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Who Am I?: Using Reflective Practice and Self-determination to Redefine 'Employability' in Legal Education

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Abstract
This study examines the value of undergraduate law students undertaking structured and assessed reflective practice as part of their studies, in the context of competing notions of employability. We discuss existing use of reflective practice in law and other disciplines, highlighting the different approaches and perspectives on its value. Students in this study engaged in reflection as part of a first year core module aimed at improving retention and performance, followed by a second year option module aimed at personal development in relation to employability and business skills following a work placement. We examine students' perceptions of reflective practice and discuss how these relate to extant literature. We suggest that reflective practice is a very personal experience that can greatly benefit law students beyond their capacity to be employable. We suggest that reflective practice for law needs to be re-thought in relation to its intended purpose, taking cognisance of experience outside law to inform best practice. We propose that reflective practice should focus on developing the whole person, and discuss this in light of debate over the function of higher education. We suggest that the reinforcement cycle of personal and professional reflective practice in this study has the potential to be high impact practice in legal education as defined by Professor George Kuh.

Keywords Legal education · Reflective practice · Employability · Self-determination · Personal identity

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Introduction

Reflective practice has become a core component of higher education provision across numerous discipline areas and often used in legal education and professional development. The United Kingdom Legal Education Training Review (LETR 2013) suggested that reflection should form a part of both continuing professional development to help legal practitioners articulate continuing professional competence, as well being a desirable constituent of legal education in universities. It describes reflection as the 'commitment and first step to learning from experience', and recommends that reflective exercises be assessed at the academic stage of legal education.

However, the definition and value of reflection in university education is contested. Many studies identify apparent benefits for participants, but areas such as the design of reflective exercises, use and assessment of reflective journals and reliably identifying the value of reflection for personal or professional development lacks universal support.[1] In addition, law students appear to vary considerably in their attitude and willingness to engage in reflective practice.[2] This reluctance extends to staff who often exhibit negative attitudes to reflection,[3] although for many academics inside and outside legal education, reflection is important.[4]

The Aim of This Study

This article reports on the findings of a project aiming to identify the value of reflective practice amongst undergraduate law students across 2 years as judged by their personal perceptions, and compares this to existing literature on reflective practice.

The intention is to add knowledge about undergraduate reflective practice more widely, and it answers calls for research into reflective practice in legal education.[5] These were the key questions that formed the basis of the study: What is the existing research context for reflective practice and employability in higher legal education? How did students perceive the reflective practice they undertook across 2 years of an undergraduate law programme? How do these student perceptions fit into existing literature on reflective practice and employability both inside and outside legal education? Can any conclusions be drawn about the benefits, or otherwise, of reflective practice and its relationship with concepts of employability for legal education?

[1] O'Connell and Dyment (2011).
[2] Brooman and Darwent (2012a).
[3] Power (2016).
[4] Gibbons (2015).
[5] Langley (2019).

Reflective Practice in Legal Education

The use of reflection in the context of undergraduate education is much misunderstood and underused, and this is even more pronounced in legal education.[6] There is evidence that law students may benefit from reflective practice in terms of developing first year academic skills, developing self-efficacy, dealing with personal issues such as stress and it can help improve retention rates.[7] There is also evidence of the successful use of reflection in other areas of legal education. For example, the use of reflective diaries[8] and reflective assessments now form part of problem-based learning approaches to legal education.[9] They are used to enable students to reflect on their experience of clinical legal education in universities,[10] explore skills and ethical issues raised by work experience,[11] and to develop critical thinking.[12]

The development of reflective practice in undergraduate legal education in the UK has been specifically encouraged by two national developments: In addition to the recommendation of the LETR (2013), the National Law Subject Benchmark Statement[13] embraces the need for legal education to develop a broad range of skills in law students. It encourages the development of better education research practice in legal education and in particular an ability for self-reflection.

Overall, there are calls for legal education to embrace reflective practice more widely. Evidence from inside and outside legal education suggests that reflection has potential benefits in giving students new personal insights, assists in developing their academic and professional skills, and enables them to gain professional awareness.

Employability

This highly contested term,[14] has achieved greater political significance as recent governments in the United Kingdom have required universities to prove their worth through measuring the 'value added' to students to make them more employable. However, the methods of measurement are controversial. Early drafts of the United Kingdom Teaching Excellence Framework[15] stated that value-added should be measured by the income of students once they leave their institution and obtain work, but this has been widely criticised. The purpose of higher education is contested as is the assumption that higher education is the correct environment in which to develop the skills for employment. This perspective contrasts sharply with the

[6] Seear et al. (2019).
[7] Brooman and Darwent (2012b).
[8] Ogilvy (1996).
[9] Gibbons (2019).
[10] Seear et al. (2019).
[11] Balan (2020).
[12] Langley (2019).
[13] QAA (2015).
[14] Leering (2019).
[15] TEF (2017).

traditional purpose of higher education as the pursuit of knowledge, development of the 'whole' student and the nurture of individuality.[16] It also encompasses disagreement between those supporting a broad liberal education and others (mainly from outside education) who contend that higher education should provide students ready for employment. Higher education now finds itself under pressure to prove its worth to employers whereas some commentators suggest that universities' ability to create the 'job-ready' graduates is simply a myth.[17] This tension remains unresolved.[18]

Finding an acceptable definition of employability is confused by the number of different terms used to define it. Some are related to individual traits/skills development, and closely related to personality (Tymon 2013). These contrast with terms such as 'soft skills' (e.g. group work, communication) and 'hard skills' (e.g. negotiation in law), both of which are claimed to make a student more employable after the education stage of their career. Doubts remain as to whether we can teach personality-based skills, as opposed to them being the products of innate abilities. Perhaps Harvey's definition is as far as we can reasonably develop employability of the individual student in higher education: 'In essence, the emphasis is on developing critical, reflective abilities, with a view to empowering and enhancing the learner. Employment is a by-product of this enabling process'.[19]

Professor Mantz Yorke's definition of employability is also useful:

> '(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 community and economy'.[20]

Neither of these is a conclusive definition. Despite this, external evidence indicates that employers still value skills they define as soft and hard, and note that graduates often lack both, possibly because students value them less during their studies.[21] In contrast, there is evidence that students value a university education to develop work-related skills, and the opportunity to enhance their quality of life and personal development.[22]

This research begins from the proposition that law courses tend to concentrate on the development of hard skills as they aim to prepare tomorrow's legal professionals.[23] The LETR (2013) moves undergraduate legal education closer to this agenda through encouraging the development of hard practical skills related to employability as a solicitor. We share the concerns of those who argue that this may be at the expense of other approaches to legal education such as that encountered in socio-legal subjects.[24] However, the development of such hard skills also has the collateral

[16] Sin et al. (2017).
[17] Moore and Morton (2017).
[18] Turner et al. (2018).
[19] Harvey (2003).
[20] Yorke (2004, 410).
[21] Succi and Canovi (2019).
[22] Balloo et al. (2017).
[23] Genn et al. (2006).
[24] Guth and Ashford (2014).

effect of developing soft skills, for example, during the development of interviewing techniques.

We also embrace suggestions that a workable definition of employability needs to encompass students' 'inner-selves' and the ways in which they develop their work identity. This is a complex process of trial and error for many students, who may experiment with several pathways into employment, at a time of great personal exploration, before they encounter one that suits them. It changes the focus in employability related courses so that they 'emphasise individual choice, control and proactivity' that will support students long into the future.[25] In this respect employability in higher legal education can be seen as a way of opening gateways for students so that they can find the route to employment that best matches their inner-compass of social, cultural and scholastic values, and matches 'who they are'.[26] This also involves the exploration of personal values and objectives for life.

Other commentators discuss employability in person-centred ways and use terms such as developing 'professional identity'. This takes the concept beyond the acquisition of skills for employment to acquiring a set of 'personal and socio-cultural resources which enhance the value of a graduate's emerging profile'.[27] Professional identity is a much more personal area of development, not necessarily solely for the workplace but allows individuals to have a better notion of where they wish to fit in. It can give students a greater appreciation of the social and cultural capital they need to develop in order to be successful in a particular field of employment.[28]

In this study, the reflective processes occurred across 2 years on two different modules. Its overall aim in year one is to allow students to reflect upon their personal development and to improve their chances of succeeding on the programme. In year two, the focus remains on personal development but switches to a more employability-based reflective process following work experience. The details of the reflective tasks appear in the next section.

About the Modules in This Study

Independent Learning in Law: Year 1—Compulsory

Independent Learning in Law and Legal Skills (ILLS) was introduced onto the LJMU law degree in 2002. It was designed to rectify significant retention problems following the increase in student numbers post-Dearing, which recommended the expansion of higher education provision.[29] It includes a number of elements that have become commonplace in undergraduate provision such as opportunities to

[25] Tymon et al. (2019).
[26] Donald et al. (2019).
[27] Tomlinson and Jackson (2019).
[28] Francis (2015).
[29] Dearing (1997). This was a government procured national inquiry into the future of higher education in the UK. It came up with wide-ranging recommendations for H.E. including expanding student-numbers, funding, staffing and its function in relation to employment.

develop a sense of belonging on a course through enhanced contact between staff and students; provision of feedback on work early in a course and, for the purposes of this study; the encouragement of students to constantly reflect on their development as an aid to improving their academic and personal awareness. The last of these was undoubtedly the most radical change in practice for a traditional law school. Legal education, as a whole, has been accused of reluctance to engage with developments in learning and teaching outside law.[30] However, the situation of a retention rate falling as low as 67% in 2001 encouraged the team to accept the potential of embracing new approaches. The success of the module in improving retention, and the particular part played by the incorporation of reflective practice is reported elsewhere (Brooman and Darwent 2014).[31]

These studies document how the use of diaries (sometimes called journals), and access to literature on aspects of student journey, supported students in building up a picture of their own personal development and to plan more effective approaches to learning. The reflective task of keeping a diary and then writing an assessed report based upon it, were shown to have helped students cope with stress, develop personal insights and study methods, even where their reflective abilities were not of the standard of more accomplished reflectors. Students found it useful to reflect on their personal development using extant literature as a sounding board for their diary entries and subsequent evaluative report.[32]

The findings were not universal amongst all students. Of the students involved, half reported finding reflective practice both useful and something they were able to build into their routine. Others reported feelings that the exercise felt juvenile and contrary to their expectations of university. For some, the experience appeared to be transformational and was said to be the reason they stayed on the LLB. The effect on retention rates was dramatic. In the period 2002–2019, retention rates were significantly improved to 85–95% each year. We did not encounter the retention lows encountered immediately post-Dearing again.

These studies were very useful in identifying many of the benefits of reflective practice in undergraduates. However, they also left many questions unanswered. How do student develop their reflective practice as they move through the degree and on to other modules? Would practice they found useful in the first year transfer to subsequent years and other areas of their student development? Does the focus in ILLS module on personal development and 'soft skills' affect students' use of reflection as they move onto an employability-based module in the second year?

Employability and Business Skills Module: Year 2—Option

The second year Employment and Business Skills (EBS) module gives students the opportunity to reflect on their soft skills, individual career pathway and provides them with the 'space' needed to contemplate what they will embark on after

[30] Fitzgerald (2008).
[31] Brooman and Darwent (2012a).
[32] Brooman and Darwent (2012b).

university. Importantly, it facilitates informed reflection on alternative potential futures. Introduced in 2012, EBS is an option module requiring students to write two reflective pieces of work. The first piece synthesises personal development from exercises they undertake such as mock interviews. The second is a longer reflective piece based on work experience, which enable students to develop their critical reflective skills at a crucial time in their degree.

The rationale for the reflective process adopted in the module is the desire to give students an opportunity to build on practice developed in the first year ILLS module. Its premise is that it is important to engage in constant reflection on both academic performance and personal development, and to connect these more directly to career progression at an appropriate point during the degree. One prescriptive element of the reflective tasks is that all students must keep a weekly diary, read five articles[33] to reinforce the reflective work they undertook in the first year, and consider this is the context of employability. The success of the reflective tasks is dependent on the quality of the diary entries kept by students. Students engage with keeping a diary, even if they are a little reluctant at first, because excerpts need to be included in their final assessment. The articles we make available to students give them some ideas how to reflect, but this is not a primary concern at the start of the module—our focus is on encouraging students to begin thinking about what they view as important and to develop an individual approach that has meaning to them.

We rely for this strategy on a previous study of law students that looked at the levels of reflective capacity attained by law students. It suggests that they achieve significant reflective outcomes, even in the absence of 'gold standard' reflective practice—it allows students to reflect purposefully on their personal development even if the mechanisms of reflection are not well developed or precise.[34] Students are influenced by this as they appreciate the value of seeing previous law students' approaches to reflection. This approach enables students to focus on their individual concerns or development until we give them feedback, which enables them to subsequently modify their reflective technique.

After the first reflective task, students are given a one to one meeting to discuss feedback on the first reflective task. We advise as to how they could develop their reflective style used in the first assessment to improve it for the second. These individual meetings and co-reflections upon their reflection, help students to process their development from an individual perspective. The issues encountered by students are similar, but the overall outcome is that students reflect upon issues that are of individual significance. At a personal level, we have observed evidence that it provides students with a mechanism to manage stress, examine the reasons for undertaking study, what they want to achieve, why they are pursuing a particular career path and how they are going to achieve this. We also observe that the outcome of this individual approach to feedback is that reflection in the second EBS assessment is often significantly improved, showing much more reflective dexterity

[33] Raybould and Sheedy (2005), Mason et al. (2009), Brooman and Darwent (2012a, b) and Gibbons (2015).

[34] Brooman and Darwent (2012a).

and evidence of deeper reflection. For example, students become much more willing to change career plans and to clearly articulate why. An initial reluctance to engage with reflection is often replaced by a desire to actively engage with the module, and their studies more widely. One of the intentions of this study is to test these anecdotal observations more scientifically through qualitative empirical research.

Methodology

The project received full university ethical approval. This study reports on a qualitative analysis of student written work and focus groups. Hearing the student voice in relation to curriculum development in law is increasingly important in the context of wider development in the higher education sector.[35] The participants were students studying a second year module, Employment and Business Skills (EBS). These students had all undertaken the compulsory reflective exercise in their 1st year module, Independent Learning in Law (ILLS), and they were informed about the study at the start of the second year module.

We invited students studying EBS to complete consent forms when they submitted their essays through the university's virtual learning environment. The essay is the second assessment of the EBS module and is an extended reflective piece, which builds upon the initial skills developed in the first EBS assessment. Students reflect on key events during their work experience, link these with literature on employability and state how this can to help them with their career plans. From those who consented, essays were analysed according using interpretative phenomenological analysis (IPA) to identify themes around reflective practice and its usefulness to students.[36]

IPA is useful to identify the attributes of a particular phenomenon—in this case reflective practice on the LLB—in order to identify key features of participants' experience. The advantage of using IPA is that it can involve a relatively small number of participants in order to evaluate their experience in depth rather than the more superficial findings that can sometimes emerge, without explanation as to 'why?', in large quantitative studies. This qualitative research approach attempts to gain a better understanding of the participant's perspective and the processes involved in making subjective sense of their experiences.[37]

Key themes from the essays (n = 25) were discussed by the researchers, and narrowed down to five or six core themes. The essays and focus group transcripts were then reanalysed to draw detailed conclusions. Two focus groups were then formed (n = 10). We aimed to choose these at random, but in the event, there were only 10 volunteers. We asked students in the focus groups to discuss the following questions:

1. How would you define reflective practice to someone just starting out?

[35] Healey et al. (2014).
[36] Smith and Osborn (2008).
[37] Brocki and Wearden (2006) and Cresswell (2007).

2. Has the way you reflect changed between now (employability module) and the first year in independent learning?
3. What part does writing and/or diaries play in your reflective practice?
4. What part has extant literature played in your reflective practice?
5. Have there been any outcomes from your reflective practice?
6. Is reflective practice something you might use in future?
7. Is reflective practice something you only do for marks?

The overall aim was to identify any areas of good practice in our curriculum design that helped students to develop as reflective practitioners or to achieve personally significant outcomes. We also wanted to see how law students (and potentially undergraduates more widely) develop an ability to reflect and those areas they identify for development. We hoped to find evidence of how student attitudes and methods of reflection develop over time.

Findings

Student Perceptions of the Benefits of Reflective Practice

Academics often doubt whether undergraduate students are able to engage in meaningful reflection: 'Most of my students have little or no experience in developing the reflective skills considered a prerequisite in the twentieth century, conforming to a perception of undergraduate students' reflective abilities that is widely held. They may be good at thinking, but not thinking about their thinking'.[38]

However, the students in this study found benefits in having undertaken the reflective exercise, for example, confirming a career goal and focussing intentions:

> 'The module as a whole has allowed me to see how much I have grown as an individual and recognise what strengths I developed from being in a solicitor's firm….it has motivated me to find work experience in the field of law I wish to practice and has resulted in me receiving a job offer as a clinical paralegal.' (Esme – focus group).

This is not, necessarily, evidence of high quality or gold standard reflective ability. However, it is evidence of students finding value in reflection beyond simply being good at reflection. We confirm the findings of a previous study that students may gain benefits even if the reflective practice is not 'gold standard'.[39] The students in this study found the process of reflecting on a work placement to be valuable, thereby confirming evidence from previous studies.[40]

Students embraced the use of reflection to recognise and record their personal development. In the following excerpt from her assessment, Janet gives insights

[38] Power (2016, 235).
[39] Brooman and Darwent (2012a).
[40] Rees (2019).

drawn from the literature presented in the module as to why she sees such a task as advantageous. The framework provided by the module gave her the opportunity to reflect, learn and articulate evidence from her work experience, as is recommended by Harvey (2003):

> 'The current "mismanagement of talent" means that degree qualifications are often no longer sufficient to secure employment, and graduate recruiters are instead looking for graduates who possess advanced employability skills, which are usually found in students who have had relevant work experience. I therefore intend to use this report to reflect upon the impact my placement has had on me by analysing my experiences and key self-reflections, drawing on academic exercises and literature to support my work.' (Janet, reflective task)

Having recognised the opportunity the placements offered, students often mentioned advantages for their self-awareness through reflecting upon their experience of encountering a professional environment. Diaries were used as a place to record emerging thoughts and feelings as the placements progressed and reflected on growing confidence:

> 'It is evident from my diary that I knew the significance of Raybould and Sheedy's work on employability, 2005. Because I reflected on my strengths, I established a sense of "self-belief" and began to focus on what I was achieving in order to make me feel more comfortable within the place of work. The diary entries allowed me to see how much I had grown as an individual and recognise the strengths I developed from being in a solicitor's firm…. I was more relaxed and confident in my ability.' (Esme, reflective task)

> 'Undertaking the reflective process allowed me to develop a high calibre of self-efficacy providing me with confidence to operate in a practical working environment.' (Loretta, reflective task)

Students also found that the experience and reflection on the work-experience had an impact on their university work:

> 'I found that the experience and my reflection was a positive one and reflected on my university life. I found that my approach to my university work was more efficient. Concerning my management of self, I found that I was more organised and flexible during the semester. My management of information and tasks allowed for the completion of coursework to flow more smoothly.' (Nathalie, reflective task).

> 'It is stated in an article on reflection "looking back over their diary entries appeared to help some students to identify that motivation was the key to good performance." This observation supports my view in my reflective diary. I can see through my diary entries that before my work experience I wasn't as motivated as I am now in pursuing a career in law, my approach to university work and assignments didn't reflect a 100% effort which is also shown in my grades.' (Martie, reflective essay)

These excerpts show how students were not just using their diaries for recording/reflecting on events and experiences. They were using them to record personal information, such as changes in feelings and motivation rather than looking at their soft/hard skill development. We conjecture that this is, in part, due to students' taking the ILLS module in year one. They were aware how diaries could assist in dealing with stress, developing self-efficacy and had experience of using reflection as means of developing personal insights.[41] In the second year, they were at ease with reflecting on experience, recording their thoughts and feelings to re-visit later and recognised that the process could be one where they could control the emerging narrative.

The Impact of Reflection on Hard/Soft Skills Development

Some students attempted to evaluate their soft/hard skill development and sometimes recognised that these might be important for future employment. Unlike other modules, the EBS module provided students with the space to reflect on what soft skills they will need for the world of work and to start to look at those skills in what is perceived as a 'safe space':

> 'Research suggests that self-reflection helps students to recognise their strengths and weaknesses which is true for me. From keeping a reflective diary and looking back on it, I can see my development and what needs to be worked on, for example, my numerical reasoning could be improved. I intend to keep up with a reflective diary.' (Cheryl, reflective task).

> 'I appreciate being able to compare my growth at the beginning of an experience and at the end. It is more visible and provides proof of skills developed as well as habits that may go unnoticed.' (Nathalie, reflective task).

One emerging attribute that several students remarked upon was the ability to articulate personal attributes, perceived weaknesses and feelings about themselves. Being able to do this gave them more confidence, which is an essential attribute of control of choices relating to the future.[42] It allows them to become the owners of their own destinies through the development of individual professional identity and self-authorship.[43] For one student, the overall experience, reflection and space in which to open up about what she was feeling about her experiences allowed this student to gain confidence. This benefitted her both as an individual, and appeared to see her gain confidence in what she could offer to an employer:

> 'I had to explain to people outside the university and that really made me focus. Now I feel that I explain my weaknesses and improve them and can use examples. I am reflecting better because we practiced and had the involvement of tutors and employers who pushed and encouraged us. We did it every week and reflected on the sessions we had and what we'd learned. This helped build

[41] Brooman and Darwent (2012a).
[42] Tymon et al. (2019).
[43] Tomlinson and Jackson (2019).

my confidence and I'm much more motivated. Talking about it in class enables me to talk to people about things like stress management and workload that I might not have done otherwise. (Sally, focus group).

Developing Career Autonomy, Self-authorship and Control

In addition to observing that students were reflecting upon their development from a personal viewpoint in the previous two sections, we observed that students were using the opportunity to evaluate their future direction from the viewpoint of self-authorship, to take more control of their career pathways. Reflecting on experience in the workplace led some students to revaluate pre-existing assumptions about future work destinations. Others came to a realisation that previously held assumptions about a desire to enter the legal profession might have been misplaced, and did not equate perceived cultural and personal identities. For example, Loretta reflected on a placement that led to an unexpected revelation:

'I noted in my diary: "although I am enjoying it, it is getting repetitive, I'm not sure if this is something I would like to do for the rest of my life." The tasks and culture did not correspond with my workplace personality. Upon settling in, I started to experience even more negative emotions….I had also noticed that the professionals appeared constantly stressed.' (Loretta, reflective essay)

Kate used the experience of reflection to evaluate her potential future employment in light of possible obstacles and personal challenges she might face:

'Learning to reflect on experiences is a skill I will be able to take with me into my career, to support me when practicing law as well as supporting my mental health, as studies show this career path has high risk factors for mental and overall health. I believe that reflecting on workshops or days in my career and being able to reflect on what caused the most stress will allow me to understand and overcome that'. (Kate, focus group)

These entries demonstrate that students who were prepared to reflect from a personal rather than task perspective found out something that may have otherwise eluded them until it was too late. Loretta gained the opportunity to revaluate and re-direct her career and to make informed choices. Kate gained a greater appreciation of how stress might affect her and how she could prevent this. This approach is supported in research, which suggests that the outcomes of reflection for students such as Loretta and Kate supports a more sustainable employability model that emphasises individual choice and control.[44]

[44] Tymon et al. (2019).

Discussion

This research shows that there are benefits in developing a coherent set of reflective practices in legal education. We commenced this research expecting to find more evidence of students using reflection to develop their soft and hard skills for employment. We were surprised that what emerged was a more complex use of the tasks to reflect upon future directions taking into account their values and views of self. They exhibited levels of uncertainty about what they wished in order to accomplish satisfying futures, but engaged with finding out. This reveals that the legal academy needs to know more, but provides the first challenge as there is inertia to engaging in education research to inform such development.[45] Innovations in reflection should be evidence-based and tested for reliability in delivering what we hope to achieve for students, with one useful method to achieve this being to connect with the student voice through qualitative research.[46]

Our findings indicate that the use of reflection in higher legal education requires careful design. The introduction of reflective practice and the 'tools of the trade' such as reflective diaries should be gradual across several tasks with students given careful guidance as to what is expected. The range of potential reflection targets makes it easy for students to create their own reflective narrative outside that intended—not necessarily a bad thing but something that needs monitoring. Recognised models of reflection can inform a continuous cycle of reflection,[47] although we confirm that even moderate reflective practice can lead to important personal awareness for students.[48] In addition, assessments need to encourage students to reflect from the perspective of 'I' to enhance self-development.[49]

In this study, students benefitted from a two-year reflective cycle. The first year module allowed students to develop their reflective practice in relation to self, and this broadened in the second year into reflecting on the place of self in the context of employability. A continued focus on self-authorship aspects of their second year work meant that the notion of employability adopted by many of these students was not exclusively mechanistic in terms of purely building their skills for employment. Students also asked fundamental questions about their professional identity and the place of self in a work environment by projecting themselves into work environments and reflecting upon whether they were the right fit. This encompassed fundamental questions of whether the legal profession was the right destination for them, and allowed them to recognise the development of wider life-skills that support self-authorship such as self-confidence, a link identified in a previous study by Tymon et al. (2019).

We noted a number of other apparent benefits for students engaging in reflective practice in relation to work experience. Students often mentioned a better

[45] Leering (2019).
[46] Brooman (2011).
[47] Lowenberger (2019).
[48] Brooman and Darwent (2012a).
[49] Goldspink and Engward (2019).

understanding of the relevance of academic work, an appreciation of work related skills and areas for personal development. They reflected upon more strategic and honest career plans and exhibited awareness of the cultural capital required in professional occupations starting with presumed standards of dress and communication. They showed an appreciation of the interpersonal skills required of busy professionals in a work environment and recognised the need to be able to articulate ideas. One immediate benefit was that students reported feeling more motivated towards their college studies.

The combined effect of completing a diary followed by a reflective assessment encouraged many students to evaluate and reflect upon the emotions and judgments they described in their diaries. The need to develop emotional self-awareness in legal education is recognised as important for a discipline that has often eschewed emotion as a distraction from core features of law—rationality, facts, reason and doctrine.[50] The design of the reflective elements of the modules in this study led many students to undertake a very personal approach to their emotions relating to employment. In this respect, the overall curriculum design helped these students to redress employer concerns over the lack of self-awareness amongst graduates as opposed to those who have undertaken internships.[51] In particular, students reported increased self-confidence as they reflected upon their overall personal development.

Conclusion

We suggest that the development of reflective practice in legal education should take more account of the need for students to develop self-authorship and personal awareness as well as soft and hard skills for employment. It allows a personal and professional identity to emerge in and forms 'part of the narrative trajectory that entails a set of schematic ideas about a desired future and how this connects more broadly to individuals' sense of who they are in relation to work'.[52] To this extent, we conjecture that some models of employability are overly work-focussed,[53] and omit the potential of reflective practice to develop student self-awareness, personal professional identity and self-authorship, the reasons that many students enter university.[54]

We found that there is a good case for reversing the emphasis on developing students for the endpoint of 'employability' in legal education (and other disciplines), and replacing this with educational experiences aimed at the endpoint of 'self'. This fits more naturally with the findings of many previous studies that self-efficacy and self-confidence are key to student progression from university into post-university life. They are also likely to have the collateral advantage of producing individuals

[50] Jones (2018).
[51] Succi and Canovi (2019).
[52] Tomlinson and Jackson (2019).
[53] Rees (2019).
[54] Balloo et al. (2017).

better equipped to make a valuable contribution to employment and society more widely.[55]

We confirm suggestions that reflective practice in law should be a process over years, not weeks,[56] although we propose that this should encompass issues beyond its usefulness for employability skills, law subject or clinical legal education. We concur with proposals that reflection for law students should be much more person-centred and draw in elements such as self-efficacy, preferred future professional/work identity, dealing with stress, developing self-authorship and emotional self-awareness.[57]

We conclude that this is more effective in preparing law students for the life and the career experiences they are actually likely to face, and is a model used in other disciplines.[58] In 2017, 31,215 students qualified with a law degree in the UK.[59] During the same period, 6478 new solicitors were registered[60] and 1351 were called to the Bar.[61] It is evident that only around 25% of all law graduates in the UK enter the legal professions, compounded by sharp variations between universities. Two questions arise from this information. Firstly, is enough attention being paid to the 75%, especially as we appear to moving ever closer to a professional model of legal education? Secondly, is the predominate focus in legal education on using reflection to develop employment skills for the professions appropriate in educational terms? We suggest that the answer to both questions is 'no'. This study adds to increasing criticism about measuring the success of higher education in relation to its ability to create graduates who possess 'soft' and 'hard' skills that make them 'work-ready'. We suggest that a definition of 'employability' must take cognisance of allowing individuals to find a destination appropriate for them, based upon self-determination and control.

The reflective element of the LJMU law degree is an example of 'high impact practice' that can greatly benefit students at university. Kuh describes this as an activity, or set of activities that exhibit a number of qualities, four of which are facilitated by the reflective exercise discussed in this study[62]:

1. Typically demands that students devote considerable time and effort to purposeful tasks;
2. Even though the structures and settings of high-impact activities differ, students typically get frequent feedback about their performance in every one;
3. Provides opportunities for students to see how what they are learning works in different settings, on and off campus;

[55] Diver (2019).
[56] Langley (2019).
[57] Leering (2019).
[58] Tymon et al. (2019).
[59] Higher Education Statistics Agency (2017).
[60] Law Society (2017).
[61] Bar Standards Council (2017).
[62] Kuh (2008a, b).

4. Allows students to better understand themselves in relation to others and the larger world, and they acquire the intellectual tools and ethical grounding to act with confidence for the betterment of the human condition.

Kuh suggests that such purposeful activities are linked to desired outcomes such as grades and persistence.[63] The reflective exercises in this study are purposeful activities as they allow students to develop high-impact aspects of their development relating to individual futures and identities. They cultivate reflective practice over time, facilitate interaction with staff for feedback, allow students to identify the university/employment link and develop their personal and professional skills for life and work outside university. This is congruent with the findings of a study by Whelan and McGuiness (2020), which suggests that graduates' satisfaction with university is influenced by the opportunities they had to develop personal education experiences and the self-development exercises they were exposed to.

At a local level, this research led us to re-evaluate guidance on the reflective tasks we give to students. Emerging themes in this study around self-authorship, cultural capital and taking control has led to us giving different guidance to second year students to steer them towards self-development and identity. We determined that our previous practice was overly directed towards the hard/soft skills of employment. It needed to encourage students to evaluate aspects of 'I' and to engage with literature as a sounding board. For example, we ask students to consider whether they are suited to the professions, identify personality traits, discuss social and cultural capital, work-life balance and encourage them to examine a number of alternative future selves. In addition, the reflective element of our first-year incorporates the first steps to reflections on developing the 'future self', as well as the skills for successful transition to university.

Taking account of this study, previous studies on the reflective practice of law students, and evidence from literature regarding high-impact practice, we suggest the following ten key issues that should be considered when designing reflective exercises for undergraduate law students (Table 1).

We note the limitations of this research as it studied a relatively small number students from one law course. The EBS module attracts around 20–30 students each year, from a cohort of around 180–200. Therefore, it may not be representative of the cohort as a whole and it would be beneficial to conduct this research with a bigger, more representative, number of students. However, one advantage of using the methodology of interpretative phenomenological analysis is that it favours small numbers of participants so that their lived experiences emerge in more detail. It allows the true nature of a phenomenon, such as the link between reflection and teaching of employability, to emerge. We are also cognisant of the fact that only females engaged fully with the study and this reflects the gender balance of those taking the second year module. We make no specific comment on this but suggest that this observation might form part of future studies in terms of any difference between male and female participation in reflective tasks. We suggest that further research

[63] Kuh (2008b).

Table 1 Ten recommendations for developing law student reflection

1. Effective reflective practice is not achievable over one semester or year of study—it needs development over time—in our case 2 years of study—in order to have the potential for high-impact
2. There should be several feedback opportunities to allow students to develop their reflective practice gradually
3. Give careful guidance on the intentions of reflective exercises, but this should not be so constrained that is does not allow students to develop meaningfully in unintended ways from the experience
4. Introducing students to reflective practice at the induction/transition phase of university is a useful starting point
5. Assess reflective exercises to encourage engagement
6. For 'employability' type modules, the design of high-impact reflective exercises should incorporate the development of career autonomy, values, self-authorship and individual control of alternative futures/destinations, as well as hard/soft skills development—a greater focus on the self
7. Reflection on experiences both inside, and outside, university adds high-impact value to the experience of reflection
8. Basing reflective exercises on using literature as a 'sounding board' is valuable
9. The outcomes of reflective practice are fruitful areas for education research to assess its value, and to assist in its development
10. Law staff need to engage with literature on reflection in order to design effective reflective exercises

should examine the methods and benefits of incorporating reflective practice into legal education including aspects of personal development and self-authorship beyond that provided in clinical legal education and soft/hard skills development. We suggest that, in addition to educators reporting on such development, student perceptions are important to allow us to hear the student voice in developing notions of employability in higher legal education.[64] We also recommend research into how the outcomes of identity/inner-self-reflection, or that developed in 'employability', legal clinic or discipline-based modules, transfer beyond university.

We suggest that legal educators need support to gain a greater understanding of the purpose and design of reflective practice in legal education.[65] Designing tasks that improve student awareness of their future identities, skills and their inner selves can help develop the whole person. Reflective practice helped these students to take control, appreciate the value of social and cultural capital, develop autonomous personalities and an ability to articulate 'who they are'. It helped them to prepare for life after university through developing the 'hidden' attributes that employers actually want,[66] and to find their place in the world.[67] We propose that this study of the effects of high impact reflective practice contributes to resolving contested notions of education that are predominant in legal and higher education more widely: Does university provide an education for employment, or for life?

[64] Brooman et al. (2015).
[65] Gibbons (2019).
[66] Francis (2015).
[67] Seear et al. (2019).

Compliance with Ethical Standards

Conflict of interest On behalf of all authors, the corresponding author states that there is no conflict of interest.

References

Balan, A. 2020. Investigating the feasibility of using student reflective journals to understand how clinical legal education can develop the ethical competence of law students. *The Law Teacher* 54(1): 116–128.

Balloo, K., R. Pauli, and M. Worrell. 2017. Undergraduates' personal circumstances, expectations and reasons for attending university. *Studies in Higher Education* 42(8): 1373–1384.

Bar Standards Council. 2017. https://www.barstandardsboard.org.uk/news-publications/research-and-statistics/statistics-about-the-bar/call-to-the-bar-and-tenancy.html.

Brocki, J., and A. Wearden. 2006. A critical evaluation of the use of interpretative phenomenological analysis (IPA) in health psychology. *Psychology and Health* 21(1): 87–108.

Brooman, S. 2011. Enhancing student engagement by building upon the tectonic plates of legal education. *Liverpool Law Review* 32(2): 109–112.

Brooman, S., and S. Darwent. 2012a. A positive view of first-year undergraduate reflective diaries: focussing on what students *can* do. *Reflective Practice* 13(4): 517–531.

Brooman, S., and S. Darwent. 2012b. 'Yes, as the articles suggest, I have considered dropping out': Self-awareness literature and the 1st year student. *Studies in Higher Education* 37(1): 19–31.

Brooman, S., and S. Darwent. 2014. Measuring the beginning: A quantitative study of the transition to university. *Studies in Higher Education* 39(9): 1523–1541.

Brooman, S., S. Darwent, and A. Pimor. 2015. The student voice in higher education curriculum development: Is there value in listening? *Innovations in Education and Teaching International* 52(6): 663–674.

Cresswell, J. 2007. *Qualitative enquiry and research design: choosing among five approaches*. London: Sage Publications Ltd.

Dearing, R. 1997. *Report of the National Committee of Inquiry into Higher Education*. London: HMSO.

Diver, A. (ed.). 2019. *Employability via higher education: Sustainability as scholarship*. Cham: Springer.

Donald, W., Y. Baruch, and M. Ashleigh. 2019. The undergraduate self-perception of employability: Human capital, careers advice, and career ownership. *Studies in Higher Education* 44(4): 599–614.

Fitzgerald, M. 2008. Rite of passage: The impact of teaching methods on first year law students. *The Law Teacher* 42(1): 60–84.

Francis, A. 2015. Legal education, social mobility, and employability: Possible selves, curriculum intervention, and the role of legal work experience. *Journal of Law and Society* 42: 173–201.

Genn, H., M. Partington and S. Wheeler. 2006. *Law in the real world: Improving our understanding of how law works, UCL/Nuffield Inquiry on Empirical Legal Research*, p iii. https://www.nuffieldfoundation.org/sites/default/files/Law%20in%20the%20Real%20World%20full%20report.pdf.

Gibbons, J. 2015. Oh the irony! A reflective report on the assessment of reflective reports on an LLB programme. *The Law Teacher* 49(2): 176–188.

Gibbons, J. 2019. How is reflection "framed" for legal professional identity? Using Berstein and Leering to understand the potential for reflection in our curriculum as written, experienced and assessed. *The Law Teacher* 53(4): 401–415.

Goldspink, S., and H. Engward. 2019. Curiosity and self-connected learning: Re-centring the 'I' in technology-assisted learning. In *Employability via higher education: Sustainability as scholarship*, ed. A. Diver. Cham: Springer.

Guth, J., and C. Ashford. 2014. The legal education training review: Regulating socio-legal and liberal legal education? *The Law Teacher* 48(1): 5–19.
Harvey, L. 2003. *Transitions from higher education to work: A briefing paper prepared by Lee Harvey* (Centre for Research and Evaluation, Sheffield Hallam University), with advice from ESECT and LTSN Generic Centre colleagues. Retrieved from Quality Research International website: https://www.qualityresearchinternational.com/esecttools/esectpubs/harveytransitions.pdf.
Healey, M., A. Flint, and K. Harrington. 2014. *Engagement through partnership: Students as partners in learning and teaching in higher education*. York: Higher Education Academy.
Higher Education Statistics Agency. 2017. https://www.hesa.ac.uk/news/17-01-2019/sb252-higher-education-student-statistics/qualifications.
Jones, E. 2018. Transforming legal education through emotions. *Legal Studies* 38(3): 450–479.
Kuh, G. 2008a. *High-impact educational practices, what they are, who has access to them, and why they matter*. Association of American Colleges and Universities. https://www.voced.edu.au/content/ngv:54014.
Kuh, G. 2008b. Unmasking the effects of student engagement on first-year college grades and persistence. *The Journal of Higher Education* 79(5): 540–563.
Langley, K. 2019. You are about to jump out of a plane…. *The Law Teacher* 53(4): 524–535.
The Law Society. 2017. https://www.lawsociety.org.uk/law-careers/becoming-a-solicitor/entry-trends/.
Leering, M. 2019. Perils, pitfalls and possibilities: Introducing reflective practice effectively in legal education. *The Law Teacher* 53(4): 431–445.
LETR. 2013. *Setting standards: The future of legal services education and training regulation in England and Wales*. The Final Report of the Legal Education and Training Review independent research team. http://www.letr.org.uk/wp-content/uploads/LETR-Report.pdf.
Lowenberger, B. 2019. Advancing rigorous reflective practice in legal education through assessment: A guide for educators. *The Law Teacher* 53(4): 446–457.
Mason, G., G. Williams, and S. Cranmer. 2009. Employability skills initiatives in higher education: What effects do they have on graduate labour market outcomes? *Education Economics* 17(1): 1–30.
Moore, T., and J. Morton. 2017. The myth of job readiness? Written communication, employability, and the skills gap in higher education. *Studies in Higher Education* 42(3): 591–609.
O'Connell, T., and J. Dyment. 2011. The case of reflective journals: Is the jury still out? *Reflective Practice* 12(1): 47–59.
Ogilvy, J.P. 1996. The use of journals in legal education: A tool for reflection. *Clinical Law Review* 3(1): 55–108.
Power, J.B. 2016. 'Has this begun to change the way they think? Moving undergraduate learners' level of reflection from where it is to where it needs to be. *Teaching in Higher Education* 21(3): 235–248.
QAA. 2015. *Subject benchmark statement law*. Gloucester: Quality Assurance Agency. https://www.qaa.ac.uk/docs/qaa/subject-benchmark-statements/sbs-law-15.pdf?sfvrsn=ff99f781_10.
Raybould, J., and V. Sheedy. 2005. Are graduates equipped with the right skills in the employability stakes? *Industrial and Commercial Training* 37(5): 259–263.
Rees, S. 2019. Re-imagining employability: And ontology of employability best practice in higher education institutions. *Teaching in Higher Education*. https://doi.org/10.1080/13562517.2019.1670637.
Seear, K., L. Bliss, P. Galowitz, and C. Klein. 2019. Exploring the role of emotions in clinical legal education: Inquiry and results from an international workshop for legal educators. *The Law Teacher* 53(4): 487–499.
Sin, C., O. Tavares, and A. Amaral. 2017. Accepting employability as a purpose of higher education? *Academics' perceptions and practices, Studies in Higher Education* 44(6): 920–931.
Smith, J., and M. Osborn. 2008. Interpretative phenomenological analysis. In *Qualitative psychology: A practical guide to research methods*, 2nd ed, ed. J. Smith. London: Sage.
Succi, C., and M. Canovi. 2019. Soft skills to enhance graduate employability: Comparing students and employers' perceptions. *Studies in Higher Education*. https://doi.org/10.1080/03075079.2019.1585420.
TEF. 2017. *The teaching excellence and student outcomes framework (TEF)*. https://www.officeforstudents.org.uk/advice-and-guidance/teaching/what-is-the-tef/.
Tomlinson, M., and D. Jackson. 2019. Professional identity formation in contemporary higher education students. *Studies in Higher Education*. https://doi.org/10.1080/03075079.2019.1659763.
Turner, J., A. Bone, and J. Ashton. 2018. Reasons why law students should have access to learning through a skills-based approach. *The Law Teacher* 52(1): 1–16.
Tymon, A. 2013. The student perspective on employability. *Studies in Higher Education* 38(6): 841–856.

Tymon, A., C. Harrison, and S. Batistic. 2019. Sustainable graduate employability: And evaluation of 'brand me' presentations as a method for developing self-confidence. *Studies in Higher Education*. https://doi.org/10.1080/03075079.2019.1602757.

Yorke, M. 2004. Employability in the undergraduate curriculum: Some student perspectives. *European Journal of Education* 39(4): 409–427.

Whelan, A., and S. McGuiness. 2020. The determinants of degree programme satisfaction. *Studies in Higher Education*. https://doi.org/10.1080/03075079.2020.1716323.