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The Benefits and Challenges of the Policy Clinic Model of Clinical Legal Education

Siobhan McConnell,* Lyndsey Bengtsson,** and Rachel Dunn***

Abstract

This article examines the benefits and challenges of the policy clinic model of clinical legal education and enhances our understanding of the value of this teaching model. In policy clinics, students undertake policy work, conducting a research project for a client with a specific research need. This article presents the findings of the first detailed empirical study into policy clinics, capturing the perceptions of those supervising and undertaking policy work in the policy clinic at Northumbria University Law School. We found that policy work provided clear pedagogical benefits to students as they saw development of both their skills and their employability. Notably, there was a transformative shift for many students from an initial individualistic motivation for what policy work would bring to them personally, to an acknowledgment of the impact of their work on the wider community. Supervisors also benefited from policy work because it enhanced their skills and facilitated their research interests. However, there were challenges with this teaching model, including workload issues, fitting research projects into the academic year and ensuring true student-supervisor collaboration existed within a research project. The study will be of interest to academics undertaking, or intending to undertake, policy work both in Europe and beyond.

Keywords: policy clinic, policy work, clinical legal education, social justice ethos.

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Introduction

The Policy Clinic (PC) at Northumbria University Law School in England was established in 2018 with the aim of having a significant and positive impact on its students, its clients and wider communities. The PC allows law students to engage in a different type of clinical legal education (CLE) where they conduct research for individuals and organisations with a defined research need. Under the supervision of their academic tutor, students work with their clients (for example charities, non-governmental organisations and academics) to consider what laws may require reform and what that reform might look like. The aim of this work is to influence policy and/or law reform whilst developing the students' academic and professional skills.¹ The PC provides students with the opportunity to go beyond the classroom and gain insight into law reform.² It asks students to be curious about the law and to question its efficacy at the same time as gaining exposure to clients and enjoying the practice dynamic of work. Although policy work is not a new concept in legal education,³ there is little empirical data surrounding the impact of PC work, both on clients and students, apart from that written by the authors.⁴ Further, there is a lack of knowledge about the motivations and experience of academic supervisors who undertake policy work. A previous small scale study by the authors (involving students working in a 'hybrid clinic' that conducted live client work and policy work), highlighted why law teachers should consider policy work and its benefits to

¹ Rachel Dunn, Lyndsey Bengtsson and Siobhan McConnell, 'The Policy Clinic at Northumbria University: Influencing Policy/Law Reform as an Effective Educational Tool for Students' (2020) 27(2) *International Journal of Clinical Legal Education* 68.

² *Ibid.*

³ Please see Anna E Carpenter, 'Principles for the Project Model: Eight Principles to Maximise Student Learning and Social Justice Impact' (2013) 20 *Clinical Law Review* 39; William Wesley Patton, 'Getting Back to the Sandbox: Designing a legal policy clinic' (2011) 16 *International Journal of Clinical Legal Education* 96; Michael Coper, 'Law Reform and Legal Education: Uniting Separate Worlds' (2007-2008) 39 *University of Toledo Law Review* 233; Liz Curran, 'Innovations in an Australian Clinical Legal Education Program: Students Making a Difference in Generating Positive Change' (2004) 6 *International Journal of Clinical Legal Education* 162; S.H. Leleiko, 'Clinical Education, Empirical Study and Legal Scholarship' (1979-80) 30(1) *Journal of Legal Education* 149. For an early example of policy work (the Community Legal Research elective at the University Community Law and Legal Research Centre at the University of Technology, Sydney) see David Barker, 'The evolution of a community law and legal research centre: The UTS experience' (2002) 36 *The Law Teacher* 1, 6-9.

⁴ Rachel Dunn, Lyndsey Bengtsson and Siobhan McConnell, 'The Policy Clinic at Northumbria University: Influencing Policy/Law Reform as an Effective Educational Tool for Students' (2020) 27(2) *International Journal of Clinical Legal Education* 68.

students, namely in terms of skills development.⁵ Building on that study, this research fills an important gap in the literature by presenting empirical data on the benefits and challenges of engaging in policy work to both students (working in ‘hybrid’ and ‘pure’ PCs) and supervisors. This data is drawn from a two-year research study involving supervisors and students working in the PC at Northumbria University Law School between 2019 and 2021. Supervisors and students participated in focus groups where they discussed their perspectives on the PC and policy work. The students also completed a survey at the end of their PC year.

It should be noted that this article does not seek to discuss the balance and tension between the two main aims of CLE: education and skills development and the social justice mission, although both factors became apparent during this study. This issue has been written about elsewhere and is an ongoing debate.⁶ Further, although this article focuses on a PC in England, it is anticipated that the discussion and findings will be of interest to those working in CLE (and legal education more generally) across Europe and beyond. CLE as a teaching method is embraced by law schools globally⁷ but there is, arguably, a need to constantly review and reframe models of CLE to address changes in the higher education landscape, student demands, career opportunities and the needs of individual law schools.

This article begins by providing a brief overview of CLE and PCs, exploring the much needed, yet nascent in the UK, work PCs do and the distinguishing features of this teaching model. This overview is followed by an explanation of the study method and methodology before the results are presented and analysed. The findings suggest that, broadly, PC work was beneficial to students and supervisors, both in terms of personal and skills development and

⁵ Ibid.

⁶ See Donald Nicholson, ‘Our Roots Began in South Africa Modelling Law Clinics to Maximise Social Justice Ends’ (2016) 23(3) *International Journal of Clinical Legal Education* 87; Elaine Gregersen and Victoria Murray, ‘Mind the gap: Clinic and the Access to Justice Dilemma’ (2015) 11(3) *International Journal of Legal and Social Studies* 94; Praveen Kosuri, ‘Losing My Religion: The Place of Social Justice in Clinical Legal Education’ (2012) 32(2) *Boston College Journal of Law and Social Justice* 336; Richard J. Wilson, ‘Western Europe: Last Holdout in the Worldwide Acceptance of Clinical Legal Education’ (2009) 10(6/7) *German Law Journal* Vol 835.

⁷ For a summary of the global spread of CLE see Paul McKeown and Elaine Hall, ‘If we could instil Social Justice values through CLE should we?’ (2018) 5(1) *Journal of International and Comparative Law* 143. See also Frank S Bloch, *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford University Press 2010).

in gaining an appreciation of the wider benefits of policy work that would have an impact beyond the traditional live client model of CLE. However, there were challenges inherent in the PC model too. Ensuring that students were true collaborators in policy work could be problematic. Some students who did not choose to do policy work, particularly those working in hybrid PCs, found the work challenging and onerous and they sometimes lacked motivation. There was a general feeling that policy work made them less employable than students carrying out the more traditional model of live client CLE. Supervisor views reflected student perspectives to some extent, particularly in acknowledging the difficulties of conducting both policy and live client/simulated work simultaneously. Some supervisors did however benefit from policy work, particularly in the context of their own research development.

Background

What is CLE?

Described as a ‘powerful methodology for learning’,⁸ CLE fits within the wider pedagogical remit of experiential learning, where students develop professional skills through ‘real’ experiences.⁹ CLE contrasts with traditional models of teaching law through lectures by providing students with the opportunity to gain practical legal experience¹⁰ whilst also developing knowledge and skills.¹¹

⁸ Neil Gold ‘Why Not An International Journal of Clinical Legal Education’ (2000) 1(7) *International Journal of Clinical Legal Education* 12.

⁹ Adrian Evans et al, *Australian clinical legal education: models and definitions in Australian Clinical Legal Education* (ANU Press 2017) 41.

¹⁰ Steven Vaughan, Linden Thomas and Bharat Malkani, ‘Clinical Legal Education Reimagined’ in Linden Thomas, Steven Vaughan, Bharat Malkani and Theresa Lynch (eds) *Reimagining Clinical Legal Education* (Hart 2021); James Marson, Adam Wilson and Mark Van Hoorebeek, ‘The Necessity of Clinical Legal Education in University Law Schools: A UK Perspective’ (2005) 7 *International Journal of Clinical Legal Education* 29.

¹¹ Margaret Martin Barry, ‘Practice Ready: Are We There Yet’ (2012) 32 *BC J L & Soc Just* 247; Tony King, ‘Clinical Legal Education: A View from Practice’ in Linden Thomas, Steven Vaughan, Bharat Malkani and Theresa Lynch (eds), *Reimagining Clinical Legal Education* (Hart 2021).

The pedagogical value of CLE¹² and the value to the local community¹³ has been highlighted for many years. There is no agreed definition of CLE and the term has different meanings to professionals, academics and students.¹⁴ Bloch's definition of CLE states that it involves 'any law school course or program in which law students participate in the representation of actual clients under the supervision of a lawyer.'¹⁵ However, there are a variety of different approaches to CLE, for example, simulated, advice only and full representation clinics.¹⁶ It is widely recognised that CLE is an increasingly prevalent feature of legal education in England.¹⁷ Vaughan, Thomas and Malkani provide a holistic overview of CLE as 'the learning of the law and its implementation in the real world through action and reflection that has educational, public interest and employability benefits.'¹⁸ This 'public interest' factor is now explored in considering how CLE impacts on social justice.

CLE and Social Justice

As MacCrimmon and Santow highlight, 'while it is crucial for students to learn how to identify and apply legal rules, this should not be the sum total of their

¹² Richard Grimes, 'Legal Skills and Clinical Legal Education' (1995) 3 *Web Journal of Current Legal Issues*; Jeff Giddings, 'Contemplating the Future of Clinical Legal Education' (2008) 15 *Griffith Law Review* 15; Jonny Hall and Kevin Kerrigan, 'Clinic and the Wider Law Curriculum' (2011) 15 *International Journal of Clinical Legal Education* 25.

¹³ Lyndsey Bengtsson and Ana Speed, 'A Case Study Approach. Legal Outreach Clinics at Northumbria University' (2019) 26(1) *International Journal of Clinical Legal Education* 179; Frank Dignan 'Bridging the Academic/Vocational Divide: The Creation of a Law Clinic in an Academic Law School' (2011) 16 *International Journal of Clinical Legal Education* 75.

¹⁴ Adrian Evans et al, *Australian clinical legal education: models and definitions in Australian Clinical Legal Education* (ANU Press 2017).

¹⁵ Frank S. Bloch, 'The andragogical basis of clinical legal education' (1982) 35 *Vanderbilt Law Review* 321, 326.

¹⁶ For a discussion on different models see Donald Nicholson, "'Our Roots Began in South Africa" Modelling Law Clinics to Maximise Social Justice Ends' (2016) 23(3) *International Journal of Clinical Legal Education* 87. See also Lyndsey Bengtsson and Ana Speed, 'A Case Study Approach. Legal Outreach Clinics at Northumbria University' (2019) 26(1) *International Journal of Clinical Legal Education* 179.

¹⁷ Lydia Bleasdale-Hill, Paul Wragg, 'Models of Clinic and Their Values to Students, Universities and the Community in the post-2012 Fees Era' (2013) 19 *International Journal of Clinical Legal Education* 257.

¹⁸ Steven Vaughan, Linden Thomas and Bharat Malkani, 'Clinical Legal Education Reimagined' in Linden Thomas, Steven Vaughan, Bharat Malkani and Theresa Lynch (eds) *Reimagining Clinical Legal Education* (Hart 2021).

skills set.¹⁹ Social justice as an aim of CLE has been widely written about in the literature, but mainly in relation to live client work,²⁰ and PC work is yet to be fully explored. There are varying definitions of social justice.²¹ Weinberg argues that ‘social justice means that able members of society should challenge political, economic, societal, legal and other structures that oppress the less advantaged’.²² CLE promotes social justice by enhancing access to justice by providing legal representation to less privileged groups. Social justice is also progressed where clinicians instil social justice values into students, encouraging them to understand their future potential roles within the legal profession in challenging social injustice.²³

The PC at Northumbria University Law School

Northumbria University Law School’s Student Law Office (LC) is a well-established live client clinic.²⁴ All undergraduate law students at Northumbria

¹⁹ Les McCrimmon and Edward Santow, ‘Justice Education, Law Reform and the Clinical Method’ 212, in Frank S. Bloch, *The Global Clinical Movement: Educating Lawyers for Social Justice* (Oxford University Press 2010).

²⁰ Donald Nicholson, ‘“Our Roots Began in South Africa” Modelling Law Clinics to Maximise Social Justice Ends’ (2016) 23(3) *International Journal of Clinical Legal Education* 87; Praveen Kosuri, ‘Losing My Religion: The Place of Social Justice in Clinical Legal Education’ (2012) 32(2) *Boston College Journal of Law and Social Justice* 336; Richard J. Wilson, ‘Western Europe: Last Holdout in the Worldwide Acceptance of Clinical Legal Education’ (2009) 10 (6-7) *German Law Journal* 835.

²¹ See for example David McQuoid-Mason, ‘Teaching Social Justice to Law Students Through Clinical Legal Education and Community Service: A South African Experience’ in Mutaz Qafisheh and Stephen Rosenbaum (eds), *Experimental Legal Education in a Globalised World: The Middle East and Beyond* (Cambridge Scholars, 2016); I.P. Byron, ‘The Relationship Between Social Justice and Clinical Legal Education: A Case Study of the Women’s Law Clinic, Faculty of Law, University of Ibadan, Nigeria’ (2014) 20 *International Journal of Clinical Legal Education* 568; David Singo, ‘Clinical Legal Education and Social Justice—A Perspective from the Wits Law Clinic’ (2018) 2 *Stellenbosch Law Review* 295.

²² Jacqueline Weinberg, ‘Preparing students for 21st century practice: enhancing social justice teaching in clinical legal education’ (2021) 28(1) *International Journal of Clinical Legal Education* 5, 12-13.

²³ Anna Carpenter, ‘Principles for the Project Model: Eight Principles to Maximise Student Learning and Social Justice Impact’ (2013) 20 *Clinical Law Review* 39, 56-57 recognising how the project model of CLE (that includes law reform) offers social justice benefits.

²⁴ The LC drew on the medical education teaching model. For further information about the LC see <<https://www.northumbria.ac.uk/about-us/academic-departments/northumbria-law-school/study/student-law-office/>> accessed May 2024 . See also Cath Sylvester, Jonny Hall and Elaine Hall, ‘Problem Based Learning and Clinical Legal Education: What Can Clinical Educators Learn from PBL?’ (2004) 4 *International Journal of Clinical Legal Education* 39.

Law School have the opportunity to undertake a year-long LC module in their 3rd year of study.²⁵ Students work in ‘firms’ of up to 10, advising members of the public on a range of legal matters.²⁶ The students are supervised by a clinician who provides feedback to the students on their work, helping them develop the skills and knowledge needed in their future careers.²⁷

Law schools are increasingly looking to develop their CLE programmes.²⁸ Indeed, the PC was introduced in order to broaden the reach of Northumbria Law School’s CLE programme.²⁹ Instead of advising clients on legal issues, the PC at Northumbria Law School moves beyond the individual representation CLE model, allowing students to conduct empirical and/or desk-based research projects for individuals and organisations.³⁰ Students work with their clients to consider a particular legal issue or area that requires reform, devising a research project that considers the topic in detail. Students contribute to the design of the project, manage the project, undertake a literature review and conduct data collection and analysis where applicable. This work culminates in a written report that is presented to the client. The PC at Northumbria Law School has two formats – ‘pure’ PC firms that only undertake policy work and ‘hybrid’ PC firms that conduct a mixture of policy and live client work. Prior to entering third year, students indicate preferences as to the area of law they wish to study and whether they wish to undertake live client or policy work. Sometimes it is not possible to accommodate student preferences. Students in ‘pure’ policy firms have usually chosen to do policy work. Students in ‘hybrid’ firms have

²⁵ Although the module is not compulsory, most Level 6 (third year) students do select it.

²⁶ Including housing law, welfare benefits, employment disputes, criminal law, family law, business and civil litigation.

²⁷ The literature emphasises that supervisors play a key role in CLE. See for example Sharynne McLeod *et al*, ‘Models and Roles in Clinical Legal Education’ 54, in Lindy McAllister, Michelle Lincoln, Sharynne McLeod and Diana Maloney (eds) *Facilitating Learning in Clinical Settings* (Nelson Thornes 1997); Margaret M Barry, ‘Clinical Supervision: Walking that Fine Line’ (1995) 2(1) *Clinical Law Review* 137.

²⁸ Anna E Carpenter, ‘The Project Model of Clinical Education: Eight Principles to Maximise Student Learning and Social Justice Impact’ (2013) 20 *Clinical Law Review* 39.

²⁹ Rachel Dunn, Lyndsey Bengtsson and Siobhan McConnell, ‘The Policy Clinic at Northumbria University: Influencing Policy/Law Reform as an Effective Educational Tool for Students’ (2020) 27(2) *International Journal of Clinical Legal Education* 68.

³⁰ See Anna E Carpenter, ‘The Project Model of Clinical Education: Eight Principles to Maximise Student Learning and Social Justice Impact’ (2013) 20 *Clinical Law Review* 39 for a discussion on how law school clinical programmes are increasingly looking beyond the individual client representation model to develop the CLE experience.

chosen to do live client work and then conduct policy work either due to supervisor interest or lack of live client work.³¹

Carpenter notes how policy work offers ‘nearly unlimited options’ in the sort of work students may undertake.³² In policy work, the students undertake research for several different purposes and clients, so the exact nature of the work depends on the project. The types of projects the students work on in the PC at Northumbria Law School are wide ranging, involving areas such as family justice, environmental law, animal welfare and child friendly justice in mental health law. For example, a family justice project conducted for Surviving Economic Abuse, a charity helping survivors of economic domestic abuse, considered the use and issue of occupation orders.³³ Another project explored the legal issues that may prevent domestic abuse victims from obtaining a court order to protect them from future abuse, using semi-structured interviews with police officers and other stakeholders.³⁴ The impact of this project has been far reaching. The PC students’ report has been circulated to UK police forces to inform their strategic plans on domestic abuse and contributed to a new police disclosure request protocol for use in family law proceedings. In another project, PC students were commissioned by an academic at Northumbria University to send out freedom of information requests to a range of public hospitals to collect data on how information is provided to children detained under the Mental Health Act 1983, and then to analyse that data. This work is part of an ongoing research project. Similarly, PC students worked with an academic at Warwick University, analysing visual and survey data collected as part of a major university primary school outreach project, producing a report that has been used to present some of the research

³¹ During 2021-22 no live client work was conducted in the LC and supervisors conducted a mixture of simulated and policy work.

³² Anna E Carpenter, ‘Principles for the Project Model: Eight Principles to Maximise Student Learning and Social Justice Impact’ (2013) 20 *Clinical Law Review* 39, 41.

³³ Kayliegh Richardson, Ana Speed and Callum Thomson, *et al.*, *Occupation Order Project* (May 2021) <<https://survivingeconomicabuse.org/wp-content/uploads/2022/06/SEA-Occupation-Order-Project-Report-Northumbria-Uni-May-2021.pdf>> accessed April 2024.

³⁴ Kayliegh Richardson, Rachel Dunn and Alexander Maine *et al.*, *What Procedural and/or legal issues may prevent victims of domestic abuse from successfully obtaining an enforceable Family Court Order to protect them from future abuse?* (August 2019) <https://figshare.northumbria.ac.uk/articles/online_resource/What_procedural_and_or_legal_issues_may_prevent_victims_of_domestic_abuse_from_successfully_obtaining_an_enforceable_Family_Court_Order_to_protect_them_from_future_abuse_/12151977> accessed April 2024.

findings at conferences. The students were fully credited for their data analysis and contribution to this research in an article that examined this project.³⁵

Like all clinics, the PC aims to develop the students' academic and practical skills, but it does this in a different way whilst producing impactful research.³⁶ For example, students may develop their oral communication skills when presenting their research at a conference,³⁷ or when communicating with research participants and clients. They may also be involved in designing a research questionnaire or drafting ethics applications, activities they would not usually encounter in a live client clinic setting.

Why do Policy Clinic Work?

Engaging in policy work enables students to develop a range of skills including research design, participant interviewing, coding, data analysis and project management.³⁸ For the students in the PC at Northumbria Law School, the PC presents the only opportunity within their degree to conduct empirical research. The students can also see how their work 'may have a positive impact in generating change,'³⁹ thereby developing a social justice ethos.⁴⁰ We argue that PC is a teaching method that imparts practical skills and a social justice ethos, and one which academics, as well as clinicians, can engage with.⁴¹ We appreciate that we are potentially teaching social justice in a different way to the more traditional CLE methods. As Cantrell notes, PCs help to counter criticism that clinics are 'inattentive to the importance of theory and policy.'⁴² The PC is the ideal environment to engage students in research which has the

³⁵ Ali Struthers and Siobhan McConnell, 'Improve children's legal knowledge and skills through School Tasking: your time starts now' (2024) 58 *The Law Teacher* 1.

³⁶ Rachel Dunn, Lyndsey Bengtsson and Siobhan McConnell, 'The Policy Clinic at Northumbria University: Influencing Policy/Law Reform as an Effective Educational Tool for Students' (2020) 27(2) *International Journal of Clinical Legal Education* 68.

³⁷ In the 2021-2022 academic year, PC students presented their research in the worldwide Clinical Legal Education Organisation Student Law Symposium.

³⁸ Rachel Dunn, Lyndsey Bengtsson and Siobhan McConnell, 'The Policy Clinic at Northumbria University: Influencing Policy/Law Reform as an Effective Educational Tool for Students' (2020) 27(2) *International Journal of Clinical Legal Education* 68.

³⁹ Liz Curran, 'University Law Clinics and their value in undertaking client-centred law reform to provide a voice for clients' experiences' (2007) 12 *International Journal of Clinical Legal Education* 105.

⁴⁰ Michael Coper, 'Law Reform and Legal Education: Uniting Separate Worlds' (2007-2008) 39 *University of Toledo Law Review* 247.

⁴¹ In the UK policy supervisors do not need to be a qualified solicitor/barrister.

⁴² Deborah J. Cantrell, 'Are Clinics a Magic Bullet?' (2014) 51(4) *Alberta Law Review* 831, 838.

aim of suggesting legal reforms. This is something that is more difficult to achieve in live clinic work; although students can reflect about an injustice they have experienced during their clinical work, there is little opportunity to influence change.

Further, some argue that a good education should enable students to critically evaluate the world they live in,⁴³ and that higher education should develop scholarly knowledge-building communities where academics and students work in partnership to solve problems,⁴⁴ with students moving from being consumers of knowledge to engaging in the active production of it.⁴⁵ This can be seen within the new QAA Benchmark for Law, where it is emphasised that the study of law can help students to understand the inequalities of law within society, identifying the law's gaps and future potential. It also recognises academic research projects as a way to engage students in the legal and wider community.⁴⁶ Involving students with research and empirical projects alongside academics, something from which they are mainly excluded at undergraduate level, is possible through PC work. A further consideration for undertaking PC work is the changing landscape and function of higher education. Historically there was 'significant resistance' in law schools to engage with interdisciplinary study.⁴⁷ Arguably, in the UK this is no longer the case given institutional focus on the Research Excellence Framework (REF) and the requirement for academics to produce high quality research outputs.⁴⁸ The REF assesses the quality of research conducted by UK universities – its outcomes are used to benchmark universities for their research and to determine how public funding for research is distributed amongst universities.⁴⁹ The Knowledge Exchange Framework (KEF), measures UK universities in the different ways they work with external partners, including

⁴³ Shirley R. Steinberg and Joe L. Kincheloe, *Students as researchers: Creating classrooms that matter* (1998 Psychology Press).

⁴⁴ Angela Brew, *Research and teaching: Beyond the divide* (Palgrave Macmillan 2006).

⁴⁵ Mike Neary, 'Student as producer: Pedagogy for the Avant Garde' (2010) 1(1), Learning Exchange 1; John Hattie and H.W. Marsh, 'The relationship between research and teaching: A meta-analysis' (1996) 66(4) Review of Educational Research 507.

⁴⁶ QAA, *Subject Benchmark Statement: Law* (March 2023), <<https://www.qaa.ac.uk/the-quality-code/subject-benchmark-statements/subject-benchmark-statement-law>> accessed April 2024..

⁴⁷ S.H. Leleiko, 'Clinical Education, Empirical Study and Legal Scholarship' (1979-80) 30(1) Journal of Legal Education 149, 149.

⁴⁸ Stefan Collino, 'Defending universities: Argument and Persuasion' (2015) 7(1) Power & Education 29.

⁴⁹ Research Excellence Framework, <<https://www.ref.ac.uk/>> accessed April 2024.

business and community groups ‘for the benefit of the economy and society’.⁵⁰ Collier has noted the rise of socio-legal studies⁵¹ and how academics are being increasingly measured in research, teaching and knowledge exchange,⁵² creating what Thornton refers to as ‘research entrepreneurialism’.⁵³ Further, Bradney argues that law schools are no longer, ‘isolated from other parts of the university. Virtually every department in the social sciences and the humanities has been raided or visited by those in law schools.’⁵⁴ Policy work can help staff align their project supervision to their research interests and facilitate research led teaching, helping them to meet REF and KEF targets. The authors feel strongly, however, that students working in collaboration on policy projects should be given appropriate credit for such work and be named as co-authors or acknowledged in any publications resulting from the research project. A systematic literature review by Mercer-Mapstone *et al* has highlighted that some of the negative outcomes in research partnerships between students and staff can reinforce pre-existing power inequalities. Further, the reciprocation of exchanging knowledge and ideas during the project, does not always extend to co-authorship.⁵⁵ It is important that students receive appropriate credit for their work on research projects, no matter how beneficial to the academic or university.

Methodology

All LC students undertaking PC work in the academic years 2019/2020 and 2020/2021⁵⁶ were invited to participate in a focus group at the beginning of each year. Focus groups offer a cost-effective way of collecting qualitative

⁵⁰ UKRI, *Knowledge exchange framework* (UKRI, 9th November 2022) <<https://www.ukri.org/what-we-offer/supporting-collaboration/supporting-collaboration-research-england/knowledge-exchange-framework/>> accessed April 2024.

⁵¹ Richard Collier, ‘The Law School, The Legal Academy and The “Global Knowledge Economy”- Reflections on a Growing Debate: Introduction’ (2005) 14(2) *Social and Legal Studies* 259.

⁵² Richard Collier, ‘The Liberal Law School, the Restructured University and the Paradox of Socio-Legal Studies’ (2005) 68(3) *Modern Law Review* 475.

⁵³ Margaret Thornton, *Privatising the Public University: The Case of Law* (Routledge 2012) 182.

⁵⁴ Anthony Bradney, *Conversations, Choices and Chances: The Liberal Law School in the Twenty-First Century* (Bloomsbury Publishing 2003) 10.

⁵⁵ Lucy Mercer-Mapstone *et al*, ‘A Systematic Literature Review of Students as Partners in Higher Education’ (2017) 1(1) *International Journal for Students as Partners*. DOI: <https://doi.org/10.15173/ij sap.v1i1.3119>.

⁵⁶ These focus groups took place online due to COVID-19.

data,⁵⁷ enabling researchers to obtain diverse perspectives on a particular topic⁵⁸ and to explore why a particular issue is important.⁵⁹ Given the aim of the research was to consider the benefits and challenges of policy work from those who learn and supervise in the PC, focus groups were considered the most appropriate method for qualitative data collection. 81 students participated across 10 focus groups within the LC firms in which each group was placed. The participants were in either a ‘pure’ PC firm that only undertook policy work or a ‘hybrid’ firm that conducted policy work alongside live/simulated⁶⁰ client work. There were four pure PC firms and six hybrid PC firms. In the 2019/2020 academic year, some of the students in the pure PC firms had chosen to do policy work and some had not. In the 2020/2021 academic year, all of the students in the pure PC firms had chosen to do policy work.

The participants were asked for their views at the end of each academic year. Due to the COVID-19 pandemic, in-person focus groups were not possible and an online questionnaire was used for data collection because it was quick and simple to design.⁶¹ The questionnaire was sent to the participants at the end of each academic year and 22 responses were received. This ‘before and after’ approach was taken to provide sufficient insight into student perspectives of their PC experience across the year-long module. To obtain supervisors’ views on PC work, in May 2021 an online focus group was conducted with all four supervisors who had supervised students undertaking policy work during the academic year 2020/2021. Three supervisors led hybrid PC firms and one led a pure PC firm. This was a higher number of PC supervisors than in previous years because supervisors elected to do policy work as an alternative to live client work due to disruption caused by COVID-19.

⁵⁷ Richard A Krueger, *Focus groups: A practical guide for applied research* (1994, 2nd edn Sage).

⁵⁸ Michael Q Patton, *Qualitative Research and Evaluation Methods. Integrating Theory and Practice* (4th edn, SAGE 2015) 477.

⁵⁹ David L Morgan, *Focus groups as qualitative research* (SAGE 1988).

⁶⁰ In 2020/21 the hybrid firms conducted simulated rather than live client work due to COVID-19.

⁶¹ The questionnaire was free to design although a subscription is paid to Bristol Online's (now Online Surveys) services by Northumbria University. The authors could have conducted online focus groups, however in March 2020 the students had just transitioned online and were adapting to this environment.

Ethics approval was obtained from the authors' institution prior to starting the data collection process and each participant provided informed consent to the research study.⁶² For both the supervisor and student focus groups, a topic guide was prepared but the moderator could deviate from it if required. Each focus group was recorded and transcribed afterwards.⁶³ The transcripts were coded and organised into themes using NVivo. The themes explored in the following section are:

1. supervisor and student feelings about PC work;
2. developing skills and attributes – beyond just research;
3. the impact of PC work on employability and the need for explicit guidance on the PC experience;
4. the student journey (the move from the self to the wider benefits to society); and
5. the benefits and challenges for supervisors.

A limitation of this research is that it examined students and staff within one university. Given the aim of qualitative research is 'transferability' rather than statistical generalisability⁶⁴ the authors would argue that the results and findings of this study can be transferred to other universities (in Europe and beyond) looking for ways to broaden their CLE programme. However, a larger study combining data obtained from other PCs within other universities would further develop insight into the benefits and challenges of this model of CLE.

The next part of the article presents the results of the study and discusses the findings with reference to the literature in this area.

⁶² All research was undertaken in accordance with Northumbria University's ethics procedure – at this stage, Rachel Dunn was employed by Northumbria University. Moderators asked participants to sign an informed consent form at the beginning of the focus group, which assured anonymity and confidentiality. Supervisors did not know which students had participated and no names were referred to in the transcription. Participants were also asked to read an information document before they agreed to participate. This explained the purpose of the focus group confirming that participation would not affect any aspect of their studies or their LC grade.

⁶³ Student focus groups lasted 10-20 minutes; the supervisor focus group lasted 70 minutes.

⁶⁴ As highlighted by Rosaline S. Barbour, 'Making sense of focus groups' (2005) 39(7) *Medical Education* 742; Dawne S. Vogt D, Daniel W. King and Linda A. King, 'Focus groups in psychological assessment: Enhancing content validity by consulting members of the target population' (2004) 16(3) *Psychological Assessment* 231.

Results and Discussion

Theme 1 - Supervisor and Student Feelings about PC Work

Student participant perspectives

At the start of the academic year, the student participants had mixed views about undertaking PC work. Some were excited and had chosen to do it. Those that had not chosen it as an option felt that it was not going to be as beneficial as client work, with some feeling frustrated and annoyed. Some hybrid firm participants did not really have any expectations but felt doing both live client and policy work would be beneficial, with one participant commenting, 'I feel like you get the best of both worlds.' Another stated, 'I was quite annoyed 'cause I didn't get my choice I wanted but now I'm here I quite like the idea of how this is going to work out.' Some student participants in the hybrid firms felt apprehensive about their workload and that policy work would be a burden. One was concerned the work '...might take up a lot of time when I have other modules and the LC module with live client work.' Others were apprehensive but thought it would be less pressurised than live client work because 'I just thought policy work was...writing something up and then you don't really have to talk to anyone.' Another noted, 'But I think with policy, do you ever interact with a live client?' Such views suggest that there were some misconceptions amongst the student participants concerning the role of the client in policy work, for example, whether they had a real client. In contrast, some student participants were very worried about their client, especially about the client having in-depth knowledge about the research area and concerns that, as novice researchers, they might get something wrong. One participant noted:

I just wouldn't want a client to be sat in front of me and then sort of, be like, "Well I don't know." That would be the worst-case scenario, of being like I don't know, because then they'll be like, "Right well, I've got no faith in you and that you can do what I need you to do."

Ensuring that the project has a client, and the students appreciate that there is a client from the outset, is crucial. The literature suggests that problems may

arise in clinic where there is no client as it creates difficulties in ensuring the project has boundaries and undermines student ownership.⁶⁵

At the end of the academic year, a slight majority of student participants felt the policy work was what they were expecting, and some felt it was better than their expectations. By the end of the module, those students who did not choose to do policy work found that they enjoyed it. One student noted, 'I actually enjoyed it and it coexisted with my choice in a much more beneficial way than I thought.'

Reflecting comments at the start of the year, some student participants in hybrid firms noted that it was difficult to balance both their policy and live/simulated work. One explained that they experienced the 'stress of completing the work alongside the case work', however there was acknowledgement that this ultimately helped develop their skill set. Another had felt stressed, but this appeared less to do with workload and more to do with the pandemic, noting:

I struggled with the fact that our team did not start writing the final project until the spring-time. Whilst we could have (and in hindsight, should have) started writing earlier, we did not start until mid-March time and this meant my team and I felt quite stressed...throughout April, of course this was mainly due to the pandemic. However looking back, this pressure led to many of the previously mentioned skills being developed.

In contrast to the worry and concern apparent at the start of the year, many student participants highlighted an appreciation of the flexibility of policy work and their ability to work at their own pace. Some participants mentioned that they felt they had become an expert in their research topic and enjoyed researching and writing a report on something they knew little about, for example:

I really enjoyed feeling like an expert in the field, after 8 months of intensive studying...I felt like I had a very good understanding...which was reassuring and rewarding.

⁶⁵ Anna E Carpenter, 'Principles for the Project Model: Eight Principles to Maximise Student Learning and Social Justice Impact' (2013) 20 *Clinical Law Review* 39, 82. Student ownership is discussed further in Theme 2.

Supervisor perspectives - appreciating feelings

Supervisors in the hybrid firms seemed aware of how students felt at the start of the year about the prospect of PC work, particularly where students had not chosen the PC as an option. Whilst some students were ‘really keen,’ others were less convinced about undertaking policy work. One hybrid firm supervisor noted, ‘Mine weren’t receptive at the beginning at all...I almost convinced them a little bit...later on when they saw the benefits to it then they were more receptive.’

This supervisor had to ‘sell’ policy work to his students, stating:

I was almost trying to big up policy work because...5 out of 10 said they definitely didn’t want to do policy work so I felt a bit guilty at first going “Do policy work.” After I kind of explained to them, “this is a real client...” they then got on board with it...even in the last firm meeting reflecting with them on what they had done...they did say it was beneficial for them. So it was something they didn’t want at first.

The supervisor of the pure policy firm had worked in the PC for some time and was aware of the need to ‘sell’ policy work. She spent time explaining to students how the PC experience provided a range of transferable skills, such as project management and teamwork, that would be useful in numerous careers, so that students could see the benefits of undertaking a different model of CLE. As McKeown notes, if students recognise that the work will ‘enhance their legal skills and improve their employability, they will identify with the value of the activity in relation to their own career objectives.’⁶⁶

In the hybrid firms, supervisors found that students who did not engage with policy work, did not engage with simulated work either as the following comments indicate:

I didn’t find that there was a difference between the level of enthusiasm and commitment to the policy projects as against simulated work. I found that those students who were committed to one were committed to the other project and

⁶⁶ Paul McKeown, ‘Pro Bono What’s in it for the Law Students? The Law Students perspective’ (2017) 24(2) *International Journal of Clinical Legal Education* 43.

those who weren't committed barely showed any engagement with their simulated work either.

And:

I found the same. I accidentally seemed to put all my stronger students together as a team with one project and the weaker students all ended up on the other project...which was completely accidental. It just meant that I had one group that was incredibly engaged, they were progressing their simulated cases and progressing their project and then the other group just seemed...not engaged at all, they couldn't be bothered. To be honest that was reflected in their simulated cases as well so I don't necessarily think it's a reflection of policy.

The above comments perhaps reflect wider issues concerning student engagement in CLE and higher education more generally.⁶⁷ To try to engage students in the PC work, they are presented with the range of research projects and allowed to choose which they would like to work on. This means that the students have some agency in project selection even if the research topics are outside of their areas of experience and/or interest. That said, it is important to remind students of the benefits of policy work (and clinical legal education more broadly) in that it presents the opportunity to work in unfamiliar areas or areas that they may have studied but did not enjoy, perhaps finding the topic more interesting when examined in a practical research context. This approach to choice means that students with similar interests are grouped together, hopefully creating a positive group synergy, leading to natural engagement with their research and their team.⁶⁸ Literature also suggests the importance of student engagement for an array of factors, including: increased retention,⁶⁹

⁶⁷ Paula Baron and Lillian Corbin, 'Student engagement: rhetoric and reality' *Higher Education Research and Development* (2012) 31(6) *Higher Education Research & Development* 759; J. R. Rodgers, 'A panel-data study of the effect of student attendance on university performance' (2001) 45(3) *Australian Journal of Education* 284.

⁶⁸ Whilst recognising that, for students working in clinic, group work can be challenging - see for example, Magdalena Kmak and Ketino Minashvili, 'Students' emotions in clinical legal education: a study of the Helsinki Law Clinic' (2021) 55(2) *The Law Teacher* 143.

⁶⁹ Molouk Khademi Ashkzari, Salehe Piryaei, and Leila Kamelifar, 'Designing a Causal Model for Fostering Academic Engagement and Verification of its Effect on Educational Performance.' (2018) 12(1) *International Journal of Psychology* 136.

creating life-long learners,⁷⁰ work readiness,⁷¹ enhanced institutional reputation,⁷² student perseverance⁷³ and pride.⁷⁴ Further, in order to maximise student engagement, learning and wellbeing, the focus needs to be on providing a choice for students within the confines of the curriculum.⁷⁵

Supervisors saw policy work as a way of providing the live client experience that is beneficial to students⁷⁶ and also expected by them when they join the LC,⁷⁷ commenting ‘I guess from the students’ point of view I wanted them to work with a client... identifying issues with the law, actually doing something that was worthwhile during their time.’ However, consistent with some of the student participant comments querying whether policy work has a client, supervisors felt having a client was not always appreciated by students, for example:

They didn’t take the work seriously and that was one of the things I wanted them to get from it. Because they were doing simulated case work this year, at least with the project they had a real client they were responsible for and I really wanted it to help with building up client care because I was worried they weren’t going to take client care seriously in a simulated case. Actually it’s like they didn’t even appreciate they had a real client.

⁷⁰ Jane Artess, Robin Mellors-Bourne and Tristram Hooley, *Employability: A Review of the Literature 2012–2016* (Higher Education Academy 2017).

⁷¹ Kerri-Lee Krause and Hamish Coates, ‘Students’ Engagement in First-Year University’ (2008) 33(5) *Assessment & Evaluation in Higher Education* 493.

⁷² George D. Kuh, ‘Assessing What Really Matters to Student Learning Inside the National Survey of Student Engagement’ (2001) 33(3) *Change: The Magazine of Higher Learning* 10.

⁷³ Molouk Khademi Ashkzari, Salehe Piryaee, and Leila Kamelifar, ‘Designing a Causal Model for Fostering Academic Engagement and Verification of its Effect on Educational Performance.’ (2018) 12(1) *International Journal of Psychology* 136.

⁷⁴ Kathryn Wentzel, ‘Part III Commentary: Socio-Cultural Contexts, Social Competence, and Engagement at School’ in Sandra L. Christenson, Amy L. Reschly and Cathy Wylie (eds) *Handbook of Research on Student Engagement* (Springer 2012).

⁷⁵ Kennon M. Sheldon and Lawrence S. Krieger, ‘Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory’ (2007) 33(6) *Personality and Social Psychology Bulletin* 883.

⁷⁶ James Marson, Adam Wilson and Mark Van Hoorebeek, ‘The Necessity of Clinical Legal Education in University Law Schools: A UK Perspective’ (2005) 7 *International Journal of Clinical Legal Education* 29.

⁷⁷ Many students select Northumbria Law School for its CLE programme.

This outlines the need for supervisors in PCs to provide more clarity on policy work at the outset, in particular, the nature of the work and the role of the client in addition to ‘selling’ the skills developed in the PC. It appears critical that supervisors must be explicit in explaining to students that they are in a professional working relationship with their clients. This is irrespective of, as the earlier examples of the type of clients involved in PC work demonstrate, whether clients are internal or external to the university. To support this dynamic in the PC, students are encouraged to meet clients frequently and without their supervisor attending, taking ownership for the student-client relationship. Knowing that they need to contact the client to update them on project progress and meet with them to present the final research helps them to appreciate the work is being done for a purpose and for a person and/or organisation that will use the results. This focus on the ‘real client’ in PC work may be needed less once PCs are more established in legal education.

This article now considers participant views on skills development in the PC.

Theme 2 – Developing Skills and Attributes - Beyond Just Research

Initial Student Participant Perspectives

At the beginning of the academic year, virtually all of the student participants expected PC work to enhance their research skills. Indeed, all the hybrid PC firms mentioned research as the only skill they expected to develop in addition to the skills that they would develop through live client work. The student participants did mention other skills that they expected to develop, including teamwork, confidence, time management, organisation and communication skills. The student participants liked the fact they were going to be working with outside organisations and have responsibility for a substantial project. Many also expected to develop their critical analysis skills, one commenting that they felt that they would be ‘...critically analysing the law, instead of just applying it. I think that would be quite useful depending on what you go into.’ Another participant agreed but also thought they would develop skills that would not be developed elsewhere on the law degree stating:

I think it is just like being able to develop skills that you may not already have. Like critical analysis of the law...we’re taught that the law is the law, like that’s what it is. But...with this you’re going to have to criticise it and I’ve never done that before so that’ll be new to me, so that’ll be a challenge.

Some student participants felt that the PC would help develop a broad understanding of a particular area of law in a short space of time. One participant highlighted that they would need to ‘...absorb a lot of information quite quickly.’ This was because they were meeting a client who was an expert in that area and they felt the need to ‘... be able to talk about it with some authority in the next 14 days or so. So, I think being able to get an understanding of something very quickly.’ They felt that they would obtain a deeper understanding of an area of law, for example, becoming ‘...more aware...of the whole area of employment law...rather than just learning the legislation and cases. You just get a more well-rounded knowledge.’

Perspectives after the PC experience

At the end of the academic year, supporting the previous study by the authors,⁷⁸ there was a consensus amongst the student participants that they felt they had developed a range of skills and attributes in the PC. This included all the skills and attributes the participants anticipated developing at the start of the year. Almost all student participants mentioned that their research skills had improved. This was due to having more time to explore databases and more support from supervisors on efficient searching techniques, as one participant commented:

My research skills developed mostly due to the close tutorship of my supervisor. I was directed and taught about how to conduct effective research, something that is rarely done in other modules. For example, I was taught how to use Boolean operatives, research trails and research tables. These were all things I had never considered doing before.

The data suggested the students engaged in more detailed research than the standard Westlaw or LexisNexis research live client work involves. In conducting empirical research, students were moving beyond the library and computer screen, gaining knowledge and experience of other research methods. For example, some participants gained experience of analysing interviews and coding. Literature regarding courses dedicated to research suggests that students dislike learning about research methods and find it difficult to learn

⁷⁸ Rachel Dunn, Lyndsey Bengtsson and Siobhan McConnell, ‘The Policy Clinic at Northumbria University: Influencing Policy/Law Reform as an Effective Educational Tool for Students’ (2020) 27(2) *International Journal of Clinical Legal Education* 68.

both quantitative and qualitative methods.⁷⁹ However, although they found empirical research challenging, the student participants enjoyed it.

Student participants also felt they developed their critical analysis and problem solving skills, skills not mentioned by the students in previous research conducted by the authors.⁸⁰ One student commented that the work ‘allows you to have a critical mindset of the law and to be analytical when considering how an area of law could improve.’ Another noted that their PC work required them ‘to problem solve and creatively come up with a new way of legislating that would work better than the current framework.’

Policy work often involves large research projects, requiring more than one or two students. The size of the project requires the student group to collaborate, which is an essential skill.⁸¹ Students work not just with a wider student team and their supervisor, but also interact with clients, other stakeholders and research participants. Here, the student participants felt that they had developed their teamwork and collaboration skills. One participant mentioned that teamwork was developed ‘continuously’ and they ‘...realised the importance of considering the team’s different views of how things should be done... We all had different opinions but learned to combine them rather than dispute them which we felt always led to strong work and positive morale.’ Another commented that they were ‘working in a close group to conduct a wider range of research than would be possible alone.’ However, the data suggested that for some student participants, ensuring everyone was a true collaborator was challenging. One commented, ‘It’s not that I don’t enjoy working with others, but during the policy work it proved to be problematic for me’. Another commented that it proved stressful to have ‘so many of us having to put the document together.’ Supervisors need to be mindful that this can be difficult

⁷⁹ Mari Murtonen and Erno Lehtinen, ‘Learning to be a researcher : Challenges for undergraduates’ in Angela Brew and Lisa Lucas (eds) *Academic research and researchers* (2009 Maidenhead: McGraw Hill and Open University Press).

⁸⁰ Rachel Dunn, Lyndsey Bengtsson and Siobhan McConnell, ‘The Policy Clinic at Northumbria University: Influencing Policy/Law Reform as an Effective Educational Tool for Students’ (2020) 27(2) *International Journal of Clinical Legal Education* 68.

⁸¹ Catherine Gage O’Grady, ‘Preparing students for the profession: Clinical Education, Collaborative Pedagogy and the Realities of Practice for the New Lawyer’ (1998) 4 *Clinical Law Review* 485; Susan Bryant, ‘Collaboration in Law Practice: A Satisfying and Productive Process for Diverse Profession’ (1993) 17 *Vermont Law Review* 459; Peter Toll Hoffman, ‘Clinical Scholarship and Skills Training’ (1994) 1 *Clinical Law Review* 93, 98.

for students and must facilitate opportunities for students to regularly talk about effective collaboration methods.⁸²

Interestingly, some participants also commented that they felt they had become independent learners, suggesting they took ownership of their research project. Maximising student ownership is often considered a ‘serious challenge’ in CLE models which engage projects⁸³ and is an important pedagogical goal. Here, one hybrid firm supervisor commented: ‘I would have really loved my students (to) get project management experience, take real ownership of the task. But they weren’t able to because we tried to do too much.’ The same supervisor commented on the workload challenge of doing client and policy work together given the complexity and size of their project. Ensuring student ownership when doing hybrid policy/live client work requires careful planning to ensure the project is not overly complex and fits within the timescales of both the academic year and the client, so as to not compromise the pedagogical aims of the project.

Some student participants felt that they became more resilient, a competency not mentioned in the data collection at the start of the year. Resilience is a skill which is beneficial to students’ wellbeing both in respect of their academic studies and also in their future careers.⁸⁴ One participant commented that they were required to ‘be resilient on occasions where I felt confused or overwhelmed by the amount of law I was trying to comprehend.’ Another commented that there was a significant amount of law to read which became ‘frustrating at times and required resilience to carry on trying to understand the field.’ A slight majority of student participants did not feel these skills would have been developed in other modules on their degree.

What was reassuring is that the skills identified by this study’s students are seen within the new QAA Subject Benchmark for law. This includes some which may be difficult to cater for elsewhere in an undergraduate programme,

⁸² Anna E Carpenter, ‘Principles for the Project Model: Eight Principles to Maximise Student Learning and Social Justice Impact’ (2013) 20 *Clinical Law Review* 39, 90

⁸³ *Ibid* 65.

⁸⁴ Doris Bozin, Allison Ballard and Vicki de Prazer ‘Improving Law Student Resilience: An Australian Perspective’ (2020) 27(2) *International Journal of Clinical Legal Education* 213.

such as demonstrating the use of a variety of research methods, including those from social sciences.⁸⁵

Supervisor Perspectives

Supervisors noted that students were developing many of the standard skills that other models of CLE enhance, such as written communication and research. They felt that additional skills were developed in the PC including knowledge and understanding of other empirical research skills. One supervisor noted:

My students particularly really enjoyed the process of coding interviewing data and then turning that into findings and key themes. So I guess analytical skills they weren't getting through their simulated client work.

Another observed how the opportunity to do policy work gave the students a more holistic understanding of legal issues that was not just focused on resolving an issue for one client. He noted that students gained:

...broader knowledge...looking at the whole of financial proceedings or whole occupation stuff whereas more client based it's more problem solving.

There was also some recognition of the impact of COVID-19 on the 2020/21 academic year and how there had been a focus on developing resilience and flexibility amongst students, particularly when conducting research in large groups in an online setting. One supervisor commented that she was teaching her students '...to be flexible and to be quite resilient about that.'

Overall, it was clear that the student participants felt that the PC developed a range of skills and attributes and that supervisors were aware of the, arguably, broader range of skills that would be developed in a PC than in a traditional live client clinic. This article now considers whether the student participants'

⁸⁵ QAA, *Subject Benchmark Statement: Law* (March 2023), 13-14
<<https://www.qaa.ac.uk/the-quality-code/subject-benchmark-statements/subject-benchmark-statement-law>> accessed April 2024.

perspectives were reflected in the broader context of employability, namely whether they felt more employable as a result of their PC experience.

Theme 3 - The Impact of PC Work on Employability and the Need for Explicit Guidance on the PC Experience

Initial student participant perspectives

There is an increasing focus on employability within law schools.⁸⁶ In the UK, this is driven by the Teaching Excellence Framework that assesses and rates English universities for quality,⁸⁷ league table positions⁸⁸ and student demand. Law students in England and Wales are graduating into an increasingly competitive graduate job market⁸⁹ where employers demand a range of skills and attributes. As noted, there was evidence in this study that the student participants thought that they had developed multiple skills but their perspectives on the impact of the PC experience on their employability were varied. At the start of the PC year, student participants had mixed feelings on whether policy work would enhance their employability. Some participants, who were aiming to become solicitors, did not believe it would make a difference to their employability and some thought it could even be detrimental to them. Some felt they would be competing for graduate roles with students who had undertaken live client work and employers would favour such students. One participant noted:

...because...do law firms really care about what you think about the law? Like you can't go into court and say, "Oh this

⁸⁶ Alex Nicholson, 'The value of a law degree – part 2: a perspective from UK providers' (2021) 55 *The Law Teacher* 241.

⁸⁷ Teaching Excellence Framework <www.officeforstudents.org.uk/advice-and-guidance/teaching/about-the-tef/> accessed April 2024. In the Teaching Excellence Framework employment after graduation is a progression indicator used to rate universities .

⁸⁸ For example, The Complete University Guide University Rankings and League Tables 2023 <<http://thecompleteuniversityguide.co.uk>> accessed April 2024; The Guardian University Guide <<https://www.theguardian.com/education/universityguide>> accessed April 2024.

⁸⁹ In 2021 18,927 students graduated from a first degree in law, an increase of 18.7% from 2016: The Law Society, *Trends in the solicitors' profession: Annual Statistics Report 2021* (September 2022), 41 <<https://www.lawsociety.org.uk/topics/research/annual-statistics-report-2021>> accessed April 2024.

is what I think of the law,” ...that’s not going to matter to the client.

Did policy work make students feel more employable?

At the end of each academic year, participants were asked if they thought policy work had made them more employable. Figure 1 presents the results.

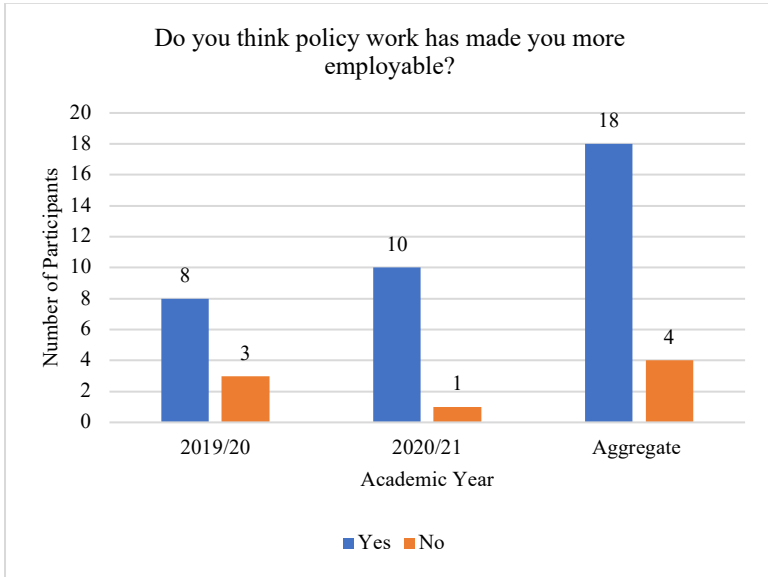


Figure 1: Impact of Policy Work on Employability for 2019/20 and 2020/21

Most student participants thought they were now more employable, indicating the PC had a positive impact on student perspectives on their employability. The activities and work students identified as enhancing their employability were varied. There was a focus on skills development, including ‘standard’ skills like research, presentation and analysis, but other, less standard skills were mentioned like coding. Reflecting views expressed at the start of the year, one student participant felt that the experience would make them stand out from others because their research had ‘wider implications beyond my degree and...given me the opportunity to research areas other law students will not.’ Another noted the advantage of working in the PC during COVID-19, commenting that they were not ‘hampered’ by the pandemic.

The number of participants stating that policy work made them more employable increased in the second year of data collection. The qualitative data provided no evidence as to why this was but the move to online teaching in the academic year 2020/21 may have been relevant. During that year, several employability workshops, designed to scaffold the skills and experiences gained in clinic, were added to the LC programme. Further, the point on having a real, rather than simulated, client may have impacted on participant views.

Articulating the PC experience

Feeling more employable is one thing, but to translate that experience into a meaningful narrative during the graduate recruitment process, students must be able to articulate how their experience in clinic makes them more employable.⁹⁰ This can be challenging. Participants were asked how confident they felt in demonstrating their skills in application forms, CVs and/or at interviews and the results in Figure 2 suggested that most were confident that they could do so.

It is interesting to note that the figures for Figure 2 are identical to those in Figure 1, indicating that participants' perspectives on the impact of policy work on how employable they were and how confident they felt in demonstrating their developing skills were perhaps closely related.

Participants were asked to select the examples they would use. Again, many focused on standard skills like teamwork, communication and time management. One commented:

I used some of my policy work as examples of analysis of the law in job interviews, stating how I would research an area of law and describe it, analyse it.

⁹⁰ For discussions of the importance of conveying skills and experience during the graduate recruitment process see Leonard Holmes, 'Competing perspectives on graduate employability: possession, position or process?' 2013 38(4) *Studies in Higher Education* 538 and Michael Tomlinson and Valerie Anderson, 'Employers and graduates: the mediating role of signals and capitals' (2021) 43(4) *Journal of Higher Education Policy and Management* 384.

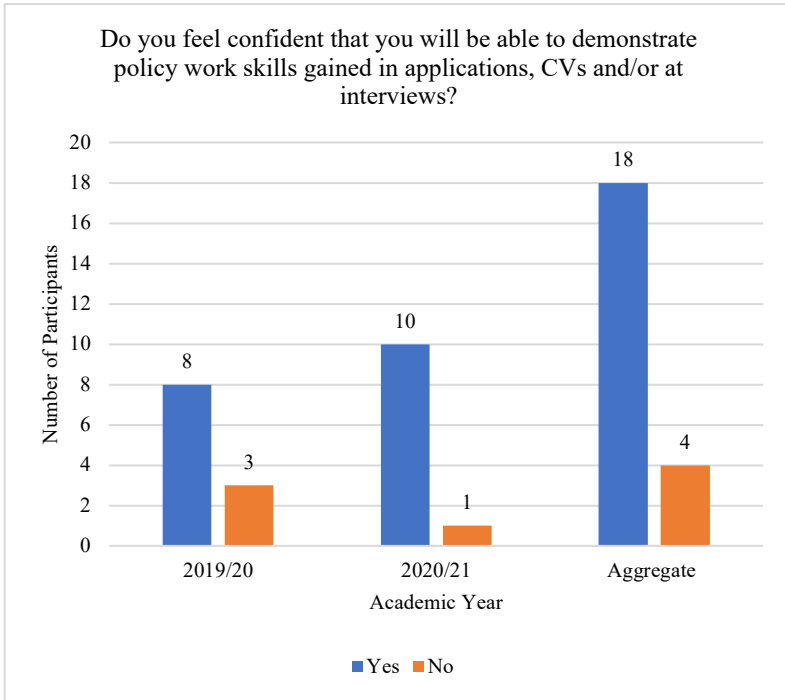


Figure 2: Confidence in Demonstrating Policy Work Skills for 2019/20 and 2020/21

Some non-standard skills were mentioned such as carrying out empirical research and coding. However, some participants were unsure how to explain the PC experience to employers. Although the overall feedback was positive, the results suggest that more explicit guidance may be needed on how to package the skills gained in the PC into a form that is easily relatable to employers.⁹¹ This feeds into the wider discourse on the link between CLE and employability.⁹² As Thomas notes, although CLE enhances students’

⁹¹ Siobhan McConnell, ‘A Study of Supervisor and Student Views on the Role of Clinical Legal Education in Developing Commercial Awareness’ (2022) 29(2) *International Journal of Clinical Legal Education* 4.

⁹² Jill Alexander and Carol Boothby, ‘Stakeholder perceptions of Clinical Legal Education within an employability context’ (2018) 25(3) *International Journal of Clinical Legal Education* 53.

employability, a failure ‘to equip them to explain how in a job application or interview’ does students a disservice.⁹³

Hybrid firms

Participants working in hybrid firms were asked if policy work or live client/simulated work made them feel more employable.

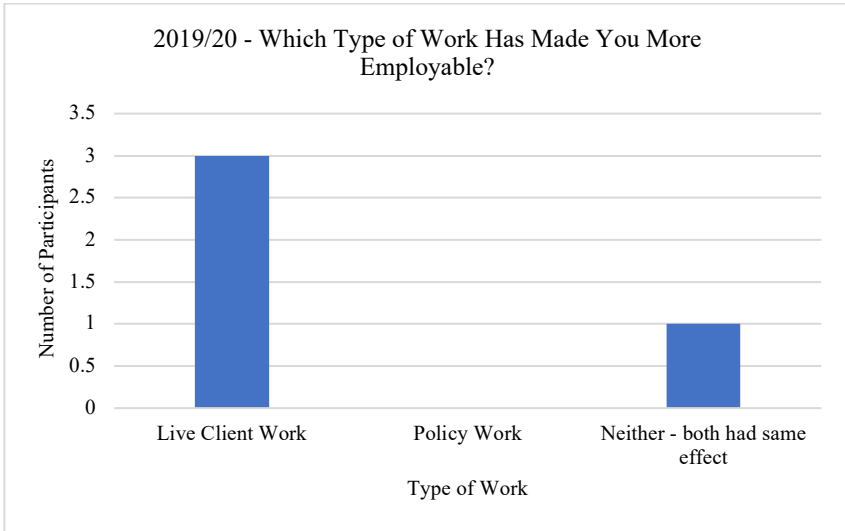


Figure 3: Employability and Type of Work 2019/20

⁹³ Linden Thomas, “It Puts the Law They’ve Learnt in Theory into Practice”: Exploring Employer Understandings of Clinical Legal Education’ 153-4, in Linden Thomas, Steven Vaughan, Bharat Malkani and Theresa Lynch (eds) *Reimagining Clinical Legal Education* (Hart 2021).

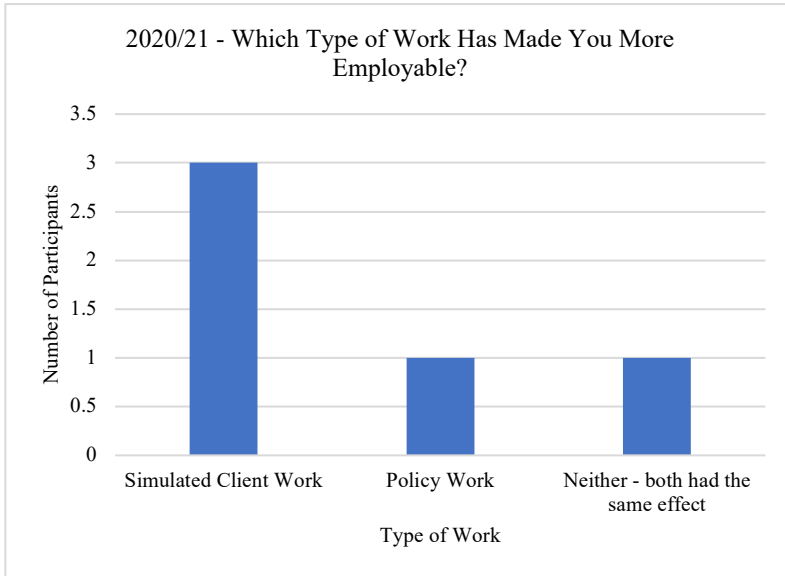


Figure 4: Employability and Type of Work 2020/21

As Figures 3 and 4 indicate, in both years live/simulated client work made participants feel more employable than policy work. There was little commentary about why participants felt this way, although the question used in the survey could have been more effective in addressing this issue so that more meaningful data could have been collected. However, the qualitative data collected at the start of the academic years suggests, as previously discussed, that how the client is perceived in policy work may be an issue. Some student participants thought there was not a ‘real’ client and so may have been less certain that a prospective employer would find their policy experience relevant and appealing. This again suggests that supervisors may need to be clearer on the role of the client when describing policy work to students. The expectations of the hybrid firm participants must also be acknowledged. The LC, with its promise of allowing students to put the law they are learning into practice by providing legal advice to clients, is one of Northumbria Law School’s selling points and many students select Northumbria because of its CLE programme. As the previous discussion concerning student participants’ feelings on policy work indicated, policy work was not something some ever envisaged doing during their law degree and so they may have been less convinced of its relevance when applying for graduate legal roles. Despite this, many student participants observed the benefit of policy work in broadening their ideas of career choices beyond working as a solicitor or barrister. This is critical

because more than half of law students in England and Wales go into professions outside law⁹⁴ for example, finance, human resources and teaching.

Supervisor perspectives

Reflecting the earlier discussion concerning skills, supervisors discussed how the skills gained from policy work could be transferable to a range of careers including legal practice. The experience would particularly benefit students aspiring to undertake a PhD. Some supervisors tried to highlight the alternative career options policy work presented to students, encouraging them to think more broadly about potential careers, one noting:

I hope they gain another perspective of law really..., “Actually have you thought about policy work, potentially changing the law, providing knowledge for people involved in law who don’t have that knowledge specifically?” “Do I even fancy doing a PhD or something?” I think it’s about broadening horizons for them.

The opportunity to think about careers more broadly in the third year of a law degree is beneficial to students because many students at this stage are undecided on a career in law and require knowledge of alternative career options. It is hoped that the PC enables students to consider how to use their skills in a different professional setting that focuses on policy, research and/or law reform. Whilst the pull of legal practice is strong for many law students, it will be interesting to see whether former PC students go into practice or move into other careers involving policy work. The authors plan to conduct further research into this across a range of PCs.

Impact of changes to legal education and training in England and Wales

One challenge that policy work presents from an employability perspective in England and Wales is that it cannot constitute qualifying work experience (QWE). This will become of increasing importance to students seeking to

⁹⁴ Williams, Matthew, Jonathan Buzzeo, James Cockett, Stella Capuano and Helena Takala. 2019. Research to inform workforce planning and career development in legal services, Employment trends, workforce projections and solicitor firm perspectives Final Report. (2019, para 2.4) noting that between 2011-2016 around 35% of law graduates joined the legal profession annually – the proportion increased to 39% in 2015/16 <<https://www.employment-studies.co.uk/system/files/resources/files/537.pdf>> accessed April 2024.

qualify as solicitors because the Solicitors Qualifying Examination (SQE), the new system for qualifying as a solicitor in England and Wales, involves undertaking two years of QWE and passing two examinations.⁹⁵ QWE must involve the provision of legal services so that prospective solicitors can develop some of the competences required to practise as a solicitor. As the earlier discussion on skills development indicates, policy work develops many skills that are transferable to the legal profession, but those skills are not developed in a 'legal services' setting because students are not providing legal advice to clients. Any time spent in a typical CLE setting is unlikely to make a significant contribution to the two-year QWE period⁹⁶ but the opportunity to obtain even a small amount of QWE may dissuade some students in England and Wales from joining PCs. Whilst this would not have been an issue for the student participants in this study, many of whom would qualify as solicitors under the pre-SQE regime, the advent of the SQE must be recognised as posing a challenge to establishing PCs in England and Wales.

Theme 4 - The Student Journey (the Move from the Self to the Wider Benefits to Society)

The data revealed that at the start of the academic year, the student participants' focus was on what policy work would bring to them personally. More specifically, the focus was upon their own skill and career development, and their own personal interest in the area of law the research involved. A few participants did comment on the importance of the research project and its wider benefit to society, one noting: '...the project we're doing is quite important and it will have a larger impact on more people's lives than say one person in an employment clinic for example.'

At the end of the year, the participants' comments concerning the wider benefits that policy work brings to society were much more prevalent. One participant stated, 'Policy work opens up avenues to put all the skills developed throughout the law degree to positive use, in a way that improves current law and subsequently has a positive effect on society.' Another reflected, 'It gives

⁹⁵ For a full description of the new system of qualification, see

<<https://sqa.org.uk/about-sqa/what-is-the-sqa>> accessed April 2024.

⁹⁶ For example, a year-long module in the LC equates to 3 weeks' QWE.

See also, Rachel Dunn, Victoria Roper and Vinny Kennedy, 'Clinical legal education as qualifying work experience for solicitors' (2018) 52(4) *The Law Teacher* 439.

something back to society, by providing them with information and knowledge that they may not have been able to find otherwise.’

For some, there was an appreciation that, unlike live client work, policy work would benefit society more widely rather than just impacting on individual clients, for example:

I feel like I am making a difference to society and the wider world. I feel as though I have more power and influence to change things for the better than I would get simply from advising people day after day.

Supporting previous research by Curran arguing that law reform ‘lifts the student game’, improving their performance,⁹⁷ there was evidence that policy work may have led to increased intrinsic motivation for some student participants, with one noting. ‘I liked feeling like I was actually helping people by working and researching on a topic that seemed to be unjust.’

The student participants acknowledged the important role policy work plays in changing the law, appreciating that: ‘the law can't stay static, there needs to be reform and so policy work can be valuable in that context.’ Another participant noted:

We already know how laws are made, where they come from but we are taught very little about policy work and the work that aims to influence law reform. The value is that we are able to understand how and why reform is needed sometimes, even if the law appears to be functioning well enough as is.

Supervisors were also cognisant of the wider benefits policy work brought to their students. When asked what they hoped students had gained from policy work, many supervisors focused on this aspect of the policy experience, for example:

...in terms of work done in the occupation order project...and leaflets..., it has such a wider impact on benefiting those who access the leaflets and potential there may be policy

⁹⁷ Liz Curran, ‘University Law Clinics and their value in undertaking client-centred law reform to provide a voice for clients’ experiences’ (2007) 12 *International Journal of Clinical Legal Education* 105, 107.

discussions based on the occupation order research...
[Clients] were keen to highlight findings with the Ministry of Justice and departments they work withSo, I suppose, potential for wider reach.

Overall, the data indicates that, by the end of the PC module, students were beginning to recognise the broader benefits of their work, beyond their own learning and skills development. Nicholson discusses the potential value of a law degree, focusing on the wider benefits of law school programmes in the context of ‘lifetime value,’ where graduates can achieve ‘significant and wide-ranging results’ beyond graduate employability such as law and/or social policy reform. As Nicholson notes, this potentially benefits both the individual and local and global communities.⁹⁸

Theme 5 – The Benefits and Challenges for Supervisors

Benefits

The supervisor focus group highlighted the benefits supervisors experienced from undertaking PC work, particularly in enhancing their own research and research profile. One commented:

To me there is a slightly more selfish element, not in terms of what students get out of it but the occupation order project...is very much in line with [my] PhD research and the fact it gave us ideas and links to people [we] could interview.

Another supervisor agreed noting:

I love the idea of policy work. For me, it is like a continuation of research – areas of the law I’m interested in and explore them in different way to client cases. I’m really keen to do more.

A motivating factor behind supervising PC work was because it aligned and aided some supervisors with their research interests. For one supervisor, the research led to publication of an article. All of the supervisors participating in this study were on teaching and research contracts and expected to contribute

⁹⁸ Alex Nicholson, ‘The value of a law degree – part 2: a perspective from UK providers’ (2021) 55 *The Law Teacher* 241.

to the REF. As previously highlighted, academics are increasingly measured in terms of their research impact⁹⁹ and aligning teaching and research helps supervisors with this as the work may lead to publication and facilitate research networks. The hybrid firm supervisors were combining their policy work with their own research interests, sometimes with personal success in terms of publishing. However, whilst it is clear from the earlier discussion in this article that students can benefit from the PC model, the priority for those running PCs must be to advance the interests of students rather than those supervising them. As argued earlier, students should be given appropriate credit on publications stemming from their research. PCs should not be used to provide academic researchers with a team of research assistants. Doing so may cause difficulties for students in appreciating their role in the PC and the wider impact their work might have. It would also exacerbate concerns already noted in this study about perceptions of the lack of a 'real' client in policy work. In this study the supervisors all had clients that the students reported to, even if initially the students were unclear on the role of the client.

The data from the supervisor discussion also highlighted that policy work helped with developing links with external organisations and individuals. As one supervisor commented:

It was nice to get out and start to collaborate...if you are looking for promotion you have got to have those external connections as well so that will help.

Another explained that if it were not for supervising policy work, they would not have had the time to develop their external contacts alongside their other commitments; policy work enabled them to forge 'what will be a longstanding relationship' between the university and their external client. The benefit of collaboration here extended to potential opportunities for research funding, for example, '...one client is planning on using the fact they used students for research for funding, it looks good that they were working with students on it.' Another factor in enhancing these client relationships was the quality of work that some students had carried out and the potential for that research to have impact, with one supervisor noting:

⁹⁹ Richard Collier, 'The Liberal Law School, the Restructured University and the Paradox of Socio-Legal Studies' (2005) 68(3) *Modern Law Review* 475.

I had one client who was blown away by what the students had done...clients get the physical benefit of the report but going forward they're going to use that research for years to come.

It must be acknowledged that supervising work in any CLE setting requires a particular skill set that not all academics will necessarily have. The supervisors in this study were experienced clinicians, yet also felt policy work developed their skills and legal knowledge.

Challenges

Although supervisors clearly benefited in a range of ways from working in the PC there were challenges too. As noted in Theme 1 – supervisor and student feelings about policy work – hybrid firm supervisors had concerns about the interest in and motivation for doing policy work amongst some students. These supervisors also struggled with the workload inherent in running a hybrid firm. There were feelings that doing both created too much work, with one supervisor stating: 'In future I wouldn't try and do both. I would see scope for doing one or the other.' All of the hybrid supervisors took a similar view, some noting that they may have been overly ambitious when agreeing to take on policy work as some projects were complex and difficult to fit into an academic year. An important aspect of planning a project is ensuring that it will be completed within the academic year.¹⁰⁰ This, in turn, 'helps to maximise student ownership.'¹⁰¹ Although some of the supervisors were keen to work in pure PC firms, they acknowledged that this would be difficult from a staffing perspective given the overwhelming interest amongst students to undertake the more traditional legal advice model of clinic.

Conclusions

The findings suggest that PCs provide a powerful teaching model that benefits both students and supervisors whilst also broadening the reach and impact of CLE more generally. Students develop a range of skills, whilst undertaking research for wider communities that impacts beyond traditional live client work. Students learn how to conduct a greater range of research utilising

¹⁰⁰ As highlighted by Carpenter, 'Principles for the Project Model: Eight Principles to Maximise Student Learning and Social Justice Impact?' (2013) 20 *Clinical Law Review* 39.

¹⁰¹ *Ibid.*

different research methods, working collaboratively in large groups and solving complex problems whilst advancing their social justice ethos. This study suggests that, for some students, policy work is a transformative experience as they become interested in their work not simply from an individualistic skills and careers perspective, but, as Curran highlights, ‘because they see that their work may have a positive impact in generating change.’¹⁰² The students may, ultimately, see their role in using their skills to ‘improve the legal system.’¹⁰³ Curran notes the role of the university in community engagement being met through PC work,¹⁰⁴ which will contribute to the KEF and university targets, though we argue that contribution should be a by-product, not the main aim of PC work. From a broader CLE perspective, policy work enables clinics to offer more tangible evidence of their social justice impact. The form this will take will be guided by the policy client’s area of interest, which in itself offers the opportunity for the exploration of a wide array of legal areas that may require reform. However, there is also the potential for PC students to examine issues that are identified as of general importance to a clinic’s clients or local community but which, due to the nature of live client work, clinicians have no time to examine or question from a law reform perspective. The advantages of PC work outlined in this study will be of interest to law schools that are looking to refresh and/or diversify their CLE programmes or degrees more generally. There is opportunity here to perhaps use academics from other parts of the law school to supervise policy work, broadening the type of research that clinics can do and the research expertise and knowledge on offer to students. This study suggests that PC work brings benefits to supervisors, furthering their skills development, research interests and networks and facilitating research-led teaching. Such benefits may appeal to academics who may have never previously considered teaching in this way.

The study highlights the challenges of PC work, particularly the need to initially ‘sell’ policy work to students so that they appreciate its value and the skills they will develop. Our study suggests that some students struggled to conceptualise the role of the client in policy work and that supervisors must ensure students recognise from the outset that there is a client so that they will

¹⁰² Liz Curran, ‘University Law Clinics and their value in undertaking client-centred law reform to provide a voice for clients’ experiences’ (2007) 12 *International Journal of Clinical Legal Education* 105, 108.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

‘fully assume the professional role of the lawyer.’¹⁰⁵ Whilst the data showed that student participants believed that undertaking policy work had made them more employable, there were still views amongst those working in hybrid firms that live client/simulated work made them more employable. Again, clearer signposting is needed from clinicians supervising policy work to ensure that students understand its impact on their developing employability and are able to articulate its benefits to graduate employers. Unpacking the PC experience in these ways is essential to ensure there is sufficient student engagement so that this teaching model works for all stakeholders i.e. students, supervisors, clients and the law school. Difficulties were also encountered in hybrid firms in the context of balancing workload (for both supervisors and students) and in ensuring students took ownership of projects to become true research collaborators. PC work requires careful planning. When choosing a project, supervisors need to ensure that the research can be completed within the academic year, that it is not overly complex, and, if undertaking hybrid work, that it can be balanced alongside live client or simulated work. Taking these approaches should enable students to take ownership of their research, allowing the pedagogical aims of the project to be met so that supervisors and students both benefit from the PC teaching model.

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¹⁰⁵ Anna E Carpenter, ‘Principles for the Project Model: Eight Principles to Maximise Student Learning and Social Justice Impact’ (2013) 20 *Clinical Law Review* 39, 64.