outsiders' with a strategic understanding of the professional landscape, which might otherwise be unknowable to them. Through this, employability is enhanced as CLE experiences are used to build strong employability narratives and to smooth the transition to the workplace.

In addition to constructing a professional identity through CLE, other communities were explored where students would be able to 'reflect, visualise, and imagine themselves as graduate and novice professionals to develop their understanding of self'.⁶⁷⁹ The area that is particularly important to this study relates to legal work experience, with research showing potential difficulties faced by 'outsiders' in accessing work experience⁶⁸⁰ despite it being a 'crucial dimension' in developing an employability narrative.⁶⁸¹ The findings showed that all

⁶⁷⁶ Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society* 34 (2) 190, 198.

⁶⁷⁷ Hilary Sommerlad, 'Researching and Theorizing the Processes of Professional Identity Formation' (2007) *Journal of Law and Society* 34 (2) 190, 200.

⁶⁷⁸ Mary Ryan and Mary-Ann Carmichael, 'Shaping (reflexive) Professional Identities Across an Undergraduate Programme: A Longitudinal Case Study' (2016) *Teaching in Higher Education* 21(2) 151, 151.

⁶⁷⁹ Denise Jackson, 'Re-conceptualising Graduate Employability: The Importance of Pre-professional Identity' (2016) *Higher Education Research & Development* 35(5) 925, 926

⁶⁸⁰ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 185.

⁶⁸¹ Andrew Francis, 'Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience' (2015) *Journal of Law and Society* 42(2) 173, 187.

but one of the alumni did secure work experience within the local area, however, no one applied to any of the elite legal sector firms. This is referred to as 'opting out' in the literature where some students perceive there is no 'fit' between them and the culture of certain law firms.⁶⁸² In terms of recruitment and selection for graduate roles, having legal work experience was preferred by most of the employers. The employers had mixed views on applicants treating the CLE module as if it was equivalent to a more traditional form of work experience, which was tentatively discussed in Thomas's research but because the employers in that study had not actually dealt with applicants with CLE experience it left the question as a theoretical one.⁶⁸³ The empirical evidence in this study aligns with those expressed in Thomas's research in that for some employers, it was seen as equivalent to traditional forms of work experience but for others, they preferred it to be supplemented by experiencing an actual law firm environment. However, given the potential challenges faced by 'outsiders' in securing legal work experience, there was support in the findings for using the CLE experience if that was all that could be drawn upon. Research objectives 3 and 4 have enabled me to make the following contribution:

This study augments the theoretical literature on the uncertainty surrounding CLE being seen as equivalent to traditional forms of work experience and supports an approach that embraces a range of experiences to support the employability narrative where this is possible.

Findings from both the alumni and employers offered new insight into non legal employers' view of CLE, which had not been explored in the CLE literature. The alumni who had engaged with the non-legal graduate recruitment sector reported on how impressed the employers had been that they had managed client relations. Furthermore, the non-legal employer was overwhelmingly positive about the experiences one of their graduates had gained from their CLE experiences, leading to this contribution:

The findings support the potential transferability of experiences gained through CLE beyond the legal sector to enhance employability.

⁶⁸² Eleanor Rowan and Steven Vaughan, 'Fitting In' and 'Opting Out': Exploring How Law Students Self-Select Law Firm Employers' (2018) *The Law Teacher* 52(2) 216.

⁶⁸³ Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018).

(iv) Personality & Professionalism

What was evident from the data was the employers' emphasis on personality, which aligns with existing research.⁶⁸⁴ Employers placed great weight on confidence and fit along with graduates being professional and appropriate. The findings show that employers looked more holistically at the applicants' experiences beyond standard undergraduate studies as a way of judging if a particular personality would fit into their organisation, with a key indicator being whether they could put a graduate in front of a client. However, some graduates could not present the professionalism required and this may be linked to a perceived absence of social and/or cultural capital. Students from lower socio-economic backgrounds can face greater difficulty in understanding the 'rules of the game' for success in the graduate recruitment market and can lack the knowledge and confidence to decipher and navigate them.⁶⁸⁵ However, the findings suggest that through the CLE module, the alumni gained social and cultural capital which then enhanced their employability as they had a stronger sense of how to enact professionalism and thus demonstrate the 'personality' and 'fit' employers were looking for. Research objectives 3 and 4 have enabled me to make the following contribution:

The findings support employability being enhanced through CLE as the alumni gained relevant experiences as well as insights into the cultural norms and values of the sector, which enabled them to enact the professionalism sought by employers.

Research objectives 3 and 4 made a significant contribution to answering the research question by providing insights gained from the processual approach taken in this research to CLE and employability. The CLE module enhanced employability by underpinning the construction of a professional identity. This increased alumni confidence and added value in terms of skills development, personal development and understandings of the professional norms that are expected within graduate recruitment, and through the early transition into employment. Employer insights of recruitment and selection interactions with graduates were that while the CLE experience was valued, it had to be part of a well-constructed career narrative, where the CLE module, while important, had to be framed with reference to its context and limitations. Gaining these in-depth insights into the impact of CLE on employability

⁶⁸⁴ Mohamed Branine, 'Graduate Recruitment and Selection in the UK: A Study of Recent Changes in Methods and Expectations' (2008) *Career Development International* 13(6) 497, 511.

⁶⁸⁵ Ann-Marie Bathmaker, Nicola Ingram and Richard Waller, 'Higher Education, Social Class and the Mobilisation of Capitals: Recognising and Playing the Game' (2013) *British Journal of Sociology of Education* 34(5-6) 723; Ciaran Burke, Tracy Scurry and John Blenkinsopp, 'Navigating the Graduate Labour Market: The Impact of Social Class on Student Understandings of Graduate Careers and the Graduate Labour Market' (2020) *Studies in Higher Education* 45(8) 1711.

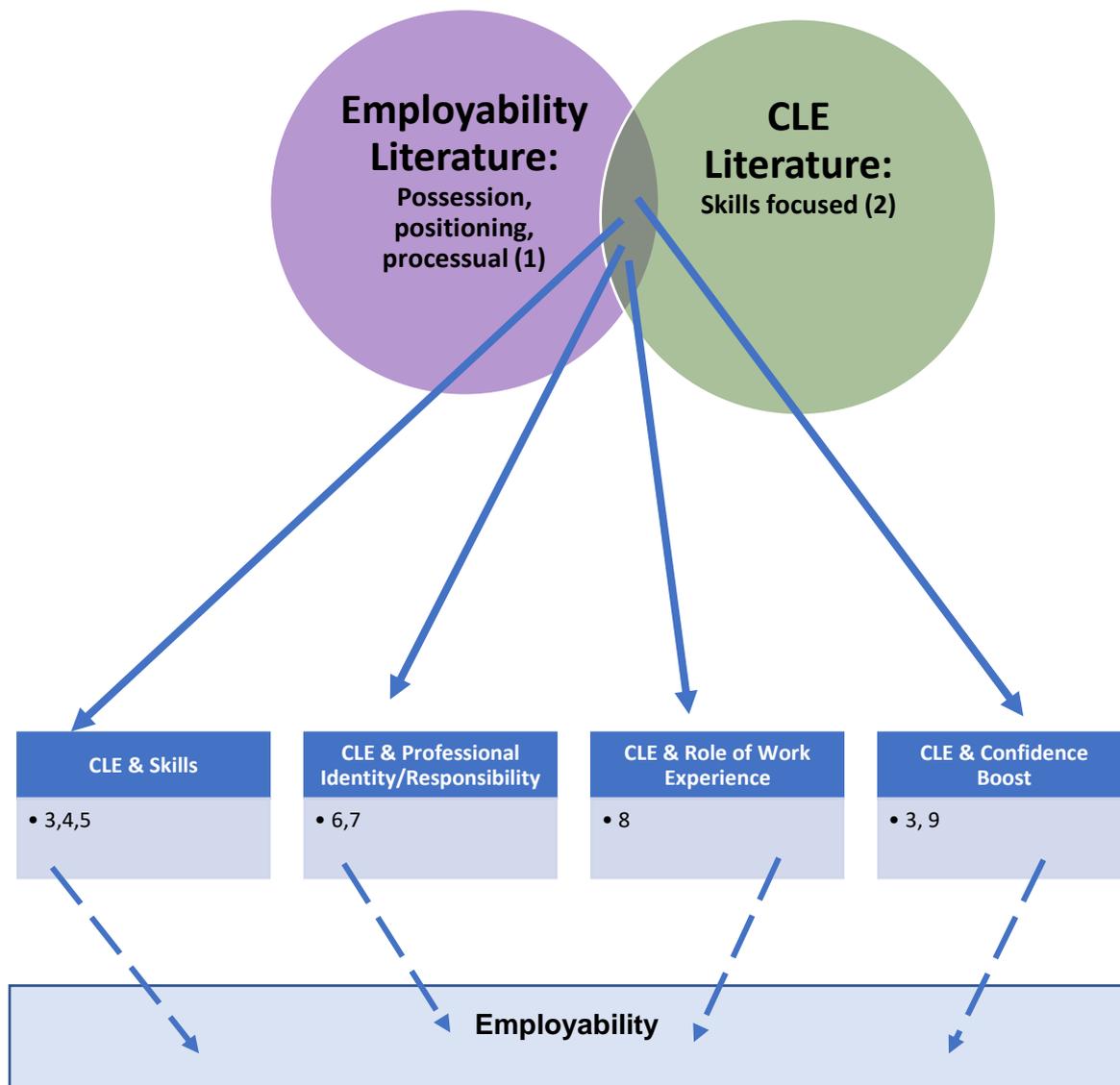
can be used to support the continuation of this type of pedagogy, which while expensive, offers very tangible benefits to students.

In this section, the research objectives were used to show how they contributed to answering the research question and to the claims made in relation to knowledge and practice. In the following section, the original and re-visited conceptual frameworks are discussed.

6.3 The Original and Re-visited Conceptual Frameworks

The conceptual framework that was originally created from the literature in chapter 2 and reproduced below (Diagram 10) showed not only how scant the literature was at the intersection of CLE and employability but how it was only loosely connected to employability and compartmentalised into different 'bins' with no references to any of the elements interconnecting or to any contextual factors. These loosely connected bins represent a fragmented approach to employability in the CLE literature, which does not reflect the employability literature's processual approach where employability is more holistic and interconnected. In Diagram 10, the 'loose' connection is depicted by a broken line in the arrows connecting each CLE 'bin' to employability. The CLE literature supported conceptualisations of employability as skills development via the CLE experiences, it included professional identity formation through CLE experiences, as well as how CLE experiences are valued as forms of work experience and the potential role it can play in confidence enhancement.

Diagram 10: The Conceptual Framework – Bins (source: author)



Key to the conceptual framework literature: 1: Holmes, 2: Dunn, 3: Alexander and Boothby, 4: Cantatore, 5: Blandy, 6: Foley, 7: Thanaraj, 8: Thomas, 9: Cantatore.⁶⁸⁶

⁶⁸⁶ 1: Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111; Leonard Holmes, 'Competing Perspectives on Graduate Employability: Possession, Position or Process?' (2013) *Studies in Higher Education* 38(4) 538; 2: Rachel Dunn, 'A Systematic Review of Literature on Clinical Legal Education' (2017) *International Journal of Clinical Legal Education* 24(2) 81 <<https://doi.org/10.19164/ijcle.v24i2.598>> accessed 8 May 2020; 3: Jill Alexander and Carol Boothby, 'Stakeholder Perceptions of Clinical Legal Education Within an Employability Context' (2018) *International Journal of Clinical Legal Education* 25(3) 53 <[Doi.org/10.19164/ijcle.v25i3.768](https://doi.org/10.19164/ijcle.v25i3.768)> accessed 20 May 2019; 4: Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019; 5: Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) *International Journal of Clinical Legal Education* 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020; 6: Tony Foley and others, 'Teaching Professionalism in Legal Clinic – What New Practitioners Say Is Important' (2012) *International Journal of Clinical Legal Education* 17:6 <<https://doi.org/10.19164/ijcle.v17i0.42>> accessed 2 October 2019; 7: Ann Thanaraj, 'Understanding How a Law Clinic Can Contribute Towards Students' Development of Professional Responsibility' (2016) *International Journal of Clinical Legal Education* 23(4) 89

Once the data had been analysed, the conceptual framework was re-visited at 5.8, and what was established was support for alumni and employer perceptions of employability within CLE being explored through a processual lens⁶⁸⁷ where employability is relational, interactional, and explored through professional identity formation. The employability literature referred to the three broad approaches to employability being possession (of skills), positioning (social and cultural capital) and processual but in reality the processual approach also incorporates the possession and positioning approaches.

Thus, a new conceptual framework (Diagram 11) evolved which illustrates employability from a CLE and processual perspective. Diagram 11 shows the interconnectivity of the possession, positioning and processual approaches within a CLE context. The circles demonstrate that possession and positioning are actually situated within the processual approach. Thus, following the data analysis, a new conceptual framework evolved showing the processual approach within a CLE context. The circles reflect what was seen in the data and show that the skills, and the social and cultural capital gained in CLE build confidence in the alumni as they construct their professional identities. The alumni then manage their employability by deploying what they have learned from CLE through the 'actions' that they take to have their professional identity affirmed or disaffirmed by employers.

The revisited conceptual framework encapsulates the current 'map' of the qualitative territory that has been investigated in this study⁶⁸⁸ to answer the research question – What are the perceptions of alumni and employers of the impact of clinical legal education on employability?

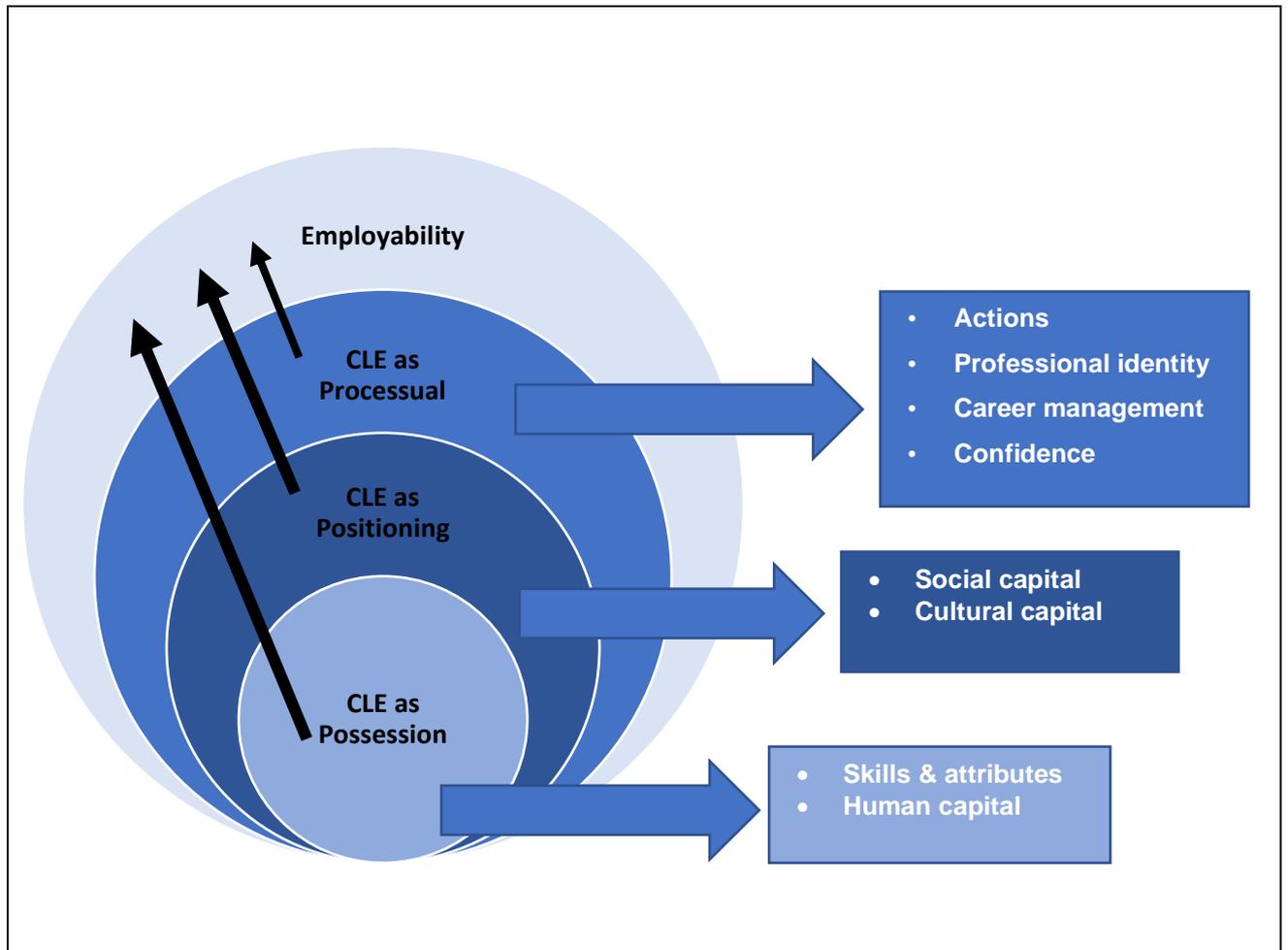
This can be succinctly summarised as supporting a position that alumni and employers' perceptions are that CLE has a positive impact on employability. CLE increases confidence and inculcates a professional identity, which enhances employability during the recruitment process and as the alumni move into the graduate labour market. However, it is not a panacea, it has to be considered in its context, and while it should be a key part of personal marketing, it should be deployed appropriately and proportionately.

<<https://doi.org/10.19164/ijcle.v23i4.521>> accessed 15 October 2019, 89-135; **8**: Linden Thomas, 'It Puts the Law They've Learnt in Theory into Practice: Exploring Employer Understandings of Clinical Legal Education' in Linden Thomas and others (eds), *Reimagining Clinical Legal Education* (Oxford 2018); **9**: Francina Cantatore and others 'A Comparative Study into Legal Education and Graduate Employability Skills in Law Students Through Pro Bono Law Clinics' (2020) *The Law Teacher* 1 <Doi: [10.1080/03069400.2020.1818464](https://doi.org/10.1080/03069400.2020.1818464)> accessed 12 December 2020.

⁶⁸⁷ Leonard Holmes, 'Reconsidering Graduate Employability: The 'Graduate Identity' Approach' (2001) *Quality in Higher Education* 7(2) 111, 112.

⁶⁸⁸ Matthew Miles, A Michael Huberman and Johnny Saldana, *Qualitative Data Analysis, A Methods Sourcebook* (4th edn, SAGE Publications 2020) 15.

Diagram 11: The Conceptual Framework Re-visited (source: author)



In the following section recommendations for practice are explored.

6.4 Recommendations for Practice

As an academic practitioner with 27 years' experience of teaching in a law school and leading on employability strategy, employability has never been more important at this time of 'unprecedented transformation in the legal profession and legal education'.⁶⁸⁹ In addition to the contributions detailed in 5.9 and summarised in 6.2 above, this thesis offers the following recommendations for practice:

⁶⁸⁹ Hilary Sommerlad, 'The Futures of Legal Education and the Legal Profession' in Hilary Sommerlad and others (eds), *The Futures of Legal Education and the Legal Profession* (Hart Publishing 2015) 1.

(i) Experiential Experiences

The findings strongly support the role of CLE in providing experiential experiences that increase confidence to boost students during the recruitment and selection process and as they enter the workplace. This knowledge can be used to inform educators with responsibility for the design and delivery of programmes and modules. While a full case work model such as the CLE module may not be a viable option for all, ways of incorporating experiential vignettes into modules could be considered as a way to build confidence and ultimately enhance employability. I suggest that these experiential experiences could be explored within a wide range of disciplines beyond law.

(ii) Deployment of CLE Experiences

The literature refers to graduates creating strong narratives⁶⁹⁰ but it is clear that while many are able to do that, others find it hard. The employers refer to some graduates being vague when trying to describe their CLE experiences. There was a lack of consensus amongst the employers on the level of detail required in relation to the cases the graduates had dealt with during their CLE module although they were all interested in graduates demonstrating that they can apply the law. It is clear that graduates do not always fully appreciate how to use their CLE experiences and there are gaps in terms of understanding how to deploy the CLE experiences within the recruitment context. In a highly competitive legal recruitment market educators and career practitioners need to work on effective ways to support students with respect to appreciating the best way to articulate the knowledge, skills and attributes gained from the CLE module in CVs and at interviews, including appreciating the CLE module context and its limitations within the broader legal sector. This would incorporate ensuring students understood how CLE differs to legal practice, so they do not fall foul of employers who feel they 'oversell' the experience and thus demonstrate 'naivety'. Using alumni to share their experiences would be a good way of helping students to create the strong narratives required to be successful in the graduate labour market.

(iii) Employer Engagement and the Role of Legal Work Experience

The findings suggest a need to improve the information available to students relating to the purpose of legal work experience (and the different types available), as well as how CLE is perceived by different employers. The alumni expressed confusion in their understanding of

⁶⁹⁰ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) *Education and Training* 59(4) 338, 346.

what the purpose of legal work experience was and what was to be gained from it. There was some evidence that students did not fully appreciate the point of engaging with employers through careers events such as career fairs and employer presentations. Employers expected graduates to have a good understanding of the firm they are applying to beyond what is simply available on the employers' websites. This needs to be made more explicit through careers support and within the CLE module and is particularly apposite for a post-1992 university with students from lower socio-economic groups who may lack the familial connections to understand the rules of the game in the legal sector recruitment market. Greater use of alumni as role models would be a potential route to explore, particularly given the positivity and success they have displayed in this study.

(iv) Processual Approach

On a broader perspective, while skills development has been emphasised in the curriculum in undergraduate and post-graduate programmes as being required to enhance the employability of graduates, the findings of this study present an approach to employability that goes beyond lists of skills and attributes. While employers did refer extensively to skills and attributes, it is clear that their requirements were more complex and multidimensional. Therefore, the findings support a reconsideration of the conventional approach to incorporate interpretations of employability that may align more with employer perceptions of what makes graduates employable. This could form part of the support provided by careers services as well as within local departmental careers briefings.

Having discussed recommendations for practice, in the following section reflexivity is discussed to support the trustworthiness of my research. As was stated in 3.4.4, reflexivity is an essential element of good qualitative research and refers to the 'process of critically reflecting on the knowledge we produce, and our role in producing that knowledge'.⁶⁹¹ Reflexivity is therefore part of the quality assurance process, with its benefits including enhanced trustworthiness of the data and an enhanced appreciation of the researcher's role.⁶⁹²

⁶⁹¹ Virginia Braun and Victoria Clarke, *Successful Qualitative Research, A Practical Guide for Beginners* (SAGE Publications 2013) 37.

⁶⁹² Sara Nadin and Catherine Cassell, 'The Use of a Research Diary as a Tool for Reflexive Practice: Some Reflections from Management Research' (2006) *Qualitative Research in Accounting & Management* 3(3) 208, 209 <Doi:[10.1108/11766090610705407](https://doi.org/10.1108/11766090610705407)> accessed 26 January 2020.

6.5 Reflexivity

The process of undertaking a DLaw has been a new and challenging opportunity for me at this relatively late stage of my academic career and as someone whose previous research has focused on substantive law and practice. In attempting to ‘grasp the nettle’ of doctorateness as a practitioner academic, Hall refers to the ‘unimaginable leap’ to gain an appreciation of what constitutes ‘doctorateness’.⁶⁹³ While this leap did at times make me feel like an imposter, operating in a previously unknown world where even the language was ‘alien’,⁶⁹⁴ reflexivity became an integral part of how I managed the doctoral experience as I worked through each stage of the doctoral process and became increasingly familiar and gradually more confident operating in this new world. Hibbert and others suggest reflexivity is understanding it as ‘related to, but qualitatively different from reflection’ and involves ‘exposing or questioning our ways of doing’.⁶⁹⁵ The literature on interpretivist research emphasises the importance of reflexivity to support the trustworthiness of research, a concept that can seem complex and ambiguous and is often conflated with reflection.⁶⁹⁶ While the importance of reflexivity is acknowledged, there appears to be a myriad of approaches. I drew on Berger when attempting to understand reflexivity, Berger frames it as:

‘... a process of continual internal dialogue and critical self-evaluation of researcher’s positionality as well as active acknowledgement and explicit recognition that this position may affect the research process and outcome’.⁶⁹⁷

At the core of reflexivity is a quality assurance process, where the explicit acknowledgement that research cannot be free from personal beliefs and feelings demonstrates reflexivity in relation to the influence of those factors. This is particularly important in interpretivist research such as mine, where the researcher’s role is to interpret the data and therefore acknowledging personal bias is essential to ensure the creation of good quality research. Reflexivity is viewed as providing a means of increasing the ‘integrity’ and ‘trustworthiness’ of the research findings,

⁶⁹³ Elaine Hall, ‘Grasping the Nettle of ‘Doctorateness’ for Practitioner Academics: A Framework for Thinking Critically About Curriculum Design’ (2019) *Studies in Continuing Education* 41(2) 157, 157.

⁶⁹⁴ Elaine Hall, ‘Grasping the Nettle of ‘Doctorateness’ for Practitioner Academics: A Framework for Thinking Critically About Curriculum Design’ (2019) *Studies in Continuing Education* 41(2) 157, 157.

⁶⁹⁵ Paul Hibbert, Christine Coupland and Robert MacIntosh, ‘Reflexivity: Recursion and Relationality in Organizational Research Processes’ (2010) *Qualitative Research in Organizations and Management* 5(1) 47.

⁶⁹⁶ Sarah Doyle, ‘Reflexivity and Capacity to Think’ (2012) *Qualitative Health Research* 23(2) 248.

⁶⁹⁷ Roni Berger, ‘Now I See It, Now I Don’t: Researcher’s Position and Reflexivity in Qualitative Research’ (2015) *Qualitative Research* 15(2) 219.

with critical reflection being used to 'continually monitor, or even audit, the research process'.⁶⁹⁸

When researching possible epistemological and theoretical approaches to frame my research, the interpretivist paradigm seemed to suit my skill set and sensibilities. As an experienced academic and legal practitioner, this research orientation addressed the *how* and *why* questions that have always interested me. I wanted to understand *why* things are as they are and *how* they could be different as my interest is in process and meaning rather than cause and effect.⁶⁹⁹ I wanted to uncover participants' accounts beyond what can be revealed from employability matrices and measurements and believed I had good interpersonal skills that could be used to build the rapport needed to uncover those accounts. This research is clearly subjective and as such, me as the researcher, and the participants all brought their own experiences, values, and perspectives to the research project. When espousing subjectivity, the researcher must be careful to incorporate reflexivity into the process, which I feel I have done. However, there is a balance to be struck, as there is a danger that reflexivity is a narcissist's dream in self-indulgence.⁷⁰⁰ Cohen and others point out that researchers have their own values, biases, and world views, and these are lenses through which they look at and interpret the already-interpreted world of participants.⁷⁰¹ By being reflexive throughout the process, I have been conscious of my position as the researcher and my relationship with the participants, which is inevitably affected by my academic identity.

In positioning my research epistemologically in a constructionist paradigm, where meaning is socially constructed and 'interpretation-free, theory-neutral facts do not, in principle exist',⁷⁰² then reflexivity acknowledges the situated nature of knowledge.⁷⁰³ Reflexivity is integral to every part of the research process, taking place in the design, conducting, and reporting of the research. For example, during the design phase, consideration was given to how my own background as an academic might affect the way participants perceive me and what biases I may have about the research topic. I have knowledge of the CLE module and while its philosophy and pedagogy are familiar to me, I have not taught on it and as such felt any

⁶⁹⁸ Linda Finlay, 'Negotiating the Swamp: The Opportunity and Challenge of Reflexivity in Research Practice' (2015) *Qualitative Research* 2(2) 209.

⁶⁹⁹ Virginia Braun and Victoria Clarke, *Successful Qualitative Research, A Practical Guide for Beginners* (SAGE Publications 2013) 9.

⁷⁰⁰ Linda Finlay, 'Negotiating the Swamp: The Opportunity and Challenge of Reflexivity in Research Practice' (2015) *Qualitative Research* 2(2) 209, 212.

⁷⁰¹ Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (7th edn, Routledge 2011) 225.

⁷⁰² Mats Alvesson and Kaj Skoldberg, *Reflexive Methodology: New Vistas for Qualitative Research* (2nd edn, SAGE Publications 2009) 1.

⁷⁰³ Mats Alvesson, Cynthia Hardy and Bill Harley, 'Reflecting on Reflexivity: Reflexive Textual Practices in Organization and Management Theory' (2008) *Journal of Management Studies* 45(3) 480.

perceived bias around any potential vested interest in this type of pedagogy would be less likely.

While undertaking the interviews, there was frequent reflection on how the interviews were being approached and on whether the objectives would be fulfilled. A short diary entry was written against each interview, an approach explored by Nadin and Cassell⁷⁰⁴ who suggest that a diary is a simple way to incorporate reflexivity and 'enables the researcher to continuously think about their own research practices and assumptions'. There can be a perception that conducting interview research is an easy option, particularly as interviews are so prevalent in the current social and political landscape.⁷⁰⁵ However, that would be a grave error and if not preceded by detailed planning and reflection, can result in data being collected that does not result in new contributions to knowledge.⁷⁰⁶

I was conscious during this study of my research question and experienced low level but persistent worry about the possibility of failing to produce research that could offer new insights. I have had considerable experience of carrying out interviews both when I was a solicitor in private practice and in an academic context when recruiting and line managing staff. I have taught and assessed interviewing skills at a post-graduate level. Despite this extensive experience, I did find research interviews challenging but only in the sense that I was anxious to ensure I was asking the 'right' questions to elicit 'good' data that would prove useful and insightful.

My diaries certainly reflect a recurring worry that I would not succeed in getting the data I thought I 'needed' whatever that might be. These concerns were captured in my interview diary, an extract of which is in Appendix J. My prior experience did give me the confidence to manage the interviews in such a way that participants did appear to be relaxed and find me approachable and as a result they appeared open and trusting in the interview and freely shared their views and observations. However, I seriously underestimated the time involved in the various aspects involved in interviewing. While each interview lasted between 45 minutes to an hour and a half, that does not in any way reflect the time it took in terms of establishing contact; arranging a mutually convenient time; travelling to interviews; engaging with the participants and then writing up diary entries. Listening to the recordings provided an opportunity to evaluate my performance. Although I am an experienced interviewer, I had not conducted qualitative interviews before and so was nervous about a number of issues,

⁷⁰⁴ Sara Nadin and Catherine Cassell, 'The Use of a Research Diary as a Tool for Reflexive Practice: Some Reflections from Management Research' (2006) *Qualitative Research in Accounting & Management* 3(3) 208, 210 <Doi:[10.1108/11766090610705407](https://doi.org/10.1108/11766090610705407)> accessed 26 January 2020.

⁷⁰⁵ Steinar Kvale, *Doing Interviews* (SAGE Publications 2007) 22.

⁷⁰⁶ Steinar Kvale, *Doing Interviews* (SAGE Publications 2007) 24.

including worries over the recording equipment (three devices were used to ensure success); whether the 'right' questions were being asked, and whether the participants would engage.

While the diary was an important reflexive tool and provided an excellent way to integrate reflexivity into the research process, my reflexivity did not start or indeed stop at the interview stage and was embedded throughout the research process. At the initial stages of this study as I grappled with the language of theory, ontology and epistemology, a great deal of time and thought went into finding the approach that best suited my outlook that would provide the framework for this study. As an experienced academic and property lawyer, this new world could not have been more different to my 'black letter law' sensibilities. However, I was interested in 'stories' and sought to understand individuals' interpretations of the world around them.⁷⁰⁷ An interpretivist stance provided the opportunity to take an inductive approach to the research, to unearth the 'stories' and a qualitative approach seemed to me the absolutely best option to achieve that.

During the data analysis stage, my 'black letter law' sensibilities resulted in an approach that while extremely detailed left me questioning what I had produced and whether some of the themes reflected what my early impressions had been from interviewing the participants. I sought out some support from an experienced academic colleague who confirmed my thoughts, I had coded to such a granular level that the voices of the participants had got lost and some of the themes did not answer my research question. The feedback from my colleague, said coding had been approached 'like a lawyer', interrogating the data with the same forensic approach that would have been used to review a legal document where every small detail had to be excavated and examined. I reflected on the advice and revisited my transcripts and re-worked the coding and the themes. This involved me stepping back from the granular detail to bring out the stories that reflected the data that had been collected. My reflexivity helped me approach the data in a new way that answered the research question in an interesting and meaningful way.

When analysing the data and writing up the study, I thought deeply and reflected upon the assumptions I was making and self-monitored the beliefs and experiences that underpinned those assumptions. It is important to realise that the researcher must make sense of the participants' interpretations and put themselves into the analysis and I did initially find this quite challenging as it very much went contrary to my training as a 'black letter lawyer' but I slowly built the skill set and appreciated that the researcher's subjectivity is an integral aspect of the research process. It is inevitable that you bring your previous experience to the research

⁷⁰⁷ Louis Cohen, Lawrence Manion and Keith Morrison, *Research Methods in Education* (7th edn, Routledge 2011) 18.

process but through reflexivity, I have challenged my previously held assumptions and approaches and ultimately I have changed as a researcher through my research process.

I am not apologist about my non-positivist stance, but hope my reflexive approach balances out any credibility challenges that interpretivist studies still encounter.

In the next section, the limitations of the study are discussed.

6.6 Limitations of the Study

As with any research, this study has its limitations. First, the DLaw has certain time constraints imposed upon it and this study had to be completed within the three and a half years allotted for a part-time professional doctorate at Northumbria University. Pragmatic decisions therefore had to be made in terms of research design and method that would ensure completion within the tight timeframe, but at the same time deliver on quality and novel contributions. As stated in the Introduction, CLE has many different forms and therefore the findings of this study have to be viewed within that context and may not be replicated for every form of CLE. However, there is no reason why the findings cannot be used by other CLE providers who operate in a similar manner to the CLE module. This is a north-east focused study, with all the participants being based in Newcastle and surrounding areas and with only one non-legal employer participant. The proxies used for social class were to some extent elementary but did offer a useful guide to social class albeit one that was perhaps inevitably imperfect. Even with these limitations acknowledged, they do not diminish the value of this study given the paucity of research in this area and the previous focus on quantitative studies and the elite sector.

Having discussed the limitations of the study, the following section considers areas for future research.

6.7 Future Research

A possible avenue for future research would be seeking the perceptions of a greater number of CLE graduates with a longitudinal analysis of how perceptions of CLE evolve as graduates not only transition into employment but as they continue to progress in their careers. It would be interesting to explore the longer term perceptions of the impact of CLE on employability as graduates advance their careers and potentially change careers.

Employers' views from beyond the region could be sought, subject to the proviso of having direct CLE knowledge, as we saw that the existing literature was scant in relation to employers with CLE knowledge. With many of the regional employers having a good level of

understanding of CLE, exploring alternative employers would offer a further insight into the value of CLE to employers.

Future research could focus on working-class students as this study has shown how CLE experiences transformed the confidence of the alumni in this study (many of whom said they were working-class), and therefore career enhancement interventions could be developed either through their programme of study or through extra-curricular experiences to work on confidence building. A research study that then sought to explore the students' perceptions of potential confidence building and its impact on employability decisions could then be undertaken.

A possible further area is to carry out a comparison study with clinics from different disciplines to get an understanding of how students in different disciplines manage their experiential experiences from an employability perspective. This may offer interesting insights on employability enhancement and deployment and the potential to share good practice across disciplines.

A final possibility is to undertake a project with law students who experience intersectionality, i.e. where they have a number of diverse social identities that intersect and that are subject to oppression and discrimination.⁷⁰⁸ For students who have intersecting identities, recruitment and progression can be even more challenging than for students from more traditional backgrounds. Therefore, it would be interesting to engage with these particular students as they negotiate the complexities of the labour market and transition into the workplace to gain insights into their university-work trajectories.

These could provide valuable contributions to research in this area.

6.8 Chapter Summary

This final chapter concludes this thesis. It has reflected on the research objectives and the contributions to the field of CLE and employability. The chapter demonstrated the steps undertaken by the researcher to actively engage with reflexivity throughout this process. The limitations of the study were identified as were areas for potential future research.

⁷⁰⁸ Intersectionality was first referred to by Kimberle Crenshaw in 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 1 University of Chicago Law Forum 1989(8) <<https://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>> accessed 26 May 2021.

Appendix A: Student Law Office and CLE Module Further Described

Law clinic had a modest genesis at Northumbria where it was originally located in a small room in the Law department, which had been a mortuary when the building was part of the medical school. In 2007, the Law School moved into a state-of-the-art building with purpose-built facilities for the SLO including over 100 computer stations and 5 client interview/meeting rooms. Currently around 150 students participate in the SLO, from October to May each year. Students work on cases under the supervision of members of academic staff who are legally qualified, with experience as lawyers in practice, who hold practising certificates, a professional requirement for those providing legal advice and services. There are currently 9 members of staff who work exclusively in the SLO as well as 14 other members of staff who mix clinic work with non-clinic work.

Up until 2016 the CLE module was a compulsory year-long credit-bearing module which students completed in their final year. The programme changed and in 2016 a new degree commenced, with the CLE module now being offered in the third year of the programme. The CLE module is no longer compulsory for every student; in year 3 students can elect to take a 60-credit year-long CLE module. Students working in the SLO are divided into groups of up to six students, called firms and within the firm, they can be put into a pair with another student who they work with throughout the module. Each firm is allocated an area of law.

What has defined CLE at Northumbria is the scale and extent of the clinical operation within a University context. It is operated on a full casework model, with the capacity to provide not just advice, but representation. Clients are not charged, and cases are selected on the basis of supervisors' preferences. Cases can be actively litigated, and the areas of law offered are dependent on the teaching team, but generally include welfare law, housing, employment, general civil and consumer, crime including criminal appeals, and family cases. They can vary from small-scale low value cases such a failure by landlords to return damage deposits to high profile criminal cases overturning wrongful convictions.⁷⁰⁹ Since 2008, the SLO has dealt with over 7,000 enquiries, represented over 3,000 clients, and recovered over £1 million on behalf of clients.⁷¹⁰ The SLO has won a number of awards culminating in the Queen's Anniversary Prize for Higher and Further Education. The prize is the highest national Honour awarded in

⁷⁰⁹ In *R v Allan* [2001] EWCA Crim 1607 the SLO represented a man who had been wrongly convicted in 1991 of the robbery of a postal van and sentenced to 8 years in prison. The SLO took his case to the Criminal Cases Review Commission and then to the Court of Appeal, which quashed his conviction and established legal rules relating to exclusion of evidence on the grounds of fairness and negligence at trial. Subsequently the SLO judicially reviewed the Home Secretary and Mr Allan was awarded £169,550 in compensation.

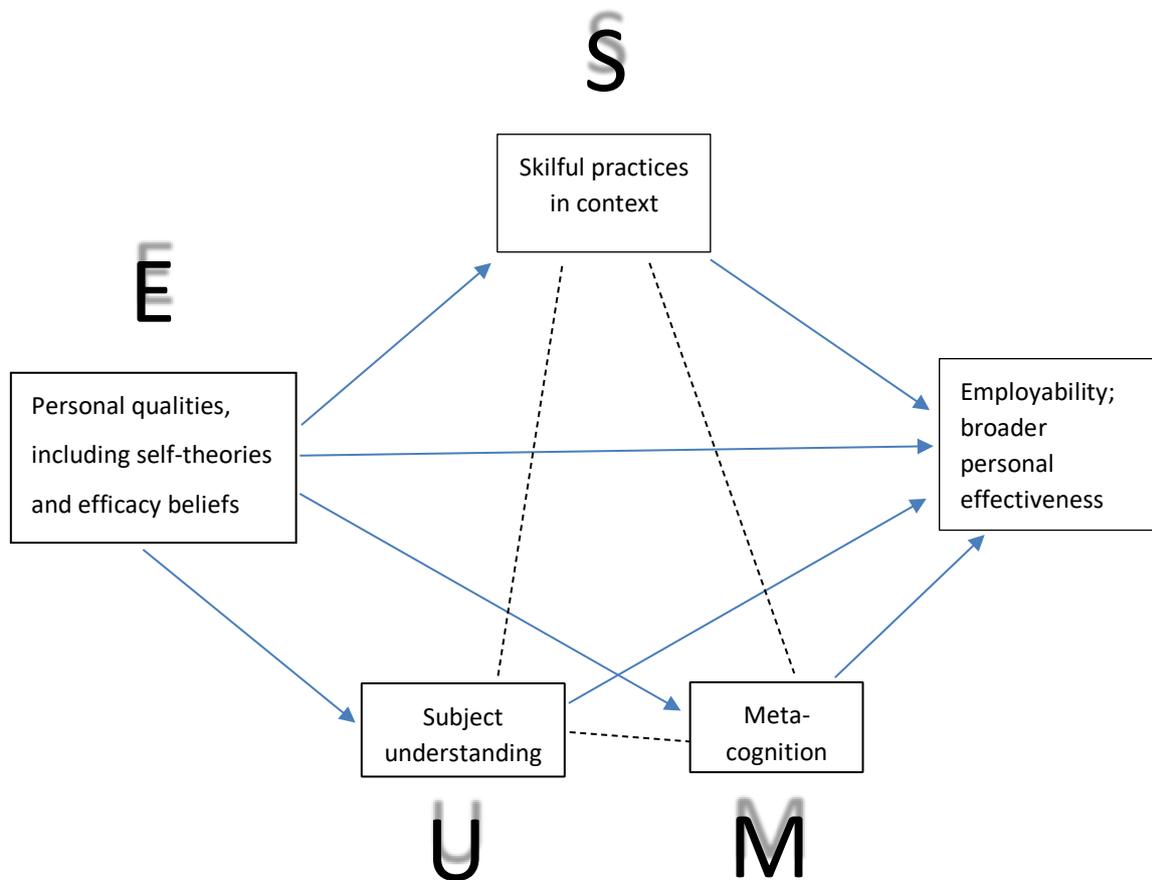
⁷¹⁰ Northumbria University (2018c). University Strategy 2018-2023. Retrieved from https://issuu.com/northumbria_university/docs/15939_nu_strategy_brochure__web_ver?e=165_02174/66510765.

UK further and higher education and is awarded in recognition of high-quality, innovative work by UK colleges and universities to improve the wider world through education and training. It was bestowed on Northumbria University for having: 'A university law clinic making a distinctive contribution to the needs of the local community and to legal education'.⁷¹¹

⁷¹¹ For details of all the prizes won by the SLO, see <https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/and-the-winner-is/> accessed 10 June 2021.

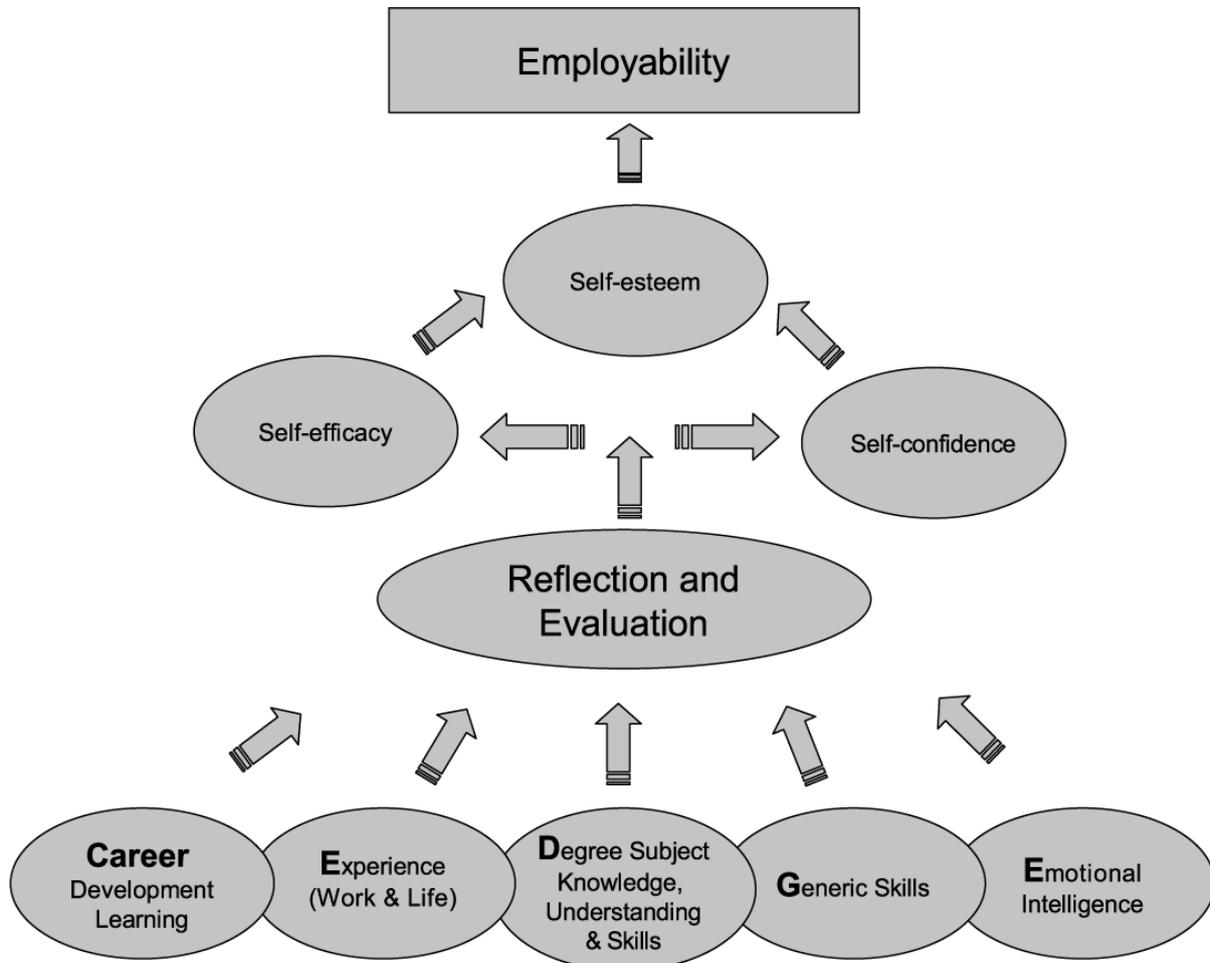
Appendix B: Models of Employability

(i) USEM model developed by Knight and Yorke⁷¹²



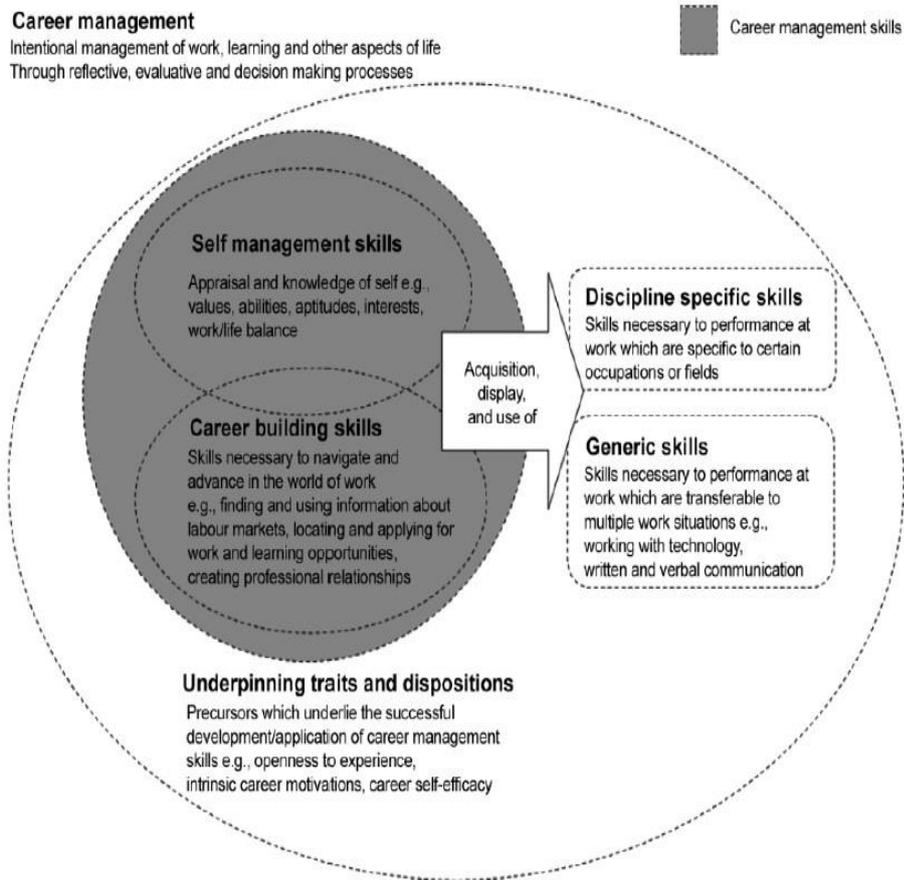
⁷¹² Phillip Knight and Mantz Yorke, 'Employability and Good Learning in Higher Education' (2003) *Teaching in Higher Education* 8(1) 3.

(ii) CareerEDGE model of Graduate Employability developed by Dacre Pool and Sewell⁷¹³



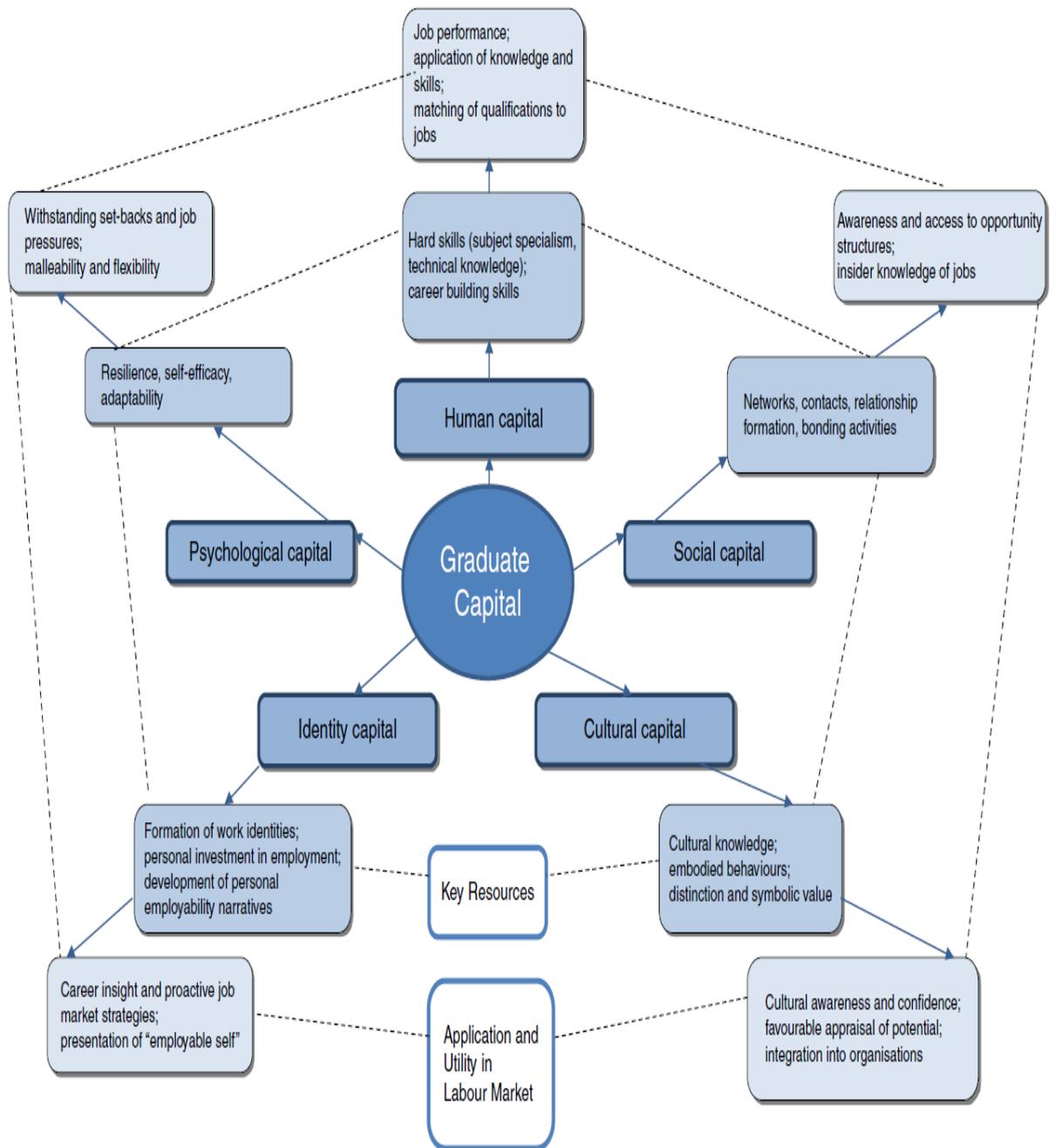
⁷¹³ Lorraine Dacre Pool and Peter J Sewell, 'The Key to Employability: Developing a Practical Model of Graduate Employability' (2007) *Education and Training* 49(4) 277.

(iii) Career Management model developed by Bridgstock⁷¹⁴



⁷¹⁴ Ruth Bridgstock, 'The Graduate Attributes We've Overlooked: Enhancing Graduate Employability Through Career Management Skills' (2009) Higher Education Research & Development 28(1) 31.

(iv) Tomlinson's Graduate Capitals Model⁷¹⁵



⁷¹⁵ Michael Tomlinson, 'Forms of Graduate Capital and Their Relationship to Graduate Employability' (2017) Education and Training 59(4) 338.

Appendix C: List of Graduate Attributes (Artes and others)⁷¹⁶

Attributes		
Aspiration	Giving and receiving feedback	Research skills
Autonomy	Independent thinking	Resilience
Career management	Initiative and self-direction	Self-management
Communication skills	Inter-personal skills	Social intelligence
Creativity	Language skills (particularly second language skills)	Team-working
Critical thinking skills	Multi-tasking	Time management
Customer awareness	Numeracy	Willingness (and capability) to learn
Digital literacy	Opportunity awareness	Work ethic
Emotional intelligence	Positive attitude	Writing skills
Enterprise/entrepreneurship	Presentation skills	
Ethics	Problem solving	
Flexibility and adaptability	Professional knowledge	

⁷¹⁶ Jane Artes, Tristram Hooley and Robin Mellors-Bourne, 'Employability: A Review of the Literature 2012-2016, A Report for the Higher Education Academy' (2017) <<https://www.advance-he.ac.uk/knowledge-hub/employability-review-literature-2012-2016>> accessed 12 November 2020.

Appendix D: Blandy⁷¹⁷

Comparison of skills mentioned by participants in the Sheffield survey, with skills listed by the World Economic Forum (WEF), Online legal careers advice, and the UK Higher Education Authority (HEA)

WEF	Survey	Online careers advice	Survey	HEA	Survey
Complex problem solving	✓	Commercial awareness	x	Thinking critically and analytically	✓
Critical thinking	✓	Attention to detail	✓	Writing clearly and effectively	✓
Creativity	✓	Time management	✓	Speaking clearly and effectively	✓
People management	✓ (for some)	Resilience and self-confidence	✓	Analysing numerical and statistical information	x
Coordinating with others	✓	Organisational skills	✓	Independent learning	✓
Emotional intelligence	✓	Genuine interest in, and broad knowledge of the law	✓	Innovation and creativity	✓
Judgement and decision-making	✓	Sensitivity and integrity	✓	Working effectively with others	✓
Service orientation	✓	Articulacy	✓	Developing and clarifying personal values	Unclear
Negotiation	Unclear	Discretion and trustworthiness	✓	Understanding people of other backgrounds	Unclear but probably
Cognitive flexibility	✓			Exploring complex real-world problems	✓
				Becoming an informed and active citizen	Unclear but probably

⁷¹⁷ Sarah Blandy, 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019) International Journal of Clinical Legal Education 26(1) 7 <[Doi.org/10.19164/ijcle.v26i1.821](https://doi.org/10.19164/ijcle.v26i1.821)> accessed 5 January 2020.

Appendix E: Cantatore GEI survey content⁷¹⁸

Below is a table of the skills and attributes used by Cantatore in her research project.

Abbreviated Title	Full text in the GEI
1. Knowledge	<i>Work related knowledge and skills</i>
2. Writing	Writing Clearly and effectively
3. Speaking	Speaking clearly and effectively
4. Thinking	Thinking critically and analytically
5. Quantitative	Analysing quantitative problems
6. Using ICT	Using computing and information technology
7. Teamwork	Working effectively with others
8. Independent learning	Learning effectively on your own
9. Intercultural Understanding	Understanding people of other racial & ethnic backgrounds
10. Problem-solving	Solving complex, real-world problems
11. Values and Ethics	Developing a personal code of values and ethics
12. Community Engagement	Contributing to the welfare of your community
13. Industry awareness	Developing general industry awareness
14. Social contexts	Understanding different social contexts

⁷¹⁸ Francina Cantatore, 'The Impact of Pro Bono Law Clinics on Employability and Work Readiness in Law Students' (2018) *International Journal of Clinical Legal Education* 25(1) 147 <<https://doi.org/10.19164/ijcle.v25i1.696>> accessed 12 February 2019.

Appendix F: Interview Guides

Alumni Interview Questions

Background

Name

Job

Gender

Age

Ethnicity

Social class/first gen to Uni

Degree classification

A level grades

Past: Recruitment

Did you apply for jobs:

Before the SLO/After the SLO /During the SLO

Other

Who/where did you apply to and why?

How many applications/interviews/job offers did you make/receive?

Did your experiences in the SLO affect your career choice?

If yes, in what way?

If no, why not?

When you were applying for jobs did you use your SLO experience?

If yes:

Is that: in CVs/applications

During interviews

Other

Explain in what way the SLO experience was used?

What in your view is the best way to incorporate SLO experience?

Do you think SLO helped you get a job?

Did you have other (law specific and non-specific) work experience?

If yes: How did you get that/those?

How long did it last?

What did you get from the experiences/s?

How did it compare to your experiences within the SLO?

If not: did you apply?

If yes: do you know why you were rejected?

If not: why not?

Did you engage with any of the following while at University:

- Careers service
- Extra curricular activities
- University societies
- Volunteering
- Employer presentations
- Careers Fair
- Other (e.g. family/friends guidance)

If yes, what was your motivation to do so?

If not, why not?

Present: Transition into first role

Did the experience you got through the SLO have any impact on how prepared you felt before and then when you started your training contract/job?

If yes: in what way did you feel more prepared?

If not: why not?

Did you feel better prepared than other graduates you meet in work, and if so, in what way/s?

What was the most valuable thing you took from your SLO experience?

If you had to choose between doing SLO and not doing it, what would you choose?

Why?

Were the experiences/skills you gained through SLO different to those that you obtained elsewhere on the course? If yes, in what way?

Did University prepare you for this type of job and its culture?

If not, could University prepare you?

What does 'employability' mean to you?

Do you have the job you hoped to get?

Is the job what you thought it would be?

What support mechanisms were there in place at work? How did employer support you – did you get what you expected/needed from them? If not – what was needed?

In the SLO you had a supervisor and now you have someone in your firm supporting you. Are there similarities/differences between this support and the support you seek out in practice?

Finally

Is there anything else you would like to discuss or clarify in relation to our discussion today?

Employer Interview Questions**Background**

Name

Organisation

Number of Employees (trainees/paralegal/barristers)

Role

How long have you worked here?

Past: Recruitment

Do applicants refer to their SLO experience in the application process?

If yes:

Is that: in CVs/applications

During interviews

Other

Explain in what way the SLO experience was used?

What in your view is the best way to incorporate SLO experience?

What are you looking for through the selection process, how do you differentiate?

What impact does legal work experience have on your decision-making?

Do you ask how they got the experience?

Do you offer work experience, if so is it structured/paid/openly advertised/does it feed into your graduate recruitment?

What does 'employability' mean to you?

Present: Transition into first role

What do you look for in a graduate?

Are you involved with the graduate once they start work?

How long have you managed graduates and how many graduates have you managed? How many from Northumbria Law degree programme?

What are your perceptions of the graduate's readiness for work and how they transitioned from university to work?

What do you think is important for graduates to demonstrate in the workplace? You said X, what does that mean to you?

Are Northumbria graduates demonstrating these?

If lacking then is this because of Uni/organisation/graduate attitude? In what way could University do anything to help?

How would you describe your interactions with the graduate to date? Anything surprising? Changes in attitude/behaviours?

In your view, did the graduate's SLO experience make any difference to their performance in the first 3 months of employment?

If yes: in what way?

Future: planning

What could be done to improve the SLO experience to help with transition into employment or how students use it within the recruitment process?

Finally

Is there anything else you would like to discuss or clarify in relation to our discussion today?

Appendix G: Participant Information Sheet

The study title: What are alumni and employers' perceptions of the impact of clinical legal education on employability of law students?

My name is Jill Alexander. I am a part-time doctoral student registered with Northumbria University. I am also employed as a Principal Lecturer in Law in the Faculty of Business and Law at Northumbria University.

I would like to invite you to participate in this research project, which forms part of my doctoral research. In order to help you to decide whether you do want to participate in this research this information sheet provides you with information about why this research is being undertaken and what your participation will involve. Please take time to read the following information carefully. Please feel free to discuss it with others if you wish. I am happy to answer questions if you would like more information.

What is the purpose of the study?

The aim of the study is to explore alumni and employer's perceptions of the impact of undertaking a clinical legal education module on the employability of law students. I will be undertaking semi-structured interviews to find out what the perceptions are.

Why have I been invited to take part?

I am inviting a range of students across different graduate positions along with their related employers.

Do I have to take part?

No. Participation is voluntary. It is up to you whether you wish to take part.

What will happen to me if I take part?

If you decide to take part then you will be asked to sign a consent form. Once you have returned this signed consent form to me, I will then discuss the interview procedure with you and arrange a time and place for the interview to take place. I have made arrangements with Northumbria University in Newcastle to use private rooms for the purposes of these interviews but if that is not convenient, we can meet at a place of your choice. The interview is likely to take an hour to an hour and a half. At the beginning of the interview, I will again check with you that you agree to being involved in this research. The interview will be recorded on a portable audio recorder, subject to your permission. The recording will then be transcribed for analysis. All recordings of data on the portable data recorder will be deleted after transcription. The data and the resulting transcripts will need to be kept until my

doctoral viva has been undertaken and my doctorate awarded. The data will be deleted and transcripts destroyed no later than 6 years from the date that the interviews occur.

What will happen to the results of the study?

I will use the results of my research to write my doctoral thesis. I also plan to share my research findings with other academics by publishing articles discussing my findings and by presenting papers at academic conferences in the UK and overseas. I will also produce a summary of the main findings of my research which I can send to you and to everyone else who agrees to be interviewed if you, and they wish.

Will my taking part be kept confidential?

What you say in an interview is regarded as strictly confidential. The only limits or exceptions to confidentiality would be where you say something in the interview, which suggests that information needs to be disclosed to a third party in order to protect you or somebody else.

You will be assigned a number that will be used for identification purposes throughout the study. Therefore, all information which I obtain from you will be completely anonymised (no names or personal details will be attached to the data if it is discussed with colleagues or with my doctoral supervisor, or when it is presented). When reporting on the research findings, I will not reveal your name, nor will any information be provided which might lead to you being identified. There will be no possibility of anyone else linking you as an individual with the information discussed in my thesis and any other publications discussing my research.

The Data Protection Act 1998 will apply to the information collected in the interviews. In order to comply with that act all information gathered within the interviews, including transcripts of the interviews will be held on password-locked computer files. No data will be accessible by anyone other than me.

What happens if I change my mind and want to withdraw from the research?

Even if you initially decide to take part, you are still free to withdraw from the research without giving any reason at any time. If you choose to withdraw, I will attempt to follow up with you, check how you are feeling and ask you for your reason for withdrawing, however you do not have to disclose your reason. The researcher also has the right to terminate your participation in the study. You can withdraw your data from the project at any time up to the point of analysis.

What are the possible benefits and risks of taking part?

Whilst I cannot promise that this study will provide you with a direct benefit, I hope that by publishing my findings I will contribute to academic debate on clinical legal education and its impact on employability. I am happy to provide you with a summary of a final report describing the main findings if you wish.

The main disadvantage to take part in the study is that you will be donating your time to take part. If you decide to take part, then you can withdraw at any time. You can withdraw your data from the project up to the point of analysis. No reason has to be given.

How is the project being funded?

This project is not funded.

Has the research received ethical approval?

The study has been approved in accordance with the research ethics procedures of Northumbria University and has been approved by the Faculty of Business and Law Ethics Committee. Please let me know if you require confirmation of this.

Who should I contact for further information?

If you have any questions or would like further information about this research, please contact me using the following contact details:

Jill Alexander

jill.alexander@northumbria.ac.uk, 0191 227 4333

Northumbria Law School
Northumbria University
Newcastle Upon Tyne
NE19 1BL

What if there is a problem?

If you have concerns about any aspects of this research then in the first instance please contact me and I will do my best to address those concerns. If you remain unhappy and wish to make a complaint about the conduct of this research, you should contact Professor Alan Reed: alan.reed@northumbria.ac.uk or telephone: 0191 2274768.

Thank you for reading this information sheet and for considering taking part in this research.

Appendix H: Consent Form



CONSENT FORM

Project Title: What are alumni and employers' perceptions of the impact of clinical legal education on the employability of law students?

Principal Investigator: Jill Alexander

*please tick or initial
where applicable*

I have carefully read and understood the Participant Information Sheet.

I have had an opportunity to ask questions and discuss this study and I have received satisfactory answers.

I understand I am free to withdraw from the study at any time, without having to give a reason for withdrawing, and without prejudice.

I agree to take part in this study.

I also consent to the retention of this data under the condition that any subsequent use also be restricted to research projects that have gained ethical approval from Northumbria University.

Signature of participant..... Date.....

(NAME IN BLOCK LETTERS).....

Signature of researcher..... Date.....

(NAME IN BLOCK LETTERS).....

Appendix I: Extract From Reflexive Diary

- Interviewed Jay on 18th Dec 2018.
- This was my first interview, and I was nervous, although not about the act of interviewing but more about the recording equipment, which seems to have a mind of its own. Using 3 devices is perhaps overkill but the recording on my phone stopped after 50 minutes, so pleased to have others.
- We met in my office, which went well as it was evening, and we had no interruptions.
- I was relatively happy with how I managed the interview. On the positive side, I feel I put them at ease but managing the interview was challenging and exhausting as you concentrate on the participant's points while framing the next question. I am not sure I got that 100% right and may have missed some pointers.
- Jay was very engaged and enthusiastic; I think I was surprised by his enthusiasm.
- I felt I understood all the points and I did follow up questions where relevant, although I do wonder if I am getting the 'right kind of data'
- Realised that I am anxious about being too 'leading' in questions, which is the impact of some of my previous professional training, but doubt it's an issue in this arena
- I realised I hadn't asked explicitly about the supervisor relationship (but unsure of its relevance (review literature)), although it did come out through the interview in any event.
- Interesting points on impact of working-class background on confidence and impact of SLO on increasing confidence.

Appendix J: Notes from Transcripts

Example: Notes taken when listening to transcripts

Very few TC applications while at Uni

Didn't engage because 'I thought I wasn't good enough'. Unsure of abilities so didn't get involved, lacked confidence.

Thought getting a TC would never happen because 'I probably didn't make an effort to engage in all these activities that I should've to make myself look like a more well-rounded person who can deal with things'.

Graduated in 2012 and got a TC in 2017, did paralegal jobs until got TC.

Thought big commercial firm, that these kinds of firms were for someone 'that wasn't like me.'

Used SLO in applications, talked about the cases, workload management, client contact, to be professional and how to communicate effectively

SLO was a really useful experience, especially as had no other legal work experience. It was a good starting point.

Had WE in a law firm, but not really useful, WE very different to SLO where was actively being asked for advice, able to set up a file and do advice and research.

Most valuable experience is client contact

SLO also built confidence by interviewing and preparing for interviews

Firm meetings could be daunting but get used to working with the group, working with a partner made you feel confident.

Use reflection a lot in practice, something she has always been good at, which developed from SLO.

Appendix K: Screenshots of Transcript Extracts with Codes

Extract from Interview Transcript with Initial Codes

Can I ask you just a bit about the SLO experience and had that any impact on your career choice or was your career choice set before the SLO?

I do think it had a massive impact really. It didn't change my career choice but it more confirmed it, I think. I came onto the law course thinking 'I want to be a lawyer,' which I'd imagine probably the majority do but some people don't, some people do – but I always thought – I think, what it done was give me confidence that I could do the job – I don't know necessarily if it gave me all the tools because, I mean, the SLO is quite limited in terms of what it can give you but I think it does a very good job of doing the very best it can. But I think I was a bit worried about giving advice to clients, speaking to clients, maybe I thought when I'm giving advice to a client will I crumble, will I stutter my words – that kind of thing because I've never done anything like that before and when I got into the office, realised I enjoyed it, and realised I could do it, that then consolidated yes, so I can go onto the next step and become a paralegal or then become a trainee. So I think it – I mean I think a lot of people go into fourth year thinking – if they haven't got anything sorted – will I become a lawyer? If not, what else am I going to do? That was the same for me; I didn't know what I wanted to do, whether I could do it, and I think the SLO, for me, confirmed that I can do it, so 'stay on that path.'

Do you feel that after your SLO, and you're having these interviews, you were doing applications for paralegals and for training contracts, did you use your SLO experience in any way, either in applications or interviews or in assessment centres – in any of those areas do you think you used your SLO experience and if so, how?

I think definitely I did. We have firm meetings within the SLO in our firm, a firm of six, every week we had a firm meeting – quite often in those firm meetings we do assessment centre activities and each student has to do a student-led firm meeting throughout the year, so mine was – I can't remember what we did but it was kind of like an assessment centre activity so they, quite clearly, prepare you for assessment centres because you do activities that you would do within the assessment centre. I think, speaking within the firm, trying to speak with a professional tone rather than – I mean because our firm are people we know and the six of us students, we wouldn't really talk in a professional manner when we were talking outside of the firm. But I think it's – yeah, all of the skills go to help talking in interviews, assessment centres, yeah, I would say I definitely took a lot of the skills there, just in terms of being professional, working in an office, talking to clients as well as – I mean, we're interviewing the clients, it's not the client interviewing us but when I'm at an interview for a job you kind of use the same tone that you would use in a client interview, just because it's professional talking and now you're more comfortable talking in a professional manner, whereas if all the learning was classroom based, you might not have picked up those skills.

You obviously did use your SLO experience – what do you think is the best way to showcase that to employers? Did you have a way of weaving in your SLO experience when you were speaking to them, was there any specific things you talked about in interview about SLO or was it more in the background of your skills?

It's always something I would talk about, I would make sure that it's one of the things that I would tell employers, that I work in the SLO, within a firm. I think the client contact is probably the main thing I would talk about, so I could say to them 'I've led client interviews, I've given advice to clients,' probably those are the two main things I would say because they know that the main thing is, if you go to work in a law firm, depending on what kind of law they do, you're going to be speaking to clients, so if I can go to them and say 'I've already done this,' and then I've got a mark to back it up to say 'that's the mark I've got,'

Jill Alexander

10. SLO had massive impact, confirmed career choice
Came into law course wanting to be a lawyer

11. Gave me confidence that I could do the job... so stay on the path

Jill Alexander

12. Worried about being able to speak to clients
11. Enjoyed SLO and 'could do it'

Jill Alexander

13. In the SLO group tried to speak with a professional tone
Working in SLO helped me be more comfortable talking in a professional manner
14. Built skills in SLO, being professional, talking to clients and working in an office
15. Classroom based learning doesn't build those skills.

Jill Alexander

54. Always something to talk about
16. Used experience of having client contact in interviews, advising and leading interviews
17. Impressed employers when you have not only done something but
19. have a mark to back up your claim.

because I'd got a decent mark so I would quite often use the mark to say 'I've done this and here's the mark, so I'm good at doing that' and I think they were quite impressed by that, so.

And were they interested in the SLO would you say? The employers at interview, did they want to know – I mean they're local firms so I guess some of them have an understanding of it so was that something that came up, that they raised things or was it just you telling them what you did?

I think, like you say, they're all local firms that I've applied to so they're aware of what the SLO is, so they didn't necessarily say 'what's the Student Law Office, what do they do?' but they asked what my experience was within the Student Law Office, what kind of law I'd done, what kind of issues would come to the office, and I think they genuinely were asking those questions out of interest. So they do seem very interested by it and I think they were quite impressed by the work us students had done within the Office, it's always something that I thought that – I mean, when you're talking to someone about something, you can tell if they're interested and I think they were quite interested in the stuff that we'd done in the Student Law Office and it was always something that they would – if I brought it up – they would then ask – branch questions from that. So yeah I do think they were quite interested in what I'd done there and what my experience with the Student Law Office would then bring to their business.

And what did you say it could bring to their business?

I would just probably say I've got a bit of a head start over somebody that hasn't done the Student Law Office experience, and again, like I said before, I would use the mark – my mark that I gained during the Student Law Office – to then say 'look, I've done this and I can do it and this proves I'm good at it,' whereas maybe another candidate that goes to apply for the job that hasn't done that – I mean they might be good at that but they haven't got something to prove they are, whereas I can then go and say 'look, I am definitely good at this.' So I mean I wasn't saying that to try and be big-headed or anything, do you know where I'm coming from though?

Oh well you have to sell yourself, absolutely, that's what it's all about.

Exactly I mean I've got, kind of, a bit of an assurance there on a certificate that shows I've done good at that. So you might as well sell yourself as that, yeah.

So in that way you kind of think it did help you get the job, because in a way, I think you're saying you were able to talk about experiences that are so relevant to practitioners, it's about clients, dealing with clients, speaking to clients. So what area of law did you do in the SLO?

We worked within a civil firm which, again, I think was a good thing to talk about with employers because this – I mean, civil law can be anything really can't it, which then shows that we weren't narrowed down in something so we could deal with different issues as they came into the office; we had to be quite flexible with our skills and I can't really compare that against another firm because I wasn't in any other firm, so I don't really know what kind of work they got, but I know - we got real clients in which was always – I mean I know I've mentioned that before but it's always something you can mention to employers, yeah.

So other than your [X firm] work experience, had you any other work experience in law firms?*

My [relative*] is a secretary in a small law firm—so she got me a bit of work experience there, this was in first year. But there was no application involved, nothing like that, it was just 'can my [relative*] come in and shadow you, give him a bit of work, see what it's like, see if he

Jill Alexander

18. Employers asked questions about specific experiences from the SLO

17. Employers seemed interested and impressed by SLO work

Jill Alexander

20. Employers interested in what I had done in SLO and what it would bring to the business

Jill Alexander

21. SLO provides a bit of a head start over somebody who has not done the SLO

19. SLO grade proved his capability

22. Using SLO to differentiate

Jill Alexander

19. His SLO mark was his 'assurance' that he had done good.

Jill Alexander

23. Civil firm in SLO, broad range of issues can come up
Could demonstrate flexibility in skills though the cases he had encountered

likes it,' so that was my first contact with the legal industry really. And I enjoyed that. So there was that one. I worked at Citizen's Advice Bureau for about half a year, I think that was during the second year – that did involve an application process but it was more like if you're up for working here you can come because it's pro bono, you don't get paid for it, but I mean I suppose you do get paid for it in terms of experience and hands-on with working with clients, dealing with semi-legal issues. So there was that, yeah, but apart from those two it was just the vacation schemes I've already told you about.

Jill Alexander
25 CAB for 6 months

And that vacation scheme at [X firm] was that – did you say one week?*

It was two weeks, yeah, which is quite long for a vacation scheme really isn't it, they're normally only one.

And what do you think you got out of that experience, the vacation scheme?

They were quite – I won't say brutal but they were quite – they were quite forthcoming with why I didn't get the job; they thought that I maybe wasn't ready to speak to clients, which I do agree with, I was in second year, I was a bit daft – I wouldn't say I was being daft at the vacation scheme by the way but I, like, I didn't do – my approach for those two weeks was speak to as many people as you can, bring a good impression off, so I would go round talking to as many people as I can and I think that had a bit of an effect on the actual work I produced during those two weeks, I was more hell-bent on bringing off a good impression –

Jill Alexander
26. VS: tried to make a good impression but failed
On VS, thought that getting to know people was the priority
VS: failed to recognise what was required by employer
Didn't progress beyond VS as 'not ready to speak to clients'
Described himself as a 'bit daft' at that stage and agreed that he wasn't ready to speak to clients
Note: is this why SLO so important, the emphasis on the 'marks' validating his worth?

Getting to know people?

Yeah, getting to know people, because that's the kind of thing you get told to do don't you?: network with people, talk to everyone, make sure you give off a good impression, ask lots of questions. But I think I took that to the extreme and didn't get the work done that I was set. So that's – I knew where I went wrong with that vacation scheme and then, in the next one, I kind of tried to balance it out and speak to a lot of lawyers there but also the work that you get done, make sure you do it and if it's not done by five o'clock, stay a little bit later and do it, yeah.

Jill Alexander
8. Learnt from 1st VS and improved for next one.
Lessons learnt from unsuccessful VS: speak to lots of lawyers but get the work done, don't rush away at 5... stay a bit later and get the work done.

And that's what you took out of that kind of work experience?

That was the main thing, it definitely was the main thing, yeah.

And what were they actually getting you to do during that period, workwise?

Yeah so, I mean it's a difficult one with vacation schemes because they don't want to give you any really important work, because they don't know what your abilities are, they don't know if you're any good. I think what they do is give you old cases that have already been worked on and so – I'm trying to think of some of the jobs I did at [X firm*] – I worked in the Court of Protection team, so I was doing things that you wouldn't really think would be legal jobs, like applying for a bus pass for one of the elderly clients they've got. What else did I do? I worked in the catastrophic injury team – there was a lot of shadowing involved, so if there were client meetings, I would go and sit in the client meeting, take notes and then write up the notes and maybe say – there was a lot of valuing claims as well so I'd find out what injuries were involved and then I would look at – I think it's a book called *Kemp & Kemp* – I would look through that and try and value the injury. Little bits and bobs like that, yeah.

Jill Alexander
27. Don't get really important work on VS, mainly old cases, shadowing, and things that that really aren't legal work

So if you had to summarise what you got from that experience what would you say?

I think you just get a bit of the – you see what it's like working in an office and – because office work is not for everyone, not everyone likes to sit behind a desk all day or not

Jill Alexander
27. VS just lets you see what it's like to work in an office in a law firm
VS shadowing... can be boring... but watching what could be you in a few years' time so need to see if you enjoy/can do it.
VS helped me see what the job involves, whether I would like it.

everyone likes to speak with clients, they'd rather sit behind a desk or you'd maybe rather do a physical activity, so I think I got a feel of what it's like to work in an office, what it's like to work in a law firm. I mean, the shadowing, it can be quite boring because you're just sitting there watching someone, but at the same time you're watching what you would potentially be in a few years so you're watching what they do 'will I enjoy doing this, can I do this, will I be comfortable doing this?' So I think a lot of that first vacation scheme at [X firm*], for me, was seeing whether or not I could do the job, whether or not I'd like doing the job, what the job involves – all of those questions that you can't really answer until you go into a workplace and do the things. I think it was just all those little questions were kind of – it was consolidating 'do I want to be a lawyer, do I not?' And I think the answers were 'yes.'

And so how would that experience compare with working in the SLO?

If I'm honest I think it was completely different, so different, because of the environment, really. Although the SLO is an office you're still sitting there with your peers who you've been in first year with, you've been on a lot of nights out with, all of these kinds of things so there's still a bit of a calmer atmosphere in the SLO, and also, I think one of the main things is you don't have to work if you don't want to, in the SLO, I mean I could go – and I'm not saying I did! – but I could go in the SLO and sit there all day, on Facebook on my phone and you're not going to have a supervisor come and say '[Z*] do that work,' if you don't do the work, you're not going to get a good mark, that's the motivation to work and obviously you don't want to let your firm members down, you don't want a client ringing you saying 'you haven't done this for me.' But in an office I think your supervisor would be tapping you on the shoulder saying 'get your work done.' I think that's probably the main difference; the relaxed feeling in the SLO, yeah.

Jill Alexander

28. SLO experience very different to VS
SLO more relaxed than VS or work since you work with your peers and don't have to work if you don't want to.
29 In SLO motivated by getting a good mark and no other repercussions unlike work

*Denotes- Redacted for confidentiality/anonymity

Appendix L: Extract from Alumni Code Table, showing code 11 and supporting quotes

<p>11. SLO gave confidence</p>	<p>Impact of doing SLO on confidence building</p>	<p>What is done was give me confidence that I could do the job (Jay)</p> <p>when I got into the student law office, realised I enjoyed it, and realised I could <i>do</i> it, that then consolidated yes, so I can go onto the next step and become a paralegal or then become a trainee (Jay)</p> <p>and it definitely gives you a push even if – if you are confident enough but don't quite believe it? It just – it reassures you that you actually are and you've got the skills and you are able to speak to someone and explain something really well (Ari)</p> <p>But I do think the SLO did help improve my confidence, because – it probably sounds quite stupid but I used to be terrified when I had to pick up the phone to ring someone, I was, like, physically shaking but obviously now I don't do that anymore (Kennedy)</p> <p>I think it was probably just the general sort of improving my confidence in talking to people and managing things and thinking ok maybe I could possibly do this! (Kennedy)</p>
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		<p>Yes, and it was building the confidence by interviewing and preparing for an interview, I'd never done that before, felt really nervous but afterwards felt really nice to have done that and was able to speak to someone and they thought that I knew what I was talking about even if at times I didn't and even sometimes now that's still the same (Rowan)</p> <p>Yes, I think just some really little things as well, feeling more confident, and this is ridiculous, the client file, the paper client file, knowing how that works, knowing how that folder actually folds and it's not a big thing but it is when you're in an environment that you're not feeling that confident in necessarily so all those little things just assisted, client file, file notes, I think just having an understanding of the basic process of those things is really useful and I think they may not do them in practise in the same way, they may dictate a lot more now, but actually having that core understanding of what a file was, I actually think is still really important (Kit)</p> <p>where just speaking to people and being able to hold conversations and not having the worries about going over and talking to someone that I didn't know (Alex)</p> <p>And I suppose it did kind of normalise it [speaking to clients] and now, in practice,</p>
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Built confidence in speaking to people

if I get asked to call a client, well I think – I still might feel a bit maybe nervous about it, I think oh well I've got to pick up the phone, do I know what I need to say? Do I know what I need to ask them? But having done it before it's much easier to just go well, no that's fine I'll just give them a call and speak to them. (Fin)

so it was learning to speak to them [clients] but there was also learning to speak to other students, because we work in a team because that's something different and having the confidence I guess to contribute in the firm meetings and things like that (Kennedy)

Appendix M: Extract from Employer Code Table, showing code 1 and supporting quotes

<p>1. SLO in applications and interviews/assessment days</p>	<p>SLO used in applications and at interviews to</p>	<p>Well, just to demonstrate any competency. So, I don't know whether that would be teamwork or just using examples of specific, kind of, individual cases or whatever that they've dealt with and how that relates to the competency that we're asking about. (Sydney)</p> <p>Yeah. You tend to see it in their covering letter, from my experience, and the CV as well, maybe examples of particular cases that they've been involved in (Devin)</p> <p>Obviously making sure you mention it [SLO] first of all, that's the obvious point but it's amazing how many people maybe don't sell themselves as well as they could in their CVs. (Bailey)</p> <p>So they usually mention it – so if we think about just Northumbria graduates or those that are just graduating, they will always mention the SLO in some form or another. It will either be set out as if it was a job, which I don't mind, because I think, you know, at the end of the day, if you're putting placements, internships, open days as your experience, then largely speaking the SLO is exactly the same. Nine times of out ten if not more, nearer the 100% mark, they will use an example at interview as well so it's a very – I think you probably promote it well in</p>
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		<p>that the students will know how important it is or feel it's very important to mention it to an employer, that they have some experience. (Jesse)</p> <p>So it's usually around – they'll use it as an example in terms of an interview example, obviously it's in the CV and you'll see that first but I mean ultimately, once you've sifted your CV you might have a few questions but largely speaking you've kind of dealt with the CV. They usually use it between – so we usually ask about five to six questions, they will generally use SLO as between one and all of the questions, so they'll use examples for one or all. My preference isn't that, in terms of the kind of higher end - because I don't think you just get to see the variety of who they are. But they tend to use it as in they'll talk – with confidentiality in mind – but they'll talk about how certain situations will then match the questions, so for example somebody – it might be around dealing with multiple deadlines, so they might use it to say they've got dissertation X going on, two essays, something else, might have another job – which would be my preference – and then they talk about the SLO as a separate example as in having to help a client. (Jesse)</p> <p>Yeah, a lot of them put a lot of emphasis on the SLO and what they did and how they have – they take that as – it depends on the CV; if they've got a lot of experience elsewhere it's less heavy but if they haven't got very much experience they hone in on the SLO stuff. Just claiming that they've had a lot of experience with clients and that they'd hit the ground running, that they can write, that they can interview. Again, it depends on the experience they had in the SLO and the firm that they were in and what they did. (Frankie)</p>
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		<p>Student law office, yes, and that can be very helpful because it gives them experience of dealing with members of the public and what I assume is like an office environment...at interview we tend to ask for examples of when they've dealt with a difficult situation or they've shown a degree of leadership and they tend to refer to that both in the application and at interview (Taylor)</p> <p>Very much so, often when giving examples that fit skills that are requested... so when you're asked to demonstrate that you have good communication skills and often use the example in the student law office I had to prepare letters to clients, or this that and the other, so yes they would do it in the application process before interview and definitely at interview ... Communication skills, time management skills would be the other one balancing that with their studies, teamwork would've been another one that they have referred to because you don't get that opportunity to demonstrate that typically in your degree, those are the most common ones that I can recall (Archer)</p> <p>They always do, pretty much, and I would expect them to because I think it is worth talking about. I think the ones that are good will use it to give real life examples in answer to the questions we are giving, which then helps us to recognise that they understand the reality of legal work and not just the theory. Those who are less attuned to what we are looking for just use it as one of the things off their list of things that they have done that they can talk about, but the value I think is in the application of what they know. It's not so much the</p>
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		<p>technical subject knowledge it's the managing clients, managing deadlines, working life bit that I'm most interested in. (Bobby)</p> <p>Yes, I would say pretty much all of them do .. it's on the application form stage, so the questions vary each year but historically we've generally had a couple of questions around what skills and qualities have you learnt from your work experience, so a lot of the students tend to mention it as if it is real practical work experience so it falls in the voluntary sort of experience bracket, they often mention it for that question, or we often have a question effectively being like a why are you a suitable applicant, so often they may mention it in the context of why they think they have got the transferable skills [at interview] so we might have lots of questions around service experience, so client service or difficult conversations, those sort of aspects, those sort of questions, how do you deal with situations that you felt uncomfortable or difficult, so often they use experiences that they've learned in that (Drew)</p>
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Appendix N: Initial Alumni Codes

1. Approach to applying for TCs	2. Untargeted applications	3. Uncertainty about career	4. Told to apply for TCs by law staff	5. Early rejections led to improved applications	6. Successful application	7. Targeted applications	8. Setbacks	9. Paralegal decision making	10. SLO impact on career choice
11. SLO gave confidence	12. Lack of confidence before SLO	13. Professional	14. SLO skills development	15. Classroom learning limitations	16. Client contact	17. Impressing employers	18. Being specific	19. Grade 'proving' capability	20. What SLO brings to the business
21. SLO gives a head start	22. Using SLO to differentiate	23. Flexible	24. Work experience	25. Volunteering	26. VS experience	27. Value of VS/WE	28. SLO different to VS/WE or CAB	29. SLO motivated by good mark	30. Importance of non-legal work
31. Career development	32. Motivations for doing extra-curricular	33. Value of SLO transition/work	34. SLO increased confidence in workplace tasks	35. Most useful/valuable thing about SLO	36. Importance of clients to law firms	37. Breaking the mould	38. SLO connects you to work	39. Academic modules	40. SLO 'best module'
41. Work readiness	42. Meaning of employability	43. Time recording	44. SLO constraints	45. SLO 'added value'	46. Support in the workplace	47. SLO mistakes	48. SLO 'image' v 'reality'	49. Choice of Uni	50. Supervision
51. Teamwork	52. Career goals	53. SLO and reality of legal work	54. SLO talking points	55. SLO skills transferable to non-legal work	56. Advantage over academic degrees	57. Culture shock	58. SLO fills gaps	59. SLO is 'merit' based	60. Impact of connections
61. Safety net of family	62. Impact of rumours	63. Lack of experience/skills	64. CV gap filling	65. SLO provides best examples	66. SLO conflicted	67. Working with people who are not like minded	68. SLO and feeling prepared for work	69. Reflection	70. Showing passion
			71. Opting out	72. Faking confidence	73. Self-critical	74. Understanding limits			

Appendix O: Initial Employer Codes

1. Use of SLO in app process	2. Technical knowledge	3. Client focus	4. Commercial awareness	5. Softer skills	6. Genuine engagement	7. Emphasise personal contribution	8. Avoid tokenism	9. Committed to being a lawyer	10. Differentiating hardest at application stage
11. Points system at application stage	12. 'Good feeling' about a candidate	13. Differentiation easier at assessment centre/interview stage: personality	14. Confident performance at AS/interviews	15. Assessment centres assessing different skills	16. Recruiting different types	17. Standing out	18. Avoid formulaic answers	19. Strengths/weaknesses questions	20. Legal work experience - genuine interest in law
21. Legal work experience - they know what the role entails	22. Absence of legal WE raises questions	23. Legal WE not essential	24. Easy to get WE in their firm	25. If have no legal WE, try harder	26. Meaning of employability	27. Potential employability	28. Employable has different meanings	29. Clients: Litmus test of employability	30. Transition to work: show willingness to learn/ enthusiasm/ eagerness in TC
31. Build relationships	32. Legal skills development	33. Readiness for work	34. Changing attitude to work	35. Need 'can do' attitude	36. Students can be 'overprepared' for interviews	37. Impact of SLO on performance in work	38. Employer perception of what more SLO could do	39. Trainees need to be proactive	40. Technology
41. Culture fit	42. Need a range of examples for interview questions	43. Examples don't need to be ground-breaking	44. Recognise skills	45. Appropriate behaviour at assessment centres	46. Importance of impressions at assessment centres	47. Professional attitude at AC	48. Legal work experience: don't ask how they got it	49. SLO use 'real life' client experience	50. Recognise they were supported in SLO
51. Reflection on performance	52. What candidates need to demonstrate	53. Show 'passion'	54. Candidates should avoid stock answers	55. Demonstrate interest/engagement with firm	56. Information overload	57. Making an impact on placement/V5	58. Legal WE and appreciation of 'connections'	59. Expect work history	60. Value of legal WE v work
61. Transition to TC: need to demonstrate	62. Trainees need to work hard but balance	63. SLO gives trainees a boost	64. SLO: no change	65. In recruitment process: How to use SLO	66. In recruitment: use SLO to evidence analytical skills	67. SLO and sense of reality	68. Use case examples in application process	69. In application, cover difficult situations and how you dealt with them	70. Looking for hard worker (when recruiting)
71. Value of SLO as WE	72. Type of WE not important	73. Prepare for interviews	74. Multiple applications	75. Mistakes and support	76. Ability to build relations (at AS)	77. Impact of no WE	78. Myths around modern graduates	79. Autonomy in work	80. Being self-aware
81. Competition within the workplace	82. Transition: flexible and adaptable	83. Understanding limits of working autonomously	84. Northumbria graduate demonstrated all the skills employer looking for	85. Avoid oversell	86. Demonstrating at interview: accepting criticism	87. CVs and applications	88. Paralegal employer: challenges	89. Transition to work: managers	90. Graduates attitude in the workplace
		91. Trainees tend to now have had legal experience before they start TC		92. Team fit	93. Communication	94. Confidence		95. Not Uni role to prepare 'lawyers'	

Appendix P: The Journey from Alumni Codes to Candidate Themes

74 codes have been developed, from which there are five candidate themes:

Themes:

1. Professional identity formation during application process
2. Using skills developed during CLE module to warrant professional identity
3. The impact of confidence on the formation of professional identity and the role of the CLE module
4. Impact of the CLE module on post university professional identity
5. CLE module positives and challenges

The Journey from Alumni Codes to Candidate Themes

1. Approach to applying for TCs	2. Untargeted applications	3. Uncertainty about career	4. Told to apply for TCs by law staff	5. Early rejections led to improved applications	6. Successful application	7. Targeted applications	8. Setbacks	9. Paralegal decision making	10. SLO impact on career choice
11. SLO gave confidence	12. Lack of confidence before SLO	13. Professional	14. SLO skills development	15. Classroom learning limitations	16. Client contact	17. Impressing employers	18. Being specific	19. Grade 'proving' capability	20. What SLO brings to the business
21. SLO gives a head start	22. Using SLO to differentiate	23. Flexible	24. Work experience	25. Volunteering	26. VS experience	27. Value of VS/WE	28. SLO different to VS/WE or CAB	29. SLO motivated by good mark	30. Importance of non-legal work
31. Career development	32. Motivations for doing extra-curricular	33. Value of SLO transition/work	34. SLO increased confidence in workplace tasks	35. Most useful/valuable thing about SLO	36. Importance of clients to law firms	37. Breaking the mould	38. SLO connects you to work	39. Academic modules	40. SLO 'best module'
41. Work readiness	42. Meaning of employability	43. Time recording	44. SLO constraints	45. SLO 'added value'	46. Support in the workplace	47. SLO mistakes	48. SLO 'image' v 'reality'	49. Choice of Uni	50. Supervision
51. Teamwork	52. Career goals	53. SLO and reality of legal work	54. SLO talking points	55. SLO skills transferable to non legal work	56. Advantage over academic degrees	57. Culture shock	58. SLO fills gaps	59. SLO is 'merit' based	60. Impact of connections
61. Safety net of family	62. Impact of rumours	63. Lack of experience/skills	64. CV gap filling	65. SLO provides best examples	66. SLO conflicted	67. Working with people who are not like minded	68. SLO and feeling prepared for work	69. Reflection	70. Showing passion
			71. Opting out	72. Faking confidence	73. Self-critical	74. Understanding limits			

1. Professional identity formation during application process [Combined some codes: (6 & 18; 58 & 64; 60 & 61)]

1. Approach to applying for TCs	2. Untargeted applications	3. Uncertainty about career	4. Told to apply for TCs by law staff	5. Early rejections led to improved applications	6. Successful application 18. Being specific	7. Targeted applications
8. Setbacks	10. SLO impact on career choice	17. Impressing employers	22. Using SLO to differentiate	24. Work experience	25. Volunteering	26. VS experience
27. Value of VS/WE	28. SLO different to VS/WE or CAB	30. Importance of non-legal work	31. Career development	32. Motivations for doing extra-curricular	54. SLO talking points	55. SLO skills transferable to non legal work
58. SLO fills gaps 64. CV gap filling	59. SLO is 'merit' based	60. Impact of connections 61. Middle class safety net	63. Lack of experience/skills	65. SLO provides best examples	70. Showing passion	71. Opting out

2. Using skills developed in CLE module to warrant professional identity: Combined codes (14, 18 and 23 as all relate to skills developed)

13. Professional	14. SLO skills development 18. Being specific 23. Flexible	16. Client contact	17. Impressing employers
20. What SLO brings to the business	35. Most useful/valuable thing about SLO	36. Importance of clients to law firms	40. SLO 'best module'
51. Teamwork	55. SLO skills transferable to non legal work	74. Understanding limits	

3. The impact of confidence on the formation of professional identity and the role of CLE



4. Impact of CLE on Post University Professional Identity: [Combined 41 and 68]



5. CLE module positives and challenges in the graduates' experiences

29. SLO motivated by by good mark	35. Most valuable thing about SLO	38. SLO connects you to work	39. Academic modules
40. SLO best module	43. Time recording	44. SLO Constraints	50. Supervision
56. Advantage over academic degrees	57. Culture shock	66. SLO conflicted	69. Reflection

Appendix Q: The Journey From Employer Codes to Candidate Themes

95 codes have been developed, from which there are 5 candidate themes:

Themes:

1. Employer perceptions and expectations of applicants during the recruitment process
2. Employer perceptions of the role of legal work experience and/or vacation placements in the recruitment process
3. Employer perceptions of the impact of the CLE module on employability during the recruitment process
4. Employers perceptions and expectations of graduates as they transition into the workplace
5. Employers perceptions of the impact of the CLE module on graduates as they transition into the workplace

1. Employer perceptions and expectations of applicants during the recruitment process

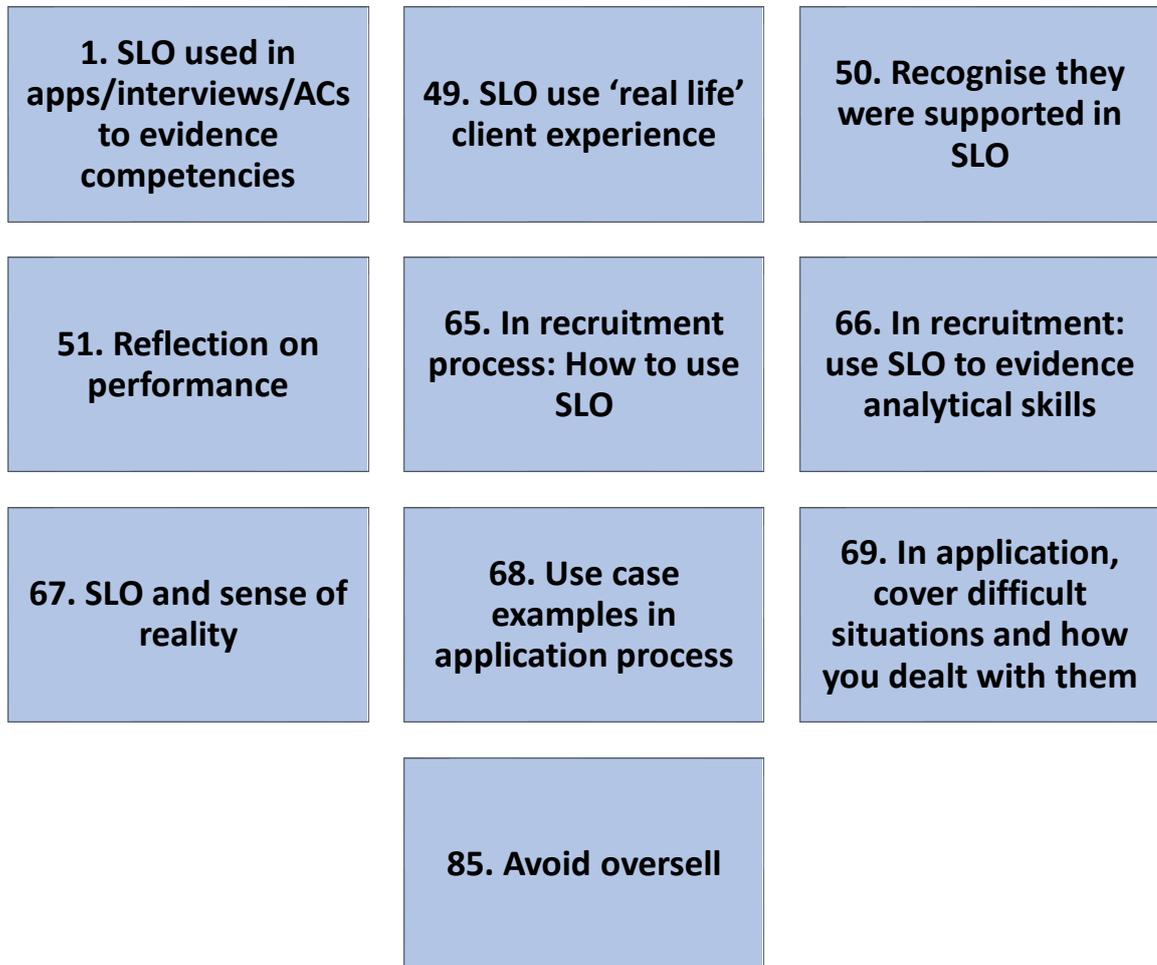
(Combined codes 15 and 76)

2. Technical knowledge	3. Client focus	4. Commercial awareness	5. Softer skills	6. Genuine engagement	7. Emphasise personal contribution
8. Avoid tokenism	9. Committed to being a lawyer	10. Differentiating hardest at application stage	11. Points system at application stage	12. 'Good feeling' about a candidate	13. Differentiation easier at assessment centre/interview stage: personality
14. Confident performance at AS/interviews	15. Assessment centres assessing different skills 76. Ability to build relationships	16. Recruiting different types	17. Standing out	18. Avoid formulaic answers	19. Strengths/weaknesses questions
26. Meaning of employability	27. Potential employability	28. Employable has different meanings	29. Clients: Litmus test of employability	36. Students can be 'overprepared' for interviews	42. Need a range of examples for interview questions
43. Examples don't need to be ground-breaking	44. Recognise skills	45. Appropriate behaviour at assessment centres	46. Importance of impressions at assessment centres	47. Professional attitude at AC	51. Reflection on performance 80. Self-aware
52. What candidates need to demonstrate	53. Show 'passion'	54. Candidates should avoid stock answers	55. Demonstrate interest/engagement with firm	56. Information overload	59. Expect work history
70. Looking for hard worker (when recruiting)	73. Prepare for interviews	74. Multiple applications	86. Demonstrating at interview: accepting criticism	87. CVs and applications	88. Paralegal employer: challenges

2. Employer perceptions of the role of legal work experience and/or vacation placements in the recruitment process

20. Legal work experience = genuine interest in law	21. Legal work experience = they know what the role entails	22. Absence of legal WE raises questions
23. Legal WE not essential	24. Easy to get WE in their firm	25. If have no legal WE, try harder
48. Legal work experience: don't ask how they got it	57. Making an impact on placement/VS	58. Legal WE and appreciation of 'connections'
60. Value of legal WE v work	71. Value of SLO as WE	72. Type of WE not important
	77. Impact of no WE	

3. Employer perceptions of the impact of the CLE module on the recruitment process



4. Employers perceptions and expectations of graduates as they transition into the workplace

(Combined codes 51 and 80)

31. Build relationships	32. Legal skills development	33. Readiness for work	34. Changing attitude to work
35. Need 'can do' attitude	39. Trainees need to be proactive	40. Technology	41. Culture fit
61. Transition to TC: need to demonstrate	62. Trainees need to work hard but balance	75. Mistakes and support	78. Myths around modern graduates
79. Autonomy in work	51. Reflection 80. Being self-aware	81. Competition within the workplace	82. Transition: flexible and adaptable
83. Understanding limits of working autonomously	89. Transition to work: managers	90. Graduates attitude in the workplace	91. Trainees tend to now have had legal experience before they start TC
92. Team fit	93. Communication	94. Confidence	95. Not Uni role to prepare 'lawyers'

5. Employers perceptions of the impact of the CLE module on graduates as they transition into the workplace

37. Impact of SLO on performance in work

63. SLO gives trainees a boost

64. SLO: no change

84. Northumbria graduate demonstrated all the skills employer looking for

Appendix R: Alumni & Employer Themes

Employer & Alumni theme:

The disputed language of employability

Codes	<ul style="list-style-type: none"> -The meaning of employability - Employability meaning different things
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Alumni themes:

1. The currency of confidence
2. The impact of CLE v the rest of the degree
3. Cultivating a professional identity through CLE
4. Cultivating a professional identity through professional socialisation

1. The currency of confidence

Sub-themes	Confidence while at university	Confidence in work
Codes	<ul style="list-style-type: none"> -Lack of confidence -SLO gave confidence -Opting out -Self-critical -Faking confidence 	<ul style="list-style-type: none"> -Confidence -Lack of confidence -SLO increased confidence in workplace tasks -Value of SLO in transition to work -SLO and feeling prepared -Using SLO to differentiate -SLO 'added value'

2. The impact of CLE v the rest of the degree

Codes	<ul style="list-style-type: none"> -Advantage over academic degrees -Academic modules -SLO provides best examples -CV gap filling
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3. Cultivating a professional identity through CLE

Sub-themes	Managing relationships	Managing work	Making mistakes	Reflection
Codes	<p>Pairs:</p> <ul style="list-style-type: none"> -Most useful/valuable thing about SLO -Skills -Teamwork -SLO constraints <p>Supervisors:</p> <ul style="list-style-type: none"> -Skills development -Professional -Supervision -Value of SLO in transition to work <p>Clients:</p> <ul style="list-style-type: none"> -Professional -Skills -Client contact -Impressing employers 	<ul style="list-style-type: none"> -SLO and reality of legal work -Culture shock -Skills 	<ul style="list-style-type: none"> -Making mistakes -Feedback -Supervision 	<ul style="list-style-type: none"> -Reflection -Self-aware

4. Cultivating a professional identity through professional socialisation

Sub-themes	Legal work experience	Extra-curricular	Part-time jobs	University careers provision
Codes	-Legal work experience -Value of legal work experience -VS experience	-Volunteering -Motivations -Societies	-Importance of part-time jobs -Recognising skills from part-time jobs	-Career development -Employer engagement -Careers Fairs

Employer themes:

1. Exploring employability through the employers' lens
2. Employers' perceptions of how students use and could use the CLE module in the recruitment process
3. Employers' perceptions of the impact of CLE on performance at work

1. Exploring employability through the employers' lens

Sub-themes	Legal expertise & skills	Personality	Need to demonstrate they want to be a lawyer
Codes	-Technical knowledge -Communication -Demonstrating at interview -Client focus -Relationships	-Motivations -Personality -Confidence -Culture fit -Authentic - Passion	-Commitment to becoming a lawyer -Show passion -Interest in the firm/region -Value of legal work experience -Professional -Demonstrating at interview and assessment centres

-Preparing for interviews and assessment centres	-Curious	
-Recognising skills	- Manage pressure	
-Reflection	- Well rounded	
-Hard work		
-Mistakes and support		
-Show willingness		
- Pro-active		
-Autonomy		
-Self-aware		
-Resilience		

2. Employer perceptions of how students use and could use the CLE module in the recruitment process

Codes	-SLO skills used in application process (communication, time management, teamwork)
	-Sense of reality
	-Readiness for work
	-Reflection
	-Case examples
	-Commitment to being a lawyer

3. Employers' perceptions of the impact of CLE on performance at work

Codes	-Impact of SLO on performance at work
	-SLO gives trainees a boost
	-Northumbria graduates and skills employers want

Glossary

BTC - Bar Training Course

CLE – Clinical Legal Education

HE – Higher Education

HEIs – Higher Education Institutions

LPC – Legal Practice Course

SLO – Student Law Office

SRA – Solicitors Regulatory Authority

SQE – Solicitors Qualifying Exam

TEF – Teaching Excellence Framework

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